

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, May 17, 2021 at 4:06 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, Matt Newton, Greg Phipps, and Victoria Watlington.

**AUN:** Councilmember Braxton Winston II.

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**Mayor Lyles** welcomed everyone to the May 17, 2021 Zoning Meeting and we are going to have a Special as well as the Zoning Meeting. Both of these meetings have been advertised as virtual meetings in accordance with all of the laws that we have to follow, especially around an electronic meeting. The requirements also include notice and access that are being met electronically as well. You can view this on our Government Channel, the City's Facebook Page, or the City's YouTube Page.

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### **INVOCATION AND PLEDGE**

Councilmember Ajmera gave the Invocation followed by the Pledge of Allegiance to the Flag by Mayor Vi Lyles.

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### **EXPLANATION OF ZONING MEETING PROCESS**

Mayor Lyles explained the Zoning Meeting rules and procedures.

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### **INTRODUCTION OF ZONING COMMITTEE**

**Keba Samuels, Chair of the Zoning Committee** introduce the members of the Zoning Committee. They will meet Tuesday, June 1, 2021, at 5:30 p.m. to make recommendations on the petitions heard in the public hearings tonight. The public is invited, but it is not a continuation of the public hearing. For questions or to contact the Zoning Committee, information can be found at [charlotteplanning.org](http://charlotteplanning.org).

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### **DEFERRALS/WITHDRAWALS**

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to defer a decision on Item No. 3, Petition No. 2019-179 by Ronald Staley, Jr. to June 21, 2021, a decision on Item No. 4, Petition No. 2020-038 by Clover Group to June 21, 2021, a hearing on Item No. 21, Petition No 2020-133 by D.R. Horton to June 21, 2021, a hearing on Item No 32, Petition No. 2021-014 by Whitestone Holdings, Inc. to June 21, 2021; and, withdrawal of Item No. 20, Petition No. 2020-116 by Carolina Development Group NC, LLC.

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### **ITEM NO. 2: FOLLOW UP REPORT**

There was no Follow up report presented.

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## DECISIONS

**ITEM NO. 5: ORDINANCE NO. 58-Z, PETITION NO. 2020-122 BY MVP EQUITITES CORPORATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 50.03 ACRES LOCATED ALONG THE NORTH SIDE OF HUCKS ROAD, ALONG THE EAST SIDE OF ARTHUR DAVIS ROAD, AND SOUTH OF INTERSTATE 485 FROM MX-3 (MIXED USE) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Barbee, second by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan (2008), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends Transit-Oriented Residential Development. Therefore we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes up to 110 single-family attached dwelling units and up to 406 multi-family dwelling units, for a density of 10.6 DUA. The site was previously part of a larger rezoning (2005-129) of 140 acres that proposed up to 975 single and multi-family dwelling units and 35,000-square feet of retail uses, but it was never developed. This proposal is consistent with the area plan's recommendation of Transit-Oriented Residential Development. The proposal follows the area plan's recommendation of orienting buildings to the front on public streets or open spaces by committing to place buildings to present a front or side façade to all public streets. The proposal commits to enhancing the pedestrian environment by including direct pedestrian connections between residential units and adjacent public streets, and by constructing a 6-foot sidewalk and minimum 8-foot wide landscape strip alongside all 3 public roads to be built. The petition commits to providing open space and amenity areas within the Site up to 19,000 square feet. Amenities may include, but not be limited to, a community clubhouse, community pool, a pocket park, open-air pavilion, and/or picnic tables.

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.

- A conditional note that moves up the installation of the traffic signal located at the intersection of Hucks Road and Old Statesville Road prior to the final 50% of certificate of occupancies being issued within the project area.

Motion was made by Councilmember Egleston, seconded by Councilmember Bokhari, and carried unanimously to not to send this petition back to the Zoning Committee.
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Motion was made by Councilmember Johnson, seconded by Councilmember Egleston, to approve Petition No. 2020-122 by MVP Equities Corporation and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan (2008), based on the information from the final analysis and the public hearing and because the plan recommends Transit Oriented Residential Development. Therefore we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes up to 110 single family attached dwelling units and up to 406 multi-family dwelling units, for a density of 10.6 DUA. The site was previously part of a larger rezoning (2005-129) of 140 acres that proposed up to 975 single and multi-family dwelling unit and 35,000-square feet of retail uses, but it was never developed. This proposal is consistent with the area plan's recommendation of Transit Oriented Residential Development. The proposal follows the area plan's recommendation of orienting buildings to front on public streets or open spaces by committing to place buildings to present a front or side façade to all public streets. The proposal commits to enhancing the pedestrian environment by including direct pedestrian connections between residential units and adjacent public streets, and by constructing a 6-foot sidewalk and minimum 8-foot wide landscape strip alongside all 3 public roads to be built. The petition commits to providing open space and amenity areas within the Site up to 19,000 square feet. Amenities may include, but not be limited to, community clubhouse, community pool, a pocket park, open air pavilion, and/or picnic tables as modified.

**Councilmember Johnson** said I just wanted to first of all thank the C-DOT (Charlotte Department of Transportation) staff. Dr. Byers and Lakisha Hull and the C-DOT staff worked so hard with this petitioner and with the residents to get some improvements. It's been delayed at least four or five months trying to work through these changes and infrastructure. Originally there were supposed to be some improvements and realignment through the State but that's been delayed 10 years. So, this developer has worked very hard with C-DOT and with the community to make these improvements. The improvements are totaling up to about \$3 million. I just want to read the improvements if I can:

- There is a significant amount of open space that has been incorporated into the site plan.
  - The improved road network connectivity and pedestrian walkability for the community.
  - Dedication of land area associated with the 2031 Hucks Road Realignment.
  - Substantial road improvements including widening along Old Statesville Road and Hucks Road.
  - There is a signal along a section of Hucks Road and Old Statesville Road.
- As you heard, originally there was no signal. Then it was a signal at 75% and now it's down to 50%.
- Provided rail crossing safety arms at the rail right-of-way along Hucks road.

With Paul Pennell, there have been six community meetings. He was available. I called him one night at 6:30 p.m. I was meeting with the community; he was very accessible and responsive. So, I am supporting this petition and I am looking forward to working with a developer who is willing to work with our City the way that this developer has demonstrated that they are.

**Councilmember Phipps** said I would also like to compliment the efforts of the staff and C-DOT, and Mr. Pennell, and his patience and perseverance in working through a lot of these enhancements to the project. I have to more or less needle him a little bit, in as much as we got apartment buildings there and a slew of townhomes yielding about 516 units. I guess I would have liked to have seen some discussion or consideration or something of some affordable unit with that being considered given the volume of units there. The fact that it's on a supposed transit line that it would have been some serious consideration there. So, other than that there are some things we are trying to accomplish as a City and I am just hoping that some of these things can be looked at whether or not

they materialize with at least some thought that can be given to what we are trying to do here as a City. Otherwise, I have no objection to supporting this petition.

**Mayor Lyles** said so we have to start early if we want to talk about incorporating these kinds of changes into these petitions. So, I understand what you are saying. I think we need to make sure that people are aware of it and the Planning Commission is thinking about that as well.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 660-661.

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**ITEM NO. 6: ORDINANCE NO. 59-Z, PETITION NO. 2020-173 BY FC ODELL SCHOOL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.3 ACRES LOCATED SOUTH OF CAROLINA LILY LANE, WEST OF MALLARD CREEK ROAD, AND EAST OF BEARD ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Welton, second by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast Area Plan (2000) recommendation of residential use, but inconsistent with the density recommendation of 12 dwelling units per acre (DUA) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential use with a density recommendation of up to 12 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes a senior multi-family development of up to 150 dwelling units, for a density of 16.13 DUA. While this density is higher than what the area plan recommends, this residential use is consistent with the area plan's recommendation to have a development pattern with varying densities and types of housing. Introducing senior housing to this area will accommodate for the growth of the senior population in Charlotte, and the location of multi-family along Mallard Creek Road is conducive to the growing Concord Mills activity center about a mile north of the site. This petition's request for multi-family use is in character with surrounding parcels, as the two recently approved rezonings to the left of the site, 2017-179 and 2018-067, were approved for multi-family and single-family attached use. This petition commits to sidewalk extensions between all public and private streets and proposes a unified streetscape including lighting, landscaping, and appropriate street furnishings throughout the development. The approval of this petition will revise the adopted future land use as specified by the Northeast Area Plan, from Residential up to 12 DUA to Residential up to 17 DUA for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-173 by FC Odell School, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast Area Plan (2000) recommendation of residential use, but inconsistent with the density recommendation of 12 dwelling units per acre (DUA) based on the information from the final staff analysis and the public hearing, and because the plan recommends residential use with a density recommendation of up to 12 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes a senior multi-family development of up to 150 dwelling units, for a density of 16.13 DUA. While this density is higher than what the area plan recommends, this residential use is consistent with the area plan's recommendation to have a development pattern with varying densities and types of housing. Introducing senior housing to this area will accommodate for the growth of the senior population in Charlotte, and the location of multi-family along Mallard Creek Road is conducive to the growing Concord Mills activity center about a mile north of the site. This petition's request for multi-family use is in character with surrounding parcels, as the two recently approved rezonings to the left of the site, 2017-179 and 2018-067, were approved for multi-family and single-family attached use. This petition commits to sidewalk extensions between all public and private streets, and proposes a unified streetscape including lighting, landscaping, and appropriate street furnishings throughout the development. The approval of this petition will revise the adopted future land use as specified by the Northeast Area Plan, from Residential up to 12 DUA to Residential up to 17 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 662-663.

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**ITEM NO. 7: ORDINANCE NO. 60-Z, PETITION NO. 2020-182 BY CIRCLE G, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.18 ACRE LOCATED ALONG THE NORTHEAST SIDE OF EAST 5TH STREET, SOUTHWEST OF PARK DRIVE, AND EAST OF CHARLOTTETOWNE AVENUE FROM O-2 (OFFICE) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

The Zoning Committee voted 6-0 (motion by Kelly, second by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Elizabeth Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the adopted plan recommends residential/office/retail uses on the site. Therefore we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the adopted plan supports the proposed mix of uses. The request is consistent with the mix of residential and non-residential uses in the area. Several parcels in the immediate area are zoned MUDD. The project commits to streetscape improvements along E. 5th Street and N. Torrence Street. The site is within walking distance (100 feet) of Independence Park. The site is within 0.25 miles of the Elizabeth and Hawthorne Stop on the Gold LYNX Streetcar Line.

Motion was made by Councilmember Bokhari, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2020-182 by Circle G, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Elizabeth Area Plan, based on the information from the final staff analysis and the public hearing and because the adopted plan recommends residential/office/retail uses on the site. Therefore we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the adopted plan supports the proposed mix of uses. The request is consistent with the mix of residential and non-residential uses in the area. Several parcels in the immediate area are zoned MUDD. The project commits to streetscape improvements along E. 5th Street and N. Torrence Street. The site is within walking distance (100 feet) of Independence Park. The site is within 0.25 mile of the Elizabeth and Hawthorne Stop on the Gold LYNX Streetcar Line.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 664-665.

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**ITEM NO. 8: ORDINANCE NO. 61-Z, PETITION NO. 2020-194 BY TOOMEY AVENUE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.8 ACRES LOCATED ALONG THE NORTH SIDE OF WEST TREMONT AVENUE, EAST OF TOOMEY AVENUE, AND WEST OF SOUTH TRYON STREET FROM I-1 (LIGHT INDUSTRIAL) AND R-5 (SINGLE-FAMILY RESIDENTIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Blumenthal, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the New Bern Transit Station Area Plan and the Central District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the petition is consistent with the New Bern Transit Station Area Plan recommendation for residential and office uses, but inconsistent with the New Bern Transit Station Area Plan's recommended industrial/warehouse/distribution land uses and multi-family residential up to 22 units per acre. The petition is also consistent with the Central District Plan's recommended residential uses but inconsistent with the Central District Plan's recommendation for single-family residential up to 5 units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the project site directly abuts to the east a recently approved development allowing 325 multi-family residential units and 61,000 square feet of non-residential uses. The project is an infill development that will contribute to a mix of housing types. The proposed site plan will enhance the connectivity and walkability of the emerging mixed-use neighborhood. The request limits the building height to 55 feet. The site is located within 1 mile of the East/West Boulevard Transit Station along the LYNX Blue Line. TOD-NC is applicable within 1 mile of the station and allows a building height up to 75 feet. The parcels surrounding this site are being redeveloped from former industrial and vacant sites into a mixed-use area with office, residential and retail uses. The development commits to streetscape improvements and on-street parking. The approval of this petition will revise the adopted future land use as specified by the New Bern Transit Station Area Plan from multi-family residential up to 22 dwelling units to acre and office/industrial-warehouse-distribution and Central District Plan from single-family residential up to 5 dwelling units per acre to residential greater than 22 dwelling units per acre, retail, and office.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No 2020-194 by Toomey Avenue, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the New Bern Transit Station Area Plan and the Central District Plan, based on the information from the final staff analysis and the public hearing and because the petition is consistent with the New Bern Transit Station Area Plan recommendation for residential and office uses, but inconsistent with the New Bern Transit Station Area Plan's recommended industrial/warehouse/distribution land uses and multi-family residential up to 22 units per acre. The petition is also consistent with the Central District Plan's recommended residential uses, but inconsistent with the Central District Plan's recommendation for single family residential up to 5 units per acre. However we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the project site directly abuts to the east a recently approved development allowing 325 multi-family residential units and 61,000 square feet of non-residential uses. The project is an infill development that will contribute to a mix of housing types. The proposed site plan will enhance the connectivity and walkability of the emerging mixed-use neighborhood. The request limits the building height to 55 feet. The site is located within 1 mile of the East/West Boulevard Transit Station along the LYNX Blue Line. TOD-NC is applicable within 1 mile of the station and allows a building height up to 75 feet. The parcels surrounding this site are being redeveloped from former industrial and vacant sites into a mixed-use area with office, residential and retail uses. The development commits to streetscape improvements and on street parking. The approval of this petition will revise the adopted future land use as specified by the New Bern Transit Station Area Plan from multi-family residential up to 22 dwelling units to acre and office/industrial-warehouse-distribution and Central District Plan from single family residential up to 5 dwelling units per acre to residential greater than 22 dwelling units per acre, retail, and office.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 666-667.

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**ITEM NO. 9: ORDINANCE NO. 62-Z, PETITION NO. 2021-001 BY BIRDCO, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.24 ACRES BOUND BY SHAMROCK DRIVE AND DOWNS AVENUE, EAST OF THE PLAZA, AND WEST OF EASTWAY DRIVE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (SINGLE-FAMILY RESIDENTIAL).**

The Zoning Committee voted 6-0 (motion by Barbee, seconded by Welton) to recommend approval of this petition and to adopt the following Statement of Consistency: This petition is found to be both consistent and inconsistent with adopted plan guidance, based on the information from the post-hearing staff analysis and the public hearing, and because the Central District Plan recommends residential uses up to five dwelling units per acre (DUA). General Development Policies recommends residential density from eight to 12 DUA. 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 request mirrors a recently approved rezoning petition two lots to the east (2020-170). While over the Central District Plan's recommended density, the petition meets GDP's locational criteria for consideration of 8 to 12 dwellings per acre. The request aligns with the Central District Plan's policy recommendation of promoting "more urban scale infill development...". The R-8 district's intent is to address "urban single-family living." The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from single-family up to five dwelling units per acre to residential uses up to eight dwelling units per acre for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No: 2021-001 by BIRDSCO, Inc. and adopt the following Statement of Consistency: This petition is found to be both consistent and inconsistent with adopted plan guidance, based on the information from the final staff analysis and the public hearing, and because the Central District Plan recommends residential uses up to five dwelling units per acre (DUA). General Development Policies recommends residential density from eight to 12 DUA. 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 request mirrors a recently approved rezoning petition two lots to the east (2020-170). While over the Central District Plan's recommended density, the petition meets GDP's locational criteria for consideration of 8 to 12 dwellings per acre. The request aligns with the Central District Plan's policy recommendation of promoting "more urban scale infill development...". The R-8 district's intent is address "urban single family living." The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from single family up to five dwelling units per acre to residential uses up to eight dwelling units per acre for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 668-669.

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**ITEM NO. 10: ORDINANCE NO. 63-Z, PETITION NO. 2021-003 BY HOPEWAY FOUNDATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 19.78 ACRES LOCATED ON THE NORTH SIDE OF SHARON ROAD WEST, EAST OF SOUTH BOULEVARD, AND WEST OF PARK ROAD FROM R-17 MF (MULTI-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) WITH 5-YEAR VEST RIGHTS.**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Sharon & I-485 Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends institutional use. Therefore; we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the petition limits the allowed uses to institutional uses and associated accessory uses. The proposal allows the redevelopment and expansions of portions of the site. The site is surrounded by multi-family residential and the site plan provides a 75-foot wide buffer around the perimeter of the site. The institutional use provides services to the community.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-003 by Hopeway Foundation and adopt the following Statement of Consistency: This petition is found to be consistent with the consistent with the Sharon & I-485 Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends institutional use. Therefore; we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition limits the allowed uses to institutional uses and associated accessory uses. The proposal allows the redevelopment and expansions of portions of the site. The site is surrounded by multi-family residential and the site plan provides a 75 foot wide buffer around the perimeter of the site. The institutional use provides services to the community.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 670-671.

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**ITEM NO. 11: ORDINANCE NO. 64-Z, PETITION NO. 2021-011 BY MOVEMENT RESOURCES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.14 ACRES LOCATED AT THE EASTERN INTERSECTION OF CENTRAL AVENUE AND SHARON AMITY ROAD, WEST OF THE FORMER EASTLAND MALL SITE FROM MUDD-O (MIXED-USE DEVELOPMENT) TO MUDD-O SPA (MIXED-USE DEVELOPMENT, SITE PLAN AMENDMENT).**

The Zoning Committee voted 6-0 (motion by Blumenthal, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Eastland Area Plan with respect to proposed land use, based on the information from the post-hearing staff analysis and the public hearing, and because the Plan recommends residential, civic, office, and retail uses within a Town Center environment. 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 plan amendment only moderately expands existing entitlements by adding 6,000 SF within an out parcel building that would accommodate retail and/or restaurant uses. The request is complimentary of both existing surrounding land uses and nearby entitlements such as the proposed Eastland Mall redevelopment. The proposal is consistent with the area plan's recommendation for a mix of uses, including entertainment and civic uses, in a compact, pedestrian-oriented town center. The area plan states "the Town Center will not be successful without careful attention to design elements" such as vehicular and pedestrian connections, preservation of existing structures, and providing a mixture of uses. This proposal provides an even greater mix of uses by providing up to 6,000 SF of commercial/retail uses in proximity to a charter school.

Motion was made by Councilmember Newton, seconded by Councilmember Driggs, to approve Petition No. 2021-011 by Movement Resources and adopt the following Statement of Consistency: This petition is found to be consistent with the Eastland Area Plan with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the Plan recommends residential, civic, office, and retail uses within a Town Center environment. 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 plan amendment only moderately expands existing entitlements by adding 6,000 SF within an outparcel building that would accommodate retail and/or restaurant uses. The request is complimentary of both existing surrounding land uses and nearby entitlements such as the proposed Eastland Mall redevelopment. The proposal is consistent with the area plan's recommendation for a mix of uses, including entertainment and civic uses, in a compact, pedestrian-oriented town center. The area plan states "the Town Center will not be successful without careful attention to design elements" such as vehicular and pedestrian connections, preservation of existing structures, and providing a mixture of uses. This proposal provides an even greater mixture of uses by providing up to 6,000 SF of commercial/retail uses in proximity to a charter school.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 672-673.

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**ITEM NO. 12: ORDINANCE NO. 65-Z, PETITION NO. 2021-012 BY HOPPER COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.57 ACRES LOCATED ON THE WEST SIDE OF WILORA LAKE ROAD, EAST OF CENTRAL AVENUE, AND NORTH OF ALBEMARLE ROAD FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

The Zoning Committee voted 6-0 (motion by Barbee, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to consistent with the Eastland Area Plan with respect to proposed land use,

based on the information from the post-hearing staff analysis and the public hearing, and because the Plan recommends single-family/multi-family/office/retail uses for the area. 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 increased residential density at this location is contextually appropriate considering the location's proximity to the proposed Eastland Mall redevelopment, the school, and the existing multi-family development across Wilora Lake Road to the east. While adjacent to the proposed Eastland Mall redevelopment, the proposal still falls within the area plan's recommendation for a mix of uses in a compact, pedestrian-oriented town center. The area plan states "the Town Center will not be successful without careful attention to design elements" such as vehicular and pedestrian connections. This proposal commits to improving the pedestrian experience along Wilora Lake Road. A primary objective of the area plan is to embrace and build a range and balance of shopping choices, housing types, and places of entertainment and recreation in the Eastland Mall area. The petition complements this objective through its commitment to single-family attached dwellings and its adjacency to the proposed Eastland Mall redevelopment.

Motion was made by Councilmember Newton, seconded by Councilmember Driggs, to approve Petition No. 2021-012 by Hopper Communities and adopt the following statement Consistency: This petition is found to consistent with the Eastland Area Plan with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the Plan recommends single family/multi-family/office/retail uses for the area. 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 increased residential density at this location is contextually appropriate considering the location's proximity to the proposed Eastland Mall redevelopment, the school, and the existing multi-family development across Wilora Lake Road to the east. While adjacent to the proposed Eastland Mall redevelopment, the proposal still falls within the area plan's recommendation for a mix of uses in a compact, pedestrian-oriented town center. The area plan states "the Town Center will not be successful without careful attention to design elements" such as vehicular and pedestrian connections. This proposal commits to improving the pedestrian experience along Wilora Lake Road. A primary objective of the area plan is to embrace and build a range and balance of shopping choices, housing types, and places of entertainment and recreation in the Eastland Mall area. The petition complements this objective through its commitment to single family attached dwellings and its adjacency to the proposed Eastland Mall redevelopment.

**Councilmember Newton** said this is located on the back side of the Eastland site on the edge of Wilora Lake Community at the intersection of Hollyfield and Wilora Lake Road. The petitioner in this case has agreed to a four-way stop there. Also, a sidewalk extension if that is at all possible. I think the big news development that recently just occurred this week was a crosswalk connecting the Charlotte East Language Academy as well as a crosswalk connecting towards Hollyfield Drive to allow the Brookdale seniors to walk safely across the street. So, I just wanted to take a quick moment to thank Dr. Robyn Byers for her hard work on this. I know that she is always receiving a lot of accolades and I'm just going to add one more there. Also, I want to thank John Carmichael and Hopper Communities for their work with C-DOT on this. They will be paying for and building those amenities by the way. So, once again thank you to everyone and all of your hard work on that.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 674-675.

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**ITEM NO. 13: ORDINANCE NO. 66-Z, PETITION NO. 2021-016 BY URBAN TRENDS REAL ESTATE, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.02**

**ACRES LOCATED SOUTH OF INTERSTATE 85, WEST OF BEATTIES FORD ROAD, AND NORTH OF BROOKSHIRE FREEWAY FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-22 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Kelly, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan (1993) recommendation of single-family residential use up to 4 dwelling units per acre, but consistent with the General Development Policies (GDP) recommendation of over 17 dwelling units per acre based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential use up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes up to 150 multi-family dwelling units for a density of 21.36 dwelling units per acre (DUA). The General Development Policies (2007) provide policy guidance and locational criteria for evaluating applicable parcels previously recommended for residential uses for density. The General Development Policies' locational criteria would score this site for over 17 dwelling units per acre with design guidelines. At over 17 dwelling units per acre, this petition includes adequate additional commitments to design. This petition helps to fulfill the district plan's goal of increasing infill housing units on vacant or underutilized properties to increase the current housing stock. The site plan proposes to increase the pedestrian experience within the development by including open space areas with amenities such as seating areas, hardscape elements, and shade structures, and committing to provide a minimum 5-foot sidewalk and cross-walk network that links to the buildings on the site and to the sidewalks along the abutting public streets. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from Single-family up to 4 DUA to Residential up to 22 DUA for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-016 by Urban Trends Real Estate, Inc. and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan (1993) recommendation of single-family residential use up to 4 dwelling units per acre, but consistent with the General Development Policies (GDP) recommendation of over 17 dwelling units per acre based on the information from the final staff analysis and the public hearing, and because the plan recommends single-family residential use up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes up to 150 multi-family dwelling units for a density of 21.36 dwelling units per acre (DUA). The General Development Policies (2007) provide policy guidance and locational criteria for evaluating applicable parcels previously recommended for residential uses for density. The General Development Policies' locational criteria would score this site for over 17 dwelling units per acre with design guidelines. At over 17 dwelling units per acre, this petition includes adequate additional commitments to design. This petition helps to fulfill the district plan's goal of increasing infill housing units on vacant or underutilized properties to increase the current housing stock. The site plan proposes to increase the pedestrian experience within the development by including open space areas with amenities such as seating areas, hardscape elements and shade structures, and committing to provide a minimum 5-foot sidewalk and cross-walk network that links to the buildings on the site and to the sidewalks along the abutting public streets. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from Single Family up to 4 DUA to Residential up to 22 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 676-677.

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**ITEM NO. 14, ORDINANCE NO. 67-Z, PETITION NO. 2021-017 BY CHARLOTTE-MECKLENBURG HOUSING PARTNERSHIP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.48 ACRES LOCATED ON THE WEST SIDE OF YUMA STREET, EAST OF WEST SUGAR CREEK ROAD, AND SOUTH OF INTERSTATE 85 FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) AND UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) TO UR-2 (CD) SPA (URBAN RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT).**

The Zoning Committee vote 5-0 (motion by Welton, seconded Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan (1996) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential use up to 12 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this site was rezoned to UR-2(CD) and MUDD(O) as part of Rezoning Petition 2018-154. Petition 2018-154 proposed up to 50 multi-family dwelling units along with a park, retention of an existing single-family home, and expansion of a parking facility for a nearby church. The current Rezoning Petition 2021-017 seeks to rezone the entire site to UR-2(CD) for a less intense development proposal, consisting of only the multi-family housing development and accessory uses and eliminating all other proposed developments from the 2018-154 rezoning. The site plan proposes two development areas. Development Area A includes the multi-family housing development and other accessory uses as allowed by UR-2 zoning, and Development Area B may be utilized as open space, an amenity area, and tree save. Proposed development fronting Yuma Street provides a front or side façade to existing single-family detached dwellings fronting Yuma Street. The proposed density for the site is 11.6 DUA, consistent with the district plan recommendation of residential use up to 12 DUA.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, to approve Petition No. 2021-017 by Charlotte-Mecklenburg Housing Partnership and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan (1996) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential use up to 12 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this site was rezoned to UR-2(CD) and MUDD(O) as part of Rezoning Petition 2018-154. Petition 2018-154 proposed up to 50 multi-family dwelling units along with a park, retention of an existing single-family home, and expansion of a parking facility for a nearby church. The current Rezoning Petition 2021-017 seeks to rezone the entire site to UR-2(CD) for a less intense development proposal, consisting of only the multi-family housing development and accessory uses and eliminating all other proposed developments from the 2018-154 rezoning. The site plan proposes two development areas. Development Area A includes the multi-family housing development and other accessory uses as allowed by UR-2 zoning, and Development Area B may be utilized as open space, an amenity area, and tree save. Proposed development fronting Yuma Street provides a front or side façade to existing single family detached dwellings fronting Yuma Street. The proposed density for the site is 11.6 DUA, consistent with the district plan recommendation of residential use up to 12 DUA.

**Councilmember Johnson** said this petition was originally filled in 2018 and was approved. Then there were some challenges during the process because the neighbors, mobilized and organized and they really opposed the multi-family in the Hidden Valley neighborhood. So, they worked and there has been a change to the petition. I do want to state for the record that we are only approving Area A in this petition. Area B is not approved for any development. It would have to come before Council again for a rezoning and approval. Area B is only at this time approved for amenities such as the playground and a picnic area. So, my hats off to the Hidden Valley Neighborhood. They were opposed

to the multi-family implanted right in their neighborhood. So, that's how this petition came to be. There is affordable housing on Sugar Creek while maintaining the character of the single-family neighborhood. I think this is a win, win situation. So, I look forward to supporting it.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 678-679.

