

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, April 19, 2021 at 5:05 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, Victoria Watlington and Braxton Winston II.

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Mayor Lyles welcomed everyone to the April 19, 2021 Zoning Meeting and said this meeting is being held as a virtual meeting 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 Newton gave the Invocation followed by the Pledge of Allegiance to the Flag by Councilmember Bokhari.

Mayor Lyles said before we begin I have one piece of exciting news and I wish I had a picture, but I will put it in the Council packet. This past week we had an exciting opportunity when we had our CMPD Recruit Class graduate this year and in that in graduation it was something that had never happened before, the Class was No. 187; there were 40 new Officers that joined CMPD and out of that was the largest class of women to graduation in recent memory. I have a picture of all of them here, which we can't see very clearly, but just to say that we are working hard to make sure that our force reflects the population of our community for a lot of reasons, but more importantly, I have to say that the data, the academic research shows that any organization that employs women often makes the best decisions given any effort. So, congratulations to the seven women joining CMPD and we look forward to your success along with the rest of your class and those new Officers, welcome to our world where we believe that everyone should be able to live in a safe place and for the work that you will do to help us accomplish that. Thank you very much.

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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

Kemba Samuels, Chair of Zoning Committee introduce the members of the Zoning Committee. They will meet Tuesday, May 4, 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.

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DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to defer decision on Item No. 3, Petition No. 2019-179 by Ronald Staley, Jr. to May 17, 2021, decision on Item No. 4, Petition No. 2020-038 by Clover Group to May 17, 2021, Item No. 6, Petition No 2020-118 by TWG Development requesting a withdrawal, Item No 27, Petition No. 2020-155 by Go Store it South Tryon, LLC requesting a withdrawal, defer hearing on Item No. 28, Petition No. 2020-133 by D. R. Horton to May 17, 2021 and defer hearing on Item No. 30, Petition No. 2020-197 by The Paces Foundation, Inc. to May 17, 2021.

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ITEM NO. 2: FOLLOW UP REPORT

Mayor Lyles said everyone has the Follow Up Report.

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DECISIONS

ITEM NO. 5: ORDINANCE NO. 35-Z, PETITION NO. 2020-103 BY FIELDING HOMES/DRB GROUP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.92 ACRES LOCATED ALONG THE EAST SIDE OF PROVIDENCE ROAD AND ALONG THE NORTH SIDE OF ALEXANDER ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Blumenthal, second by Kelly) 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 requested density of less than or equal to 8 DUA, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends residential use at 3 units per acre; and the proposed density is 7.4 DUA. 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 General Development Policies would support residential use up to 12 DUA for the site. This petition proposes attached single family residential uses with a density limited to 7.4 DUA. The maximum building height is limited to 44 ft., with building setbacks increased to accommodate additional height, similar to single family zoning. The plan provides buffers adjacent to single family homes, setbacks along public streets and building separations from single family use/zoning larger than Ordinance minimums, and architectural design requirements that mitigate the project's impact on surrounding single family homes. The site is located on a major thoroughfare at the intersection with a minor thoroughfare and has access to transit services. The proposal limits vehicular access to Providence Road, preventing conflicting turning movements on Alexander Road. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from Single Family ≤ 3 DUA to Residential ≤ 8 DUA for the site.

Motion was made by Councilmember Driggs, seconded by Councilmember Watlington, to approve Petition No. 2020-103 by Fielding Homes/DRB Group 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 requested density of less than or equal to 8 DUA, based on the information from the final staff analysis and the public hearing and because the plan recommends residential use at 3 units per acre; and the proposed density is 7.4 DUA. 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 General Development Policies would support residential use up to 12 DUA for the site. This petition proposes attached single family residential uses with a density limited to 7.4 DUA. The maximum building height is limited to 44 ft., with building setbacks increased to accommodate additional height, similar to single family zoning. The plan provides buffers adjacent to single family homes, setbacks along public streets and building separations from single family use/zoning larger than Ordinance minimums, and architectural design requirements that mitigate the project's impact on surrounding single family homes. The site is located on a major thoroughfare at the intersection with a minor thoroughfare and has access to transit services. The proposal limits vehicular access to Providence Road, preventing conflicting turning movements on Alexander Road. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from Single Family ≤ 3 DUA to Residential ≤ 8 DUA for the site.

Councilmember Driggs said I just wanted to say about this one it took a long time and several iterations to kind of respond to as far as possible the issues that were raised by residents. We weren't able to fully accommodate all of them, but I feel we have reached a place where this is a good proposal, particularly in light of some of the goals of our 2040 Plan and that is why I am recommending approval and ask that my colleagues join me in that.

Councilmember Winston said for the community's sake just a little bit of history, this plot of land was originally the City's land I believe, and we were considering building a very expensive Police Station there. CMPD suggested that we don't do that and now it is potentially in a position to put homes on.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 616-617.