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**ITEM NO. 15: ORDINANCE NO. 68-Z, PETITION NO. 2021-018 BY POPLAR DEVELOPMENT PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.81 ACRES LOCATED IN THE WESTERN QUADRANT OF THE INTERSECTION OF NORTH POPLAR STREET AND WEST 28TH STREET, SOUTH OF ATANDO AVENUE FROM R-22 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO MAPUR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Barbee, seconded by McMillan) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the North Tryon Area Plan (2010) recommendation of residential use, but inconsistent with the plan's recommended density of up to 22 dwelling units per acre based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential use up to 22 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition's proposal of multi-family units up to 29.3 dwelling units per acre (DUA) is inconsistent with the area plan's recommendation of up to 22 DUA, but the area plan does mention that a density increase of up to 30 DUA could be considered with the appropriate transition to existing single-family. The site plan commits to establishing a 15-foot buffer between the single-family homes at the back of the site along with a 6-foot fence and commits to limiting building height up to 50-feet, per ordinance requirements. The petition follows the area plan's recommendation of incorporating sidewalks within the development that connect to public or existing sidewalks by improving and adding 8-foot sidewalks and 8-foot planting strips along all portions of public streets. The area plan recommends front porches, balconies, and varying façades on new development. This petition proposes that all first story facades of all buildings along streets shall incorporate columns, awnings, arcades, porches, stoops, windows, doors, or other architectural elements, so as to provide an improved pedestrian experience and to provide visual divisions between the first and second stories if the building is more than one story. The approval of this petition will revise the adopted future land use as specified by the North Tryon Area Plan (2010), from Residential up to 22 DUA to Residential over 22 DUA for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-018 by Poplar Development Partners and adopt the following Statement of Consistency: This petition is found to be consistent with the North Tryon Area Plan (2010) recommendation of residential use, but inconsistent with the plan's recommended density of up to 22 dwelling units per acre based on the information from the final staff analysis and the public hearing, and because the plan recommends residential use up to 22 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition's proposal of multi-family units up to 29.3 dwelling units per acre (DUA) is inconsistent with the area plan's recommendation of up to 22 DUA, but the area plan does mention that a density increase of up to 30 DUA could be considered with the appropriate transition to existing single family. The site plan commits to establishing a 15-foot buffer between the single-family homes at the back of the site along with a 6-foot fence and commits to limiting building height up to 50-feet, per ordinance requirements. The petition follows the area plan's recommendation of incorporating sidewalks within the development that connect to public or existing sidewalks by improving and adding 8-foot sidewalks and 8-foot planting strips along all portions of public streets. The area plan recommends front porches, balconies, and varying façades on new development. This petition proposes that all first story facades of all buildings along streets shall incorporate columns, awnings, arcades, porches, stoops, windows, doors, or other architectural elements, so as to provide an improved pedestrian experience and to provide visual divisions between the first and second stories if the building is more than one story. The approval of this petition will revise the adopted future land use as specified by the North Tryon Area Plan (2010), from Residential up to 22 DUA to Residential over 22 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 680-681.

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**ITEM NO. 16: ORDINANCE NO. 69-Z, PETITION NO. 2021-023 BY CAROLINA PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.81 ACRES AT THE INTERSECTION OF MARVIN ROAD AND OLD ARDREY KELL ROAD, ON THE EASTERN SIDE OF JOHNSTON ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Kelly, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South District Plan, however; the General Development Policies support the density requested based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends single-family use at 3 units per acre. The General Development Policies support the requested density of less than or equal to 12 DUA. Therefore; we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because The General Development Policies would support up to 17 units per acre on this site. However, the petition proposed single-family attached use with a density limited to 8.7 units per acre. The development provides a transitional land use for subdivisions on Old Ardrey Kell Rd to Marvin Road and the commercial node. The site plan provides a minimum 30-foot wide tree save and landscape area along the rear and side of the site abutting single-family homes. Limits the height of units nearest to single-family homes to 39 feet, same as the base height in R-3 zoning, and limits the height of all other units to 48 feet. Provides architectural design standards and conceptual renderings that ensure buildings are developed with residential character. The site is on a minor thoroughfare, in an area with a mix of uses including detached residential, attached residential, office and financial institution uses across Marvin Road and around the intersection of Marvin Road and Ardrey Kell Road. The approval of this petition will revise the adopted future land use as specified by the South

District Plan, from single-family residential  $\leq 3$  units per acre to residential  $\leq 12$  units per acre.

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.

- Corrected the numbering of the buildings in Note D.1.
- Modified Note E.3 to allow a vinyl fence or a wood fence.
- Clarified Note E.4 to provide that the demolition of the existing homes does not constitute grading because the existing homes will be demolished very soon after the approval of the rezoning if the rezoning is approved.
- Added Note E.5 regarding the removal of existing fences.
- The concrete island and right turn lane at the Old Ardrey Kell Road access point will be removed.
- Notes C.7 and C.8 of the Development Standards will be modified as set out below.
  - C.7. The vehicular access point on Old Ardrey Kell Road shall be limited to right-in, right-out movements. Subject to the approval of NCDOT, Petitioner shall construct a concrete median on Old Ardrey Kell Road as generally depicted on the Rezoning Plan to limit the vehicular movements at this vehicular access point to right-in, right-out movements.
  - C.8. Subject to the approval of NCDOT and if feasible, the concrete median described above in paragraph C.7 shall be designed and constructed to allow the existing storage for the left-turn lane on Old Ardrey Kell Road at the intersection of Old Ardrey Kell Road and Marvin Road to be increased by 100 feet. If necessary, Petitioner shall widen Old Ardrey Kell Road along the Site's frontage on Old Ardrey Kell Road only to allow a median design that will accommodate this increased storage of the left-turn lane on Old Ardrey Kell Road at the intersection of Old Ardrey Kell Road and Marvin Road.

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to not to send this petition back to the Zoning Committee.

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2021-023 by Carolina Properties and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South District Plan, however; the General Development Policies support the density requested based on the information from the final staff analysis and the public hearing and because the plan recommends single family use at 3 units per acre. The General Development Policies support the requested density of less than or equal to 12 DUA. Therefore; we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because The General Development Policies would support up to 17 units per acre on this site. However, the petition proposed single family attached use with density limited to 8.7 units per acre. The development provides a transitional land use for subdivisions on Old Ardrey Kell Rd to Marvin Road and the commercial node. The site plan provides a minimum 30 foot wide tree save and landscape area along the rear and side of the site abutting single family homes. Limits the height of units nearest to single family homes to 39 feet, same as the base height in R-3 zoning and limits the height of all other units to 48 feet. Provides architectural design standards and conceptual renderings that ensure buildings are developed with residential character. The site is on a minor thoroughfare, in an area with a mix of uses including detached residential, attached residential, office and financial institution uses across Marvin Road and around the intersection of Marvin Road and Ardrey Kell Road. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential  $\leq 3$  units per acre to residential  $\leq 12$  units per acre as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 682-683.

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**ITEM NO. 17: ORDINANCE NO. 70-Z, PETITION NO. 2021-024 BY LAURA CARLEVATTI AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.616 ACRES LOCATED ON THE WEST SIDE OF THE INTERSECTION OF OLD PLANK ROAD AND CHAPMAN STREET, SOUTH OF INTERSTATE 485 FROM R-3 LWPA (SINGLE-FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO R-4 LWPA (SINGLE-FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA).**

The Zoning Committee voted 5-1 (motion by Barbee, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Brookshire/I-485 Interchange Study based on the information from the post-hearing staff analysis and the public hearing, and because the Study recommends single-family residential at up to four dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the proposed rezoning is consistent with the land use recommendation for this site. The subject parcel is a corner lot with frontage on both Old Plank Road and Chapman Street. Future development of this site would be consistent with the established development pattern in the surrounding area.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-024 by Laura Carlevatti and adopt the following Statement of Consistency: The Zoning Committee voted 5-1 (motion by Barbee, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Brookshire/I-485 Interchange Study based on the information from the final staff analysis and the public hearing, and because the Study recommends single family residential at up to four dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed rezoning is consistent with the land use recommendation for this site. The subject parcel is a corner lot with frontage on both Old Plank Road and Chapman Street. Future development of this site would be consistent with the established development pattern in the surrounding area.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 684-685.

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**ITEM NO 18: ORDINANCE NO. 71-Z, PETITION NO. 2021-026 BY HENDRICK AUTOMOTIVE GROUP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.2 ACRES BOUND BY THE EAST SIDE OF OLD STATESVILLE ROAD, THE SOUTH SIDE OF EASTFIELD ROAD, AND NORTH OF INTERSTATE 485 FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northlake Area Plan (2008) recommendation of office use. based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office uses. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes an expansion of the existing car dealership located on the other side of Old Statesville Road. While inconsistent with the area plan's recommendation for office use, the proposed development would be consistent with the land uses surrounding the site. The petition commits to increasing pedestrian access and mobility into and around the site by proposing a 12-foot shared-use path and an 8-foot planting strip along Statesville road, and a 6-foot sidewalk, and an 8-foot planting strip along Eastfield Drive. The approval of



this petition will revise the adopted future land use as specified by the Northlake Area Plan (2008), from Office to Light Industrial for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, to approve Petition No. 2021-026 by Hendrick Automotive Group and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northlake Area Plan (2008) recommendation of office use. based on the information from the final staff analysis and the public hearing, and because the plan recommends office uses. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes an expansion of the existing car dealership located on the other side of Old Statesville Road. While inconsistent with the area plan's recommendation for office use, the proposed development would be consistent with the land uses surrounding the site. The petition commits to increasing pedestrian access and mobility into and around the site by proposing a 12-foot shared-use path and an 8-foot planting strip along Statesville road, and a 6-foot sidewalk and an 8-foot planting strip along Eastfield Drive. The approval of this petition will revise the adopted future land use as specified by the Northlake Area Plan (2008), from Office to Light Industrial for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 686-687.

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**ITEM NO. 19: ORDINANCE NO. 72-Z, PETITION NO. 2021-029 BY DEREK ROTHaupt AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.33 ACRES LOCATED ON THE WEST SIDE OF ROZZELLES FERRY ROAD, NORTH OF HART ROAD, AND SOUTHWEST OF BROOKSHIRE BOULEVARD FROM R-3 LWPA (SINGLE-FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO I-2 LWPA (GENERAL INDUSTRIAL, LAKE WYLIE PROTECTED AREA).**

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northwest District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends single-family up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because even though the proposed rezoning petition is inconsistent with the adopted land use for this site, the existing use has been grandfathered in and was in existence prior to the district plan. The property currently is split zoned between R-3 and I-2. Only 0.54 acres of the R-3 portion will be rezoned under this petition and will be joined with the existing industrial development. This rezoning leaves the R-3 portion with the house remaining as single-family. The added industrial zoned property will provide additional room to operate an industrial use on the parcel while maintaining buffer requirements. The I-2 industrial zoning district includes required buffers when adjacent to residential uses. The approval of this petition will revise the adopted future land use of single-family up to 4 dwelling units per acre by the Northwest District Plan, to industrial land use for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition 2021-029 by Derek Rothaupt and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northwest District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends single family up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because even though the proposed rezoning petition is inconsistent with the adopted land use for this site, the existing use has been grandfathered in and was in existence prior to the district plan. The property currently is split zoned between R-3 and I-2. Only 0.54 acres of the R-3 portion will be rezoned under this petition and will be joined with the existing industrial development. This rezoning leaves the R-3 portion with the house remaining as single family. The added industrial zoned property will provide additional room to operate an industrial use on the parcel while maintaining buffer requirements. The I-2 industrial zoning district includes required buffers when adjacent to residential uses. The approval of this petition will revise the adopted future land use of single family up to 4 dwelling units per acre by the Northwest District Plan, to industrial land use for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 688-689.

The meeting was recessed at 5:00 p.m. for a break. The meeting reconvened at 5:06 p.m. for the regularly scheduled Zoning Meeting

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## 2040 COMPREHENSIVE PLAN DISCUSSION

**Mayor Lyles** said thanks to everyone for joining us and rejoining us as we began a discussion of the Charlotte Future 2040 Comprehensive Plan and the Straw votes in this process.

I'm going to read some rules of procedure and make sure the City Attorney and all of us are on the same page as we are doing this process. Before we do that the Manager has asked for some time to discuss some of the things that are going on that requires your information and awareness.

**Marcus Jones, City Manager** said I will be brief. There have been questions over the course of the last few days about when the building would open back up for public meetings. For instance, this one. So, what we are doing, I was part of a policy call this morning at 10 o'clock and I want to make sure I get feedback from both the County Manager as well as the Superintendent of Schools.

Our goal is to open the building back up for public meetings in June. We wanted to make sure that we do it in such a way that it a safe manner. Again, we had some good feedback from Gibby Harris this morning. The virus is still in our community; less than half of the folks in our community are fully vaccinated. So, from a public health perspective, we want to make sure that we continue to do things like social distance or avoid large groups inside. As a policy group, there will be a reassessment, but I don't believe that stops us from being able to open up the building for the media and the general public as it relates to meetings.

As it relates to the City staff, our rework process, we are still working through that. For example, many individuals never stopped working. So, I wanted to separate the two. It's not necessarily when will you see more individuals back in this building. That will be later, but in terms of starting to have a discussion about opening the building back up to the general public and the media for these meetings, our goal is to have that process start in June. So, I just wanted to make sure I inform the Council of the thinking behind that but still more discussions to go on with the County and the School system as well with Gibby Harris.

Mayor Lyles said last week we had our meeting where we talked about straw votes. The discussion was really extensive. We spent more than seven hours in debate and on straw votes. Tonight, what we are doing is continuing this discussion and you have two documents that the staff prepared for you. The agenda item on the straw votes, I hope everyone has that and as well you have the attachment of the memo that was sent out by the manager regarding questions and answers on this.

So, if you are on the virtual side of this I just want to make sure because I know that we have the first attachment, number two included all of the questions that were asked by the Council last Monday for additional information. We emailed those responses and they were delivered in your packet. I think if you are in this building you have them with you tonight for your information. So, that is the second document.

**Councilmember Watlington** said we are supposed to have these in the physical form or are they in our legislation?

Mayor Lyles said they were in your packet. They were emailed. So, if you do not have attachments one and two for tonight, we will make sure. They were emailed on Thursday morning I believe.

**Emily Kunze, Assistant to the City Manager** said It's the Manager's memo and the attachments are stapled to it.

Ms. Watlington said oh okay, I have it.

Mayor Lyles said does everyone have their materials and the paperwork in front of them? So, attachment number one is really the focus of our meeting tonight where we made a determination that we would take straw votes that required six members of the Council to approve any item of a straw vote and to direct the City Manager to include that item in the May 19<sup>th</sup> recommended Plan. And you say why May 19<sup>th</sup>? If you will recall we talked about having a recommended Plan which I think has been called Draft, but it wouldn't be Draft if Council approves it going forward with the six votes. That recommended Plan will be made to the public with the Council changes beginning May 19<sup>th</sup>. So, today is the 17<sup>th</sup>. On the 19<sup>th</sup> those changes will be incorporated because by our procedures we have to have two weeks of comment on the Plan. We are going to make sure that the additional information that goes out so that the public can make these comments will be available on the City's Website, other forms of communication that we will have, social media, all of that will include the ability once the recommended Plan is available for the public. This is a neutral Plan. Whatever we decide tonight that what will go out. So, this isn't me saying one way or the other, but whatever decisions that we have that will go to the public for public comment for two weeks. We have already had a public hearing and the public comment will follow.

Now how do we deal with this as a Council? The Manager had sent a memo earlier that talked the two opportunities to review this plan and we have that scheduled for May the 24<sup>th</sup> and June 7<sup>th</sup>. So, we will have as a Council the opportunity to have this discussion again twice including the public comments for one week on the 24<sup>th</sup> and two weeks on June 7<sup>th</sup>.

On June 15 the Planning Committee of the Planning Commission will actually look at whatever document we provided and give us their recommendation and comments as well. We have scheduled the final vote on the 2040 Plan decision-making or action item on June 21<sup>st</sup>. One of the things I want to make certain is to be sure that the community understands how important their comments are in this two-week period because according to our procedures, after the public hearing and the comment period, the Council then owns the ability to make the final decision. So, the debate and action will be taking June 21<sup>st</sup> as we proceed towards the approval of a plan.

So, this action is taken on June 21<sup>st</sup>. What I would like to recommend to the Council is during the month of July the Manager prepare for the next phase of work with an analysis of what went well and what would you change as we take the next step forward in the

process. Now, if you assume that the plan is approved then those processes would move towards development around maps and the UDO (Unified Development Ordinance) and I do believe that we have to figure out how to do this differently in a way to access it, and the Manager has agreed to do that. Even if there is another action in the plan, we still need to do this kind of critical look at what took place and what would help us move forward no matter what the recommendation is.

So, does everybody understand the dates and the times and the processes and our procedure at the public hearing? Are there any questions about that?

Ms. Watlington said I have a question. I'm looking at attachments one and two, I see that there are some that we'll do straw votes on tonight and there are others that are listed as information. Can you help me understand what that means exactly?

Mr. Jones said so, a part of the memo that you received on Friday from the Planning Department provided additional information for those categories or those items that are on attachment two. So, your cross-reference would be the memo that went out on Friday to provide that additional information for these items.

Ms. Watlington said okay.

Mayor Lyles said so with that I'm going to move to tonight's work. I have heard people describe our meeting last Monday in different ways, but I always said we have to go through this to make sure that we have everybody participate and get their idea out on the table. Tonight, I'd like to recommend that we use the following process for the discussion of the Plan. I looked at this and I looked at our Consent Agenda as a model for what we would do.

So, let's say that on the first page of attachment one, you can see a list of items that you are being asked to have a straw vote for six to move the item forward. Now first let me say that when would ordinarily do this at a Council Meeting I would tell you what the staff has recommended be a separate vote or different and I am going to say that the staff is recommended we separate immediately Items 39 A, 41, 42, and 44 for a separate vote. So, considering all of that. I'm going to go through it again just to make sure everybody kind will be able to hear it. Item 39 Councilmember Driggs, Item 41 from the TAP (Transportation Action Plan) Committee, Item 42 from Great Neighborhoods, and Ms. Johnson Item number 44. What I would suggest is that we actually go around and have every Councilmember take about two minutes to comment on anything that they would like to comment on for the Plan. I would really like to take two minutes because that will take us a little bit of time.

**Councilmember Winston arrived at 5:19 p.m.**

Mayor Lyles said Mr. Winston congratulations on having middle school graduation.

**Councilmember Winston** said thank you very much.

Mayor Lyles said I know grandma was proud.

Mr. Winston said very much so.

Mayor Lyles said as I was saying I think that everyone should have the opportunity to comment. Can we agree on two minutes? That is quite a while to actually comment. Maybe even less. Mr. Egleston likes the idea of maybe even less. We are going to look at a countdown clock.

Mr. Jones said to make sure that I understand what you have proposed. So, items 39 A, 41, 42, and 44 will be almost like a business agenda item that there will be time to comment on those separate from what you are asking right now?

Mayor Lyles said yes that is correct. Those will be discussed as separate business items. So, each of those will be discussed but the remainder, if we could have Councilmembers just discuss what they see and how that works and Mr. Egleston is going to be our timekeeper.

Then what I would like to say is that any Councilmember can ask for a separate vote on any one of these items. So, at the end of this, I actually think that we should make a motion to have a separate vote on this, and ask for a second on that. Also, I would say that the person who made the motion would have two minutes to again outline their rationale. Then if the Council had some questions, they do this at the County Commission, maybe I'm learning something from the County Commission, is that they take three minutes around comments. So, the Council would take three minutes as a collective to address the issue. Then we will take the straw votes. Now, remember it takes six votes to move this forward because we are asking the Manager to prepare a document that would then be voted on, on June 21<sup>st</sup> or whatever that action becomes.

**Councilmember Johnson** said I just want to clarify, you said it takes six votes. Is that what you meant that it's six and not five votes to move forward?

Mayor Lyles said right, it would have to be six because we are preparing the final document that would be distributed to the public, as well as the Council, would have something that they would move forward on June 21<sup>st</sup>.

Ms. Johnson said okay. Then I want to ask a question and I can wait until my two minutes, but to piggyback off what Councilmember Watlington asked about, the information versus the straw vote, the top line on number 3 on the information document.

Mayor Lyles said yes, Ms. Johnson I'm going to have to apologize to you because I should have said on that one that the separation of the three parts the Manager had already planned to do. So, if your question was that then I apologize for not getting it answered but if your question isn't that please proceed.

Ms. Johnsons said well it is that. I just wanted to clarify that's three parts with three separate votes.

Mayor Lyles said that is correct. I believe that we had talked about separating the vision regulatory, and implementation into separate votes and to have a process for implementation and regulatory, and the additional information there. Having that displacement analysis was a part of that.

Ms. Johnson said it's got three adoption points. The Comprehensive Plan adoption in June 2021, Place Type Map adoption in February 2022, and UDO (Unified Development Ordinance) adoption in Spring of 2022.

**Taiwo Jaiyeoba, Assistant City Manager/Planning Director** said yes.

Mayor Lyles said I'm not sure where that is. Tell me where that is. I'm going to ask our Planning Director to respond to that.

Mr. Jaiyeoba said yes Mayor. Councilmember Watlington is correct. On page one of the responses that went out to Council on Friday; we said that there are three adoption points. It starts with the policy piece which is June 21 as you explained earlier and followed by the Place Type Map and adoption in February of 2022 and the UDO adoption in the Spring of 2022.

Mayor Lyles said okay. It's on attachment one. Which number is it besides?

Mr. Jaiyeoba said I'm sorry the second memo that I had sent to the City Manager on Friday, the first page.

Mayor Lyles said I'm sorry I was looking at the wrong document. So, that is on the plan deliverables, yes.

Mr. Jaiyeoba said yes. Then on top of that is the Plan itself for adoption in Jun 2021. We are having it in three volumes as I explained last time. Volume one is the actual Plan Policy, volume two is implementation, and volume three is the appendices. Then we said if the Council approves the formation for this Anti-Displacement Commission in the Plan then that commission may be charged with conducting a displacement analysis and those findings could be incorporated in the Plan implementation document.

Mayor Lyles said Ms. Watlington and Ms. Johnson did that answer your question.

Ms. Watlington and Ms. Johnson said yes.

**Councilmember Bokhari** said this is a key point an example of the type of response we got back in this. If you read between the lines, Plan deliverables, I believe it was Councilwoman Johnson that made the request for this and that we have touch points going forward all along the way and this was very craftily created where the three parts one, two, and three as you see there do not line up with our request which was very simple. We don't want you to go do this on your own where we don't know about it. We want an approval point and an adoption point. Yet, if you read it at the bottom the adoption points are our Comprehensive Plan, place type map adoption, and UDO adoption. It completely skips number three, the implementation policies. That is where everything is hidden. You will see the rubber meet the road for community benefit agreements in implementation policies. You will see so many things that don't become ordinances that are controversial today that will be there, yet again navigated very craftily to bring us back something that says oh there's three points and there's three Plans. That must be what we asked. We have to read between the line of everything handed to us and that is the crux of the problem we are facing right now. So, I do not believe this represents what we discussed a week ago.

Mr. Jaiyeoba said so the way we interpret implementation is the ordinance, the Unified Development Ordinance. That has been in the works for three years. You have an Ordinance Advisory Committee that's made up of representatives from the community, the business community as well as the development industry that has been meeting on that. The first draft of that UDO, which is again your implementation tool, would be shared with this Council if the Plan is adopted in June, will be shared in early August with you so, that you get to see what that implementation draft looks like. That will continue to also work simultaneously with the place types mapping process. We cannot bring place map types into Council the month after the policy is adopted. It will take about six to nine months after Council adopts the policy to engage the community in the place types mapping process and that will be working hand in hand with the implementation tool which you find in the UDO. There is nothing there that is hidden. This pretty much open to different interpretations. What we had said was that we will like Council to adopt the policy rather than adopt implementation because it gives you flexibility for us to keep coming back to you receiving comments on it, going to the Ordinance Advisory Committee to also receive comments. So, if this is an open process there is nothing here that is being non-transparent. We just believe that the best way to engage you and the community is rather that to lump everything together, you adopt the policy, you go through the place types mapping, and then you have the implementation piece, the UDO at the end of the day.

Mr. Bokhari said Madam Mayor this is the type of footwork we heard for years from the development community being frustrated and now we are getting to see firsthand. What he just said back to me has nothing to do with what I just said. He said oh the UDO will be there and the place type mapping and that will all be approved. Yes, that is not what I said. I said the implementation policies, that third major step, and once again there will be no major UDO revelation that solves this big huge topic of community benefits agreements. The rubber will meet the road in the implementation plan. So, I don't care what's said about oh the UDO, which by the way show of hands how many people have seen the UDO that he's saying is basically there and four weeks away? Zero hands. No one has seen it, yet that things going to roll out to us and they're going to say, well we

have been talking about the UDO with the community for years now. So, the point is we are getting this fancy footwork and answers to questions that we are not asking. That's the problem here.

Mayor Lyles said [inaudible] while the staff may have been working on a UDO that given this situation that they would come and say, here is the UDO and that's why I think the Manager is committed in the month of July to determine what processes are necessary to be changed and looked at so, that we can avoid these kinds of issues. I'm going to ask Mr. Jones to address this.

Mr. Jones said yes, that is the goal as we start to move forward depending on what the Council does today, we call it a hot wash, to see what went right, what could have gone better, things of that nature. I do believe though what Taiwo has said does address the questions. So, Taiwo I think that the question is simply the implementation or better yet volume two, will there be an opportunity for Council to weigh in on volume two?

Mr. Jaiyeoba said yes. If that is the question, yes.

Mr. Bokhari said volume two is not what I'm talking about. I'm talking about the implementation policies.

Mayor Lyles said that is number three.

Mr. Jones said so what has happened is in terms of this Plan, Volume One is sections one, two, and three, Volume Two would be section four and Volume Three would be the appendix. So, again what Taiwo has said is that Volume Two of this Plan, which is the implementation, Council will have an opportunity to weigh in on that correct?

Mayor Lyles said well I think the question is not just weigh in but contribute be appraised as it's being developed. So, I do see this as an item on our agenda almost every time to come back and say this is the most critical Plan that we can have. We need to have it and we didn't do and I don't know how much of that sit wherever, but I do see this as the opportunity for us to actually take that first Monday and make it work and then the second Monday to make it work but third and fourth because this is where we are going to actually have these really difficult discussions around implementation.

Mr. Bokhari said I think my point is really simple though which is why wouldn't we just say we get an approval touch point at the implementation plan level?

Mayor Lyles said that's a good idea.

Mr. Bokhari said that all and that's what we asked a week ago.

Mayor Lyles said wait a minute before I say that is a good idea let me find out what other people think besides me.

**Councilmember Eiselt** said so, I have two things. My first question is Mr. Bokhari could you just give an example, sort of a tangible example of what you are talking about because I'm not sure I'm fully capturing what we don't get to do.

Mr. Bokhari said so, in today's world we might have in this first part approving a Comp Plan that says we will abolish single-family zoning. Then in the UDO, we might do another thing ordinance base that says you can't move around in a triplex in a single-family environment certain things that ruin the tree canopy. So, now you got a tree-based ordinance, but then three in the implementation plan were the policies all exist someone going to do all the critical work of this is what a community benefits agreement is. In doing so you can't come into this neighborhood and build in this type of area unless you come forth and put together a grocery store option that people want. So, the fact of the matter is the ordinances are the things that we are all used to seeing. All the things that are unknown and likely impossible in here will take the form as policies rolled out during implementation and it has been very craftily navigated to make sure that once we say yep

single-family zonings good being abolished, yep, community benefit agreements are okay then they don't have to come back to us and have these difficult conversations. All I'm saying is I disagree with all of this. I may be in the minority on that, but don't we all agree when they figure out how they are going to do it, they should bring that back to us for approval?

Mayor Lyles said yes I think that we do agree on that.

Mr. Bokhari said that's what we said last week and that's what we got back.

Mayor Lyles said I think that that may not be as stated, but I think the Manager has just said, I'm sorry I'm interrupting.

Ms. Eiselt said the reason ask is because we have zoning later tonight, Item No. 34 that I brought up that I think is an example of this. That when we did the TOD (Transit-Oriented Development) we agreed that's a lot of good reasons to do the TOD. We come back, we go oops, that's not really what we meant to have happened. I talked to Dave about this and we can talk about it when we get to item number 34, as long as we have tools to say, yeah this created a situation that we didn't intend, we need to be able to go back and fix it. I think that now tonight's example is okay because it isn't actually a new TOD parcel yet, but if it were and we said, oh man I didn't know that's what's was going to happen, we have to have a tool to say, we got to be able to change it because every situation is going to be different. If we can't and someone says, no, no, no you passed this as an ordinance. You know what you were doing. You know this could be two years from now when none of us are here. Some of you will be here but some people won't. It's could be 10 years from now. We've got to have the staff say to us on the record we will give you're the tools to change the unintended consequence. It might have to come back before the full Council, but we have to have an ordinance in the first place.

**Councilmember Winston** said I agree with Councilmember Eiselt and we talked about that example earlier. I think it has to be clear to this Council, to future Councils, to this staff, really to the public as Councilmember Eiselt as they select their representative moving forward that he is in the fact of a living, breathing document, but that is a two-way street. If there is a living breathing document you have to have Councilmembers that are willing to engage with that living, breathing document. So, we have to hold our future representative accountable just as Councilmember Eiselt did this afternoon while were in our Zoning lunch Meeting. That was a great catch. We were able to have a bit of a discussion around that. That's what the work kind of looks like. I just wanted to take a second to state for the record, for the folks that are out there, the media, the staff has updated the City Council through the TAPE (Transportation, Planning and Environment Committee) about work on the UDO and we have a least dealt with those updates in our Strategy Session on those first Mondays where every City Councilmember has had the ability to interact with that, scrutinize and adjust that process as is necessary. If you don't believe me you don't have to take me or Mr. Bokhari's word for it. I would ask you to reach out to the Clerk's office, to look for those minutes to get that information to show that Council has had plenty of ability to have interaction whether or not Councilmembers have taken that liberty and exercise their responsibility and due diligence in that process is another story but I'll let you guys deal with the facts on that.