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ITEM NO. 7: ORDINANCE NO. 36-Z, PETITION NO. 2020-134 BY IMPACT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 26.59 ACRES LOCATED IN THE SOUTHEASTERN CORNER OF THE INTERSECTION OF RHYNE ROAD AND MOUNT HOLLY ROAD FROM CC LWPA (COMMERCIAL CENTER, LAKE WYLIE PROTECTED AREA) TO CC SPA, LWPA (COMMERCIAL CENTER SITE PLAN AMENDMENT, LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 7-0 (motion by Barbee, second by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Catawba Area Plan based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends residential, office, and/or retail for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because the proposed use is consistent with the mixed-use recommendation for the site of residential/office and/or retail. The site is located at the interchange of Mount Holly Road and Interstate 485, where other mixed-use developments have been approved. The proposed multi-family development is not adjacent to any existing or proposed single-family uses, but retail uses only, and across from light industrial. Multi-family development at this location would provide a mix of

housing types in the general vicinity. The site is in close proximity to a pair of bus stops for CATS Route 18.

The petitioner made the following changes to the petition after the Zoning Committee vote; therefore, the City Council must determine if the changes were substantial and if the petition should be referred back to the Zoning Committee for review:

The petitioner amended the note to increase their contribution towards the construction of improvements at the intersection of Mount Holly Road, Rhyne Road and Sonoma Valley Road to \$200,000 from \$150,000.

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

Motion was made by Councilmember Eiselt, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2020-134 by Impact, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Catawba Area Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends residential, office, and/or retail for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed use is consistent with the mixed-use recommendation for the site of residential/office and/or retail. The site is located at the interchange of Mount Holly Road and Interstate 485, where other mixed-use developments have been approved. The proposed multi-family development is not adjacent to any existing or proposed single-family uses, but retail uses only, and across from light industrial. Multi-family development at this location would provide a mix of housing types in the general vicinity. The site is in close proximity to a pair of bus stops for CATS Route 18, as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 618-619.

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ITEM NO. 8: ORDINANCE NO. 37-Z, PETITION NO. 2020-141 BY FLAGSHIP HEALTHCARE PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.55 ACRES LOCATED ALONG THE SOUTHEAST SIDE OF COLONIAL AVENUE, ALONG THE WEST SIDE OF VAIL AVENUE, AND THE NORTHEAST SIDE OF RANDOLPH ROAD FROM O-2 (OFFICE) TO MUDD (CD) (MIXED USE DEVELOPMENT, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Nwasike, second by Welton) 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 office uses. 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 proposed use is consistent with the surrounding uses in the immediate area. The petition commits to streetscape along Randolph Road, N. Colonial Avenue, and Vail Avenue. A portion of the site has frontage along a major thoroughfare. The development incorporates transportation improvements around the immediate street network. The proposal commits to creating well-articulated building facades by incorporating features including but not limited to building materials, architectural treatments, transparent glass in strategic locations.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-141 by Flagship Healthcare Properties, 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 office uses. 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 proposed use is consistent with the surrounding uses in the immediate area. The petition commits to streetscape along Randolph Road, N. Colonial Avenue, and Vail Avenue. A portion of the site has frontage along a major thoroughfare. The development incorporates transportation improvements around the immediate street network. The proposal commits to creating well-articulated building facades by incorporating features including but not limited to building materials, architectural treatments, transparent glass in strategic locations.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 620-621.

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ITEM NO. 9: ORDINANCE NO. 38-Z, PETITION NO. 2020-150 BY EVOLVE ACQUISITION, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 20.267 ACRES LOCATED ALONG THE SOUTH SIDE OF ALEXANDRIA ROAD, NORTH OF I-485 AND WEST OF HIGHWAY I-77 FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND BP (BUSINESS PARK) TO R-17 MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Welton seconded by Blumenthal) 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 residential/office/retail uses up to 17 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 this petition proposes up to 312 multi-family dwelling units for a density of 15.4 DUA. This proposal is consistent with the area plan recommendation of residential/office/retail up to 17 DUA. This proposal furthers the area plan's goal of increasing the housing stock to be more diverse, especially in areas which are designated for higher density housing. The petition commits to enhancing the pedestrian environment through site design elements which include an 8-foot planting strip and 12-foot multi-use path along the site's frontage on Alexandria Road. Additionally, an 8-foot planting strip and 6-foot sidewalk along each side of the new public street will be constructed, as designated on the site plan. The approval of this petition will revise the adopted future land use as specified by the Northlake Area Plan (2008), from Residential/Office/Retail to Residential up to 17 DUA for the site.

Motion was made by Councilmember Winston, seconded by Councilmember Graham, and carried unanimously to approve Petition No. 2020-150 by Evolve Acquisition, LLC 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 staff analysis and the public hearing, and because the plan recommends residential/office/retail uses up to 17 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 this petition proposes up to 312 multi-family dwelling units for a density of 15.4 DUA. This proposal is consistent with the area plan recommendation of residential/office/retail up to 17 DUA. This proposal furthers the area plan's goal of increasing the housing stock to be more diverse, especially in areas which are designated for higher density housing. The petition commits to enhancing the pedestrian environment through site design elements which include an 8-foot planting strip and 12-foot multi-use path along the site's frontage on Alexandria Road. Additionally, an 8-foot planting strip and 6-foot sidewalk along each side of the new public street will be constructed, as designated on the site plan. The approval of this petition will revise the adopted future land use as specified by the Northlake Area Plan (2008), from Residential/Office/Retail to Residential up to 17 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 622-623.