**Councilmember Driggs** said I think Mr. Bokhari made some very good points. I would describe it a little differently. I've had the feeling throughout this process that we are being handled. That this thing is put in front of us, it hasn't changed much at all. As a result of 600 comments that were posted online, most of which did not get thoughtful or meaningful responses, and in fact, it was suggested that we would take care of them here, but now we are in a position where there's kind of an assumption that a lot of concerns that were raised like the legality of some issues, the practical feasibility of some issues, where we are kind of in a position where assuming all of that has been taken care of and really all we have to talk about still are these items. I think there's a lot of stuff in here that is unresolved still. I think we are probably in general agreement about where we would like to be in 2040 that this plan has some real problems still. Some structural defects and



other issues and it feels to me like this entire engagement process that we have been through has not produced a whole lot of change.

I see a couple of controversial issues that have been patched over with additional language and said, yeah, yeah, we get it, maybe not entirely, sure, but where was the policy debate? When did we talk about alternatives on these big issues? When did we have an opportunity freely to talk to each other about them without getting scripted and seeing a slide show first? Now we are into it and suddenly wow, we are running out of time folks. Hurry up you've got two minutes. We are going to pass this next week. So, sure people might have done more sooner I guess, but the fact is we have gotten to the point now where the position for example of the developer community on practical issues, they are not hostile, but they are just saying guys that don't work and we have extended commentary from them that has been disregarded. We have public commentary that is not taken on board. This thing is just trudging ahead and we're in the way and I don't appreciate it. I think that we should have as much time as we need and if it takes longer, this business about six to nine months longer if you guys decide to take 2.1 out. How did we get into a situation where a decision that we were supposed to make if we decided in one way, brought that penalty with it?

I don't see why I'm on that defensive and if it cost a little more to get the consultant done, this is 20 years and the future of Charlotte. Are we worried about that right now? But really how did we get to the point where we're being told, guys when you make your decision about this, just be aware six to nine months longer if this is what you choose. Geez, no pressure there. So, it's just really frustrating not to have had, and by the way, months ago I said in the Committee meeting and elsewhere, we have not had the conversations we will have to have before we're ready to adopt the plan. We kept hearing about community input. How great it was. Look at all those, you know etcetera, etcetera. I said, no it's not that easy. It's going to be harder than that and now we have discovered that it's harder. So, I don't like being limited to these straw votes. I think there's a lot of other stuff we ought to be talking about.

**Councilmember Egleston** said well I'm going to bring up something far more specific than I think what's been covered but it actually maybe speaks to Mr. Driggs' thing. Just some stuff that we can't really cover in the straw votes. So, to drill into specific detail here, but the response received on CBA's (Community Benefits Agreements) was that the Knight Foundation is going to fund an Urban Land Institute Technical Assistance Panel of National CBA Experts to help define the details of the CBA process. I think that sounds like a good step and as such on the information page you see that the things that we discussed last week around Community Benefits Agreements are listed here as informational because that is where we are headed. So, we are not going to take any straw votes on CBAs tonight, but one specific thing that I think was CBA related that I would like us to give some direction to staff on tonight because I think it's important how this either be included or not in even just this vision document, which doesn't codify these things but I do think it sets the expectation for what will be codified later is around the expectation that a building of greater than 20 stories in the center city would only be allowable with a Community Benefits Agreement in tow.

I think for reasons of sustainability, reason like attracting corporate relocation headquarter, things like that. I think the density of the center city can often time be the benefit in and of itself. That doesn't mean there aren't other benefits associated, but if we want to have a robust successful transit system we need, I would say unlimited density inside of 277 and maybe one the edges around 277. So, I think uptown should be as dense and should be as tall as it naturally wants to be if we want to have a successful retail business uptown if we want to have a successful transit through uptown. I think if we are delaying our decision around CBAs pending the feedback we get from this Committee that's fine, but I wouldn't want to move forward with a document that potentially indicated that we wouldn't want to see anything over 20stories in uptown. So, I do think that is something we need to give direction on.

Mr. Jaiyeoba said we did amend that language.

Mr. Egleston said I just don't see an opportunity to vote on anything that would indicate that we feel differently than what's written in the Plan.

Mr. Jaiyeoba said I'm open to that, but in the language amendment we had said if you build more than 20 stories we want to see some contribution towards whatever could be community benefits. We didn't define what that is. We have that today within our TOD Ordinance actually. So, it's not something that is foreign to our urban landscape. I do get the direction in terms of making uptown dense. We are supportive of that as well, but as you do what benefits come with developing that dense. Because density uptown also contributes to other things as well. People want to live uptown. Businesses want to be here as well. So, we definitely see the value in that. So, I'm hoping to if you want to talk about 20 stories or more or another number, but we just believe that as you build taller, there should also be some benefits that the community can take part of, and that could probably be uptown itself.

Again, I say we do have that today as part of our TOD policy that you adopted two years ago.

Mr. Egleston said again, maybe it's just me, but I think it's a thing that the majority of the Council should give some direction on, because I still contend A, that the density in and of itself is a benefit to a lot of the things that are important to a lot of us, minimizing sprawl, increasing use of transit, things of that nature, but I do think right now the way that it reads seems to paint that density as potentially something that's not beneficial and needs to be mitigating with some other agreement, which we have yet to define because we are asking experts to help us to find it. I think that's okay, but it even begs the question in uptown of who is the agreement even with? Theirs is not an uptown residence association. There are three wards that have semi active neighborhood associations. There are Center City Partners, there's all sorts of entities that kind of lay claim to being the voice of the center city, but there is not some easy collective. There's tunes of HOA's (Homeowner Association) in a lot of these condo towers. So, I think it would be hard even to define who that agreement would be with. Again, speaking as this one member only I like to see us reiterate that density in uptown is a good thing in and of itself and not have language that might seem to indicate we want to limit it.

Ms. Johnson said before we move on or distract with other subjects, if we can resolve number one, I think Councilmember Bokhari brought up a good point. We did have a seven-hour marathon meeting last week and now we have spent 20 minutes just clarifying the first issue tonight. So, what he said is that the explanation in the bottom paragraph is different than what's notated under the bulleted item. So, if we would just either remove the bulleted item or make the language verbatim then we would clarify and that's kind of the issue. Last week we spent a lot of time describing and explaining what we're asking. So, we just hope that our responses are in direct correlation to what we ask and so I think that's a way that we are going to be productive tonight if we are able to stay focused on one issue at a time and get the answers that we are seeking. So, for this one specifically, if we could get clarification. Those are two separate items that are described in bullet and in the paragraph. So, if we could just resolve that I think that would answer what I asked for and it also clarifies Councilmember Bokhari's question.

Mayor Lyles said this is why I suggested that we have a procedure that we go around and allow everyone to speak. The wording in the document that we have, so I'm just going to read one and it's not going to make a big difference. Number one, Great Neighborhoods:

- Add a preamble to the plan that describes the purposed intent of the plan delineating what's an aspirational plan.

If someone wants to pull that out and modify it, then we will have a separate vote on it. So, what I'm trying to get at is that if we would follow the process of everyone going around and then you see an item, you can say, I don't want to pull item one, item nine, item 11, and you can make that motion the way that you see it working. It's got to be fundamental around that area, it can't be well I want a preamble but I'm also going to write the implementation plan at the same time. You know that kind of thing and we need to be connected but I think that's what we are trying to get to and I think the idea of going around

the room, and maybe there is no time limit, I think a lot of things have been expressed already. But I think that people can bring up the issues that we have just like Mr. Egleston did and we can go ahead and try to figure this out.

I want to make sure that we are being productive in the use of our time and I think it's best that we decide how we're going to do this before we start, because otherwise, we get off track. Right now what I am suggesting is that every Councilmember has time to go around the room and discuss what they would like to see and then we have this list on attachment one, then we say, on these items which one would you like to see differently. If you get six votes then your good.

Ms. Johnson said right I understand that. Specifically for this question that's on the table. Can Taiwo clarify the difference in the language?

Mayor Lyles said yes he can certainly do that. If someone pulls it up for a question, of course. He's here to help us all the way through and so is Mr. Jones and whoever else. I think a lot of people have read this and have ideas around it, but we will use the staff resources that we have. That's not a problem.

**Councilmember Phipps** said I just had a simple tactical question. When we talk about unintended consequences, how do we address unintended consequences as we see them? Is that something that we could have a rapid response on and try to get those things resolved at that point or is there a prescribed time on this Plan? I mean, they said that we would be looking at it every five years. We don't have to wait that long right? I mean we can have the flexibility to address something that we see as a miss pretty much and pretty quickly.

Mayor Lyles said I have been suggesting and this is one of the things that I think we ought to include, but I would suggest that we have a five-year review, but I also would say that we ought to be able to rapidly respond, but we have to have ordinances written that define that. I believe that it can't be 45 years again.

I think that we ought to be ready to review it, especially in the beginning years. That's really when you kind of figure out what's going on and what's not happening, but I think the idea of a minimum review of five years is important. That's where I am and I think that's part of the implementation plan of well this is what we are going to try, here's when we are going to try to do that, and access it. So, that's what is.

Ms. Watlington said yes Madam Mayor, I just wanted to say a couple of things. The first thing is, that I think that I'm hearing a lot of I would like to do this, or I think we should do this, or asking for clarification. All that's fine. I think in terms of productivity if we could have just ended our comments with an action. I move to do XYZ and we can take it to a vote or not take it a vote. I think we have to remember that negotiating with the staff. We are negotiating with each other. So, we are empowered to do whatever we want to do so long as we can count the six. So, I would just offer that as part of this process that if you have an issue and you want to see something different we don't have to go back and forth with anybody about it. Put it to a vote and it will either go forward or it will die right there. That's all.

Mr. Winston said I just wanted to reply to Mr. Egleston and I will wrap my comments up. Density is not just all good in and by itself. Let's take for example the community benefit of the over-the-street mall in uptown. It was created like that as a benefit, not to the whole community but to the men who wanted to create a dense uptown for suburbanites so that they could participate in retail without interacting with people who don't work at the bank and then the bank tellers. It represented a diametric change from the retail-oriented uptown that was once emblematic of uptown Charlotte. It was a regional attraction for all people of Charlotte. I think we can also extrapolate how that change in a retail environment led and affected the cycle of displacement that was completed at Eastland Mall and potentially at other suburban retail centers over the next generation.

The fact is that we need strong Community Benefits Agreements and all parts of town. Especially in the dense uptown as we continue to develop in that way because density by itself does not benefit all of Charlotte. It only historically has only benefited some in our community. That is factually speaking. That is not an opinion. The staff has considered all of this and has included these concerns in the Comprehensive Plan. We should adopt and implement this Plan as expeditiously as possible in a form that has been presented to us. I move to adopt that Plan.

Mayor Lyles said you would have a motion to adopt the plan. We are going to come back to that. I'll make a note of all of the motions.

**Councilmember Newton** said I have three points and I'm really looking forward to the conversation pertaining to 2.1. My first point here is pertaining to CBAs. I'm looking forward to that conversation as well. Particularly as they relate to publicly financed projects and I think we are going to get an informational update on that tonight. I wanted to talk about the Growth Commission. So, that is number 35.

I have had the opportunity to discuss this further with Councilwoman Ajmera. We have also received some information back from the staff pertaining to the Growth Commission. When we were discussing this we really came to the conclusion that the emphasis is really more on infrastructure than anything else and looking into this a little bit more further with the information we got from the staff, I think that there was an abundance of emphasis on this idea of equitable economic growth. More specifically how it functions elsewhere. I think that for us here it more about infrastructure. We've had these conversations as a Council for quite some time about the shortcoming and infrastructure in many areas within the City. We've even had a long conversation pertaining to that in our budget meeting. As it turns out we don't have a commission or committee whatsoever that deals specifically with infrastructure within the City. So, I just wanted to propose that. I don't know if this is my point and time to make a motion on this but I would say that we move to change that to really more for pure infrastructure commission or really something more along the lines of an Infrastructure Advisory Council and I would ask that, that would be considered in placed within the plan and be separate. Let me be clear about this too, be separate from the non-displacement commission because they are two separate items.

Then I also wanted to mention the economic development language that I emailed to everyone last Wednesday. More specifically, it's language that would pertain to workforce development within goal eight of the Plan. Also pertaining to wage and benefits as well as apprenticeship programs. The language that would promote partnerships between the Department of Labor, register apprenticeship programs, the City, and contractors. So, even though we had five Councilmembers respond to that in the affirmative, I noticed that it is not within our materials tonight. So, I would ask that we also consider that language for inclusion within the Comprehensive Plan as well. That's all I have for the time being and I am looking forward to the conversation regarding Rule 2.1.

Mr. Bokhari said we have spent a lot of time in the last couple of months talking about a few of the terrible ideas in this Plan. We've talked deeply about that and now when the community is starting to pay attention, they are starting to realize oh wait, you're going to do what? So, we have spent all of our time talking about the big elephant in the room, eliminating single-family zoning. The displacements, the unintended consequence that will cause. We know why that's bad.

We've talked about Community Benefit Agreements and how we have no idea how they would work in the way they were proposed, and how that is going to increase cost and reduce affordability. Other than that, we really don't know much. Same thing for inclusionary zoning, which is illegal, and impact fees, which will increase the cost. So, we spent all that time talking about a couple of things that have dominated the conversation. We've also spent a little bit of time talking about the lack of any meaningful economic impact analysis that has been done to date. In fact, as it relates to affordability and what's happening, I have really only seen two pieces of economic impact analysis done that are meaningful to me. One was by Victoria Watlington and one was by Ed Driggs and I've gotten both of those in the last five days. That is not how would be running at a top 15

size city in the nation, guessing one day off we will do the affordability of housing and impacts. So, all of that are the things we've been talking about.

One of the challenges I have with right now, we are in this meeting and we going to do this straw vote is I don't know how to get my broader concerns into there because we haven't got our primary concerns in. Let alone the broader ones here, which include things that are on no one's radar in the City. 5.12, implies a requirement for a Traffic Impact Analysis for all new developments. For those of you who sit around this room in monthly Zoning Meetings, you understand why we have thresholds for traffic studies. This is saying in this document, codified in it, that we going to do them for all developments. What will that do to cost? We haven't talked about it once.

Manufacturing and logistics, the section on page 75 says, the Airport and its associated facilities are found in this place type. So, basically what we are saying is this Plan is implying the Airport is the only area suitable for this type of manufacturing and logistics place types. That is something we should be debating and talking about. Clearly, that's not the answer. There's no mention whatsoever in this document around supporting property tax waivers to stimulate new affordable housing or the workforce and affordable housing we need in these other ways. There's no mention of the State Tax Credit Programs that parallel the Federal Lytech Programs.

So, if we are going to pick and choose what individual tools, why don't we mention the things that we know actually work inside there? Then finally, back to what Councilman Egleston just said, let me read you the words on page 91 because it isn't even what you think. Number two on page 91; Buildings may be as tall as 20 stories in uptown or when developed with community benefits such as public space and amenities for affordable housing. The wording right here says if you in uptown Charlotte, your building can be up to 20 stories tall. That's what the words say here. Now, whether that was mistyped or not and it's really more of a shack down to get other things and concessions from people above 20 stories, we have to ask ourselves a question. One is that okay that we have that level of poor writing inside this Plan, where we could have something that badly misstated and two, even if it is misstated and it's what is being stated of, over 20 and you have to do things, I thought we are all about density. I thought we were going to make things more dense in the future so we could house the workers and the people that need to be here. So, that's very odd that these things are in there and there is a litany of other things. The Plan isn't bad for two or three reasons. The plan is bad for dozens of reasons. I think the closing kind of sentiment I would leave us all as we think about what we are going to vote on right now is really simple, right.

The mission of a Comp Plan is to convene and unify around big things, around items that will change the City for decades to come. Convene and unify developers, neighborhood associations, activists, elected officials, government officials, all of us together. That's how you do big things. We are as far away from having convened people properly over the last several years as well as unify anyone. So, what are we going to do? Approve something just to get it off our books and get it off our agenda, and then we can move forward of which one person crafted a majority of it. A couple of people support it and the rest of us are just trying to figure out how to navigate where we are. Meanwhile, the people we are asking to do all of these big things, are scratching their heads asking how did this happen?

So, that's why I don't know how we going to tonight do a straw vote on anything other than let's delay this until it's done right and find someone we can trust to do that.

Ms. Watlington said there's so much here. First, I appreciate what Councilmember Ajmera shared at the beginning of the meeting and I agree with what Councilmember Bokhari has said in regards to a Comp Plan that is meant to unify us. So, I just want us to remember that we are all here because we want what's best for our City. We just need to figure out how to get there. I think there has been a lot of work done here and a lot of people have sacrificed a lot of time. I want to acknowledge that and I appreciate that. I know that we've got a lot of committed folks working on this. I don't think anybody is trying to be [inaudible]. I think that people are very passionate. With that said there are quite a

number of things that I think need to be worked out and I'm not comfortable with raising my hand knowing that we have not resolved many of these things. Now, some things I'm okay with moving into implementation, but I just think that in this case done is not better than good.

So, I am interested in the conversation we are going to have tonight and I hope that we can resolve a lot of items here that we've still got outstanding. Also again, I just want us to remember that we own this document. So, it can be what we want it to be and I just want us to remember that today, that we can choose to innovate right now. I don't want people to walk away feeling like well I had issues and nobody heard what I said. We are listening today and whether or not everybody agrees, at least we need to make sure that we know whether or not we've got a majority on things.

So, that's very clear on what our direction is and it's very easy to manage our expectations. In particular to the specifics, I'm interested in this Airport and industrial use piece. Mine was put on the information page. For me the Airport and industrial component I would like to move that to a straw vote just because I want to make sure that that language is clear what's needs to be changed there. The rest of it we will discuss as we get into it.

Mr. Phipps said I'm looking at the three housing access for all categories of I guess Items of 36, 37, and 50, and one of the things that I noticed about the Plan and I don't know that it's a function of the market now, given the housing predicament that we seem to be facing, a hot housing market. It seems like a lot of emphases is placed on units, which means to me that we are more or less focusing on a rental product and I don't know that we don't have any real tangible ability to foster an opportunity for homeownership in a way that really tangible in this kind of market. I thought we are looking at trying to bring housing and affordability to our citizens, but it looks like it's sort of one-sided, because it looks like it's just rental. These things that are listed strengthen the language here, raise awareness there. I'm wondering are those things really going to be enough to be able to deliver the kind of success, the kind of achievement of dreams that the people are really looking for in terms of homeownership. Even, with the duplexes and triplexes or whatever, I mean it seems to be in rare instances it's not a homeownership product. It's a rental product supplemented by a lot of rentals that we are seeing across the City through the apartment and things like that. So, I'm just wondering with this Plan is there anything that we can do to make homeownership more of a prominent goal or are we resigned to the fact that given our kind of situation, of course, we don't know 10 or 15 years out this Plan is covering the market. It fluctuates so, maybe in the future, it might be some remedy there that would give us an opportunity to enhance homeownership within the community. I'm trying to see how we can work this in with this Plan with something more substantive than just expanded the language here and making people aware there. Getting financial institutions involved, of course, that is something that could be tangible. I know that a lot of banks and things have Community Reinvestment act responsibilities that they are trying to have programs and such. That's one of the things that weighs heavily on me in the context of rental versus homeownership. What can we do to elevate homeownership or the promise of it more than what we have in the Plan?

Mr. Driggs said I think I made clear I have general unhappiness like Mr. Bokhari about the situation unless four other Councilmembers join us that probably the kind of moot. I want to emphasize the fact that we do share the goals. I can just tell you I have worked on a lot of plans over the years in my career and even here in the City and my biggest concern is that this Plan is just not going to work. It's not a question of whether the goals of the Plan are okay. We don't have an argument. I really worry about giving rise to hopes among the people in the population that's seeking improvement in their lives that can't be fulfilled. There are too many examples of disillusionment from well-intentioned visionary plans that don't actually do anything. I haven't seen a whole lot of aftermath from our Economic Opportunity Task Force frankly. So, I look at this thing from a particle perspective. I'm not trying to win an argument; I just want to see something that gives me confidence that we will be able to deliver, and I will just single out one issue since we are talking about issues. I sent out an email today. I hope most of you had a chance to look at it on the subject of single-family zoning. I don't see why it is necessary to eliminate it

entirely in order to pursue the goals of this plan. I think there are possible consequences from eliminating it entirely that we don't want like the gentrification issue.

I also think that the CBAs and the Displacement Commission do not have the kind of force or authority to defend neighborhoods against gentrification, whereas City Council and the zoning process does. So, if something is brought to us that is controversial and threatens a neighborhood and we have to consider whether or not to approve a rezoning, we could stop it from happening. Once this passes, we can't and that's true. So much of the rezoning that goes on is going to be conventional or by-right and I think we need to stay involved in the process of making land-use decisions in order to give the communities a more meaningful way of participating than through the questionable vehicle of the CBA.

I did include in the message the thing to what Mr. Bokhari alluded. I just put four pictures in there to kind of illustrate a point. The rise in house prices in Minneapolis. The first city to reject single-family zoning entirely. There's no evidence of any interruption in the rise of house prices in Minneapolis as a result of the adoption in 2018 of their law eliminating.

Then I looked at the rise in house prices in Charlotte for comparison. It's a little higher. So, you might look at that and think well our house prices went up faster than theirs did and then you look at the population graphs for the two cities. Minneapolis is a lot smaller now than it was in 1950. If you look at the picture of the population there, they don't have anything like the pressure on housing prices that we do. From the growth in our population, it looks like this. The only significance of that is, it is one example of what you can learn from data. We are trying to make these decisions in an environment of kind of emotion and good intentions but without the underpinnings of a quantitative context. That data is available. There is no reason we can't see it or think about it, but we haven't seen it.

You look at just that one instance and in Minneapolis as far as I'm concerned eliminating single-family zoning did not have the effect of making housing more affordable. I don't think it will here. The other requirements of our plan, many of them will have the effect of making housing more expensive. So, to tell everybody look, feel good, we won, we got it for you, there's no more single-family zoning, no more of that segregationist stuff is just sad in my mind. It's really sad. It's absolute deception and we should be a focus on doing things that really work.

Ms. Johnson said I just want to respond to something that Councilmember Phipps said. He said that we are resigned to the fact that gentrification is coming and that is kind of how our conversation has felt in the last couple of weeks. While we know gentrification is coming and this is a way to improve density. What about if we were creative and like Councilmember Watlington said we make those decisions. Let's be intentional about that homeownership. Instead of changing the character of neighborhoods like Hidden Valley and Clanton Park and other historically black neighborhoods or vulnerable neighborhoods, let be intentional about homeownership.

Let's offer incentives. Let's offer down payment assistance, low-interest home improvement loans, tax abatements. Those kinds of things so that individuals can afford or be able and desire to buy in those areas and assist it, to buy in those areas, what that would do that will keep some housing available and attainable that's affordable. If you average housing price in Charlotte it's \$300,000. A household has to make \$100,000 in order to qualify. So, if we are realistic and practical about the income disparity in Charlotte, there needs to be a housing inventory for folks who don't make that kind of money. Right now habitat for humanity is the only attainable housing for certain levels.

So, I think that we could be creative and we could accomplish the goal of maintaining those neighborhoods without turning them over to gentrification, but actually being intentional about saving them, improving them, redeveloping them to help the current owners build wealth as well and not gentrify the neighborhoods. We could take those neighborhoods back, be intentional about homeownership instead of those single-family rental developments that are on the horizon. I think we could be purposeful and intentional and use this Plan to incorporate something like that as well. Specifically again, Hidden

Valley. I am lifting them up again because that is a vulnerable neighborhood. That would be a great neighborhood to be intentional about the development. It's near the TOD and we could really keep those houses affordable and attainable for homeownership for individuals who are in the AMI of 80s and the 60-80 percent AMI.

**Councilmember Ajmera** said I hear the passion from all sides here. This Plan is going to have a profound impact for generations to come. We talk a lot about upward mobility and there was an opportunity before that came out in 2017 that talked about three key items for the City Council to implement to address our upward mobility crisis. The first one was increasing the affordable housing supply. The second was the infrastructure improvement, where families who do not have a car can get to work. The third was other amenities. First, affordable housing advocates support this Plan such as Stream Key Partners and I support having an Infrastructure Commission that Councilmember Newton had alluded to earlier because we could not have density and infrastructure discussion as mutually exclusive. They go hand and hand together where kids have to be able to walk to school where we have sidewalks, where we have streetlights. This is the Plan. It may not be perfect, but it changes the direction for the first time in 45 years of how we do business as a City.

It challenges the way we operate currently. It challenges the status quo and we still have as a Council an option to revisit if there are unintended consequences from this Plan. So, as I had mentioned in my invocation earlier, I hope that God grant us the patience to work together on this because suddenly from our discussion today a lot of us are not on the same page. It may seem difficult at this point to address certain issues, but I hope that we will find a way forward.

I like what Councilmember Watlington had proposed earlier when it comes to productivity proposal where we go through all of the items, if there are items where you don't agree on, let's go ahead and make changes. Because as Councilmember Watlington had said, we are not negotiating with the staff here. We are negotiating with each other. So, if you have six Councilmembers on a proposal then move forward. Otherwise, it will not. I think it is as simple as that. I really hope that we move forward with that productivity proposal so that we can really start looking at discussing the details.

Mr. Egleston said if we were to conclude our remarks on an action item, my action item would be the removal of references to height limitations in uptown. So, however, your handling that, that will be my motion in addition to the ones that are already in front of us.

**Councilmember Graham** said first let me start by saying that I have the utmost respect and gratitude for the staff and the work that they have done over the last two years or more putting this Plan together. There is no deception. There is no sleight of hand. There was a gathering of community members from all sectors. Before the public health crisis joined, the public health crisis as we see I went out of the public health crisis, right. So, they have done a good job.

If you are looking for a perfect document, I'm not sure there is a perfect document in this building at all. There is none. If you want to put an aspirational plan together and at the same time answer all the questions that it opposes, it just won't happen. It's kind of silly, right? I don't get it. I remember when there was no Ballantyne in Charlotte. No University City in Charlotte. On the Square was the Eckard's Drug Store, the Pawnshop, and the Burger King.

Mayor Lyles said Orange Julia, something that sold orange juice.

Mr. Graham said Rick Flare was the most popular celebrity in town. No panthers, no Hornets, racing, and wrestling. We even had the garbage trucks that the City-owned parked in the middle of Belmont. I say all that to say the City has grown significantly since those days and those were the 80s. We had a plan. Some of it was good, some of it worked, some of the things we probably should have done differently, but we answered the questions along the way. We didn't try to answer it all in one night. We didn't try to placate the developers. We didn't try to sham neighborhood leaders or con them, we



worked with them. Did we make mistakes along the way? We surely did. Did we do a lot of good things right? Hell yeah. We built a City and that what the plan poses to do. How do we build a better Charlotte when we have 121 folks every day, seven days a week coming to Charlotte. We can't annex anymore. Infill development is becoming scarce. The land is becoming scarce. So, what do we do? We put an aspirational plan in place. We trust the professionals, at least I do their jobs. We listening to the community. We have right? I mean especially over the last 45 days. It doesn't mean we agree with everything that they suggest. But to say that we are not listening to folks or we're shoving something down people's throats and we don't trust the Planning Director. I'll say it or his intentions are just wrong. It's just wrong.

If you don't like the plan say you don't like the plan. I like the plan. Does it need technical corrections and changes? We're going to do that, right? We're going to do that. That's basic. Do I support the Anti-displacement Committee? Yes. Do I agree with Councilmember Phipps that we ought to have a 12-month tailored and focused on the consequences of the Plan for the commission? Yes. Do I believe it's going to yield further work for the commission? I do. Do we need a Benefits Agreement? We do. Do we need to have a discussion about single-family? We should. But that we don't have to answer all of the questions tonight. We can't because no one will leave here happy because we won't. So, I think it's time that we look at ourselves in the mirror and be honest about what we are trying to do. Don't confuse the public any more than they already are.

Mr. Johnson talked about things we should be doing about homeownership. We're doing all those things now. Down payment assistance, homeowner repairs, working in neighborhoods and communities. We are doing those things and we have been doing it for years. Should we be doing more? Absolutely. I just told the Manager last week. I went through the budget and I took out everything relating to housing and displacement and see what the numbers are. They need to be higher, but that's what we do. So, I'm going to quit and I'm going to support the Plan. I can't wait to see the technical corrections that are coming. I'm going to vote when we should vote. I think if we are trying to fly the plane, come down at 10,000 feet and hitting buildings and trees, and that's what we are doing right now. We are hitting buildings and trees and stop lights because we are so deep in the weeds and 20 story building that we losing the fact that it's aspirational. Who do we want to be? How do we want to build? How are we going to build it? What resources do we need? Those are some issues on the table that may be controversial. We have been talking about inclusionary rezoning for years. The developers would never love it. They just won't. They didn't like it back three years ago. I get it. But our job now is to build a city for the future with new tools, new strategies, new policies, and make sure that we help people along the way.

Ms. Eiselt said so, I have been listening carefully to what everybody has been saying. I've also been participating in UDO Meetings and Comp Plan presentations to the public for two and a half years, and a couple of you have also. I know that I have seen Planning staff at those meetings that I have never met before. Taiwo how many people would you say are in your department that worked on the Comp Plan for the past two and a half years?

Mr. Jaiyeoba said we have about 100 staff. I would say 50% of them.

Ms. Eiselt said 50 people have been working up, have been working on the Comp Plan for two and a half years. I want to thank them. We don't get to see them. We don't know who they are necessary, but we are ungrateful personally for the hard work. I absolutely agree with Councilmember Graham that are we going to expect to make some mistakes in this? Sure, we are. This is a massive plan that hasn't been undertaken since 1975 and maybe I know why now, right. Because it's awful. It's a hard thing to do and we're all talking about all of these other things that should be part of the Plan. We have to remember that we have to keep this at a high level because what we should be saying is, are we making sure that we have open and green space in poor neighborhoods, are we making sure to the point of infrastructure that their sidewalks are connecting to get them to those parks, do the schools know where we predict the growth to go so that they can plan. There's a lot of high-level concepts in a Comprehensive Vision Plan that should be

first and foremost in our minds when we pass this. We are getting into the weeds on things that we are not going to be able to solve.

I give the example of the Blue Line. The biggest criticism of the Blue Line was that we did not put enough pedestrian infrastructure in the South End to be able to get across the street. That's a big one, but nobody would tell you that the Blue Line was a failure. By anyone's standards, it's been a huge success, but we are going to admit that there were some big problems there that now next time we know we got to go in and fix. When we have the opportunity to fix it now, we have got to do that. I feel the same way about the Comp Plan. I absolutely support the idea that we need to look at infrastructure. That's what the mapping process is for. First of all, you have to start with a vision that at least six people agree to. From there you have to map it out and say, wait a minute.

There is no infrastructure there. We going to have to sacrifice some trees to put in some sidewalks, and that's what you do, so everything in the plan has to be flexible enough to allow us to do it. I do think when it comes to things like CBAs, I think it's a great idea to have a CBA discussion. It doesn't make any sense right now to say that an uptown building needs a CBA over 20 feet because I agree with you. Who is the one that is going to decide that? You can absolutely say, we going to talk about that and have ULI (Urban Land Institute) help us talk about whether it makes sense for anything in uptown over 20 stories to have a CBA. That's fine but don't lock us into that right now. So, I would second Mr. Egleston's comment or motion that we park that in the conversation CBAs that ULI is going to help us with and don't lock us into that. I'll remind everybody that the cities like Ashville, Nashville have put CBAs in place that was outside of their Comprehensive Vision Plan. So, when you talk about CBAs, when you talk about other tools that we could be using encouraging homeownership, we are not stopped from doing any of that. Even if we approve the plan as is. We still can talk about those things. But we can't add everything out there and save the world with this Comprehensive Vision Plan. So, I'm going to be supportive of it. I do ask that some of these things be changed.

I have said this the whole time. Don't lock us into something that cannot be changed. Give us the tools and again we are going to see an example of this in the rezoning tonight. Give us the tools to go, woo didn't see that coming, we got to make that change. If we can do that then it shouldn't be a year or five years from now. It should be when it comes up and as we need that to happen.

Dave Pettine and I have been talking about the impact about TOD neighborhood Centers on fringe neighborhoods. A couple of things have come up that the staff said they hadn't anticipated before. We should be willing to say we are going to change that. We are going to allow people to some say in that and change that. So, I don't know that there is a lot more to say about it. I think there is a lot of intentional good intentions in some of these comments and I support that. CBAs, I absolutely support that we should be saying other tools like Lytech, Tax Abatement, things like that, but otherwise the risk they have here is doing nothing. The status quo is not going to make your constituents happy. You think it might right here at the moment by not passing this Plan, but we are passing this on to the next generation and so, the status quo is not staying the same. It is losing out because we have rezonings that are happening every single month and they going to keep happening and we are going to continue to miss opportunities to make a change for the better.

Mayor Lyles reiterated all discussed suggestions for clarity.

Ms. Eiselt said can I make one clarification? I just want to say in my support for Mr. Egleston, I'm just saying I don't know if we should have CBA or not on buildings over 20 stories. That should be part of its ULI study. So, if that supports what you are saying, I'm saying take it out until we know what it is that it actually means.

Mayor Lyles said I would hope by listening very hard to everyone is to recognize that perhaps tonight has been another opportunity for us to have a conversation about the things that perhaps the staff attachments and information helped us really focused on what's important for each of us to have further discussion. What I'd like to suggest is that

we actually think about what's on the first page and I know that several people have described it as just a list for something that overall is not practical or shouldn't be, but that's not what I heard from the group. It was more around are we sure about what we would like to do with each of these and how do we make it work? I think that I would like to suggest this, one, out of those things that people talked about as well as what's on the attachment one list is to make sure we have the verbiage and the wording correct in a way that addresses what Councilmembers have asked for including those things that they have asked for that we are not aware of, and that we actually get that list this week out and with more clarity and more understanding around this because I'm not sure that everybody had a chance to really look at it in the context that we are taking it. Then May 24, come back and do the six votes. Now, that's just one option.

The other option is that we actually go through this list now and see where there are six votes and if we can narrow it down to those items that there are knowing that there may be more refining done for what we might want to do as a conversation today. So, two options to look at them all and let the staff listen and hear what everyone said and try to figure out what that was even if it means options for it, or the second thing is to try to narrow this list. I'm going to give an example. I believe the Infrastructure Advisory Council is a good deal and that's something I would say that we should do. It would merit this whether it's in the Comp Plan or not. It's something that would help us as we are talking about many bond cycles and what we're doing. So, I would be feeling very comfortable to say if there are six folks to do that to move that forward, but this is our option. Narrow down the attachment one list with those other ideas or come back and do them all at one time.

Mr. Egleston said just an idea on that point. I think more of these are foundational items. It might be some value in the things that might not need or warrant debate to give the staff some direction tonight on things like as principally as Item 44 on attachment one is, remove policy section 2.1 entirely. I think that is something that no amount of debates going change where any Councilmember stands on that issue. I don't think it warrants any debate. We've discussed it at nauseum. So, stuff like that I think if we take the vote and see where we are, it might guide us to a better place if we are pushing some of these other things it might necessitate debate or discussion. It gives us some clarity around where we are headed for next Monday if that's the will of the Council.

Mayor Lyles said thank you. It adds to the sense of what we are trying to do which is get to something that we are ready to deal with.

Motion was made by Councilmember Winston, seconded by Councilmember Watlington, and carried unanimously to commence the straw vote.
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Ms. Watlington said I just want to make sure in your capture that I was actually asking for the industrial component on page 76 to be moved to a straw vote item. Item 40 on attachment two.

Mayor Lyles said so, you would like to move that to a voting item?

Ms. Watlington said yes, ma'am.

Mayor Lyles said step one would be to vote for things that are on the attachment. We would have to have a separate vote to add things to this agenda tonight, which is why I was saying we can come back and get more details on the things that were not on the actual agenda. Does that make sense Ms. Watlington?

Ms. Watlington said I thought Mr. Winston was asking for us to just go ahead and vote on what on this paper and the things are still in contention or outstanding, we can go and get more data on or whatever. Similar to what Mr. Egleston was saying.

Mayor Lyles said so, we are going to move Item 40 over to be on page one. Is that what you are suggesting Ms. Watlington?

Ms. Watlington said yes.

Mayor Lyles said Item 40, got it.

Mr. Bokhari said if this is going to be the plan I think there are two points that I would like to make back to everything I just heard. One, is we keep saying, well things are aspirational and that justifies while we are leaving them in and why we might vote them right now in this straw vote. What I might say to that fact and to the point people keep making of we are getting into the weeds right now. We are forced into the weeds because we have been given two tactical elements and plan components to debate now with no data behind them. So, that's why we are in this spot. We can bring things up to a more actual aspirational level as the Ms. Eiselt just asks around CBAs and things, well we are going to wait for ULI. Well, there's two points there. One, ULI has said themselves they have nothing to do with the formal topic of CBAs, like that thing. They talk about community engagement. So, if we come to them about a legal construct, we are going to get nothing from that. It is merely another one of these tactics to make us say well okay, let's move past that.

The CBAs and other things like that, the statement of don't lock us into that right now. Well that my whole punchline of everything I'm talking about. Unless we know about it, why would we lock ourselves into it? Why wouldn't we talk about it at an outcome level and figure that out? The second point is the timing we are proposing to do this just right now. I don't feel like it's possible because it requires trust and trust just last week we had an entire discussion and we get back this document that says things like, if you adopt a plan without policy 2.1., there will be ripple impacts that talk about six to nine-month delays. I don't believe that. I literally don't believe that and back to the point of oh well there's no slight of hands and everything is above board and organically come up this way. That is absolutely incorrect and I actually the crux of it. On February 27, 2019, our Planning Director has put a tweet out that said our engagement on the 2040 Comp Plan begins next week. Your participation is key. This is your future. This is your Plan. Then within two weeks of that before it even starts, he starts posting tweets about the elimination of single-family zoning. Yet we are supposed to all believe that this is something that organically came through all of this outreach in the community.

My point on both of those is if we are expected to do something in this short period of time we have to trust the staff with a 90% of that iceberg below the water to go back and do the things that we don't have time to do and bring us that analysis back. There's no trust I have that that could be achieved on those two fronts. So, as we vote remember getting into the weeds and not backing ourselves into a corner and what are we going to trust as the takeaway when we have a track record of not being able to have that?

Mayor Lyles said Mr. Bokhari is pretty clear about his perspective on this. I just want to check in; Mr. Winston said let's just go through and do the straw votes. Is everyone prepared to do that? The vote was taken and recorded as follows:

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, Watlington, Winston

Mayor Lyles said we are going to start off on the straw votes on attachment one.

Mr. Jones said did you want to stay with your original proposal with the exception of the four items that were pulled that this will be much like a Consent Agenda.

Mayor Lyles said that's right. We are going to go back. If you want to see something besides the items that were, Items 39A, 41, 42, 44, and we are adding 40. So, a plus to adding item 40 which is on the second page, industrial areas don't have to be concentrated around the Airport.

Mr. Egleston said I don't know if Mr. Winston's motion contemplated this but he and I both have separate motions that are not on this sheet. So, I don't know if we take those as part of this list or not.

Mr. Winston said my motion is to adopt the Comp Plan. So, whatever works.

Ms. Watlington said I resign my second. That is not what you said.

Mr. Winston said not as a separate motion.

Mr. Egleston said oh we can vote on it.

Mayor Lyles said no, we can vote on it separately but okay what I want to do is by each of these there is a person's name or a Chair of a Committee. I would like for that person to actually put in play anything that's in the wording that would be different than what the staff has captured. Although Emily did a great job capturing on tape and video, I just want to make sure people are comfortable with the vote. We're going to go through this with the consent items that need to be pulled out. So, make sure you look at it. So, we have already got 39A, 41, 42, and 44. So, are there any items on this agenda that anyone would like to have a separate vote on?

Mr. Egleston said again I just need to clarify if the new thing that I have proposed and Ms. Eiselt is seconded would be considered part of the consent group that we vote on or whether it would be held out as a separate vote. Either way, it is fine. The uptown height restrictions.

Mayor Lyles said I think that what Ms. Eiselt said is that that would be a part of the study.

Mr. Egleston said right which is why I want to move all of the references to height restrictions. She said that that is a concept that will be contemplated, I think she was saying, that that would be a concept that would be contemplated in the study and is not one that should be locked in, in this Plan now. Which is in line with what I am saying.

Mayor Lyles said what I would like to say about this is if we are having something new we are going to have to put that on the next agenda because we didn't have notice for everybody to see this in advance.

Mr. Egleston said yes, we are not approving the final document now. So, my thought would be maybe I don't have six votes. If I don't have six votes the staff don't have to waste their time doing it, but if there are six of us that say that that is something they agree with then they would. I don't want to waste time if I don't have the votes.

**Patrick Baker, City Attorney** said that's really the will of the Council. Item 40 was added because it was unanimously approved by the Council to do that. Typically, when we are talking about an agenda and using attachment 1 as the agenda, anything that is going to be added to the agenda would need the unanimous consent of the group.

Mayor Lyles said alright so, is the unanimous consent to add the center City height issue to the agenda?

The vote was unanimous.

Mayor Lyles said there is no one opposed so we will add the Center City height restriction.

Mr. Bokhari said 51 please Mayor.

Mr. Egleston said as a separate vote.

Mayor Lyles said as a separate vote.

Mr. Egleston said thank you.

Mr. Driggs said I would just like to ask that we consider 39A and 39B. The general point there is that we got input from industry people about some features of the plan that just

won't work for them. The block links were an example. So, I would like us to talk about making the plan in practical terms more feasible for the industry.

Mayor Lyles said Mr. Driggs has pulled item 39B in addition to 39A.

Mr. Winston said could we just pull number one as a separate vote?

Mr. Newton said I wanted to ask about the workforce development language. You had mentioned it earlier. To Councilmember Egleston's point, I don't know if that was something that was going to be included in the Consent items or if it needed to be something added.

Mayor Lyles said these were items from last week. Did you just email that out last week?

Mr. Newton said that was on Wednesday. I feel confident that there will be six votes and if we need to take it to a vote to the Council unanimously to put it on tonight, I guess maybe we should do that. I'm getting a head nod from the Manager.

Mayor Lyles said okay you are making a motion to add this to the list.

Ms. Eiselt said that's what I was saying. To me, I don't really see that as a place in the Comp Plan that that absolutely could be a discussion that we have in workforce development. I support the idea of having that, but not necessarily in the Plan.

Mr. Newton said it's the language that is already in the plan to be amended. It's page 128 of the Plan.

Ms. Watlington said I just want to say we are now debating it. So, have we put it on the agenda?

Mayor Lyles said no we have not. We were questioning and she was commenting on the motion. The motion has been made. All in favor of adding it to the agenda please raise your hand for tonight. If you don't it will go on the agenda for the 24<sup>th</sup>. There are seven votes and we need everybody. It has to be unanimous so, it is not unanimous. It will go on the agenda for the 24<sup>th</sup>, and that will give you some time to get this wording correct and talk to everyone more about it.

Ms. Johnson said I was confused why we needed that vote for Councilmember Egleston's request. So, now that this has been debated, I really would like clarification on why we need to vote to put this on the agenda when this document is part of the agenda. It appears to me that this is already on the agenda.

Mayor Lyles said the City Attorney is talking to a Councilmember. Mr. Baker Ms. Johnson said why do we need to vote to put things on the agenda under our procedures?

**Patrick Baker, City Attorney** said I understand and again this is essentially how you have done your agenda before. You had attachment one, which was the result of the conversation that you had the last time you went through this Plan. The point today was to, you had the five votes to get to the point where you have the straw votes now and that's the agenda that you had going forward. So, if you take what you typically use as your agenda if you're going to add something new to it that wasn't either discussed at the last time or didn't get the votes necessary that would be something by unanimous consent and obviously if you don't do it tonight then you can do it next week. It would be added to next week's agenda if that's the will of the Council.

Mayor Lyles said so, now I think we are ready to begin the straw votes.

Mr. Bokhari said and item 51, please.

Mayor Lyles said 51 for a separate vote. Got it.

Ms. Eiselt said item 53 for a separate vote.

Ms. Eiselt said they are not in order.

Mayor Lyles said there being tracked by the number. I will go over the ones that we are going to have a separate vote on at the end.

Mr. Bokhari said the one that Ms. Eiselt just said, number 53, is not the wording I brought forth for approval last week.

Mayor Lyles said that's what I said. Yours was not.

Mr. Bokhari said mine was the one we voted on and then I checked the record. Then there was some quick commentary between you and some others that said oh yes, it's economic development, and that what we approved. We approved my wording.

Mayor Lyles said I didn't say that. I said I remember saying I support economic development analyses and talked about who should do it.

Mr. Bokhari said that was after we voted on my item though.

Mayor Lyles said I think that we have had a review of it.

Mr. Bokhari said clearly.

Mayor Lyles said we had a review of that and I think there's a disagreement with what you are saying. I think if you want to add something it's probable best to do it by saying that I'd like to have something either unanimously voted to support on the agenda or put it on the agenda for the 24<sup>th</sup>.

Mr. Bokhari said I will try that if you like, but it was the one we voted on last time. So, I would like to add the thing that we voted on last time back to the agenda. Would you like me to reread the wording?

Mayor Lyles said yes.

Mr. Bokhari said to create an ongoing economic and fiscal impact function across all City Departments in relation to their touchpoints with the Plan, manage within the Economic Development Department that serves a separate independent function task with performing and reporting their impact analysis to Council prior to being codified into the former planning documents; Comp, UDO, etc.

Mayor Lyles said alright you have heard Mr. Bokhari's request.

Ms. Eiselt said may I ask for clarification. Would that mean that that creation had to happen before we passed the Comp Plan or as part of passing the Comp Plan, we agree to do that?

Mr. Bokhari said we would agree to do that on any items that have material economic and fiscal impacts that are specifically stated.

Mayor Lyles said you need unanimous support to put it on the agenda or at least five votes to put it on for the 24<sup>th</sup>. It is not unanimous, it only had three votes.

Ms. Eiselt said I mean, can I go back because I was pulling that one because I thought we were talking about something a little different.

Mayor Lyles said it has been pulled.

Ms. Eiselt said so, the clarification that I'm looking for is I'm not opposed to economic analysis, but I have said before that I think you do it during the mapping process because

if it's next week versus five years from now it's going to be fundamentally different. So, if what you are saying is that process can take place at various times and not prior to the Comp Plan being approved. Having done for the whole Comp Plan I can't vote for that.

Mr. Bokhari said I never meant for the whole Comp Plan. I did mean for it for material items like, how single-family zoning being abolish would impact affordability. However, if it makes everyone more aligned to it certainly I would be okay with pushing that back. I think the key point is the economic development function of the City and other departments have to be brought into that. It cannot just be a Planning Department item.

Mayor Lyles said I want to say this, in my opinion, if the Council is going to ask for an impact study the Manager has the responsibility for outlining the context and understanding the intent of Council and that we don't designate departments to participate until we actually know the content and the context and then it is a management function to actually outline accountability and responsibility for it.

I can't direct you to change the garbage system and I can't direct you or anyone else to say that we are just going to do it this way. That's why I supported the idea because I'm not quite sure why it was economic development and all departments. I thought who would be the lead on it and how would it work? Would it be very contingent upon what the resources are and what we are trying to accomplish and I'm not quite sure that I understand.

Mr. Bokhari said we approved it last week and if we can't go by that then obviously that's fine. We can all do what the status quo demands of us.

Ms. Johnson said on that issue, I don't know if you counted my hand.

Mayor Lyles said Ms. Johnson it's already been pulled for a separate vote. So we will be coming back for it.

Mr. Bokhari said no.

Mayor Lyles said yes, it's already been asked as a separate vote by Ms. Eiselt.

Mr. Bokhari said okay.

Mr. Newton said I'm trying to understand. I thought I saw everyone's hands up before when we were talking about the economic development piece. I just asked the City Clerk about that. We don't know who voted against it. Was it the people virtually? I asked who it was and I never got an answer. No one, not even the Clerk doesn't know.

Mayor Lyles said Madam Clerk are you not being able to record the full number of who was voted for or against on which Item?

Mr. Newton said but I counted everyone's hand in here up.

Mr. Phipps said how many votes we need? You need a unanimous vote, right?

Mr. Newton said you need a unanimous. So, did you not vote for it Greg?

Mr. Phipps said no I did not raise my hand for it?

Mr. Newton said so it was Greg.

Mayor Lyles said Mr. Newton, Mr. Winston did not vote for it.

Mr. Newton said I thought Mr. Winston did. So, it was 10 to 2.

Mayor Lyles said that's why I say on May 24<sup>th</sup>, okay.



Mr. Newton said okay. I just wasn't sure who voted against it cause we didn't see it in here.

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt, to approve Items 7,8, 9, 10, 19, 11, 35, 36, 37, 50, and Item 40 for inclusion in the 2040 Comprehensive Plan Discussion, with the exception of Items 39A, 39B, 41, 42, 44, and Item 51 which was pulled for a separate vote.

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

YEAS: Councilmembers Ajmera, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, Watlington, and Winston.

NAYS: Councilmembers Bokhari, and Driggs.

The following items were approved:

**Item No. 7: Incorporate How Public Investments Benefit Home Ownership In Policy Section**

1.6 Continue to undertake and expand inclusive neighborhood planning processes, particularly in underserved communities, to incorporate plans for improved connectivity; prioritize public investments such as bicycle facilities, sidewalks, transit stops, and parks; and identify appropriate locations for food opportunities, shopping, and community facilities. (cross-reference: Goal 3 and Goal 5)

**Item No. 8: Strengthen Sections 1.9 And 1.18 Regarding Stormwater**

Stormwater 1.9 Through the implementation of the Tree Canopy Action Plan, ensure adequate structures, systems (large tree wells or planting strips, structural soil or suspended pavement systems, etc.) and resources for maintenance are provided to support large healthy tree canopy along streets that will shade pedestrians and provide community benefit. (cross-reference: Goal 7)

**Item No. 9: Strengthen Sections 1.9 And 1.18 Regarding Stormwater**

1.18 Evaluate the impact of 10-minute neighborhood development policies on Ensure the implementation of 10-minute neighborhood development policies align with the Stormwater Master Plan, promote the health of stormwater features (creeks, wetlands, stream buffers, floodplains, and drainage infrastructure), and seek opportunities to reduce costs and maintain stormwater management objectives. (cross-reference: Goal 7)

**Item No. 10: Incorporate the Formation Of An Anti-Displacement Commission In The Plan**

**Item No. 19: Commission to Be Appointed To Develop Recommendations For The Implementation Phase Of The 2040 Plan**

**Item No. 11: Incorporate the Formation Of An Anti-Displacement Commission In The Plan New Policy:**

Ensure that landlords, particularly of affordable housing units, maintain a habitable premise as part of the State Landlord and Tenant Act.

**Item No. 35: Create the Equitable Economic Growth And Infrastructure Investment Commission**

**Item No. 36: Strengthen Language Around Home Ownership (Goal 3)**

**3.13** Continue to strengthen and expand expanding and promote access to homeownership opportunities for residents.

**Item No. 37: Strengthen Language Around Home Ownership (Goal 3)**

New Policy: Raise awareness of existing City programs supporting homeownership such as the Down Payment Assistance Programs through HouseCharlotte and Community Heroes.

**Item No. 40: Industrial Areas**

Don't Have to Be Concentrated Around the Airport

**Item No. 50: Strengthen Homeownership Language to Include the Role Of The Financial Sector:**

Bring All Partners to The Table

**Item No. 1; Add a preamble to the Plan that describes the purpose/intent of the Plan, delineating what's aspirational in the Plan**

Mr. Bokhari said do we know what that means because clearly just handing a statement that simple over to staff will bring us back problems. Is it exactly as written today?

Mayor Lyles said yes unless there are some technical corrections. Yes.

Mr. Bokhari said very well.

Ms. Watlington said yes, I just wanted to know exactly what we were approving.

Motion was made by Councilmember Egleston, seconded by Councilmember Newton to approve Item #1 2040 Comprehensive Plan Discussion.

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

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, and Watlington.

NAYS: Councilmember Winston.

**Item No. 51: Augment 10-minute Neighborhoods to not only consider things like brick and mortar grocery stores rather the means by which Charlotteans will get their amenities by 2040.**

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, to approve Item 51 included in 2040 Comprehensive Plan Discussion.

Mr. Phipps said I'm trying to figure out what does this actually mean? I mean what is this saying they want us to do. To give more choices or to consider other things than a brick and mortar structure? Is this just for a grocery store or is this just for any amenities that we are trying to pursue by 2040? I'm trying to figure out what is the broad context is this trying to project.

Mr. Bokhari said that the broader request was to leave flexibility in the wording so that if it's just access to the amenities. Not necessarily saying by 2040 you will have to have a 10-minute walk or bike ride to them. In my specific example that we know today was simply grocery stores with Instacart and Amazon, you can get access to grocery stores today in 2021 without having to have it brick and mortar. So, just slightly augment the wording there to include something like and or access to those amenities by other means so that we don't codify brick and mortar is the only way and we are walking to everything.

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

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, and Watlington.

NAYS: Councilmember Winston.

**Item No. 53: Economic Analysis Prior to Implementation**

Motion was made by Councilmember Eiselt, seconded by Councilmember Egleston, to approve economic analysis prior to implementation.

Mayor Lyles said I think Ms. Eiselt asked for a separate vote on this.

Ms. Eiselt said I did ask for a separate vote and I would like to make a substitute motion for that item to say an Economic Analysis prior to implementation for – I would like the wording to say Economic Analysis after the mapping has taken place for a particular area, whatever is being mapped so that – you are talking about specific areas, not prior to implementation of the Comprehensive Plan. So, you could say Economic Analysis prior to implementation phase, but not contingent upon passing the Comprehensive Vision Plan.

Substitute motion was made by Councilmember Eiselt, seconded by Councilmember Egleston, to approve Economic Impact Analysis prior to adoption of UDO based on place type mapping including opportunity cost.

Mayor Lyles said I thought you said an economic analysis after mapping of each place type. I'm not sure. Tell me again. Madam Clerk could you read what she said?

Ms. Kunze said I am having the same issue.

Ms. Eiselt said I guess I need Taiwo because I want to make sure that's something that could be done.

Mr. Jones said what heard you say is an economic analysis prior to the implementation phase which Taiwo to make sure that I get this right. Is that volume two?

Mr. Jaiyeoba said that is the UDO.

Mr. Jones said so, prior to the UDO.

Ms. Eiselt said by area. So, not the whole map.

Mr. Jaiyeoba said so, it will be done after place type mapping.

Ms. Eiselt said after place type mapping and not contingent upon passing the Comprehensive Vision Plan.

Mayor Lyles said right I had an economic analysis after the mapping of each place type plan. Is that correct?

Mr. Jaiyeoba said Economic Impact Analysis prior to the adoption of the UDO is what you want to say.

Ms. Eiselt said for each place type?

Mr. Jaiyeoba said yes, for each place type.

Mayor Lyles said okay, economic. You used a different word than analysis.

Mr. Jaiyeoba said yes economic impact analysis prior to the implementation. Sorry, for the adoption of the UDO base on the place types mapping.

Mr. Phipps said I thought at the last meeting last Monday, I thought someone said something about if we are going to do an Economic Impact Analysis we also have to more or less access the cost of status quo or doing nothing.

Mayor Lyles said I did say that Mr. Phipps. The cost of doing nothing was the opportunity costs, I think. I did say that.

Mr. Phipps said is that going to be something that is a part of this because that is a consequence. The consequence is to not do anything or stay the same or to enact various aspects of the claim as it is presented.

Mr. Jaiyeoba said there will be a best case.

Mayor Lyles said is that acceptable to the motion maker?

Ms. Eiselt said yes.

Mayor Lyles said economic impact analysis prior to the adoption of the UDO based on place type mapping including the opportunity cost period. I think you can just say that.

Mr. Driggs said I just have a concern that we are not going to find out what the implication is of all of this until very late until we have basically done it. Seems to me that there ought to be a level of impact analysis that gives us a guidepost sooner than that. I mean if we wait until it's all over and then we say, oh wow look what happened. That's not what we wanted. So, I'm hoping that we get some sort of what I call the reality check in our last meeting. Some kind of indication experience of other cities or the thoughts, I'm sure there are experts who have worked in this space and would be able to tell us a lot about how this is likely to play out. So, I don't want to get too hung up on exactly what economic impact analysis means, but we are flying blind right now.

As Mr. Bokhari pointed out, a couple of us have tried to throw up a few charts just to illustrate a point, but we don't have an analytical or data environment on the basis of which to access how this is going to play out and that's the thing that I am hoping for however way we find it. I'm not sure that the current proposal meets that.

Mayor Lyles said is it possible for Mr. Jones to find some examples of these types of studies, whether they be for transit lines, or UDO, or Comp Plans? Is there something out there in your sphere of the large cities that you think you can bring back an example or at least show us an illustration of what it might be?

Mr. Jones said yes Mayor and to Councilmember Driggs's point, very quickly we could figure out the time frame for what a good analysis will be. I agree with you, you don't want it so late in the process and it becomes unuseful. So, I can do that, yes.

Mr. Driggs said we have consultants[inaudible]

Mayor Lyles said I think that's a good comment that we actually asked for that information and get some examples. That's a good idea.

Ms. Johnson said I just want to clarify when are we going to get the information, because what Mr. Jones said we are going to get it prior to going too far down this path. We will have some idea of the economic impact, but Councilmember Eiselt qualified the timing when she wanted it. It sounded like two separate times. So, I just want to clarify what we are voting on right now.

Mayor Lyles said so I think that what Mr. Jones is doing is we have a date in this, but he is going to get studies that he would believe are relevant and I know that we have all gone around a lot on this, but if I would like to say that we have some questions and what I wanted to say is that, in the month of July that the Manager actually come back with some idea about increasing the Council and the community engagement as we take these next steps. So, I would hope that we get as a result of this the analysis of what we did well and

what we need to do differently and that includes data and information that we should be having. I hope that this is a request of the Manager just like many of us make the request of the Manager to help us with defining better what we are doing and the motion is to lead towards this, but I think Mr. Jones has agreed to do the work that was requested by Mr. Driggs.

Ms. Johnson said so, is it necessary to qualify that time frame? Can't we just ask for the Economic Analysis and when Mr. Jones brings back the information, then we could make a more informed decision since we are not actually doing the vote tonight?

Mayor Lyles said I didn't understand him to say he was doing the Economic Analysis. He was going to give us examples.

Ms. Johnson said exactly. So, if we learn that it is wiser to do the Economic Analysis prior to the place types, then I think we would want to do that. If he's going to bring us examples with more information how about the pros and cons of when the ideal time to do that is.

Mayor Lyles said I think when Mr. Jones brings us the information we can bring this back. We can always come back, that's what we are talking about rapidly adjusting. So, when he brings the information back, we could certainly amend our time frame.