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ITEM NO. 10: ORDINANCE NO. 39-Z, PETITION NO. 2020-159 BY BAINBRIDGE COMMUNITIES ACQUISITIONS III, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 14.83 ACRES BOUNDED BY THE NORTHERN SIDE OF MALLARD CREEK ROAD, THE NORTHEAST SIDE OF RIDGE ROAD AND THE EASTERN SIDE OF BEARD ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO RR-22MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

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 Northeast Area Plan (2000) based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends multi-family/office/retail uses, up to 12+ 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 Northeast Area Plan recommends retail and office for this site and requires a residential component as well, up to 12+ DUA. The 21.9 DUA proposed by this plan and the petition's commitment to providing multifamily development on the site is consistent with the plan's land use recommendation. The site fronts Mallard Creek Road and is across the street from recent rezoning 2019-169, which was approved for multi-family residential at 17 DUA. The petitioner commits to enhancing the pedestrian experience by constructing an 8-foot planting strip and 12-foot shared-use path along Ridge Road and Mallard Creek Road. The petition is committed to providing improved open space amenity areas with landscaping, seating areas, hardscape elements, and shade structures as applicable and appropriate to the proposal.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-159 by Bainbridge Communities Acquisitions III, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast Area Plan (2000) based on the information from the final staff analysis and the public hearing, and because the plan recommends multi-family/office/retail uses, up to 12+ 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 Northeast Area Plan recommends retail and office for this site and requires a residential component as well, up to 12+ DUA. The 21.9 DUA proposed by this plan and the petition's commitment to providing multifamily development on the site is consistent with the plan's land use recommendation. The site fronts Mallard Creek Road and is across the street from recent rezoning 2019-169, which was approved for multi-family residential at 17 DUA. The petitioner commits to enhancing the pedestrian experience by constructing an 8-foot planting strip and 12-foot shared-use path along Ridge Road and Mallard Creek Road. The petition is committed to providing improved open space amenity areas with landscaping, seating areas, hardscape elements, and shade structures as applicable and appropriate to the proposal.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 624-625.

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ITEM NO. 11: ORDINANCE NO. 40-Z, PETITION NO. 2020-168 BY THE BUILDING AGENCY, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.572 ACRES LOCATED OFF ARNOLD DRIVE EAST OF EASTWAY DRIVE AND WEST OF KILBORNE PARK IN THE MARKHAM VILLAGE NEIGHBORHOOD FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO R-8 (CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Barbee, 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 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 uses up to four dwelling units per acre (DUA) for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because the overall density request (4.45 DUA) is only marginally higher than the recommended density for the site (4 DUA). While slightly higher than the recommended density, a request of 4.45 DUA is an appropriate transition between areas of lower density to the East and areas of higher density to the West, along Eastway Drive. The proposed housing is consistent with the overall context of the surrounding neighborhood. This petition proposes residential uses, and the Eastland Area Plan recognizes a need for protecting existing neighborhoods from non-residential encroachment. The approval of this petition will revise the adopted future land use as specified by the Eastland Area Plan from single family uses up to four DUA to residential uses up to five DUA for the site.

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

- The petitioner has committed to enhanced planting around the stormwater control measure located towards Arnold Drive.
- The petitioner has shifted the driveway away from the existing single family home to ensure the new yard requirement against said home is correct.
- The petitioner has corrected a label to properly reflect the correct rear yard measurement.

- The petition has modified a conditional note relate to compliance with the Tree Ordinance to remove the option for tree mitigation and added a note to clarify that the petitioner is aware the site plan's illustration of tree save is not compliant with the Tree Ordinance as drawn and must be brought into compliance during permitting.

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

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-168 by the Building Agency, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent 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 uses up to four dwelling units per acre (DUA) for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the overall density request (4.45 DUA) is only marginally higher than the recommended density for the site (4 DUA). While slightly higher than the recommended density, a request of 4.45 DUA is an appropriate transition between areas of lower density to the East and areas of higher density to the West, along Eastway Drive. The proposed housing is consistent with the overall context of the surrounding neighborhood. This petition proposes residential uses, and the Eastland Area Plan recognizes a need for protecting existing neighborhoods from non-residential encroachment. The approval of this petition will revise the adopted future land use as specified by the Eastland Area Plan from single family uses up to four DUA to residential uses up to five DUA for the site, as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 626-627.

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ITEM NO. 12: ORDINANCE NO. 41-Z, PETITION NO. 2020-172 BY ALEX RANSENBERG AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .312 ACRES LOCATED AT THE EASTERN INTERSECTION OF WESLEY AVENUE AND WHITING AVENUE IN THE NODA COMMUNITY FROM R-5 (RESIDENTIAL) TO UR-1 (CD) (URBAN RESIDENTIAL, 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 Central District Plan with respect to proposed land use, but consistent with General Development Policies (GDP) recommended density, based on the information from the post hearing staff analysis and the public hearing, and because The plan recommends single family uses up to five dwelling units per acre (DUA) for the site. GDP recommends up to 12 DUA for the site with design standards. 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 while over the District Plan's recommended density, the petition meets the General Development Policies locational criteria for consideration of up to 12 dwellings per acre. The petition is similar in density and type to previously approved rezoning petitions (2002-008; 7.4 DUA and 2004-078; 8 DUA). The request commits to the construction of three singlefamily detached residences with similar lot frontage width. For those reasons, this request is contextually appropriate with the surrounding community. The request for infill residential development at this location is in alignment with the Central District Plan's policy recommendation of promoting "more urban scale infill development". The approval of this petition will revise the adopted future land use as specified by the Central District Plan from single family uses up to five DUA to residential uses up to 12 DUA.

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

- The petitioner illustrated proposed tree safe on the site plan.

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

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, to approve Petition No. 2020-168 by The Building Agency, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan with respect to proposed land use, but consistent with General Development Policies (GDP) recommended density, based on the information from the final staff analysis and the public hearing, and because The plan recommends single family uses up to five dwelling units per acre (DUA) for the site. GDP recommends up to 12 DUA for the site with design standards. 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 while over the District Plan's recommended density, the petition meets the General Development Policies locational criteria for consideration of up to 12 dwellings per acre. The petition is similar in density and type to previously approved rezoning petitions (2002-008; 7.4 DUA and 2004-078; 8 DUA). The request commits to the construction of three singlefamily detached residences with similar lot frontage width. For those reasons, this request is contextually appropriate with the surrounding community. The request for infill residential development at this location is in alignment with the Central District Plan's policy recommendation of promoting "more urban scale infill development". The approval of this petition will revise the adopted future land use as specified by the Central District Plan from single family uses up to five DUA to residential uses up to 12 DUA, as modified.

Councilmember Egleston said just a quick shout out on this one to Lisa Galinorie and Paul Pannell; you all might remember I got a little feisty two months ago during this hearing and referred to this petition as dead on arrival. Despite where it was two months ago Lisa led a group of neighbors and continued conversations with the petitioner and with their representative Paul Pannell and they got everything figured out. They are in support now, so I appreciate everybody's work on it, but particularly Lisa and Paul.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 628-629.

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

Gavin Toth, Jacob.horr@gmail.com

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ITEM NO. 13: ORDINANCE NO. 42-Z, PETITION NO. 2020-179 BY AGENT 89 PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .74 ACRES LOCATED AT 4100 ROBINWOOD DRIVE LOCATED IN THE EASTLAND WILORA LAKE COMMUNITY FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-4 (SINGLE FAMILY RESIDENTIAL)

The Zoning Committee voted 6-0 (motion by Nwasike, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency:

This petition is found to be insert 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 uses up to four dwelling units per acre (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 petition's increase in density aligns the parcel with the adopted future land use for the parcel. The request aligns with the Eastland Area Plan's goal to "support strong neighborhoods" through "ongoing investment and an influx of new residents." The request does not change the overall context of the residential neighborhood. This petition proposes residential uses, which remains consistent with the Eastland Area Plan's goal of protecting existing neighborhoods from non-residential encroachment.

Motion was made by Councilmember Newton, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-179 by Agent 89 Properties, LLC and adopt the following statement Consistency: This petition is found to be insert 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 uses up to four dwelling units per acre (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 petition's increase in density aligns the parcel with the adopted future land use for the parcel. The request aligns with the Eastland Area Plan's goal to "support strong neighborhoods" through "ongoing investment and an influx of new residents." The request does not change the overall context of the residential neighborhood. This petition proposes residential uses, which remains consistent with the Eastland Area Plan's goal of protecting existing neighborhoods from non-residential encroachment.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 630-631.

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ITEM NO. 14: ORDINANCE NO. 43-Z, PETITION NO. 2020-184 BY PINKY'S, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.225 ACRES LOCATED ALONG THE WET SIDE OF FREEDOM DRIVE AND ALONG THE NORTH SIDE OF WEST MOREHEAD STREET FROM B-1 PED-O (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY, OPTIONAL) TO B-1 PED-O (SPA) (NEIGHBORHOOD BUSINESS PEDESTRIAN OVERLAY, OPTIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 6-0 (motion by Barbee, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the West Morehead Pedscape Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends retail. 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 proposed rezoning petition is consistent with the adopted retail land use for this site. The parking space reduction is consistent with the objectives of the Pedestrian Overlay Zoning district for the area, which encourages a pedestrian friendly form of development. The site is located near existing bus stops and located within 0.25 mile of the proposed silver line transit station. The existing streetscape appears to be in compliance with the ordinance and optional request allows the streetscape to remain as is.

Motion was made by Councilmember Watlington, seconded by Councilmember Phipps, and carried unanimously to approve Petition No. 2020-184 by Pinky's, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the West Morehead Pedscape Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends retail. 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 proposed rezoning petition is consistent with the adopted retail land use for this site. The parking space reduction is consistent with the objectives of the Pedestrian Overlay Zoning district for the area, which encourages a pedestrian friendly form of development. The site is located near existing bus stops and located within 0.25 mile of the proposed silver line transit station. The existing streetscape appears to be in compliance with the ordinance and optional request allows the streetscape to remain as is

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 632-633.