Ms. Johnson said I would like to make a substitute motion.

Mayor Lyles said it is already a substitute motion on the floor Ms. Johnson.

Ms. Johnson said what was the original motion?

Mayor Lyles said the original motion was Economic Analysis prior to implementation. What was on the paper that was amended.

Ms. Johnson said okay. I would like to remove that language and maybe I just don't vote for Ms. Eiselt and go back to the initial.

Mayor Lyles said just vote against it, you can't amend it, you would just have to vote against it. Alright we are going to vote on the substitute motion for Item No. 53.

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

YEAS: Councilmembers Ajmera, Egleston, Eiselt, Graham, and Phipps.

NAYS: Councilmembers Bokhari, Driggs, Johnson, Newton, Watlington, Winston.

Without six votes, the motion was not considered.

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

YEAS: Councilmembers Driggs, Egleston, Graham, Johnson, Newton, Phipps, and Watlington.

NAYS: Councilmembers Ajmera, Bokhari, Eiselt, Winston.

**Item No. 39-A: Remove Block Lengths Provision for Industrial Sites and Create Criteria in Consultation with Industrial Developers;**

**Item No. 39-B: Consider other Changes Recommended by Industrial Representatives**

Mr. Driggs said I'm referring specifically to where it says 600-1,000 feet or whatever, but that may have been changed. So, I don't know what the latest version is on that.

Mayor Lyles said you make it your version.

Mr. Driggs said that we establish those block lengths in consultation with industrial developers so it's not to create a situation where an Amazon thing can't happen because we have a rule that says that the block can't belong such and such.

Mr. Bokhari said they have made it 1,500 feet now.

Mr. Driggs said I know. I don't know if that is the right number, but they made it 1500 because it was wrong the first time. I'm not aware that the people that know about these things have actually agreed that 1500 is the right limit. So, all I am saying is that I would like us to establish what that number is.

This gets back to the aspiration versus the detail stuff. Why is there a number of feet in an aspirational plan? Why don't we say we have block lengths that are consistent with our other priorities for land use and then weigh later about what the limit on that is. That's the kind of detail that really doesn't belong here in my mind. All I'm saying here is that the industrial provisions of this will be developed with more impute than is evident so far from the people that actually do this type of development and this is not something especially political or anything it's just practical. If we have rules in here that don't work for the people who chose sites for their industrial facilities, we are handicapping ourselves. So, my motion is that we establish the industrial guidepost in consultation with people who create these sites.

Mayor Lyles said so, establish industrial criteria in consultation with industrial developers.

Ms. Eiselt said I'd like to ask the staff are able to map something, can you map that? I mean I support the intent.

Mr. Jaiyeoba said we have the purpose of the UDO, the conversation that the Ordinance Advisory Committee will have will be to establish a number. So, when that conversation was pushed it from 1,000 to 1,500 but also understanding that we will have a language that provides additional flexibility based on site conditions.

I am good with what Councilmember Driggs said, that we are going to consult, maybe through the OAC (Ordinance Advisory Committee). We consult with industrial commercial partners and the OAC to make sure that language as well. We will need a number during the UDO. We can have that conversation with them.

Mr. Driggs said so, if we approve this you can do it? Is that what you are saying?

Mr. Jaiyeoba said yes if you okay with the language we can.

Mayor Lyles said it will be done in consultation, but there will have to be a number so that you can have the mapping. That's what I think he says, Mr. Driggs.

Mr. Driggs said I think I am hearing that we can do that consultation. That's my concern.

Mr. Jaiyeoba said yes sir. We can.

Mayor Lyles said are we combining No. 39A and 39B?

Mr. Driggs said that would cover those two.

Mr. Phipps said I know that this particular item was the subject of some comment in the 13-page document that was given to us by the Real Estate industry and to the extent that there are similar items within these documents that we haven't called out and pulled out, will there be any kind of attempt to look at these items to disposition them or are we just pulling out the ones like this one that we are paying attention to, but there could be others that would be similarly situated that would deserve some sort of review?

Mr. Jaiyeoba said most likely yes. That's another benefit for having the recommended draft that you will get to see where some of these changes will be reflected. So, we are going to hear from the development community again once that draft comes out. During that two-week period have the ability to make additional comments. So, you are correct Councilmember Phipps.

Ms. Watlington said on that point, we've already got the comments from the development community. So, if we haven't put them on this paper yet, shame on us. If you reviewed it and you saw things in particular, this is where we should be having those conversations to ask them to come back and make more comments. I think would be the rework for them.

Mr. Jaiyeoba said yes.

Ms. Watlington said sorry Mr. Jaiyeoba. I was referencing what councilmember Phipps said. So, what I'm saying is that if there are in each of our original reviews of their comments, if there were other things now would have been the time to put those up.

Mr. Jaiyeoba said you've discussed a couple of them tonight. One is the 20 plus.

Ms. Watlington said right, I'm clear. I'm on board with what you are saying Mr. Jaiyeoba. I am just saying that I don't want us to miss the moment thinking that somebody else is going to tell us what needs to be reviewed. Were there particular things Mr. Phipps that you were [inaudible]?

Mr. Phipps said no, it just seems like it was several other items listed that pertained to manufacturing and logistics for example that to the extent that that one was brought forth. I'm wondering how we are looking at the other items, the other considerations that they put forth, not only in that section but in a lot of the other sections as well. Is there going to be a process where this is reconciled in some kind of way?

Mayor Lyles said Mr. Phipps I'm going to make a suggestion here. The staff is going to work on technical corrections to this and those things were in the development, I thought there were 19 pages, but maybe 19 points, the staff should review and bring anything back that is a technical correction.

I think Mr. Driggs had a specific conversation about this and it was warranted and I think that there are a few more that he is suggesting that we take a look at. We just need the staff to come back with what they believe are the technical corrections for that, that would address it. If it's not going to be addressed they can let us know that as well.

Mr. Phipps said I appreciate the clarification.

Mr. Driggs said that was my point. We are not limiting ourselves to block length. We're going to have a further conversation because you don't do it all at once about some of these other issues. That's all. That would be the place where that happens.

Mayor Lyles said yes.

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, to approve 39-A Remove block lengths provision for industrial sites and create criteria in consultation with industrial developers; and 39-B Consider other changes recommended by industry representatives.
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The vote was taken on the original motion and recorded as follows:

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Graham, Johnson, Newton, Phipps, and Watlington.

NAY: Councilmember Winston.

Mr. Jones said may I suggest we save items 41, 42, and 44 for last? We have two additional ones, the center city separate vote as well as number 40.

Mayor Lyles said yes.

Ms. Watlington said I thought 40 was included in the consent.

Mayor Lyles said I'm sorry I have too many people talking.

Stephanie Kelly, City Clerk said 40 was included in the consent agenda.

**New Item: (Center City Height)**

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, to remove all reference to height restrictions in Uptown (277).
--

Mayor Lyles said Center City?

Mr. Egleston said Center City uptown, yes.

Mayor Lyles said I just wonder are there maps that define the Center City?

Mr. Egleston said it currently uses the term Uptown, which I take to literally mean inside of 277.

Mayor Lyles said so Uptown is inside of 277. So, eliminate the height restrictions in that document.

Mr. Bokhari said the point here though is we've just cherry-picked one item out. This plan is full of different height limitations all throughout the place types. So, we just called out one of them. I mean, it is fine I'll vote for the one. I think we all probably to think about all of the other places that it says limitations to seven or eight stories and certain other places. We've never even had that discussion.

Ms. Eiselt said I mean, correct me if I'm wrong Taiwo, but I don't think that precludes people from coming back and asking for rezonings or density bonuses. This was in particular, because of the CBA issue.

Mr. Bokhari said and because Uptown is very unique in our City compared to any other part. So, to me, it's more. It makes far less sense than we would put those sort of limitations in Center City and that we might consider them elsewhere.

Mr. Driggs said I support the motion. I would just point that Uptown over time is going to extend past 277. I'm thinking particularly of the Charlotte Pipe location. So, I hope the plan will be clear when it refers to Uptown about what it means.

Mr. Bokhari said well it's not entirely within 277. It's half and half.

Mr. Driggs said alright it has to be a defined term.

Mayor Lyles said well that's what being able to adjust, yes.

Mr. Bokhari said if you play this out by their logical end games we would approve 20 story limitation Uptown, which is what this says or anywhere in town, seven or eight in other places. The problem with that is, that would then dictate policy and UDO, which then we would be in a spot where if someone brought us an Uptown building with 21 stories it would say, the City staff does not support it because it is inconsistent with the plan.

Mr. Egleston said that's why we are taking it out right now.



Mr. Bokhari said you are taking it out of one spot though. I agree with that. I'm saying that doesn't fix the plan. The plan is still broken just so we are clear.

Mayor Lyles said I think you have been very clear.

Ms. Ajmera said can I just hear from our Planning Director as to what are his thoughts on this in terms of incorporating this into the plan.

Mr. Jaiyeoba said I'm a little concerned about that. I will be honest with you because the reason why we heard from the development industry in that 13-page letter that Councilmember Phipps talked about, so in the plan, we've amended that 20 to be 20 plus, but we also want to make sure which means you can build beyond 20. All we are trying to tie it to is what benefits can you as a city secure as a result of that. Again, yes it is true that building high is a benefit on its own. Perhaps there are other benefits in Uptown that can result from building beyond that. So, I will say this is what I will offer up if that works for Councilmember Egleston that we can discuss the heights specifics in the UDO. Right now we are looking at 500 feet tall but were we are tying it to bonus, and I think that's pretty tall even for Uptown, but we want to make sure that if you build higher we can give you some bonus for doing that. The UDO would be a really great place to begin to have those specifics kind of like we discuss with the block lengths if you feel that that will meet the expectations.

Ms. Ajmera said to follow up on that Taiwo, when you are talking about the bonus you are talking about affordable housing, that kind of benefits.

Mr. Jaiyeoba said yes.

Ms. Ajmera said okay. Mr. Egleston, would you like to modify your original motion to what Taiwo is recommending?

Mr. Egleston said not particularly.

Ms. Ajmera said okay well I make a substitute motion to what Taiwo just suggested.

Ms. Watlington said can you repeat it once more?

Mr. Jaiyeoba said so, what I will say is that we will discuss height specifics for Uptown in the UDO and with options to be able to build higher provided there are certain community benefits. Let's just put it that way. If you don't want to use the word community benefit, that's fine, but we just want to make sure that it's tied to some type of benefits like affordable housing, a provision of a Plaza, or applied to something like that.

Substitute motion was made by Councilmember Ajmera, seconded by Councilmember Watlington, to discuss heights specifics for uptown in the UDO with options to be able to build higher tied to benefits (i.e. affordable housing).
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Mr. Egleston said I think one of the other things that's referenced I think everybody on this Council understands the need for affordable housing throughout our community. That's one example. Another example is talking about open space or built environment on the actual site. Clearly, if Honeywell comes in and builds a headquarters there's not going to be affordable housing in that headquarters building. So, presumably, the ask would be that we would expect Honeywell to donate to the Housing Trust Fund or something to be able to build over 20 stories.

I think there are a lot of examples where we've seen these companies come in, Honeywell is a great one, and create a lot of community benefit in the things that they have invested in and the projects that they have made come to fruition. I have no doubt that if we said Honeywell needed to give, I mean I guess it depends on the amount, but that they needed to donate to the Housing Trust Fund to build over 20 stories, they would probably be open-minded to that, though they might find it strange.

If it's about the built environment on the site then I think that needs to be part of our code certainly, but just as an expectation for our building code. I still think that we are hampering ourselves in terms of the vision we're creating for Uptown to say that to in any way discourage the density that will help prevent sprawl, would help us build a more sustainable City overall by concentrating a lot of the growth that is inevitably going to happen in Uptown and particularly because of Uptown is where two and soon three of our major Transit investments will all intersect. So again, for me, there's benefit in the density in and of itself. I think any language that discourages it is inadvisable.

Ms. Ajmera said I just wanted to follow up on that. So, the intent behind the bonus here and the benefits here is for us to incentivize housing, sustainability initiatives, environmental green initiatives, infrastructure, and so on. So, Taiwo am I correct in that, that's the intent behind offering that bonus?

Mr. Jaiyeoba said yes, it is. Again, it is very similar to what you have with your TOD. So, that's the intent. Again what we are saying now is really saying if you build over 500 feet, which is really taller than the 20 stories that you have now in the plan. So, you are correct that is the intent. If you were to build over that we would like to see how to participate in affordable housing.

Ms. Ajmera said I guess we often talk about regulations are not good, let's incentivize. Here is the opportunity. I mean, I don't see an issue where we are incentivizing that if you incorporate affordable housing, or if you incorporate EB chargers, just for an example, or other sustainable initiatives that align with our SEAP (Strategic Energy Action Plan) goals then you will get the higher height. I don't see an issue with that.

Mr. Egleston said are you using 500 feet as a synonym for 20 stories?

Mr. Jaiyeoba said no, I am saying that we have changed that based on what we had from the development industry with regards to that particular number. So, you won't see that obviously in what you have in front of you, but if you notice in our response that I sent to them a couple of weeks ago we did mention that we have revised that number the same way we referenced the 1,500 feet that's been revised.

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

YEAS: Councilmembers Ajmera, Graham, Johnson, Newton, Phipps, and Watlington.

NAYS: Councilmembers Bokhari, Driggs, Egleston, Eiselt, and Winston.

Mayor Lyles said I do want to say that I remember when the Baseball Stadium was approved and that was supposed to be our Central Park. Now we have Romare Bearden Park and that's pretty much it. Our Central Park was supposed to run from the Baseball Stadium up to Tryon Street, and I just really wonder if we are ever going to recapture any real major open space and how do we do it. I think that that's one of the things that we have to think about as we are going through this.

Our next Items are 41, 42, and 44. Now I think that if we have a discussion and I think Mr. Egleston has said this pretty clearly if we take 44, we will know whether or not we have to deal with 42 and 41.

Ms. Watlington said I'd like to propose the opposite of that. I think if we can modify 2.1 to something that is acceptable to the group we don't need to remove it.

Mayor Lyles said I'm just stating what I thought.

Mr. Winston said I like to take a motion to have a straw vote on number 44.

Ms. Johnson said Mayor, I could withdraw 44. The point was to address the single-family exclusion to have some protection over that, but as long as we are modifying it.

Mayor Lyles said no, we have to vote now Ms. Johnson. So, we are going to go ahead and vote on removing the policy.

**Item No. 44: Remove Policy Section 2.1**

Motion was made by Councilmember Winston, seconded by Councilmember Bokhari, to remove the policy section 2.1.

Substitute motion was made by Councilmember Watlington, seconded by Councilmember Johnson, accept the recommendation from the equitable communities Charlotte to allow duplex and triplex housing units on all place types where single-family housing is allowed and require conformance with residential lot size requirements, setback requirements, and other site development standards specify withing the UDO Ordinance, develop at least one zoning district within the UDO to allow single-family only, with duplexes allowed on corner lots.

Mayor Lyles said I'm going to have to ask the City Attorney under procedures and the rules and how we do our business about the substitute motion because I do believe that it deviates into the idea of changing proposing modifications which we have also called a separate vote.

Mr. Baker said so, since 44 was put on this agenda last week and the motion was made specifically to vote on the item as printed, the substitute motion needs to be directly pertinent to the motion that was made. I'll be candid with you, I'm not sure all of what was said, but it sounds like it went well beyond the issue of whether to remove policy section 2.1 in the motion. So, in that sense the substitute motion my recommendation would be out of order because it's not directly and specifically to the motion that was made.

Ms. Watlington said the point of order. My question here would be just to verify.

Mayor Lyles said Ms. Watlington Mr. Egleston hand his hand up first, I'm sorry.

Ms. Watlington said it's the point of order. [inaudible]

Mayor Lyles said Mr. Egleston was recognized. We could have a point of order after his recognition.

Mr. Egleston said my question for Patrick that back away a step from this particular substitute motion would be if the motion that Mr. Newton made, the motion that Mr. Bokhari tried to modify earlier and both we deferred to next week, would a substitute motion by virtue of the fact that it is not on here for us to have previously considered prior to this meeting even be order at all on any of these?

Mr. Baker said I don't believe that it would is my answer on that particular piece, but again what you did last week was to put forth these particular motions that were going to be voted on today. So, that's why these things sort of came in and why Ms. Eiselt started off her motion with a substitute motion because what you voted on last week was the motions that were going to be considered this week. That was my understanding of what you did last week.

Ms. Watlington said so, tell me how that is different from what just happened? I'm talking to the City Attorney.

Mayor Lyles said I'm just asking which one are you saying is different from or to Ms. Watlington.

Ms. Watlington said the one he just said and talked about, Ms. Eiselt's previous substitute motion. So, I'm trying to understand what is different about the substitute motion that I just offered versus all of the substitute motions that we just voted on.

Mr. Baker said what I heard was a substitute motion that included a number of things outside of Mr. Winston's motion. A proper substitute motion is direct as a substitute to the specific motion that was made as opposed to bringing new elements into the substitute motion.

Mayor Lyles said I think the comparison she's asking about is on the fiscal one we had economic analysis prior to implementation and the vote was on an economic impact analysis prior to UDO with opportunity cost. I think she's asking what's the difference between the two.

Mr. Baker said and in that sense again what you did last week, this is the item that was received at least five votes last week, was economic analysis prior to implementation. That would have been the motion going forward and that's why you started that one out in particular with a substitute motion to do something as it related to when the economic analysis was going to be made. That's what that motion was about, which was directly related to the motion that's on the paper.

Ms. Watlington said okay. Then my second question is clarify for me. There was a motion on the floor to vote on 44 first.

Mr. Baker said yes.

Ms. Watlington said did we vote on that?

Mr. Baker said no.

Mayor Lyles said that is the motion that Mr. Winston just made and was seconded by Mr. Bokhari. Then there was a substitute motion that was proposed I believe by you, Ms. Watlington.

Ms. Watlington said I'll amend my substitute motion. I move to vote on 42 first.

Mr. Bokhari said [inaudible].

Mr. Baker said yes unless it's going to be directly related to removing policy section 2.1, that motion has already been made. Any substitute motion needs to be specific to, and not even sure how you'd make a substitute motion on that since it's just to take the vote on 44.

Ms. Watlington said so maybe I'm confused. Did Councilmember Winston motion to vote on 44 first? Was that his motion?

Mr. Baker said yes.

Ms. Watlington said so what I'm saying is my substitute motion is rather to vote on 42 first.

Mayor Lyles said what was Mr. Winston's motion?

**Stephanie Kelly, City Clerk** [inaudible]

Mayor Lyles said that was Mr. Winston's motion. Okay

Mr. Baker said if the point of the motion now is which item are we going to vote on first if that's the question you have got motion now as a substitute. If all we are talking about is which goes first then I suppose it's pertinent.

Substitute motion was made by Councilmember Watlington, seconded by Councilmember Newton, to vote on item 42 first.
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Mayor Lyles said I'm not quite sure what the question was. Okay, 42 is what the motion is.

Mr. Baker the motion now is which one is going to go first. It's not the motion to remove section 2.1.

Mayor Lyles said it is a motion to vote on the item. So, which is going to go first. No substitute just which number.

Mr. Baker said just which number is going to go first now.

Mayor Lyles said 44 versus 42. For all in favor of voting for 42 first?

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

YEAS: Councilmember Ajmera, Johnson, Newton, Phipps, and Watlington.

NAYS: Councilmembers Eiselt, Bokhari, Driggs, Egleston, Graham, and Winston.

Without six votes the motion failed.

Mr. Winston said just one clarification discussion. Is this vote to actually vote on 44 or is this the vote on the substance of 44?

Mayor Lyles said it is on the substance of the matter.

Mr. Newton said it's was my understanding that we would have a conversation about 2.1. I know that as we went around of the circle here and everyone spoke, folks had the opportunity to comment on generally what they like and what they didn't like in the Plan, but I did hear a lot regarding 2.1. Seems as how I started kind of earlier, I really stuck to the nuts and bolts of what we would be talking about and kind of considered in straw votes rather than talking about 2.1 under that understanding that we would have that conversation a little bit late. So, I was just hoping that we could have that conversation at the very least, if I could comment on 2.1 myself if that's at all possible.

Mayor Lyles said well it is a motion on removing the policy. So, you can comment on 2.1.

Mr. Bokhari said do we have a motion and a second yet?

Mayor Lyles said wait a minute. We did have a motion. We had to go back to the original motion. There was a motion and a second for the original. Mr. Winston and Mr. Bokhari. We are on the substance of Item 44.

Ms. Watlington said we've not had a motion for the substance is what he is saying.

Mayor Lyles said no, I just asked the City Attorney this question you all.

Mr. Baker said his motion was substance.

Mayor Lyles said the City Attorney ruled because it was defeated that the motion to vote on one because that was defeated that we could go to the substance of the motion. That was his ruling was.

Mr. Baker said correct.

Mayor Lyles said the vote is yes up or down remove policy section 2.1. You vote yes or no.

Mr. Baker said this is the Substantive Version.

Mr. Driggs said I just want to say about this, further to what I said before that I don't think we should end the conversation on this question tonight. I'm going to vote in favor of moving policy section 2.1 with the idea that our final outcome on single-family neighborhoods needs to be a little more differentiated than that. We can't take 70% of the landscape of Charlotte and assume that it is okay across the board to just say that there won't be any single-family zoning. Again, one of the biggest concerns is that when you apply to certain vulnerable neighborhoods we can't control what happens anymore.

So, I would just like us not to do this tonight, with the idea that we leave the rest of the Comp Plan as it is and continue to pursue the goal of diversification of housing types and so on, but without putting this iron-clad barrier in place at this stage. There is more that we need to talk about here. You know that the public conversation is very mixed and heated on both sides. We shouldn't end this conversation tonight.

Mayor Lyles said it won't end on 44. We are going to be coming to 42 and 41 right after this. So, let's start with this one.

Mr. Driggs said if we pass 44 then we won't need to talk about the others, because it wouldn't be there anymore.

Mayor Lyles said we have a motion on the floor. Let's just go ahead and vote on this motion.

Mr. Newton said I want to speak to the motion. I want to speak to 2.1 altogether.

Mayor Lyles said I thought you did speak to the motion.

Mr. Newton said no, I was asking if we were going to have that opportunity again. I thought you said we would.

Mayor Lyles said I said take the opportunity now because it's on this motion.

Mr. Newton said so yes, I would like to do that. I know we've had long conversations about this. I know that we've talked a lot about amending the language of this. I find myself stuck here because I understand that what this would do is, it would allow developers to build more units without any sort of protection from the standpoint of the community having a meeting with those developers or having Councilmembers oversee or making decisions on those developments.

We have no way to lock in any affordability on that and we've had those conversations and we know that that can lead to accelerated gentrification. We've also heard a lot of talk about how it can undermine the character of neighborhoods, but something I wanted to touch on before we move forward, we've had a lot of conversations, a lot of talk about CBAs. I've had a lot of conversations with community members about the desire to have CBAs. Really at the root of that it's community members wanting to continue to have a voice in the process and we know if we allow developers to move forward and make decisions now in conjunction with our staff, but make decisions none the less do that by right without meeting with the community without even consulting with the elected officials, the representative, the voice of the community, we are not really upholding our oath to those community members when we say, hey we're with you on this process of CBAs and so I look at this or we are with you on this concept and the notion of CBAs.

I look at this and I think to myself we really do need to preserve that type of single-family zoning if not for any other reason, than to preserve, in those areas where we can identify the possibility of gentrification happening or in those areas where we want to maintain the character of neighborhoods we need to do that if not for any other reason to preserve the zoning process, whereby developers who otherwise would not have any reason to meet with the community, enter into any sort of CBA agreement with the community would still be mandated to do so and still be mandated to meet with the elected officials and those elected officials will still have an opportunity to have a voice in that process on behalf of the community and make a decision for those type of developments.

I will be moving forward here and voting for this proposal, but really look forward more so to the proposal being forwarded by Councilwoman Watlington because I think that's probably much more to the point where we need to have just a new language altogether in 2.1.

Ms. Johnson said for the third time I was saying that since I as the requester am not able to withdraw it, I'd like to make a substitute motion. Then rather than remove it, I'd like to amend the policy section 2.1. The goal for me was always about flexibility. I don't want to eliminate single-family exclusivity. I do support more density, but I think there has to be a more flexible approach as Councilmember Eiselt said, we need to protect flexibility. So, it should not be an either or. I think we are all trying to get to the same goal, more affordable housing, but we also want to protect the established neighborhoods. So, rather than remove it, I'd like to amend it and I think that's directly related to the motion and that should be acceptable to our Attorney.

Mayor Lyles said Ms. Johnson we've already had a substitute motion. So, I'm going to ask the City Attorney to rule what the next step could be.

Mr. Baker once a motion has been made then a substitute motion was made. The substitute motion was voted on and it failed. The next vote would be on the original motion. So, no other motion would be available at this stage.

Ms. Johnson said is he saying a second substitute motion can not be made on May 17, 2021?

Mr. Baker said there was already a properly made motion and a second, then a substitute motion that was heard. The substitute motion has been heard. The next motion to be heard is the current motion. You could vote that motion down and then there is no motion that gets passed and then another motion could be made at that stage if you wanted to do that.

Ms. Watlington said two things on this. We have discussed this far too long already. The first one is from rules of procedure standpoint. I find it strange and I've never seen it before where you change the original motion, but yet I'm calling it the original motion. The original motion was not about content, it was about the order as you reminded me.

I am confused on the rules of procedure, in that the original motion was made. My secondary motion was voted down. We went back to the original motion, but the original motion was about the procedure. It was not about content. So, I'm confused as to how you can change a motion to now be about content and it is not considered a new motion, which would allow a substitute. So, I think there is a problem here, but with that, I will speak to the motion that's on the floor. I have been very, very clear of the last four months that this blanket policy is going to do more harm than good. I agree with the sentiments of some of my Councilmembers who have said that action for the sake of action without making sure these are pragmatic solutions is not helping anybody.

I don't think that we should be putting ourselves in a position where this is the only option, which is why we have laid out several other items. I also think that it is unfortunate that our Councilmembers refuse to consider the flexibility before they consider whether or not we are going to remove the policy. I don't know that that reflex what I would like to do in terms of figuring out something that works for everyone. I've already mentioned the Equitable Community CLT ( Charlotte Douglas International Airport) language, which I hope that we will be able to adopt in the next section.

In regard to this motion in particular I've already said many, many times I don't think it delivers equitably. We know it doesn't deliver equitably. If anybody actually looks at the data. Economic mobility does not deliver. Your not moving into Myers Park because they have things that supersede Zoning restrictions. Affordable housing, we have already talked about that. Transportation and its impact with traffic impact studies without rezoning, which obviously prevents the CBA from being able to be put in place if you haven't had a rezoning. I think that it's a certainly un-noble Ideal. We all want to see the

equity, and economic mobility and other goals realized. This however does exactly the opposite of what we would like for it to do.

So, I will be supporting this except if Councilmember Johnson the original maker of the motion is indicating that she wants to rescind it, but I will be absolutely fine with removing this and continuing the work on the modified language in the other items.

Mr. Bokhari said I think just from a process perspective given what I've heard right now since this is going to be first and there clearly are people who are looking forward to the ability to debate and see if there is common ground on editing 2.1, I think we could all clearly say that if we approve deleting 2.1 now it serves as a backstop that can be overwritten if we find consensus in augmenting it. If we don't then it will just be deleted. So, therefore you don't have to choose one or the other. You can vote this one there and then the next vote would override it if we find consensus on it.

Ms. Watlington said okay, I'm good with that.

Motion was made by Councilmember Winston, seconded by Councilmember Bokhari, to remove policy section 2.1. The vote was recorded as follows:

YEAS: Councilmembers Bokhari, Driggs, Johnson, Newton, and Watlington.

NAYS: Councilmembers Ajmera, Egleston, Eiselt, Graham, Phipps, and Winston.

Without six votes the motion failed.

**The meeting was recessed at 8:10 p.m. for a break and reconvened at 8:20 p.m.**

**Item No. 42: In Policy Section 2.1, Change "All Lots" to "Place Types"**

Mr. Graham said I'm getting ready to read right now. Forty-two, amend policy section 2.1, changes this to, "all place types" from lots to all place types. That was the recommendation that came from the Committee.

Motion was made by Councilmember Graham, seconded by Councilmember Eiselt, to In policy section 2.1, change "all lots" to "place types"

Mr. Newton said I wanted to ask the City Attorney if now would be an appropriate time for a substitute motion, because if so, I would like to make the substitute motion that Councilwoman Watlington had made earlier. From what I understand it's the same language, just adding the additional piece that she had mentioned a moment ago.

Mr. Baker said I don't remember specifically what she said but if it's pertinent to the motion that was just made by Mr. Graham it would be appropriate for a substitute motion.

Mayor Lyles said do you have the wording for the motion?

Mr. Newton said so, I was going to ask Councilwoman Watlington to recite that, but I don't know if they're back yet.

Ms. Watlington said yes, I'm here. It is, low duplex and triplex zoning housing units on all place types where single-family housing is allowed and require conformance with residential lot size requirements, setback requirements, and other site development standards specified within the Unified Development Ordinance (UDO). Develop at least one zoning district within the UDO to allow single-family only with duplexes allowed on corner lots.