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ITEM NO. 15, ORDINANCE NO. 44-Z, PETITION NO. 2020-185 BY PROVIDENCE GROUP CAPITAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.808 ACRES LOCATED ALONG THE WEST SIDE OF DISTRIBUTION STREET, EAST OF SOUTH TRYON STREET, AND SOUTH OF DUNAVANT STREET FROM TOD-NC (TRANSIT ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT URBAN CENTER)

The Zoning Committee vote 6-0 (motion by Blumenthal, seconded Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the New Bern Transit Station Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the adopted plan recommends transit oriented developmentmixed. 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 subject site is within a 1/4 mile of the proposed Rampart Station infill light rail station. The proposal allows a site previously used for industrial/office/warehouse purposes to be reused or redeveloped with a transit supportive project. Use of conventional TOD-UC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The TOD-UC district may be applied to parcels within ½-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of a funded and/or adopted Metropolitan Transit Commission alignment station location.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-185 by Providence Group capital, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the New Bern Transit Station Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the adopted plan recommends transit oriented developmentmixed. 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 subject site is within a 1/4 mile of the proposed Rampart Station infill light rail station. The proposal allows a site previously used for industrial/office/warehouse purposes to be reused or redeveloped with a transit supportive project. Use of conventional TOD-UC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The TOD-UC district may be applied to parcels within ½-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of a funded and/or adopted Metropolitan Transit Commission alignment station location.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 634-635.

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ITEM NO. 16: ORDINANCE NO. 45-Z, PETITION NO. 2020-187 BY SAM'S MART AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.098 ACRES LOCATE ALONG THE SOUTH SIDE OF CENTRAL AVENUE, ON THE WEST SIDE OF NORTH SHARON AMITY ROAD AND NORTH OF SPANISH QUARTER CIRCLE FROM B-1 (NEIGHBORHOOD BUSINESS) TO B-2 (GENERAL BUSINESS).

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 Eastland Area Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends retail 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 parcel was previously developed with an automobile service station with fuel sales. The site is located at the intersection of two major thoroughfares (Central Avenue and Sharon Amity Road). There are retail and other commercial uses in B-1 and B-2 zoning in the immediate area. Uses allowed in B-2 are compatible with other commercial uses located near this intersection.

Motion was made by Councilmember Winston, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2020-187 by Sam's Mary and adopt the following Statement of Consistency: This petition is found to be consistent with the Eastland Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends retail use. Therefore, we find this petition to reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the parcel was previously developed with an automobile service station with fuel sales. The site is located at the intersection of two major thoroughfares (Central Avenue and Sharon Amity Road). There are retail and other commercial uses in B-1 and B-2 zoning in the immediate area. Uses allowed in B-2 are compatible with other commercial uses located near this intersection.

The ordinance is recorded in full in Ordinance Book 63, at Pages (636-637).

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ITEM NO. 17: ORDINANCE NO. 46-Z, PETITION NO. 2020-188 BY SHAUN GASPARINI, TRUE HOMES AMENDING THE OFFICIAL ZONING OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 11.49 ACRES LOCATED NEAR 13230 PLAZA ROAD, NEAR THE MECKLENBURG CABARRUS COUNTY LINE FROM R-3 (SINGLE FAMILY RESIDENTIAL) R-8 MF (MULTIFAMILY RESIDENTIAL).

The Zoning Committee voted 6-0 (motion by Nwasike, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Rocky River Road 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 uses up to eight dwelling units per acre (DUA) for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because the request is consistent with adopted land use policy for the site. The increase in density is reasonable as the site is close to existing neighborhood services such as grocery stores, banks, and gas stations. The requested district is contextually appropriate as it is already present on this portion of Plaza Road Extension. The requested density and the resulting entitled housing types satisfies land use goals from the Rocky River Road area by “encouraging a mixture of housing types” and “allowing intensification of land uses in areas with complimentary uses and supporting infrastructure.”

Motion was made by Councilmember Winston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-188 by Shaun Gasparini, True Homes, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Rocky River Road 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 uses up to eight dwelling units per acre (DUA) for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the request is consistent with adopted land use policy for the site. The increase in density is reasonable as the site is close to existing neighborhood services such as grocery stores, banks, and gas stations. The requested district is contextually appropriate as it is already present on this portion of Plaza Road Extension. The requested density and the resulting entitled housing types satisfies land use goals from the Rocky River Road area by “encouraging a mixture of housing types” and “allowing intensification of land uses in areas with complimentary uses and supporting infrastructure.”

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 638-639.

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ITEM NO. 18: ORDINANCE NO. 47-Z, PETITION NO. 2020-189 BY 5110 GABLE ROAD, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.66 ACRES LOCATED EAST OF GABLE ROAD AND SOUTH OF SHOPTON ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO I-2 (GENERAL INDUSTRIAL).

The Zoning Committee voted 6-0 (motion by Kelly, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Steele Creek Area Plan based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends office, industrial, and warehousedistribution for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because the proposed rezoning is consistent with the adopted land use recommendations for this site and surrounding area. The site is located within the Shopton Road Industrial Activity Center as per the Centers, Corridors

and Wedges Growth Framework. The surrounding parcels are all zoned for industrial uses.

Motion was made by Councilmember Winston, seconded by Councilmember Watlington, and carried unanimously to approve Petition No. 2020-180 by 5110 Gable Road LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Steele Creek Area Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends office, industrial, and warehousedistribution for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed rezoning is consistent with the adopted land use recommendations for this site and surrounding area. The site is located within the Shopton Road Industrial Activity Center as per the Centers, Corridors and Wedges Growth Framework. The surrounding parcels are all zoned for industrial uses.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 640-641.

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ITEM NO 19: ORDINANCE NO. 48-Z, PETITION NO. 2020-190 BY NORTHWOOD RAVIN AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.3 ACRES LOCATED ALONG THE WEST SIDE OF SOUTH KINGS DRIVE, EAST OF KENILWORTH AVENUE AND SOUTH OF CHARLOTTETOWNE AVENUE FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 6-0 (motion by Barbee, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Midtown Morehead Cherry Area Plan, based on the information from the post hearing staff analysis and the public hearing and because The adopted plan recommends residential/office land uses, as amended via petition 2014-030. 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 current rezoning plan allows a up to 155 multi-family residential units and/or a 175-room hotel. The number of residential units proposed is equal to the approved number of residential units and hotel rooms. The site plan amendment request limits the modifications to conversion of hotel room entitlements to residential units with minor adjustments to transportation improvements. The proposed development is compatible with the surrounding uses.

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

- A conditional note that added stating "...existing curb on South Kings Drive to remain. Restrict movement at this driveway to right-in/right-out with a combination of an internal channelized median signage. Petitioner will work with staff during Land development permitting on final design of this driveway configuration."

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

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, to approve Petition No. 2020-190 by Northwood Ravin and adopt the following Statement of Consistency: This petition is found to be consistent with the Midtown Morehead Cherry Area Plan, based on the information from the final staff analysis and the public hearing and because The adopted plan recommends residential/office land uses, as amended via petition 2014-030. 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 current rezoning plan allows a up to 155 multi-family residential units and/or a 175-room hotel. The number of residential units proposed is equal to the approved number of residential units and hotel rooms. The site plan amendment request limits the modifications to conversion of hotel room entitlements to residential units with minor adjustments to transportation improvements. The proposed development is compatible with the surrounding uses, as modified.

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

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

NAYS: Councilmember Phipps.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 642-643.

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

The Cherry Community Organization – cherrycommorg1977@gmail.com

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ITEM NO. 20: ORDINANCE NO. 49-Z, PETITION NO. 2020-191 BY CENTRAL AVENUE KARYAE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.075 ACRES LOCATED ON THE SOUTH SIDE OF CENTRAL AVENUE, EAST OF PECAN AVENUE AND WEST OF THOMAS AVENUE FROM B-2 PED (GENERAL BUSINESS, PEDESTRIAN OVERLAY) TO B-2 PED (O) (GENERAL BUSINESS, PEDESTRIAN OVERLAY, OPTIONAL).

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 Plaza Central Pedscape Plan, based on the information from the post hearing staff analysis and the public hearing and because the adopted plan recommends office/retail/multi-family residential uses greater than 12 units per acre with a pedestrian overlay. 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 site is located on Central Avenue, which is a commercial corridor. The property is located within the heart of the Plaza Midwood business district where the Plaza Central Pedscape Plan identifies the preservation of the historic character as a priority. The proposal will preserve an existing building in the business district. The Gold Line streetcar is proposed to run along Central Avenue in front of this site, which will provide an alternative mode of transportation.

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt, and carried unanimously to approve Petition No. 2020-191 by Central Avenue Karyae, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Plaza Central Pedscape Plan, based on the information from the final staff analysis and the public hearing and because the adopted plan recommends office/retail/multi-family residential uses greater than 12 units per acre with a pedestrian overlay. 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 site is located on Central Avenue, which is a commercial corridor. The property is located within the heart of the Plaza Midwood business district where the Plaza Central Pedscape Plan identifies the preservation of the historic character as a priority. The proposal will preserve an existing building in the business district. The Gold Line streetcar is proposed to run along Central Avenue in front of this site, which will provide an alternative mode of transportation.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 644-645.

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ITEM NO. 21: ORDINANCE NO. 50-Z, PETITION NO. 2020-193 BY PREMIER ATHLETIC MANAGEMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.50 ACRES LOCATED ALONG THE EAST SIDE OF BROWNE ROAD, SOUTH OF I-485 AND WEST OF BENFIELD ROAD FROM INST (CD) (INSTITUTIONAL, CONDITIONAL) TO B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Blumenthal, 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 Prosperity Hucks Area Plan (2015) based on the information from the post hearing staff analysis and the public hearing, and because: The plan recommends parks/open space. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because this petition proposes an expansion to the currently operating Prosperity Athletic Tennis Club, which has been in operation since 1998. The expansion includes adding a Type II EDEE, adding a canopy to 3 existing tennis courts, converting two tennis courts to pickle ball courts, and expanding and improving vehicular circulation and parking areas. The improvements and additions proposed in this petition will enhance and improve the recreational opportunities for club patrons and for the residents in the surrounding neighborhoods, and the new tennis court canopy will make the site more accessible throughout the year despite inclement weather. The petition proposes to construct a community garden area which will be a source of fresh food for club patrons and for residents in the surrounding areas. The petition includes a 5-foot trail around the proposed stormwater basin, which will encourage recreational activity and provide different access points for the proposed parking lot to on the left side of the trail. The proposed 5-foot bike lane extension, 8-foot planting strip, and 6-foot sidewalk along the frontage of the project site will increase connectivity in this area, improve access to the site, and provide more safety for visitors who choose to ride or bike to the location. The petition commits to following all required buffers required by the Ordinance and to establishing a 6-foot privacy fence on the southern and southeastern sides of the site with appropriate landscaping, where the site abuts a residentially zoned area. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan (2015), from Parks/Open Space to Retail for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-193 by Premier Athletic Management, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Prosperity Hucks Area Plan (2015) based on the information from the final staff analysis and the public hearing, and because: The plan recommends parks/open space. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because this petition proposes an expansion to the currently operating Prosperity Athletic Tennis Club, which has been in operation since 1998. The expansion includes adding a Type II EDEE, adding a canopy to 3 existing tennis courts, converting two tennis courts to pickle ball courts, and expanding and improving vehicular circulation and parking areas. The improvements and additions proposed in this petition will enhance and improve the recreational opportunities for club patrons and for the residents in the surrounding neighborhoods, and the new tennis court canopy will make the site more accessible throughout the year despite inclement weather. The petition proposes to construct a community garden area which will be a source of fresh food for club patrons and for residents in the surrounding areas. The petition includes a 5-foot trail around the proposed stormwater basin, which will encourage recreational activity and provide different access points for the proposed parking lot to on the left side of the trail. The proposed 5-foot bike lane extension, 8-foot planting strip, and 6-foot sidewalk along the frontage of the project site will increase connectivity in this area, improve access to the site, and provide more safety for visitors who choose to ride or bike to the location. The petition commits to following all required buffers required by the Ordinance and to establishing a 6-foot privacy fence on the southern and southeastern sides of the site with appropriate landscaping, where the site abuts a residentially zoned area. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan (2015), from Parks/Open Space to Retail for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 646-647.