Mr. Newton said so, that's literally the exact language in the beginning there with an addition. So, kind of additional amendment. So, I would assume that that would be an appropriate substitute motion and I would make that substitute motion.

Mr. Baker said as I understand the motion, I believe it is appropriate as a substitute motion. Just to be clear we are on item number 42. Is that correct?

Mayor Lyles said that is correct Mr. Baker.

Substitute motion was made by Councilmember Newton, seconded by Councilmember Driggs, to allow duplex and triplex housing units on all place types where single-family housing is allowed and require conformance with residential lot size requirements, setback requirements, and other site development standards specified within the Unified Development Ordinance (UDO). Develop at least one zoning district within the UDO to allow single-family only with duplexes allowed on corner lots.

Ms. Eiselt said I don't have a problem with all of that except the issue of at least one single-family zoning district in the UDO and I need our Planning Director to tell the implications of that. My understanding was you can still keep single-family zoning. We are not getting rid of single-family zoning. If you would please talk about the implications of that phrase.

Mr. Jaiyeoba said I know I have a Place Type Team and an UDO Team on as well. So, I will have them jump in for this one, but the challenge with the equitable communities language is that it is already predicting the objectives before we even have a policy in place in terms of what we will do. Right now today you have 10 place types. First one of course is neighborhood one, where you can still actually have single-family as part of that, especially during your place types mapping process. That can still take place.

This does not necessarily resolve a question here, because it takes out some of the other languages that we have in there with regards to CCNRs and HOAs. It also does not make any reference to the equitable growth framework metrics and measures. Now, if Council decides that, that's what you want us to do it will be hard for us to achieve that as part of the UDO or we just have to work with it, but it's always better to have your policy to actually drive what your zoning district eventually will be. I let Alyssa and Laura speak to that and they can make it clear.

Mr. Driggs said I just want to clarify Councilmember Eiselt's comment, as it stands right now, we are talking about eliminating single-family zoning. We are not talking about prohibiting the construction of single-family homes, but the document contemplates the removal of any zoning category that would require a rezoning before other housing types can be introduced into a neighborhood. So, at the moment we are talking about eliminating single-family zoning.

The neighborhood one place type is light residential but provides for a mix. So, when we go and redraw the map and repaint the whole map, everything that is now R whatever is going to get designated as N1 or N2 and that means that from that time forward anybody who wants to, anywhere they want to, can create a duplex or triplex or other housing types. The whole point about this was do we want to at least have certain areas where that can't happen by right but would require a Council decision. If you look at the entire map of the City, aren't there some places where we would want to still have the ability to intervene as Council before having that type of development occur.

Mayor Lyles said do you have a question for the Planning Director Mr. Driggs?

Ms. Driggs said your comment made in my mind a false impression that we would still have single-family zoning and the way the plan stands right now we won't.

Mayor Lyles said did you want to ask Taiwo a question?

Mr. Driggs said does the Planning Director agree with me that we will not have single-family zoning categories in the Plan as it's currently written?

Mr. Jaiyeoba said you will have the ability to have that conversation of doing place types, but every area where we have a single-family zoning district right now becomes an opportunity where you could do other housing types. We know that that's also not possible and that's why we build some restrictions into that policy 2.1, that there are a lot of restrictions and a lot of conditions that will not make it possible in certain areas. So, especially in N1 Districts, once we start doing place type mapping there are folks who can actually opt for N1 Zoning District where you still have single-family housing, yes. Maybe you don't have the single-family designated district, but it doesn't take away the ability to build single-family housing. As a matter of fact, that's where your likely going to have for the most part in N1.

Mr. Driggs said Mr. Jaiyeoba I think we have had this conversation so many times. It's clear that we are not prohibiting the construction of single-family homes, but I think we need to be clear that as a result of this Plan what would happen is there will be no place in Charlotte in which the construction of a duplex or a triplex required a rezoning because the neighborhood one place type and the place types that are contemplated in here expressly provide for that and it would be possible by right as this Plan is written right now. So, no we are not obviously prohibiting the construction, anybody who wants to can build an entire single-family neighborhood, but we do not have a mechanism that says if somebody wants to introduce other housing types in new existing single-family neighborhoods Council will have the opportunity to look at that and decide.

Mr. Jaiyeoba said actually you can. I'm sorry to jump in quickly. So, once you have your place types map in place, it's almost operating like a future land-use map today. For anybody to redraw a future land-use map they come to you for a rezoning. So, whatever your map during the place type mapping with the community and your involvement, if anybody wants to deviate from that it will have to come to Council for that. It almost operates the difference between that for future land-use map and your place types map in the future is that there is a context between transportation infrastructure, growth projection, growth allocations, infrastructure capacity, that's the difference that you don't have today in your future land-use map.

So, once it's logged down during the place type mapping process the community knows what's going to be built in a particular area. It's clear to them, the transition areas will be shown, it will be obvious to them. If anybody wants to do anything different they will have to come to Council. That's also in the place types manual. That's in the Plan right now. You see the way we shared it where you can actually see the transition area between single-family homes and other plexus. So, once it is mapped in place if a developer wants to change a property, they will have to come to you for that decision.

Mr. Driggs said I don't hear a response to my point. I won't repeat it. Thank you.

Mr. Phipps said I'm trying to figure out the difference between the substitute motion and the first one that had "change all lots" to "place types", I guess the significant difference is that this substitute motion allows for "single-family" but they still opt for duplexes on corner lots. So, it's still not an exclusive single-family zoning, right?

Mr. Jaiyeoba said no, it's not going to be exclusionary to anything. It's not just single-family zoning. It's just the word "exclusionary" and I don't want us to get hung up on that word.

Mr. Phipps said it's not exclusively single-family?

Mr. Jaiyeoba said no.

Mr. Phipps said, and it allows duplexes on corner lots.

Mr. Jaiyeoba said yes, that's what we have today. Yes, it will.

Mr. Phipps said which one do you have the greater flexibility in preserving the single-family option. Is it the first motion or the substitute motion? What would this require us to do? Could we move forward with this substitute motion in a way that this will still be on track?

Mr. Jaiyeoba said if we move forward.

Ms. Watlington said excuse me.

Mayor Lyles said Ms. Watlington I think we have people that were already speaking in order that.

Ms. Watlington said I understand but this is about the motion and because I read it into the record I'm the person that can answer the question.

Mayor Lyles said no, Mr. Phipps was recognized to ask a question and he was doing that.

Ms. Watlington said I understand but right, his question is about the intent of this motion.

Mayor Lyles said to Ms. Watlington it's difficult to keep everything in order as it is and I think when someone is speaking we need to allow them to have their time to speak and hear the response. Mr. Phipps was in the middle of that. So, I'm going to recognize Mr. Phipps to continue.

Mr. Phipps said yes, I'm trying to figure out what impact would this substitute motion have that would be different than the first proposed one because this one includes a single-family only district, but it allows duplexes on the corner lots? So, to me, it's not reserved for single-family only in as much as it allows for duplexes.

Mayor Lyles said I think what we have right now is we explain what we currently have and what would be different about this. Would that be helpful?

Mr. Phipps said right. It gets to what Ms. Eiselt was asking, what would this require? Would this be able to us there in terms of being a blended option that we could move forward with that would give us some satisfaction in having 2.1 language that would allow for the duplexes and have a single-family classification? To me, it would be the best of both worlds?

**Alyssa Osborne, Plan Project Manager,** said so, to do that as you are requesting would require us to create a place type for single-family homes only, then a zoning district that would then align with that place type to create a single-family only zoning district. Does that answer your question?

Mr. Phipps said so, would that take an inordinate amount of time or would it just be a seamless operation or what?

Ms. Osborne said that policy direction and direction on the zoning district is what we have in place today. So, that is not a change or removing the barrier to providing more housing options within our neighborhoods, if that helps to explain. So, what we have in place today is a single-family only land-use designation that corresponds to a series of districts that will allow single-family zoning only. So, the proposal that is before us is exactly the same as what we have today. So, it does not allow for more housing types in different places, just on the corner lots like duplexes are allow today.

Mr. Phipps said I was confused over the language there and implicit in this one, are the HOA guidelines and restrictions a part of this too?

Mr. Jaiyeoba said so that's one of my concerns with this proposal it does not clearly spell that out. Again, it doesn't change anything from what we have today like Alyssa said. It also is predicting the outcome before we even have the policy in place, but also it doesn't

say anything about the fact that we have HOAs in areas that have cost covenants and restrictions right now, which for the 42 actually has.

There's nothing that ties this to anti-displacement and there's nothing that ties this to the Metrix and measures. Now, after the conversation tonight obviously we can go back to whichever language or what you end up with and work with how we can make sure that all of these things are answered. Right now, this particular substitute motion has a lot of gaps in it that it doesn't really fulfill what you have with 42.

Mayor Lyles said so this is the status quo option? I was asking a question of Taiwo, but you can answer. I have you on the list to reply.

Mr. Bokhari said the first comment I'd make is I think this whole conversation, the whole topic is the furthest thing from an aspirational conversation we could be having. It's as tactical as it can get. We are way down the road with what we should be doing, doing it now. So, the debate about this being an aspirational plan is as tactical as it gets.

I think the thing that everyone should be concerned about here, and it's the same thing that exists with CBAS, and the problem, is no one has any idea how to do any of this stuff. Whether it's the original one, which just changes it from "all lots" to "place types" or this, which might be slightly better, I can't quite tell. The punch line is someone out there is going to have to figure out, who's doing the mapping, what neighborhoods, and how do they come in to play? Are they coming in and saying, oh yes well, we want the one that doesn't abolish single-family zoning. Well, the more affluent armed neighborhoods with lawyers and things like that are going to be the ones that know how to use this process. They aren't going to get all of this up zoning in there and it will once again be the neighborhoods that we are claiming to champion that will not have the ability to defend themselves from what's going to happen to this lack of affordability that's going to occur. So, if anyone wants to know, well how will this happen, how will the neighborhoods be involved, how will the City staff do the mapping, and who's going to get it? The answer is nobody knows. So, if you comfortable with that and entrusting our staff, with the people who have brought us along at this point, in doing that, then by all means vote for all of this stuff.

Mayor Lyles said Mr. Bokhari I believe that this was submitted by Equity Charlotte as an idea.

Ms. Watlington said a couple of things. First thing is that I want to keep at the top of folks' minds that the idea here with the aspirational piece is flexibility. We don't want to tie our hands too early as Ms. Eiselt said earlier tonight. Keeping policy 2.1 even with "place types" versus "lots" while it is an improvement for sure, the idea regardless of whether we have place type or lots then we are already deciding that we are not going to have a single-family exclusive designation, you are deciding on the front end, and you're taking the flexibility away. So, to say that we are not doing that here is simply not true. I have to agree with Councilmember Bokhari's statements earlier when it comes to this that I do believe that a lot of what's being is absolutely not true. Based on the conversations that I have been having you don't need a whole new place type in order to have a single-family exclusive. You need a new designation. If N1 is the place type and we've got N1 A-F. One of those designations needs to be single-family exclusive.

Even proponents of the Plan, Mr. Jaiyeoba just said, you're not going to be able to do this on every lot. So, we already know that the right answer is flexibility because there's going to be differentiation. So, there's absolutely no need to put this in policy when we know that's not even what we are going to execute.

The second piece that I have an issue with is that we talk about this area map or these area plans as if they're going to be somehow different, and it's going to require a deviation to come back, but listen to what we've said just before that. If we do not protect a single-family exclusive lot, those people will never have to come back because it won't be a deviation in the first place. That's what we are talking about when we say elimination the community from the process. We cannot say we are about Community Benefits

Agreements and then take away opportunities for the community to even come to the table because we have eliminated the need for a rezoning. We are not talking about keeping it the status quo. I want to make that very clear. That has never been what I was rooting for. What I'm saying is that it is not zero or a hundred and we would do well to approach this strategically. So, we need to keep our options on the table. In order to do so if we are saying that we don't want to say that we're going to definitely keep single-family zoning exclusively then we also need to not be saying that we are going to make every lot available and that's where the place types piece came from.

We need to allow the communities to right size this for their communities. The whole point of having all of this equitable framework and all of this extra anti-displacement and all of this work is simply to combat the policy that we don't have to put in place in the first place. So, what I'm saying here and I appreciate that Mr. Jaiyeoba mentioned that regardless of the language that we have here, I would assume Mr. Newton that your intention was not to remove the note that was already added but to supplement what's in 42. We can put the language that the staff added regarding the equitable framework and HOA or whatever, into this as well. It doesn't preclude it. So, we've got to be careful not to create these false choices. In this conversation, in particular, all we are asking, and really it's not a question, it is a directive that we are trying to get a pass with Council to say look we know we want to increase density. Nobody is sitting around that dais is against increasing density. Nobody sitting around that dais is against affordable housing. We all want economic mobility. Anybody looking at the map can tell you; you're not getting economic mobility from this policy. However, if there is anything to be gained from it let's get that without risking our most vulnerable neighborhoods. So, all it takes is a little moderation and that is the intention behind this particular substitution. Yes, we already know we want the staff note that was added. We already know we want to move from "all lots" to "place types". There's no reason at all that we cannot add an additional designation for single-family zoning. So, I wholeheartedly refute the idea that adding one more N1-G is going to derail the whole process. It's simply not true and we also know that it's not going to change the outcome in the fact that there are lots that you cannot do duplexes and triplexes on. So, to sell grand vision as if it's something that is more than what it is, that to me is duplicity.

Mr. Newton said so all we have had in front of us from the very beginning has been an all-or-nothing proposition. Plain and simple. Rule 2.1 says all or nothing, right. Duplexes and triplexes everywhere or alternatively you're against it, rather than providing as Councilwoman Watlington just mentioned, the flexibility that our neighborhoods, our community needs. I heard just a moment ago, the comment that this is not placed type conversation. I don't see how it's not the place-type conversation, right. Like, that's what this Plan is. When we adopt this Plan, we are adopting the place types within it, and those place types are not flexible, then we will be locked into them as we go into the UDO.

I heard something to the effect of code, covenants, and restrictions not being included as Councilwoman Watlington said. We can have that language included. Certainty what would happen after 2.1 is adopted here as we heard from staff a moment ago, there would be changes made to a place type. Most likely it would be neighborhood 1A. That is simply a change that is in the language. We already have the framework for how that works today. So, the idea that somehow this is going to take a really long time. Why would it when all we are talking about is changing some words in a place type and continuing to implement a process that we have already today in place? Now, not that that process would be the exclusive process. That's the beauty of this. The beauty of this is that we will still have single-family areas that do have duplexes and triplexes inside them. That's what this language does. It provides for that option. Just like it also provides for an option for single-family exclusivity with corner lots, mind you. The single-family exclusivity in those areas where we know that the communities are subject to gentrification.

What I heard from the community as well as in those areas where we know that the neighborhood character, right could be undermined by what has been presented to us in 2.1 today. That's all the flexibility. I think we need to provide the community with options moving forward. Let me just say this too. I touched on this a moment ago, what I am hearing time and time again is the community saying that they want to continue to have a voice in the process. What this plan does is bypasses rezoning all together, allowing

developers to build the up zone by a factor of 2-3 times. Practically within 80% of our City without ever having to meet with the community or alternatively meet with Councilmembers and get our approval, us the elective officials, the representatives of the community. They can do that without ever having to insure and mandate that those units will be affordable. I don't know how much we know because of code restrictions, covenants, etc. the resources in more affluent areas that they are going to target West and East Charlotte. I don't know how much more obvious it could be the possibility of gentrification that 2.1 creates. The way that we combat it is as Councilwoman Watlington was saying, by creating flexibility for those communities and this is how it's done.

Councilmember Eiselt said this is where the Midwest in me comes out because I know we also have to through zoning tonight and it's going to be a longer night. It boils down to me all of these hours of discussions we've had about the Comprehensive Vision Plan; this issue right here is it. Let's face it, this is what everybody's going to vote up or down on the Plan, but I don't know that. So, if we said Mr. Jaiyeoba force a zoning district that's only single-family, would you all even vote for that for the Plan, because I don't care what we want to talk about. This is what this Plan boils down to. If you all are not willing to say, I can live with the rest of it, but fix this. If you're willing to say that, then say that. I know that some Councilmembers are not willing to do that. That we will vote this thing down if there is a single-family only district. I believe there are some Councilmembers who are going to vote this thing down anyway.

So, there are a couple of folks out there that have got to say, if you guys can fix this, I can get behind this plan. I'm going to trust that other things are going to get fixed, but I don't know what to do at this point with what I have heard for the past two weeks and then some. So, Mr. Jaiyeoba, what does it do if you force a, does every other place type sue you, because one place type has a single-family zone?

Mr. Jaiyeoba said maybe I'm not getting it across to everyone, but we are dealing with policy. Sounds very academic and very theoretical, but without it though we can't have the place types mapping process. If we have a place-type mapping process where people have to choose and other people don't have the ability to, we will have a problem. Hence the reason why the place type mapping effort is not where communities says, I want single-family over there, I want duplex over there, no. It's going to be a data-driven exercise. First of all, we are going to map on existing conditions. What are existing conditions? There are certain places today where you have single-family zoning and definitely, you don't have the infrastructure to match those things. Is that way we want to continue to go and then the second thing is we'll have growth projections.

Today we have different parts of the City that have 34% in terms of population, but 15% in terms of jobs. We have to map all of those things. With that information is what we go to the community with and the community will affirm the methodology, and I'm sure they were talking to you. They have to affirm the methodology. Then they have to discuss the priorities. What are the things that we prioritize in this particular place type over others? So, place types are not a loosely crafted effort. It's an opportunity for real people to equitably engage. The concern is that if you start to create single-family zoning districts, where do you want to put it without having a challenge from some others. Once you have the opportunity and the flexibility to bring different housing products into your community, the keyword is could. That does not necessarily mean the market will allow it to be there. So, what you allow and what is built, you see this in your rezoning process all of the time. The fact that you approve a rezoning does not necessarily mean it's going to happen. You've had 71 duplexes built in this city in the last five years, 71, 100% and I just know that even if we were to create the single-family zoning place types today, we will still not have a consensus around this. Hence the reason you've got to at least give yourselves some policy directives to say before you go into place type let's have the opportunity to be able to have different types of housing products. I need to stop with this. Frankly, that's a distinction between creating a single-family place type and having a designation. It's not the same thing. I've had some conversation around, oh yeah, we have to create a single-family place type. That would take a lot of effort to do.

The designation, however, within the N1 district is possible to do that. But then once you give us this directive, that's what happens in the place types mapping process. But, I would be lying to you if I say that we are going to create a place type for single-family exclusively. That's not really the way you want to be able to generate the type of housing supply you have. I will leave that there and I hope that answers your question.

Ms. Watlington said I just want to reiterate nobody's asking for a single-family place type. We are asking for a designation and we just the Assistant City Manager say that that is possible. That doesn't require 6-9 months of anything. It's one more option. Let's also be clear that because we know that 67% of our City is under some kind of deed restriction covenant or HOA that supersedes zoning, we are not giving people additional chooses. What we are doing is taking away protections from people who then will have to bear the brunt of all of this work. While 67% of the City is unaffected. This is not creating flexibility. If this was something that superseded deed restrictions and HOAs, we wouldn't even be having this conversation.

I totally get it, it is an excellent opportunity for access. It's excellent economic mobility. We are not talking about the whole City here. What we are saying is crescent communities who have already been last in line for everything, now you have to go and figure out how to make sense of this and we're also going to take away the restrictions that now 67% of the City still enjoys. Your just the ones that have to go and fix it. Oh, by the way, even if you allow this to happen we have already taken away your opportunity to be a part of the process. We've taken away most of your ability to do CBAs because this doesn't require anybody to ever come back. We have taken away your opportunity to negotiate for transportation improvement. Despite now allowing by right three times the amount of development in your neighborhoods. This, I'm sorry sounds great. Not realistic and the facts of the matter don't line up with what you are saying.

All we want to know is that we can protect black and brown neighborhoods. Is this going to allow us to? No, not without 50,000 other things. It's too easy to say we're still going to allow one designation. There's no reason not to have it. Frankly, I'm growing frustrated with all of this information, when the bottom line is there is no reason that we could not have it. We've got a little bit tail-wagging the dog here. We can do whatever we want to do as long as we can count to six. If we say we want to retain it and we want to meet these other goals, the staff can go figure out how to do that. It's not well, these are the boundaries and you all have to decide within.

I just want to make sure, we got to deal with this. Not as what we want it to be, but what the reality is. People have already said on both sides at the end of the day we know you're not going to get this aspirational outcome. So, the question is how to medicate risk and it's very simple. Keep an opportunity for single-family exclusive. Use it where appropriate. We already know we are still going to have criteria. We already know that through subdivision ordinance. We already know through the equitable framework. There are going to be things that we say hey, these things we know have to be true to allow this to be flexible zoning. So, if the outcome is the same we need to match the policy to what we desire the outcome to be, but to throw the gate wide open and say we will fix it later is absolutely unnecessary in this case. So, to your point Ms. Eiselt, this is the crux of what we are talking about here, but I also think that everybody is literally saying the same thing. I think we can all agree we want flexible options. We also want it where it makes sense. We don't want to continue to erode vulnerable neighborhoods. We want to increase equity. We don't want to do anything that's going to keep us 50 out of 50. We already know that we are facing an uphill battle because of the way this city is set up. We also know that this policy is not going to fix any of those things as it relates to segregation and access to schools because we know that this policy does not supersede our HOAs, and etc. So, let's just be realistic about what it is that we are able to achieve and match our policy language to what we actually are trying to get.

Mr. Egleston said we've had people waiting for rezoning for three hours and we said we were going to do those and then come back to this if we wanted to belabor our points.

Mayor Lyles said that is correct. We are going to vote on this now and then after we do this vote we are going to go to the rezoning hearing. The last one is easy and we will do that at the end. I said easy and that's probably not a good word to use with this.

Mr. Phipps said actually I still had some questions. I thought we were going to come back to this after the zoning discussion, but I'm still trying to figure how is this the status quo. Is it the status quo because we going to require people to come for rezoning to do it? Is that what makes it the status quo?

Mayor Lyles said when I say status quo, right now if you want to live in single-family zoning in Charlotte, you can put duplexes on corner lots right now. That's what I mean. There's no change in what we are doing. Many neighborhoods have corner lot duplexes right now. So, that already happens. That's what is meant by the status quo.

Ms. Watlington said the point of order; we did not vote to approve the motion to call the question and Mr. Phipps for anybody else still has questions and the intent was to table this then that 's what we should be doing. He said he moved to call to the question, but we never voted whether or not we going to call the question.

Councilmember Winston said we do not follow Robert's Rules Of Order. We follow the City Council rules and on the City Rules, the Mayor presides over the meeting. She decides what is in order. She decides what is on the agenda and we as the City Council can make motions and this that and the other, but we do not follow Robert's Rules of Order. This has been very disrespectful, and I might get in trouble for this but if you guys want to be Mayor, run for Mayor. You guys have been disrespecting the Mayor all night and for two weeks in a row. This is incredibly wrong.

Ms. Watlington said that's really rich coming from you of all people. We do follow Robert's Rule of Order. Period.

Mayor Lyles said I think it's definitely time to take a pause here.

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt, to call the question.
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The vote was taken on the substitute motion and recorded as follows:

YEAS: Councilmembers Ajmera, Egleston, Eiselt, Graham and Winston

NAY: Councilmembers Bokhari, Driggs, Johnson, Newton, Phipps, Watlington.

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### HEARINGS

**ITEM NO. 22: HEARING ON PETITION NO. 2021-110 BY CHARLOTTE PLANNING, DESIGN, & DEVELOPMENT FOR A TEXT AMENDMENT TO THE CHARLOTTE ZONING ORDINANCE, SECTIONS 1.102, 1.105, 1.110, 1.111, 2.102, 2.202, 3.202, 3.203, 3.301, 3.302, 3.303, 3.401, 3.402, 3.403, 3.501, 3.602, 3.605, 3.606, 4.102, 5.101, 5.103, 5.107, 5.110, 5.113, 6.105, 6.108, 6.109, 6.110, 6.111, 6.113, 6.201, 6.204, 6.205, 6.206, 6.207, 6.209, 7.103, 8.102, 8.107, 9.104, 9.407, 9.805, 9.906, 9.1006, 10.203, 10.208, 10.209, 10.210, 10.216, 10.509, 10.510, 10.609, 10.610, 10.710, 10.711, 12.103, 12.509, 12.212, 13.4, 13.10, 13.11, 13.12, 13.15, 15.8.4, TABLE OF CONTENTS CHAPTER 13, TABLE OF CONTENTS – ZONING ORDINANCE. THE TEXT AMENDMENT PROPOSES TO UPDATE THE CHARLOTTE ZONING ORDINANCE TO BRING IT INTO COMPLIANCE WITH NEW NORTH CAROLINA GENERAL STATUTE LEGISLATION (CHAPTER 160D) RELATED TO DEVELOPMENT BY THE JULY 1, 2021 DEADLINE.**

**Mayor Lyles** declared the hearing open.



**David Pettine, Planning** said this is an update to the Charlotte Zoning Ordinance to comply with Chapter 160D that was adopted in 2019 and 2020. The Zoning Ordinance that we have here has to be updated by July 1, 2021 to align with 160D. This is the first really major kind of over hall of North Carolina Development Regulations since 1905.

Really this text amendment for the Zoning Ordinance portion. No major changes in authority or process, updates, evidentiary hearing provisions, and quasit judicial procedures requires common processes across all development regulation. Things like variances, appeals, certificates of appropriateness. Also creates a new conflict of interest standards for boards and administrative staff. Updates vested rights and permit choice provisions and that updates all legislative statutes to align with new NCGS Chapter 160D references.

So, again this is really just a housekeeping item for us to begin compliance with 160D. Really just talks about a lot of the administrative procedures. No significant changes to development regulations themselves. Really just gets into the overall administration of the Zoning Ordinance. That will be similar to the other text amendments we have that will go through in a little bit more detail over the next two petitions.

The staff does recommend approval of this. It will align us with the 160D provisions prior to that July 1<sup>st</sup> date that everything does go into effect by default. So, again this is just a text amendment for those alignments.

**Councilmember Phipps** said how is this change different from what we are doing now?

**Sandra Montgomery, Planning Department Project Manager** said it's different in that there's more details added to our regulations for specific notifications, decision making that just kind of closes any gaps that there might be in regulations. It's really just administrative and process changes.

Mr. Phipps said so tonight when we had some changes to rezoning petitions after the Zoning Committee made that decision and we decided not to send it back or whatever, would these changes require us to do something different?

Ms. Montgomery said no not at all.

Mayor Lyles said these changes are related to the process that we are going through now, the UDO time schedule. It's really an update on the Comprehensive Plan necessary that the State is mandating. So, that's what it does Mr. Phipps.

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

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**ITEM NO. 23: HEARING ON PETITION NO. 2021-109 BY CHARLOTTE PLANNING, DESIGN, & DEVELOPMENT FOR A TEXT AMENDMENT TO THE CHARLOTTE SUBDIVISION ORDINANCE, SECTIONS 20-2, 20-6, 20-7A, 20-9, 20-10, 20-17, 20-20, 20-24, 20-58, 20-59, 20-86, 20-87, 20-88, 20-93, 20-94, 20-97, AND TABLE OF CONTENTS. THE TEXT AMENDMENT PROPOSES TO UPDATE THE CHARLOTTE SUBDIVISION ORDINANCE TO BRING IT INTO COMPLIANCE WITH NEW NORTH CAROLINA GENERAL STATUTE LEGISLATION (CHAPTER 160D) RELATED TO LAND USE.**

**Mayor Lyles** declares the hearing open.

Mayor Lyles said effective July 1<sup>st</sup>, 2021. The text amendments update N.C.G.S. references to align with new Chapter 160D legislation, adds conflict of interest standards for boards, commissions, and administrative staff, adds a requirement for written notices of decisions on preliminary plans and final plats, to be provided to the applicant and the

property owner, if different, modifies the performance guarantee regulations, adds requirements for inspectors to present proper credentials prior to inspections, and that proper consent must be given to inspect areas not open to the public or an appropriate inspection warrant must be secured, adds and modifies definitions, and adds text that notifications of decisions sent by first-class mail are deemed received on the third business day for the purposes of filing an appeal.

**David Pettine, Planning** said other just minor details to throw in. So, again this is a text amendment. This is to our subdivision ordinance. One of the three that we have. Zoning was the first. This is subdivision will have one more following this and that will be to the Tree Ordinance. Again, this is just to bring us in compliance with 160D. No, major changes in authority or process. Again requires those common processes all across development regulations. Really just brings in things to get us aligned with those new statues that will come into place on July 1<sup>st</sup>.

Again, no major changes to the actual standards within the Subdivision Ordinance. This is mainly the housekeeping sections of things and how we operate under those statues that will come into play on July 1<sup>st</sup>.

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

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**ITEM NO. 24: HEARING ON PETITION NO. 2021-113 BY CHARLOTTE PLANNING, DESIGN, & DEVELOPMENT FOR A TEXT AMENDMENT TO THE CHARLOTTE TREE ORDINANCE, SECTIONS 21-31, 21-32, 21-122, 21-124, AND 21-126. THE PETITION PROPOSES TO UPDATE THE CHARLOTTE TREE ORDINANCE TO BRING IT INTO COMPLIANCE WITH NEW NORTH CAROLINA GENERAL STATUTE LEGISLATION (CHAPTER 160D) RELATED TO DEVELOPMENT BY THE JULY 1, 2021 DEADLINE.**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said very similarly, just to our Tree Ordinance. This to align everything with the new statues under 160D. Really it's another housekeeping item. We do recommend approval of it. Mainly things like notifications to be provided for things that folks that hold development approval and to the property owner. Options on delivery, then notice or posting on a property requires notice of appeal hearings to be posted on the site or adjacent right-of-way. Quasit judicial decisions would be subject to review by the Mecklenburg County Superior Court. Those are some of the items that are in those changes that will come out of this adoption and will get us in alignment with 160D as of July 1<sup>st</sup> and no substantive changes to the actual standards of the Tree Ordinance.

**Councilmember Driggs** said further to our earlier conversation, we were told at one time that 160D necessitated speedy adoption of the Comprehensive Plan. Now, we are told that in fact what we had to do to comply with 160D is inconsequential basically. I just think at that time that representation was an example of some of the ways in which we were pressured about the plan that proved to be inappropriate.

Mr. Pettine said we still need to have a Comp Plan adopted by July of next year. Is that correct Ms. Hagler-Gray.

Mr. Driggs said yes, that's right, but at one time we were told we had to act under time pressure this year because of 160D. Now, we are being told that the changes actually necessitated by 160D are pretty inconsequential.

Mr. Pettine said these are some of the minimal changes that we have to make just for the housekeeping section of 160D, but in order for us to fully comply with 160D, we need a Comp Plan adopted, and then ordinances adopted that would implement that Comp Plan.

Mr. Driggs said what we had to do by this summer was this, right?

Mr. Pettine said the timing of it, I don't know if the timing of it has changed, but I know that is still one of the priorities.

Mr. Driggs said I won't belabor your point. I am just pointing out we were told we had to move quickly to adopt the plan because of 160D this summer, and now it appears that all we needed to do by this summer were a few things that you are describing as inconsequential.

**Mayor Lyles** said Ms. Hagler-Gray were you going to comment?

**Terrie Hagler-Gray, Senior Assistant Attorney** said no, I was just going to say that 160D is a State law requirement and all municipalities in North Carolina have to be in compliance by July 1, 2021. Once 160D is adopted then it requires that a Comp Plan be implemented by July 1, 2022.

Mr. Driggs said correct. I am just saying to be absolutely clear we were told at one time that we had to adopt the Comp Plan this year in order to comply with 160D and turns out not to have been the case, and in fact, what we did have to do this year to comply with it was this. Which is being described as pretty inconsequential. We should not have been at any time led to believe that we had to adopt the 2040 Plan this year to comply with 160D.

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, and carried unanimously to close the public hearing.
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**ITEM NO. 25: HEARING ON PETITION NO. 2017-118 BY PHILLIPS INVESTMENTS PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.78 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE ROAD, NORTH OF CINDY LANE FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL) WITH FIVE-YEAR VESTED RIGHTS**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is about .78 acres on Statesville Road. The current zoning as mentioned is R-4. The proposed zoning is B-2 conditional. The adopted area plan from the Northeast District Plan causes single-family uses on the site. Historically this site adjacent to it has been used for a warehouse and associated parking along with it. This proposal would allow for an addition to that operation to go over to the adjacent lot, provide an 11,500 square foot warehouse addition, 90 parking spaces, road improvements for an eight-foot planning strip, and a six-foot sidewalk. Also, connection the sidewalk on Statesville Road to the new warehouse addition with a five-foot sidewalk on Statesville Road, and then provide a 22-foot Class B buffer with a wooden fence. Next to that adjacent residential parcel. Again, this would be just to allow that existing warehouse to continue to operate with an expansion and stay in that location.

The Staff does recommend approval. It is inconsistent with the Northeast District Plan. We do feel the addition of this warehouse does allow it to continue to exist and does not have any major significant impacts on the adjacent property. They have worked with the property owners to get the buffer to be satisfactory with the fence, and the Class B planning standards. So again, the staff does recommend approval and we will be happy to take any questions following Mr. LaCaria's presentation.

**Dennis LaCaria, P.O. Box 669684** said I can actually forgo the presentation this evening in the interest of time and simplicity. The basics are as stated. This is for a single user, who will be able to have consistent zoning across his entire parcel and be able to combine both of those parcels, expand his current operation that's a headquarter for a business

that operates two other locations in North Carolina. One in Hickory and one in Asheville, and one in North Charleston, South Carolina. We will create three to five permanent above minimum wage jobs for folks as a result of this expansion.

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

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**ITEM NO. 26: HEARING ON PETITION NO. 2020-192 BY WHITE POINT PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.50 ACRES LOCATED ALONG THE EAST SIDE OF CAMDEN ROAD, NORTH OF EAST BOULEVARD, AND WEST OF SOUTH BOULEVARD FROM TOD-UC (TRANSIT-ORIENTED DEVELOPMENT - URBAN CENTER) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 3.50 acres located along the east side of Camden Road, north of East Boulevard and west of South Boulevard. A lot of folks know the Walgreens on the corner there. Some of the other buildings in Dilworth, Artisan on South Boulevard, and Kingston Avenue. This petition is to go from TOD-UC to a MUDD optional. As you can see most of the area around there is zoned TOD. We do have some MUDD in the general area around Cleveland Avenue and some other spots there. Adopted future land use in the South End Transit Station Area Plan does recommend transit-oriented development. This particular proposal is essentially to take the MUDD zoning district and incorporate the TOD-UC design standard while proposing some preservation of the Dilworth Artisan Building.

Also, we have some open space and Green Space for outdoor Plazas. We do have optional provisions. Essentially that would be an opt-out of the MUDD zoning district standards and essentially implement the TOD-UC standards. So, it's almost a MUDD zoning district disguised as a TOD-UC district. I will explain some of the reasons and rationale for that here in a minute.

Preservation of the existing building would be part of the key components of this project as well as the option to permit one eternally located drive-through facility, which would be for the Walgreens on the corner there on East Boulevard and South. also have transportation commitments that would include a commitment to complete a traffic study if that is warranted during permitting. If we can stay on this slide for a moment. As I mentioned this is really a MUDD district, but we are essentially trying to incorporate all of TOD-UC design standards for a couple of different reasons. One was the drive-through facility, the desire for that use of Walgreens to remain there. A drive-through is obviously a key component of their functionality. So, the option would be to rezone portions of it to TOD-TR, which would probably be less desirable. So, one of the other solutions was to go to the MUDD district and essentially incorporate all the TOD standards while allowing the drive-through. So, while it is inconsistent with the area plan for TOD transit-oriented development the staff does feel that we still essentially implement TOD standards and TOD development through those MUDD standards that are going to be in place.

We do recommend approval. We do have some outstanding issues to work through related to the site and building design, but the staff does recommend approval.

**Collin Brown, 1420 East 7th Street, Suite 100** said I am here on behalf of the petitioner. Dave did a nice job with the overview. I am happy to answer any questions if you have them. Our client is White Point Partners, known for adaptive reuse. This rezoning as Dave mentioned would contain a commitment to keep the existing Dilworth Artisan Building. The goal of the rezoning here is Walgreens on the corner. Walgreens especially in light of COVID want to remain in the community, but to remain in the community they have to have a drive-through option.

This current use is not very transit-friendly. So, we have been trying to think of a way to do new redevelopment to incorporate Walgreens to give them a drive-through but make it internal, so, it doesn't feel like a suburban site. So, this is the solution that we have come up with to use the flexibility of the MUDD standards but also migrate in all of the TOD design standards. So, we think this is a little bit of a workaround, but we think it solves the problem and prides a very positive community benefit with regard to committing to keeping the existing Dilworth Artisan building and some additional open space.

**Councilmember Winston** said I think this question is for the staff. It was a comment that I had at a public hearing last month. We are obviously going to need some guidance, because two years into the TOD where we had a complete rezoning across all the transit areas align, this is concerning, right. The whole point is these TOD districts are supposed to work in collaboration. Now, it is two months in a row where folks, a bank, and now a drug store are trying to work outside of this by going through the rezoning process.

As we are having discussions, again this is a great exercise. Mayor Pro-Tem and I was having this conversation with you earlier today, future Councils need guidance on how to do this. I think this is an odious decision to try to get in here and cut this up. I would be completely against this because it completely goes against the guidance that we went through two years ago when we were going through this TOD process. So, I don't see how this makes sense and I have some strong concerns about seeing this two months in a row because it definitely seems like a canary in a Cole mind situation.

**Councilmember Egleston** said notwithstanding Mr. Winston's points. I just applaud the petitioner for looking for a way to save a cool old building.

**Councilmember Phipps** said I'm trying to figure out what is an internally located drive-through? Does it mean it's just going to be hidden from the public or something with a wall?

Mr. Brown said that is a good question and I would in response to that, point out to Mr. Winston I think this is a contrast from last month. This is not introducing a new drive-through use. So, Walgreens is there. They have drive-throughs now. They want to be in this area and if we can accommodate, they will stay in their current location, with their current drive-through with the current layout that you see. We are trying to solve this so to reinvent this block to make it more transit-oriented, we could include this Walgreens parcel if we find a way for them to keep a drive-through. So, Mr. Phipps, you are correct. If this is redeveloped with structured parking, so you have a parking deck, you're essentially moving that drive-through into the parking deck. So, you don't see it. You don't see it queuing out there when you drive by.

Mr. Winston, you don't see a service parking lot in a drive-through window. You see a very modern urban-looking building. It does have a drive-through hidden inside, but I would tell you I knew that would be one of your concerns and one of the contrasts is if we don't solve this, the existing drive-through stays there. They need to be in this area with a drive-through and so we think this can be an improvement with the community benefit of keeping a historic building and provide some open space we hope is a win/win.

**Councilmember Bokhari** said I think we need to also be careful to not always look backward as it relates to what we thought was necessary, or what we thought was the meta from before, because if not for drive-throughs in pharmacies, in banks, and several other items from the last year, this City would be in much worse shape than it was and that it played out to be.

The banking model as we have known it over the last year, people would not go into branches. That means if the underbanked and other folks in those more problematic demographics for banking that suffer. So, those drive-throughs there for people able to access the financial system. As well as access things like medicine and pharmacies, for us to villainized those on hills of the pandemic feels very short sighted.

**Mayor Pro-Tem Julie Eiselt** said I guess I have to just ask. I'm confused because there is a drive-through there now, correct?

Mr. Pettines said that is correct.

Mayor Pro-Tem Julie Eiselt said they want to redo it and how does it impact the Artisan Building? I don't understand the connection between the two buildings.

Mr. Brown said this isn't just redeveloping the Walgreens site if you can see my screen here. This allows the development team essentially to put together that entire block from East Boulevard over to Kingston Avenue. They already own and control the Artisan Building. So, this allows rather than piecemeal development with Walgreens a suburban in a floor plate and drive-through. This allows them to bring that into a new development with a very urban feel and what we are offering now is currently there is no protection on Dilworth Artisan. So, we thought that would be one of the positives be it benefit if you will of putting this into conditional zoning. Giving you a commitment to keep that building with some enhanced open space.

Mayor Pro-Tem Julie Eiselt said so, if this didn't go forward are you saying you would take down the Artisan Building?

Mr. Brown said no we are certainly not saying that. There would just be no zoning protection for it. I think White Pointe would move forward. They would not incorporate the Walgreens parcel. Walgreens wants to stay in the area. They have to have a drive-through. So, without this, I think the Walgreens parcel would remain to stand alone. Then White Pointe would have to access their development options.

Mayor Pro-Tem Julie Eiselt said because I mean there's a CVS right across the street there. It doesn't have a drive-through and I can tell you I have walked to both of those. The CVS is packed usually. That Walgreens does have a drive-through. So, I'm just confused. In fact, that Walgreens looks like it's about to go out of business cause they don't ever have anything in it. So, I just don't feel like I truly understand the full intent of what this project is for.

Mr. Winston said well I have the same question. Also remembering and thinking about what Mr. Bokhari said about moving forward and not looking back. This was a specific question about drive-throughs when we were going through the TOD process, right. So, Mr. Brown has said the desire is for Walgreens to stay in business. As a grandfathering in, this was one of the questions about fast food drive-through instead of being rezoned during this TOD rezonings. If it went from a McDonalds to a Pizza Hut for instance, that basically would keep the use the same. Therefore, all of the rights that they already had going into the TOD rezoning process would remain. So, if Mr. Brown is saying Walgreens is going to stay there and remain a Walgreens, I'm not clear as to what is the need for a land-use change for this project. So, to Mayor Pro-Tem Julie Eiselt's point what is actually changing that needs?

Mr. Pettine said let's just start at, if they didn't incorporate the Walgreens parcel and they developed around it then we would have a very kind of urban three-quarters of a block and a very suburban kind of use in that Walgreens. So, once Walgreens decides that they want to redevelop if they tear down and start to rebuild from scratch, they have to adhere to all the standards of the UC district, which wouldn't allow the drive-through.

So, essentially if somebody just went into that same building then we still have that grandfathering situation, but as soon as they would tear down and say we want to rebuild with the rest of this block that White Pointe has put together, that drive-through capability then goes away, because UC wouldn't allow it. So, this kind of allows the block and its entirety to be redeveloped as one whole project. Keeps Walgreens intact and then maintains their ability to have that drive-through long term.

Mr. Winston said you just said two different things.

Mr. Pettine said I mean it keeps the Walgreens located there, not intact, but keeps them located on that corner.

Mr. Winston said so basically the reason for this rezoning is that they do want to tear down that building and build a new building?

Mr. Pettine said as far as I understand, yes.

Mr. Brown said I think the plan would be for this to be a much more significant development, right, with structured parking going up against multiple stories and that Walgreens would then just become a tenant of that building. A ground floor active use with a drive-through tucked in. The Walgreens would then become a much smaller component of a much larger mixed-use transit-oriented development.

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

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**ITEM NO. 27: HEARING ON PETITION NO. 2020-197 BY THE PACES FOUNDATION, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.54 ACRES LOCATED ALONG THE SOUTH SIDE OF ELMIN STREET, ON THE NORTH SIDE OF WEST BOULEVARD, EAST OF OLD STEELE CREEK ROAD FROM R-5 (SINGLE-FAMILY RESIDENTIAL) AND R-8 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Pro-Tem Julie Eiselt** declared the hearing open.

**David Pettine, Planning** said this about 4.5 acres on West Boulevard and Elmin Street. This currently is zoned R-5 as mentioned they are requesting a rezoning to UR-2 conditional. The Central District Plan does single-family residential for a portion of the site up to 5 DUA and single-family up to 8 DUA for another portion. Since this is an older plan, a district plan we do run the GDP and that does allow for some policy guidance that gets to about over 17 dwelling units per acre being recommended in this area.

The petition itself is for up to 125 age-restricted multi-family dwelling units in one structure. That would come out to about 29.74 DUA. The building height is limited to 60 feet. All units in the building would be proposed to be affordable for households earning 80% AMI for a period of 20 years. We do have some transportation improvements, a 16-foot planning strip an 8-foot sidewalk along the property's frontage with West Boulevard. 8-foot planning and 8-foot sidewalk along Elmin Street and some right-of-way dedication along West Boulevard and Elmin Street.

Also, architectural standards have been worked in the design of the building and also open space amenities, including landscaping seating areas, and lighting, some of that being located along the frontage on West Boulevard.

As mentioned, the staff does recommend approval of this petition. There is no outstanding issue. While I have mentioned it is inconsistent with the Central District Plan, it consistent with the general development policies that recommend over 17 dwelling units per acre. I also would like to share that prior to the meeting this evening we did get two letters of support; one from the West Side Community Land Trust as well as the West Boulevard Neighborhood Coalition. Both submitting letters of support. There's been quite a bit of community involvement on this petition. The petition has been deferred several times to get to this point to continue working with them. So, I did want to point out that both of those organizations did provide a letter of support earlier today.

**Keith MacVean, 100 North Tryon Street,** said I am with Moore & Van Allen assisting the Paces Foundation, Inc. with the rezoning petition. We have coordinated our time Mayor Pro-Tem. Steve Bien, Mark Du Mas, and Paul Pennell, with Urban Design Partners, are

available to answer any question. As Dave mentioned we have been working with The Paces Foundation for historic Bien and Car Senior Community Center.

The Paces Foundation is a community-based non-profit organization, 501c3, with experience throughout the US and over 3,000 units that are built in the United States provided affordable housing service as part of the development of those communities.

As Dave mentioned the proposal of the 125 age-restricted affordable units in the single building oriented toward West Boulevard. There is open space along West Boulevard. There's a community path along the western portion of the site and other treescape improvements. This shows an idea of how the community path on the West side of the site would be developed. Another view of that path. These are examples of other communities that have also been developed by the petitioner. As Dave mentioned we have been working with the West Side Neighborhood Coalition, as well as the West Side Community Land Trust for several months on this petition. We do now have their support. Their letters of support were sent to you earlier today. Again, the petitioner has been working very hard with them and we appreciate their willingness to work with us on this request, and now their support.

**Steve Bien. 14021 North Dale Mabry Highway, Suite B, Tampa, FL** I think Keith had explained quite well. We are an affordable housing developer throughout the Southeast and Mid Atlantic. We specialize and senior and family Housing, mixed income in all categories, both urban and suburban setups. We are very excited, we've worked together to put a community benefits agreement with the West Boulevard Neighborhood Coalition, as well as has incorporated the Land Trust into a ground lease opportunity. So, the community will now be the ground lessor to the property and retain an ownership piece in the transaction.

We are very excited. We think this is sort of a groundbreaking opportunity. Dovetails in too much of what your discussions were throughout much of the evening to bring the neighborhood community into the development.

**Councilmember Watlington** said I was very, very proud of the work that the development team and the community were able to do together. I think this is a great example of what we can do through Community Benefits Agreements. I really was excited to see the ground lease MOU come forward with the Land Trust. We have talked a lot about how do we work to ensure we are acquiring land and I think that this was just a great job with all parties. I hope that this becomes the norm of how we do business. So, thank you and great work guys.

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

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**ITEM ON. 28: HEARING ON PETITION NO 2021-007 BY PAKCHANOK LETTSOME FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.2 ACRES LOCATED NEAR THE INTERSECTION OF E. 17TH STREET AND SEIGLE AVENUE IN THE BELMONT COMMUNITY FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Pro-Tem Julie Eiselt** declared the hearing open.

**David Pettine, Planning** said this is about 0.2 acres on Seigle Avenue. Currently zoned R-5. Seeking UR-2 conditional zoning. The Belmont Revitalization Plan recommends single-family. This is up to five DUA for the site. This proposal would be to essentially take one of the widest lots in this general area; there are only I think maybe two or three 60-foot wide lots in this area of Seigle and Belmont and split that into two to develop two single-family detached residential units with a max building height of 40 feet.



We would have proposed access off Seigle Avenue that would be through a shared driveway. We do have some pedestrian improvement for an eight-foot planning strip and six-foot sidewalk along the frontage. Also some architectural features including reusable porches and stoops located at the front of the structure and at a minimum depth of six feet. As well as some garage door treatments that are front-facing and full cut-off detached lighting.

Again the staff does recommend approval of this petition. We do have some outstanding issues related to transportation, site, and building design, and then a technical revision also that would need to be taken care of. It is inconsistent with the Belmont Revitalization Plan for single-family up to five DUA. Really it's just a density item. At this point, we are getting two single-family uses on one lot. Again the staff does recommend approval.

**Warren Lettsome, 1425 Northgreen Drive** said I appreciate the City's help with this. We have worked closely with them over the last probably six months. The City staff has been very, very, helpful with us since this is our first time doing this as we've worked through the process. So, we really appreciate all of their assistance. Again, this was shown in the staff presentation as well, but just to get a sense of where it is and how it would look on the lot. Again, in looking at the neighborhood and talking to the neighbors in the area this is a home that is just down the block from where we are looking to put these two residences up. We want to stay in character with the buildings that are being built in the area and stay with the flavor of the neighborhood. So, that is really it from us.

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

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**ITEM NO. 29: HEARING ON PETITION NO. 2021-009 BY EDWARD JUDSON MCADAMS FOR A CHANGE IN ZONING FOR APPROXIMATELY .59 ACRE LOCATED AT 2100 MATHESON AVENUE, DIRECTLY ADJACENT TO CHARLOTTE COUNTRY CLUB FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (SINGLE-FAMILY RESIDENTIAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is about .6 acres on Matheson Avenue, a conventional R-3 to R-4 request. The staff does recommend approval. There's no site plan as it is conventional. It's consistent with the Central District Plan recommendation.

**Councilmember Egleston** said this one is even significantly more simple than the last one.

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

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**ITEM NO. 30: HEARING ON PETITION NO. 2021-010 BY MADISON CAPITAL GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.9 ACRES LOCATED NORTH OF WILKINSON BOULEVARD, SOUTH OF ARTY DRIVE, AND WEST OF BERRYHILL ROAD FROM B-1 (NEIGHBORHOOD BUSINESS), O-2 (OFFICE), AND R-22 MF (MULTI-FAMILY RESIDENTIAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).**

**Mayor Lyles** declared the hearing open.

**Dave Pettine, Planning** said this is just under five acres on Wilkinson Boulevard and Berryhill Road, currently zoned with several different zoning districts, B1, O2, and R-22

MF. The proposed zoning is to go to TOD NC. As you can see, we've got some TOD in the general area just across the street. Then a little bit further down just to the east on Wilkinson. The Silver Line proposal route is in this general area. The Bryant Park Land Use does a mix of residential office and retail land uses. It's also as mentioned less than a quarter-mile walk from the proposed Silver Line Light Rail Station there at Remount Road.

When we have those mixed-use land use recommendations along the Silver Line, we have been consistent with the application of TOD if it's within the walking distance. This would be consistent with the land-use plan as well as, as mentioned within a quarter-mile walk. So, the NC is certainly an appropriate district to implement in this area. We do recommend approval.

**Collin Brown, 1420 East 7th Street,** said good presentation from Dave. This is very simple. I am happy to answer your questions if you have them.

**Councilmember Phipps** said how far in advance do we proceed with the implementation of a plan that is still very much uncertain. With our Light Rail funding, we got the draft alignment. That's enough for us to go on at this point or what?

Mr. Pettines said the TOD ordinance does discuss that if you haven't adopted alignment the TOD ordinance could be applied. So, we take that into consideration when we get these applications. We do have other TOD zoning in those areas along the Silver Line that we have seen pop up, not only along this corridor but in some other general areas along that proposed route. So, it is an applicable part of the TOD ordinance that was adopted back in 2019 as long as it is an adopted MTC alignment which this one is.

Mr. Phipps said so it's not a draft. It's more than a draft?

Mr. Pettines said yes, it has to be an adopted MTC with Metropolitan Transit Commission Alignment Station location, which that one is. I believe it was just confirmed with the adoption they had just a few weeks ago. So, that does make it applicable.

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

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**ITEM NO. 31: HEARING ON PETITION NO. 2021-013 BY HEBRON ROAD HOLDINGS, LLC FOR A CHANGE IN ZONING FOR 8.25 ACRES BOUND BY OLD HEBRON ROAD AND HEBRON STREET, EAST OF NATIONS FORD ROAD, AND WEST OF SOUTH BOULEVARD FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (GENERAL INDUSTRIAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 8.25 acres bounded by Old Hebron road and Hebron street. The current zoning is as mentioned is I-1. We do have proposed zoning of I-2. This is a conventional petition. The adoptive future land-use from the Southwest District Plan does recommend industrial land-uses for the site both warehouse distribution as well as adjust a small portion in the top corner of light industrial, which would be more of an I-1.

We do have a minor inconsistency with the plan, but overall the petition is consistent with the Southwest District Plan recommendation for industrial uses. We would especially be bringing in alignment with the surrounding zoning of I-2, you can see around Hebron Commerce Drive and East Hebron Street.

So, again the staff does recommend approval.

**Susanne Todd, 1065 East Morehead Street** said I am here on behalf of the petitioner, Hebron Road Holdings. Mr. Bauer reelected in the interest of time that I would just be

speaking. Mr. Pettine did a great job kind of summing this one up. It is a conventional rezoning and which it stands, all of the portions of four parcels that are zoned. Some of them are split zoned to I-1, I-2, and a tiny little bit some of them are zoned to I-1. This would make all of this area to the east here consistent and shore up the zoning classifications as well. I just wanted to thank the staff and happy to answer any questions.

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

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**ITEM NO. 33: HEARING ON PETITION NO. 2021-015 BY EXPONENTIAL DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.56 ACRES LOCATED IN THE NORTHEASTERN CORNER OF THE INTERSECTION OF WEST BOULEVARD AND HOLABIRD LANE FROM B-1S (CD) (BUSINESS SHOPPING CENTER, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 2.56 acres on Holabird Lane and West Boulevard, currently zone B-1S CD. The proposed zoning is for the UR-2 conditional district. The adoptive future land-use from the Central District Plan recommends retail. As mentioned earlier with the Central District Plan. We do apply the GDP in this instance.

This petition does meet the general development policies for consideration of up to 12 dwelling units per acre. The proposal is for up to 29 single-family attached units spread across eight buildings. There would be no more than five units per building. The building height would be limited to 40 feet, which is our standard residential height. We do have some architectural design standards, including usable porches and stoops, sidewalks to the public rights-of-way as well as blank wall limitations. We do have all units being proposed to be rear-loaded and access via private alleyways.

We do have commitments to construct an 88 compliant but waiting paid and shelter along West Boulevard. We do propose a right-of-way dedication measured 55.5 feet from the center line on West Boulevard as well as 355 feet from the center line on Holabird Lane. Those would be the dedication of additional right-of-way. Also, we have commitments to construct an eight-foot buffered bike lane. An eight-foot planning strip and eight-foot sidewalk along West Boulevard as well as a six-foot sidewalk on Holabird Lane and all so free-standing light fixtures would be fully caped, shielded, and downwardly directed.

As mentioned, the staff does recommend approval. We do have some issues related to transportation that we still need to work through. While it is inconsistent with the retail land use it does implement and is consistent with the general development policies in terms of residential density. It's also served by two CATS bus routes as well as constructing a bus pad and shelter on-site and we are also within a quarter mile of a Mecklenburg County Park, and a half-mile of the CMS K-8 school.

**Collin Brown, 1420 East 7th Street,** said I am here on behalf of the petitioner, Exponential Development. Great presentation by Dave. Hit most of the points. As a reminder, the existing zoning is a B-1 shopping Center District, which allows commercial development on the site. The land-use plan calls for retail. We've talked about the West Boulevard Corridor Playbook, which doesn't have specific recommendations for the site, but we have had community meetings and conversations with some of the neighborhood leaders, who really desire for-sale housing in the area. So, we think this would be a positive addition to the neighborhood.

We had a more recent community meeting. We got some feedback from the neighborhood. In light of that had made some adjustments to our plan. Really kind of taking the building off of West Boulevard, screen those with tree-save, changed the

orientation of these rear buildings, which were near a railroad corridor so that they could be sensitive to the sound in the area. So, I think a positive addition to the area.

**Councilmember Phipps** said did I understand Mr. Brown to say that this was a for sale product?

Mr. Brown said that is correct. For sale townhomes, all individually.

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

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**ITEM NO. 34: HEARING ON PETITION NO. 2021-022 BY OMS DILWORTH, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.14 ACRES LOCATED IN THE WESTERN QUADRANT OF THE INTERSECTION OF CLEVELAND AVENUE AND WORTHINGTON AVENUE, EAST OF SOUTH BOULEVARD FROM TOD-M(O) (TRANSIT-ORIENTED DEVELOPMENT - MIXED-USE, OPTIONAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 1.13 acres on Cleveland Avenue and Worthington Avenue, just off South Boulevard in the Dilworth community. As mentioned, the current zoning is TOD-MO, which is one of the old optional districts that TOD had. This wasn't part of the alignment due to that optional provision. So, the proposed zoning is to go to TOD-NC. We do have some TOD-NC already in the area along with UC. Some of those areas that are not highlighted over in the reddish color are zoned NC for the reason our mapping software doesn't transpose those.

The South End Transit Station Area Plan from 2005 does recommend retail. That was amended by petition 2014-002. That was the one that goes us to that TOD-M option that we currently have. That was for specific hotel use.

So, the staff does recommend approval, it is consistent. I'm not sure why this says single-family up to four dwellings per acre. This actually would be inconsistent with the retail land-use designation from the South End Transit Station Area Plan. However, the staff does recommend approval, and we will be happy to take any questions. I know we will have some conversation on this one. So, we will turn it over to Mr. Brown and his team and we will follow it up with the questions after.

**Collin Brown, 1420 East 7th Street, Suite 100** said I am here with Brittany Lins on behalf of the petitioner, OMS Dilworth. Good overview from Dave. I did want to get the correct zoning map up if I can cause I do think that's important. So, the location you know. Here is a look at the street views. One of the things I did want to point out is the zoning of the surrounding parcels, essentially this is in the area that was impacted by the TOD realignment.

This site has site-specific zoning on it. If it did not the City would have rezoned this to this zoning district a year and a half ago. So, the reason that did not get the TOD-NC at that time, site-specific rezoning plan on the site that allows only a hotel use and only a hotel that looks like this one. As you may have read not many hotels are being developed because of COVID. The property really can't be developed as is.

We approached the City staff about a rezoning. Obviously, the thought was that this would be a TOD, if it had not had the site-specific rezoning it would have already been rezoned to TOD. So, we propose a TOD rezoning here. Of course, as you know the TOD allows a variety of uses. There's no site-specific plan and currently, we do not have an option to pursue a TOD conditional zoning.