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ITEM NO 22: ORDINANCE NO. 51-Z, PETITION NO. 2020-195 BY SMITH SOUTHEAST DEVELOPMENT, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.9 ACRES LOCATED ALONG THE SOUTH SIDE OF REA ROAD EAST OF COLONY ROAD, AND WEST OF STOURTON LANE FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The zoning Committee voted 6-0 (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 South District Area Plan. However, the General Development Policies support the requested density of less than or equal to 12 DUA, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends single family uses at 3 DUA; and the petition proposes a density of 8.9 DUA. 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 General Development Policies would support residential use over to 17 DUA for the site. However, the petition proposes single family residential attached use with a density limited to 8.9 DUA. The maximum building height is limited to 45 ft., with building setbacks increased to accommodate additional height, similar to single family zoning. The plan provides landscape area planted to Class C buffer standards adjacent to single family homes and architectural design requirements that mitigate the projects impact on surrounding single family homes. The site is located on a minor thoroughfare and is located less than ¼ of a mile from transit service. The existing zoning and land use are non-residential, the proposed residential use is more compatible with the existing residential development than commercial use. There is a mix of land uses in the area

including single family to the south and east, townhomes to the north and northwest and non-residential uses to the west. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential at 3 dwelling units per acre to residential ≤ 12 DUA for the site.

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

- Added a landscape plan to the rezoning plans.
- On the petition notes V. Setbacks, Open Space, Buffers and Screening, Note b, states that the landscape buffer will be installed prior to any CO's for each adjacent townhome.
- Added label note that a new gate and fence will be placed at same location as existing gate and fence along Tych property.
- Amend note V.c to specify that fence and gate will be installed prior to the final certificate of occupancy.
- Additional screening will be provided at the cul-de-sac bulb and in strategic locations along the adjacent Canterbury neighborhood properties including: (12) large maturing evergreen trees and (24) large maturing shrubs, beyond the Class C Buffer planting requirement, will provide Canterbury neighbors with more dense screening.
- Existing trees located in the 20' Landscape Area are identified that the petitioner is committing to save as is reasonable during construction. The canopy of these large maturing trees will provide immediate screening at the canopy height.
- As shown on the exhibit and plan, Petitioner has committed to work with neighbors to locate perimeter fencing that will be installed prior to the CO's for each adjacent townhome.

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

Motion was made by Councilmember Driggs, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2020-195 by Smith Southeast Development, Inc. and adopt the following Statement of Consistency: This petition is found to be consistent with the South District Area Plan. However, the General Development Policies support the requested density of less than or equal to 12 DUA, based on the information from the final staff analysis and the public hearing and because the plan recommends single family uses at 3 DUA; and the petition proposes a density of 8.9 DUA. 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 General Development Policies would support residential use over to 17 DUA for the site. However, the petition proposes single family residential attached use with a density limited to 8.9 DUA. The maximum building height is limited to 45 ft., with building setbacks increased to accommodate additional height, similar to single family zoning. The plan provides landscape area planted to Class C buffer standards adjacent to single family homes and architectural design requirements that mitigate the projects impact on surrounding single family homes. The site is located on a minor thoroughfare and is located less than $\frac{1}{4}$ of a mile from transit service. The existing zoning and land use are non-residential, the proposed residential use is more compatible with the existing residential development than commercial use. There is a mix of land uses in the area including single family to the south and east, townhomes to the north and northwest and non-residential uses to the west. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential at 3 dwelling units per acre to residential ≤ 12 DUA for the site, as modified.

Councilmember Driggs said I just wanted to say on this one again, there was quite a long process trying to reach a total accommodation between the residents and the petitioner. We weren't able to close all the gaps, but I think the plan we have now is a

good one and I'm relying on the petitioner to fulfill all the commitments made with respect to landscaping and particularly preserving those trees.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 648-649.