So, all though we were not required we held a community meeting that communicated that to the neighborhood. There are no speakers tonight, but I have talked to at least one Councilmember who express some concerns with the TOD proposal. So, I'm happy to answer questions on that end.

**Councilmember Eiselt** said I do have a question because Dave maybe you could address that. Again, this is not a parcel that was included in the TOD rezoning. Why would that mean that they could not zone as a conditional, Dave?

Mr. Pettine said it was included because as mentioned it has that site-specific plan. Otherwise, we would have pulled it in the alignment rezoning. The ability to go conditional and TOD is not that it is a prohibited thing, it's something that we haven't really explored and gotten into. What the overall kind of implications would be for the TOD districts, we had the EX district. That's not the same as what would be maybe a traditional, TOD conditional district, which would essentially be in this case like a TOD-NC with the CD in parenthesis after it.

As far as we know that is something that could potentially be a tool that could be utilized. It's been something that we been a bit hesitant to dive into because of the time that was spent on the TOD zoning ordinance and some of the things that, you know, opening up the conditional TOD would become a little more cumbersome than I think the intent was, but certainly, there are some site-specific and neighborhood-specific issues that the overall TOD ordinance may not address fully and maybe created some unintended consequences.

I know in this case parking spilling over into the neighborhood is an issue and a concern. We are also on the edge of a historic district. I think there is probably some conversation that still needs to occur at a staff level on, I guess, the implementation of the conditional TOD district that's not the EX district. What that would mean across the board or are there other tools in the toolbox for ordinance amendment that could address some of the concerns. So, I think starting that dialogue has been a beneficial one, but I think we have got some work to do to kind of come up with what the solution would be to best address what the concerns are with this specific petition and then figure out what that wide application would be of implementing some conditional TOD standards and what that means long term.

Ms. Eiselt said you said that you are not, and I am paraphrasing, that you are not inclined to do it because you spent so much time on the TOD. I have a concern on that, because I am trying to convince my colleagues that the whole Comprehensive Vision Plan, we are going to be nimble and flexible when we need to be, but yet you have just said you spent so much time on it that we don't want to do that. I really have a concern with that. The TOD we passed blind frankly because when you have a district like TOD-NC, we didn't know what the impact would be on fringe neighborhoods. So, I'm going to have a really different conversation in my own head for a while if you are telling me we can't go back and say, all right now we know what the implications are on what we've passed. In this particular case we have an opportunity because this one has to be rezoned, right? It's probably not going to be a hotel. That's what it can be now. The neighbors at that time had concerns that a hotel, where are the employees going to park and you know people aren't going to be necessarily coming to the hotel by light rail, but at least with a hotel people are parking in the hotel and they knew there was parking.

This is a conventional rezoning. So, we don't know what the user will be. It's 1.1 acre, which means potentially even without a bonus I guess you can probably have five floors. At least a hundred or so units with absolutely no parking. We say well that's okay, that's what we meant, but what we have seen in practice, and we would know this if we had a Comprehensive Vision Plan. That's the flip side of this. If we had a Comp Plan and this was mapped out, we know that across the street by-right is an apartment complex with 48 affordable housing units that are being built and they won't have any parking and unlike the Grub property, where they said you can't have a car.

This one is saying you can have all of the cars you want, we don't care. So, that property is not going to have parking. You've got the new Whiskey Bar that's already fighting for street parking and people are throwing up signs, you can't park here. You've got Dilworth Tasting Room that doesn't have parking. You've got a couple of other restaurants. You've got another one that's selling and so the real-world implication is your pouring more parking onto the streets and you're going to have in that area the ability if the plan goes through to put duplexes and triplexes. So, now you'll have more cars on the streets. I think in this case once in a while we have to say, are we still moving the ball down the field by acknowledging this is TOD-NC and that the whole area can go by-right except for this parcel, which is a pretty darn big parcel.

So, to alleviate some of the parking problems in this area already I would suggest that they do get it to be conditional and say that they are going to be providing parking.

Mr. Pettines said I think just to clarify; I didn't intend it to mean that we would never go back and make any amendments to ordinances or other plans. I know that's been the topic of conversation this evening. I think when we first had the TOD districts come in just within that first year we wanted to get a handle on what's some of those implications would be and now that we are understanding what some of them are. In particular with some of the parking challenges that we've seen in some of these neighborhoods that are right up against that TOD zoning district. I think there are some challenges now that we are seeing with the implementation of this ordinance over the last two years. So, we do have the solutions that we need to pose to address those, and that could be changed to the ordinance. It could be changes to how we approach TOD with the idea of that being an option to have a conditional TOD or do we look at other solutions like parking permits that I know we have talked about for other neighborhoods and other locations.

So, I think there is an opportunity now to see that we've created some may be unintended consequences. So, yeah now we have to figure out what those solutions are and I think that's what we're trying to work through, or do we propose that as conditional TODs. Do we propose parking permits for the neighborhood? Do we propose some other tools and I think all of those options are on the table? We just need to figure out which one would work best. Also, maintain some of the overall integrity of that TOD district and its intent. So, I think that's where we are willing to have that conversation to try to figure that out.

Ms. Eiselt said okay, and again flexibility still says we're still moving the ball down the field. We still get what we wanted out of this, but I would suggest, and I would ask my colleagues to consider pushing back. Mr. Brown, if you could go back to your client and if my colleagues feel this way in saying add some parking and tell people that this will include parking which I guess would be conditional.

Mr. Brown said on our end I think they have every intention of providing parking. If we had a mechanism to commit to that we would do it.

Ms. Eiselt said but you can sell this. Who are they, right? The people who are rezoning this are probably going to sell it because they were going to build a hotel.

Mr. Brown said ooh that's right. I speak for the market in this area as we discussed today. Anyone that's going to have a successful part. So, I will have to talk to my client, but my expectation is that as the property owner they would be comfortable agreeing to that if there's a mechanism.

Ms. Eiselt said but that skinny little lot across the street thee is going to be 48 units. So, that looks like that is probably times five or six. So, we can't just be on a whim and prayer.

**Councilmember Winston** said I'm glad we have the opportunity to have this conversation. The interaction between Mr. Pettine and Ms. Eiselt really does visualize the difference between a deal-making approach to land-use decisions for employing the planning process, a planning approach. What I heard Mr. Pettine say is not that we can't revisit this, but if we want to do this as we learn about this TOD-NC district as it is being implemented, we'll we don't need to change it petition by petition by petition. What City

Council needs to do is to go back into this TOD-NC ordinance and deal with the issues that we have and make changes to it.

Part of the problem with this as we have heard Mr. Jaiyeoba say this is that you don't want to do this year to year to year. You want to do this when you have enough aggregate data so that you can go back into the policy and again make these policy changes that affect everywhere that this land-use exist. However, being that the TOD ordinance is again a bottom level or high level, the bottom level depending on what you want to look at again is the specific area, right. It's a specific area plan that lives under the whole specific community area and it goes up and up and up. If we don't adopt the Comprehensive Plan so that umbrella, that direction to confirm it to exists it doesn't make a whole lot of sense to dive back into this TOD ordinance until we get there.

So, this is why a delay of the Comprehensive Plan even for a couple of months continues to perpetuate, not only the inequitable growth that we're talking about but wrong growth patterns, because we don't have that North Star to apply it to. So, I hear what you are saying and I hear what the staff is saying and it just again highlights the importance of why we need to get through this process that we have been pushing down the line for several months now. Please correct me Jaiyeoba or Mr. Pettine if I'm analyzing that wrong. If I'm putting wrong information out on to the record.

Mr. Pettine said no I think that is an accurate statement. I think it also ties back to the discussion we had earlier on TOD and drive-throughs and the challenge that we have with that scenario. So, I think now it's time, we have seen the ordinance in place for over a year or two now. What have we learned from it? What needs to maybe go back in and be updated and looked at maybe through a different lens of understanding and go through there, but I do agree that going through it on a petition by petition basis isn't necessarily the right approach. Is there a more holistic approach? So, I think that's where we're ready to just try to find what some of those solutions may be.

**Councilmember Bokhari** said that question is only as deep as what is actually in the Comp Plan, cause if the Comp Plan is full of things like CBAs and things of that nature then we go back to the deal-making City and it's going to be that conversation times a thousand going back and negotiating at a lower level deal-making between communities desires and concessions and things like that. We are going to find ourselves in a position where we bit off more than we can masticate and that's not going to be productive at all.

Mayor Lyles said so, I remember when this was rezoned for the hotel. It was really a very extensive conversation and debate. I don't hear that here and I kind of feel like well it was 2014. How many people have changed since this happen, but it just seems to me that to do this really will require neighborhood participation? I didn't hear from folks and I don't know Mr. Brown if you've talked to the land-use committee of the Dilworth Homeowners Association. I don't know Mr. Egleston, do you have any sense of neighborhood participation, because it was hotly debated in 2014?

**Councilmember Egleston** said yes, I mean they're certainly aware of it. There was no meeting require because it being a conventional petition, but it's on the radar. I've heard from a hand full of people that have expressed the same concerns Ms. Eiselt has. Their neighborhood association is not officially for it or against it at this point, but I think Collin, even prior to tonight's hearing was aware they were going to need to be an additional conversation.

Again, I think it's a matter of maybe that they are opting into a community agreement. I don't know what it is that they could say if they intend to build parking, that somehow, they are committed to it. Whether that be committed to us, committed to the community. They're expressing a potential willingness to do that on their own accord. So, I don't know what tools we have or what might exist outside of the City, but it does seem to be a problem to solve for.

Mayor Lyles said I think that that is a major issue that they were told one thing just several years ago and now there is another option on the table. I'm not saying it's either bad here or there, it's just awareness is really important for the Neighborhood Association.

**Councilmember Phipps** said can I get Mr. Pettine to send me the archive of the discussion of that petition that occurred back in 2014 because I might have had a hand in it?

Mr. Pettine said I can coordinate with the Clerk's office and see if we can get minutes from that one.

Mayor Lyles said it was the rooftop use.

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

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**ITEM NO. 35: HEARING ON PETITION NO. 2021-030 BY LUCERN CAPITAL PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.55 ACRES LOCATED ON THE EAST SIDE OF RESEARCH DRIVE, NORTH OF WEST W. T. HARRIS BOULEVARD, AND WEST OF INTERSTATE 85 FROM O-1 (CD) (OFFICE, CONDITIONAL) TO RE-3(O) (RESEARCH, OPTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 2.55 acres off W. T. Harris Boulevard on Research Drive. The current zoning is O-1 conditional. The proposed zoning is RE-3 optional. The University City Area Plan calls for office retail for the site. That plan was adopted in 2010. This petition would be proposing to provide 96 multi-family dwelling units or maintain the 96-foot hotel rooms currently on-site. This would be an adaptive reuse of an existing hotel like I said, it is currently on the property. They do have some optional provisions, which would allow parking to be permitted between the building and the street as well as maintaining the existing planning strip and sidewalk along Research Drive.

We do have a dedication of 41 feet of right-of-way from the centerline of Research Drive to accommodate a future 8-foot planting strip and 12-foot multi-use path. Also provide a minimum of 800 square feet of open space with amenities and a new detached and attached lighting would be full cut off. So, the staff does recommend approval of this petition. We do have some outstanding issues related to transportation and land use to work through. As mentioned, it is inconsistent with that recommendation of office and retail from the University City Area Plan. However, we do feel that the use is appropriate in this area. It would help to expand some of the housing options in the University City area and we do, like I said, recommend approval.

**Bridget Grant, 100 North Tryon Street** said I am with Moore and Van Allen. It is a pleasure to be here this evening on behalf of Frank Forte and Mark Palazzo with Lucern Capital Partners. In the interest of time, I'm going to just advance a couple of slides. Dave did a great presentation. We are able to address all of the outstanding issues.

I do want to confirm that we are going to add one additional optional provision to allow parking at a space, providing a rate of one space per unit, and confirm that we are just converting all of the hotel and the only use permitted on the site will be the multi-family.

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

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**ITEM NO. 36: HEARING ON PETITION NO. 2021-031 BY HALLEY DOUGLAS, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.23 ACRES LOCATED ON THE NORTH SIDE OF LAUREL AVENUE, EAST OF PROVIDENCE ROAD, AND WEST OF**



**RANDOLPH ROAD FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (CD) (SINGLE-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is .23 acres on South Laurel Avenue just to the east of Providence Road and west of Randolph Road. The current zoning is R-5, the proposed zoning is for R-8 conditional, which is single-family residential. The Elizabeth Area Plan from 2011 does recommend residential uses up to five dwelling units per acre. This proposal is to allow all residential units permitted in the R-8 district. This one specifically does discuss a duplex on the property. It does illustrate building envelop for the site and proposes access from South Laurel Avenue, as well as an access point onto an abutting alleyway to the North.

We do have different building materials that have been committed to as well as roof materials. A walkway will be provided to connect all residential entrances to the sidewalks along public and private streets. Any garage constructed on the site will be an access via for the alleyway. It also states that only one entry door to the principal structure shelf front South Laurel Avenue in order to promote the appearance of a detached dwelling unit.

The staff does recommend approval of this petition. We do have some outstanding issues related to the site and building design. It is inconsistent with the area plan recommendation of up to 5 DUA. However, we do feel that the request to go to R-8(CD) particularly to allow duplex, it would be an appropriate use for this site. It is next to an existing multi-family structure zoned R-22 MF. So, it would provide some transition from that higher density just next door. Again, we do recommend approval.

**David Murray, 1109 Greenwood Cliff** said I am with the Odom Firm representing the petitioner here. I agree with the presentation that's been made by staff. We are seeking to do a duplex on this site. There's duplexes to the right side of this property. There's quadruplexes to the rear of this property. There's multi-family to the left side of this property and there's existing duplexes across the street. So, we are the one single-family detached house surrounding by multiple-unit existing uses. So, this provides a transition into those existing uses.

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

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**2040 COMPREHENSIVE PLAN DISCUSSION CONTINUED**

Mayor Lyles said I believe we were on Item #42.

Councilmember Egleston said we voted down my motion to call the question. So, there were people that still wanted to speak.

Mayor Lyles said thank you for the reminder, Mr. Egleston.

Councilmember Watlington said I just want to say I apologize Mayor if I was disrespectful to you earlier. That's not my intent. Everything else I have already said.

Mayor Lyles said thank you.

Councilmember Phipps said I wanted to get some clarification of how the mapping would look between the two proposals.

Mayor Lyles said Mr. Phipps could you repeat your question?

Mr. Phipps said I was wondering, the contrast, the mapping of each of these two proposals. Would there be real differences in them?

Mr. Jaiyeoba said regardless of which language you use the mapping process will be the same. It would just be that right now what you are adopting with the Comprehensive Plan and those concepts of the place types maps themselves, but the process regardless whether it's this one or the original or even any other proposed a language because we have already [inaudible] place type mapping path into the Comprehensive Plan process. The old methodology is what's likely going to change, but the process itself is not going to be different regardless of which language or option we take.

Mr. Phipps said so would it make any difference if you already have a single-family zoning classification built in. Would the mapping still gives the community a chance to opt-out of duplexes and retain their single-family designation.

Mr. Jaiyeoba said I don't know if Alisha is on the line so she can respond to that, but I can start with this. Hypothetically, if Council goes forward in June to adopt the plan, the first step in implementing that plan starts with you place types mapping process. There will be a number of things that are built into that, including the opportunity for, like I said earlier, the opportunity for residents to actually be able to weigh in on the methodologies that have been used and on the prioritization as well.

So, there are places today that are single-family housing that will just not change. They will continue to be what they are today unless of course, the community opts out of that for denser development. In this case, it could be N-2.

Councilmember Bokhari said I would just leave us with the same comment as before which is you can remove 2.1 completely, which we voted down, but we had five votes to do, which was very close, or you can go down these paths of which we have no idea what to do. Maybe this alternative version is a bit better than the other one but we still have to place our faith in handing this off to a department of which they have shown us absolutely no desire by which to go and explore the things that we have shown as the will of this Council. So, I just don't know how you move to pass that. I don't know how you hand something that has to be handed off to go figure it out to a group of folks who are under the premise that that is not something they are willing to do.

On those merits alone I don't know how the lack of trust that has been built up over this time would enable us to put then that trust into a group to go figure that out. For the record.

Councilmember Driggs said just briefly I think this would mitigate some of the concerns that I had. I preferred the elimination of 2.1, but maybe this gives us an out in the sense I'm going to support it.

Mr. Egleston said in general I think Mr. Driggs shared information about Minneapolis. We've also seen information from Minneapolis that says that this sort of policy adoption that we contemplate in the original plan does not mean that there is suddenly a wrecking ball knocking down every single-family house in the City.

Mr. Driggs said no one believes that.

Mr. Egleston said some people seem to. I didn't say you did, but anyway I'm not going to support the substitute motion.

Councilmember Graham said again I don't think the Council as a whole has indicated that there's a lack of trust. Maybe a Councilmember, but not the Council as a whole. I'm going to vote against the substitute motion and encourage the Council to vote on the item that the committee voted out. I think it was 4150, I can't remember. Then hopefully we can work with the Planning Department that we put our trust in to help us identify possible scenarios where we could keep the spirit of 2.1, but at the same time demonstrate what the majority of Council wants, which is to move this document forward.

Councilmember Johnson said I would add that the substitute motion does mitigate the situation. It allows flexibility. It leaves the option open for more density for duplexes, triplexes. It simply protects some neighborhoods. It allows the option for the protection that there will be some areas that will have the option to be single-family, I don't want to use the word exclusive, but that's what it is. It's a balance for protecting the vulnerable neighborhoods and not just the vulnerable neighborhoods, potentially it's a protection for the tradition if you will, of single-family neighborhoods.

I would also add that this is the reason that we are asking before the next is adopted, that the Council review that as well. So, that we can take a look to make sure that our wishes and our desires, and our directives have been implemented. So, I will be supporting the substitute mote.

Councilmember Newton said I just wanted to start by drawing one more distinction between us and Minneapolis, and that's the fact that we are five times the land area of the City of Minneapolis. That's not unique, but the fact is that we have one of the largest land areas of any city in the entire United States. We are twice the size if not more than the City of Portland. We are twice the size if not more than the City of Detroit, all cities that are mentioned as models within our plan. The reason why I bring that up is that due to that difference we have challenges that far exceed theirs.

When we talk about an item like sustainability, not only do we have to put infrastructure in place in the area further from the city core, more challenging than them, but we also have to maintain that. That cost money and I think that those challenges are really coming home to roost today. We know that there are areas where residential growth is far exceeding our capacity to meet it with infrastructure and this amendment right here, you know we talk about things like neighborhood character, I think gentrification. We need to do everything in our ability to mitigate the gentrification in our community. This provides an option. An option for those areas to be protected and yet at the same time it still allows us to place duplexes and triplexes, in single-family everywhere else.

That's the real beauty, that flexibility of this provision and I want to make one more thing clear. The fact that yes, this allows single-family protections, but at the same time allows duplexes and triplexes to still be placed in single-family everywhere else, that's not what we have today, right. That is different and that does make a significant impact. That will absolutely increase the numbers. Help us in that regard and is not status quo. I keep hearing something to the effect where maybe this being status quo. No, this doesn't exist today. It will allow those duplexes and triplexes to be placed in single-family. Just protect other areas where we don't want that. Now, mind you of course it can be placed on corner lots, but where we don't want that and that's different. That's different than what we have today. So, it's not the status quo.

Mayor Lyles said I really don't understand and maybe I just need to understand because I don't want to say something is status quo if it's not. So, if I live in a single-family neighborhood tell me what's different about this because I can still put a duplex on a corner lot. So, that's now under existing. What is different about it? I'm not being funny either I'm really speaking to understand better.

Mr. Newton said this still allows. So, depending upon where that location is, this still allows duplexes and triplexes. That's not the case today. Read the very beginning. Allow duplex and triplex housing units on all place types. That's not what exists today. That is a difference.

Mayor Lyles said but when you get to the last sentence at least one zoning district explicit of single-family zoning district. That's where they are allowed in single-family zoning districts.

Mr. Newton said there is an option, but nevertheless, duplexes and triplexes are allowed in single-family. That option exists for the protection of vulnerable neighborhoods subject to gentrification that lack essential city services and amenities, and from what I been hearing from the community, from what I heard from a meeting that was held last night

and some multiple meetings I had today with community leaders, it also allows for the preservation of community character as well. If and where necessary. Let's be clear about that. That's the whole point here, because everywhere else certainly you can still have the duplexes and triplexes. Once again, it is different than what exists today, therefore it is not status quo.

Mayor Lyles said I'm still struggling with this.

Mr. Driggs said let me have a shot at that. What this says is we do everything that the plan talks about. Exactly the way the plan currently describes except we give ourselves the possibility of putting a single-family zoning designation in places where we might think that there's good reason to do so. There's no reason to deprive ourselves of the option to have within the entire landscape of Charlotte a couple of places that are either vulnerable neighborhoods or for whatever reason. So, all this is saying is yes, the same as the plan currently contemplates, but we don't have to have this categorical elimination.

Mayor Lyles said I understand that part.

Mr. Driggs said that's all it is.

Mayor Lyles said because what I'm saying when I was asking the status quo is that if I go and build a single-family subdivision now, I can put a duplex or triplex on a corner lot now?

Mr. Driggs said right, and this says you would still be able to do so, but the idea was that we do not, but we still have that tool of being able to protect certain places.

Mayor Lyles said so, you are going from what the plan does to that and I'm going what's different about today and this plan.

Mr. Driggs said well today we have 70% of the City as zoned as single-family.

Mayor Lyles said corner lots can all be put with duplexes.

Mr. Driggs said it's not about corner lots. It's about [inaudible].

Mr. Newton said that would significantly decrease that number.

Mayor Lyles said I understand what you are saying.

Ms. Watlington said Madam Mayor, may I take a stab at that because that is extremely important. I would like to address your question.

Mayor Lyles said okay.

Ms. Watlington said so, when I read this, affirm what my Councilmembers said before, it's really to me functioning like what we would hope some kind of overlay would do, except we may not want an overlay over the entire neighborhood. We may say you know what we want to get more granular and say that, for instance, my neighborhood. We sit right on West Boulevard. It makes sense as we know to concentrate density where we are going to have mass transit, whether it be the bus or whatever. So, we may not want an overlay over our entire neighborhood.

This simply gives us the option to differentiate between certain lots versus interior lots to the neighborhood. The reason that this includes corner lots here is because it wants to make sure that you understand that it is not saying take away the existing permissions that are on corner lots. It just saying allow us that one more tool in the box to say, you know what, it doesn't make sense to go inside of this particular neighborhood and do this because of all of the things in the equitable framework. All it is a tool to differentiate based on what we know about the equitable framework, which is already what we know we want to do.

We know we are going to look in and say hey, all neighborhoods are not created equal. That's all this is saying is give us the tool to be able to say, we are going to be a little more granular in this place, and make sure that we are protecting this neighborhood. That's it.

Councilmember Eiselt said so I guess what I don't understand with that is how you do in practice, because if you allow that and we say we going to give this overlay because of the equitable framework, then what happens when a neighborhood in a wealthy part of town, I'm not going to pick on anyone in particular, but in a very wealthy part of town says, well it's not equitable that we can't keep our neighborhoods single-family zoned.

Ms. Watlington said are you asking me?

Ms. Eiselt said well I guess so. I don't understand how we are going to still move this forward when everybody is going to say, come up with a reason why they want to keep their neighborhood zoned for single-family.

Ms. Watlington said and I don't disagree with you with that. That's why I have concerns about passing a blanket ordinance and then saying, we are going to do overlays. To your point everybody going to want to come in and say, well our neighborhood should be exempt, but remember the issue here is that all neighborhoods are not on an equal playing field today. Wealthy neighborhoods by in large based on our zoning map don't have to come in and have that fight because they already have superseding restrictions. So, if it's not an equal playing field at all. So, really what we are doing is removing protections for neighborhoods that already don't have the private restrictions. So, it's not a conversation of, well the wealthy neighborhoods are going to come and pick all of their stuff to be single-family and the vulnerable neighborhoods are not going to be able to do it.

Right now, the wealthy neighborhoods are going to be insulated regardless. That's the part that for me, we cannot miss. We can't talk equity if we're not realistic about what's already existing and what this plan is actually going to do. So, to answer your question you've got to create regardless of whether we do it through an overlay, which I would point out is already one of the tools that are written in the plan. So, if we are against this approach of differentiation we need to go back and talk about that overlay, but we have got to do it in a way that we have laid our criteria and it's systemic.

You're right. To you Mr. Jaiyeoba's words from last week, it can't be something where residence pick lots willy nilly. It has to be based on the equitable framework regardless of whatever tool we use.

Mr. Phipps said I was just going to say, Mayor, it seems like we receive hundreds of emails over the last couple of weeks. I got one particular email over last Friday I guess from a representative that works very closely in the Grier Heights Neighborhood that showed me an illustration of a duplex that they had constructed to serve two families, and they made it an affordable duplex. So, she showed a picture of it, and it was pretty impressive the description that they gave me in the email of what they did and how they were surrounded by \$450,000 homes. I was looking for examples of affordable duplexes. So, I have seen duplexes in Belmont. I ride around there, and they have them everywhere. They are towering over houses, but I don't know how affordable they are, but I was impressed by the fact that this group works primarily in Grier Heights. They found a way to do it and showed a good illustration of it.

Mayor Lyles said the motion on the table is a substitute motion that's been presented by Councilmember Newton and Councilmember Driggs. Everyone can see it on the board.

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

YEAS: Councilmembers Bokhari, Driggs, Johnson, Newton, and Watlington.

NAYS: Councilmembers Ajmera, Egleston, Eiselt, Graham, Phipps, and, Winston.

Without six votes the substitute motion failed.

Mayor Lyles said we will go back to the original motion, which was presented by the Great Neighborhood Committee. So, we have a motion to approve the recommendation to change it to place types from all lots.

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

YEAS: Councilmembers Ajmera, Eiselt, Egleston, Graham, and Newton, Phipps, Watlington and Winston.

NAYS: Councilmembers Bokhari, Driggs, and Johnson.

Mr. Winston said can I make a comment about this one. We had no discussion on this one. I just wanted to make a comment before.

Mayor Lyles said I thought we had a discussion earlier. So, I apologize. Could I take the vote and then you make your comment, or do you want to make it before your vote?

Mr. Winston said I would like to explain. I will be very, very short. This proposal does not represent a compromise for all of us 80s babies out here. We learn how to read using "hooked on phonics worked for me". You sound out the word or the sentence and that is basically what this change does. It explains how you get to basically all lots using the metrics of the equitable growth framework. I think that this doesn't represent a compromise, but it will open us up to more litigation from as Mr. Bokhari said, those neighborhoods that are able to organize and pay for these frivolous lawsuits to slow things down because they believe that there is something in this wrongfully so that they can litigate, and they will be unsuccessful. So, for all of the folks out there, when this gets adopted know that this isn't a compromise, but you will have to hold your future leaders accountable to fight against these litigations that will come that will attempt to slow down the planning processes, the community area processes, the specific area plan processes that are going to come out this.

This does away with exclusionary zoning and it allows duplexes and triplexes and quadplexes to be built in the same image of the original language, and so I vote yes.

Mr. Bokhari said I will agree with everything he just said for the most part and add it will also be the neighborhoods who cannot afford that level of sophistication to fight back that would ultimately be the ones who are displaced and suffer the greatest impacts of all of this. So, I vote no.

Mr. Driggs said yes, I think the same thing. The only difference between the people that are unhappy in wealthy neighborhoods and the people that are unhappy in lower-income neighborhoods is the latter group can't afford the lawyers. I'm a no.

Ms. Johnson said I would also ask if I can ask Mr. Jaiyeoba if he can just confirm what the outcome will be. How is this different from all single-family lots versus all single-family place types? Last week we were told that this does not change the outcome.

Mr. Jaiyeoba said now I will still say that the outcome will be the same. We are going to be able to have more supply of housing in terms of different products. What this language does thought is that it makes it clear that the process for place types is connected to the policy. I think that's really what this language does very well for us. Also, the fact is that the Comprehensive Plan has those metrics and measures for equitable growth framework that it's easy to gloss over them, but by tying that to this language it brings up that old equitable development as we have the place type mapping conversation. That pretty much the only difference between the two languages.

Ms. Johnson said thank you so much and that's what I was concerned about is the outcome and removing the exclusivity or the option for any neighborhood that needs that protection. I think this has opened up the door and the flood gates for gentrifications in neighborhoods like Hidden Valley and other vulnerable neighborhoods. So, for that reason, I vote no.

Mayor Lyles said item 41 promote a modification for the policy section a note was added. It says in the past. Did we already do this one?

Marcus Jones, City Manager said so, I think this would be in concert with what was just passed.

Mayor Lyles said no, I think it does have the codes and covenants in there doesn't it?

Mr. Jones said it would be in conflict.

Mayor Lyles said so, we are not going to do 41. I know it has been a tough night. I know there is a lot more work to be done. I just want to say how much I appreciate the effort and the energy. This is some amazing work and no matter which side the votes came, I know that this Council and the bottom line is we will work together to make sure that as we move forward will be better for our community and our residence.

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### ADJOURNMENT

The meeting was adjourned at 10:57 p.m.

  
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Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 6 Hours, 51 Minutes  
Minutes Completed: July 19, 2021