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ITEM NO. 23: ORDINANCE NO. 52-Z, PETITION NO. 2020-200 BY ELMINGTON CAPITAL GROUP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.862 ACRES LOCATED ON THE SOUTH SIDE OF WEST BOULEVARD, THE WEST SIDE OF BEECH NUT ROAD, AND EAST OF CLANTON ROAD FROM R-22 MF (MULTIFAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN 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 consistent with the Central District Plan for a majority of the site and inconsistent with the adopted plan for the remainder of the site and supported by the General Development Policies, based on the information from the post hearing staff analysis and the public hearing and because the petition is consistent with the Central District Plan recommendation of multifamily residential with no specified density for the majority of the site and inconsistent with the recommendation for institutional for the remainder of the parcel. The General Development Policies support a residential density of over 17 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 Central District Plan supports residential for a majority of the parcel, while the General Development Policies supports the proposed density. The surrounding area consists of a mix of single family and multifamily residential communities. The site is located adjacent to, and within walking distance of Barringer Academic Center, a school facility. The streetscape improvements along West Boulevard associated with the proposed project will enhance the walkability and support neighborhood accessibility to the school facility. The request will commit to several transportation improvements in affiliation with the development. The proposed development provides several architectural commitments with respect to building materials, façade treatments, and avoidance of expanse of blank walls. The development commits to provision of amenities on the site. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from current recommended institutional use for a portion of the site to the recommended multifamily residential over 17 units per acre for that portion of the site.

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

- Made the following modification to development note to state 100% of the total number of multifamily dwelling units actually constructed on the site shall maintain monthly rents that are income restricted for households earning a range from 50% - 70% of the Area Median Income (AMI) for a period of not less than thirty (30) years from the date of issuance of certificates of occupancy for the first building to be constructed on the site. (It was previously 30% to 80%).
- Added a note conveying the 4.15-acre portion of parcel 145-103-17, currently zoned R-4 and shaded on the Rezoning Plan, to the West Side Community Land Trust (WSCL) concurrent with the issuance of a certificate of occupancy for a multifamily development on the Rezoning property. This requirement to convey said R-4 property shall be conditioned upon the WSCL's agreement to accept the property and pay all transfer costs including survey costs, its attorney fees, title insurance premium, and all other due diligence costs. WSCL's acceptance of the property shall not unreasonably delay the issuance of certificate of occupancy.

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

Councilmember Watlington said I just wanted to acknowledge the great work that was done by the West Boulevard Neighborhood Coalition, Revolution Park Neighborhood Association and also the West Side Community Land Trust. With Elmington they did a lot of work on this one and I appreciate the engagement by the community getting into the specifics of this one and hanging in there and I'm excited about the possibilities of what else we can do through these conditional rezonings. This was a big deal to be able to get a Land Trust conveyance in this way, so I appreciate the work that everybody did, and I look forward to continuing these kinds of mutual [inaudible] agreements.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, to adopt Petition No. 2020-200 by Elmington Capital Group and adopt the following Statement Consistency: This petition is found to be consistent with the Central District Plan for a majority of the site and inconsistent with the adopted plan for the remainder of the site and supported by the General Development Policies, based on the information from the final staff analysis and the public hearing and because the petition is consistent with the Central District Plan recommendation of multifamily residential with no specified density for the majority of the site and inconsistent with the recommendation for institutional for the remainder of the parcel. The General Development Policies support a residential density of over 17 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 Central District Plan supports residential for a majority of the parcel, while the General Development Policies supports the proposed density. The surrounding area consists of a mix of single family and multifamily residential communities. The site is located adjacent to, and within walking distance of Barringer Academic Center, a school facility. The streetscape improvements along West Boulevard associated with the proposed project will enhance the walkability and support neighborhood accessibility to the school facility. The request will commit to several transportation improvements in affiliation with the development. The proposed development provides several architectural commitments with respect to building materials, façade treatments, and avoidance of expanse of blank walls. The development commits to provision of amenities on the site, as modified.

Councilmember Watlington said I just wanted to reiterate that the position of Revolution Park and West Boulevard Neighborhood Coalition is that while this particular petition is supported the specific negotiations that were agreed upon as a conditional rezoning going forward home ownership with the single family or multifamily is the preferred option to support the West Corridor Playbook.

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

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

NAYS: Councilmember Winston.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 650-651.

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

Brett Tempest – bqtempest@gmail.com

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ITEM NO. 24: ORDINANCE NO. 53-Z, PETITION NO. 2021-002 BY CITY OF CHARLOTTE, AVIATION DEPARTMENT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.98 ACRE LOCATED SOUTH OF BYRUM DRIVE, EAST OF I-485, AND WEST OF YORKMONT ROAD FROM R-3 AIR (SINGLE FAMILY RESIDENTIAL, AIRPORT NOISES OVERLAY) TO I-2 AIR (GENERAL INDUSTRIAL, AIRPORT NOISE OVERLAY).

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 Southwest District Plan based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends office/industrial land uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because the proposed rezoning to industrial is consistent with the adopted land use for the site and the surrounding area. The adjacent parcels are all zoned for industrial uses and the site is within the Airport Noise Overlay which is compatible with industrial zoning. The site is just south of Charlotte-Douglas International Airport, surrounded by industrial uses.

Motion was made by Councilmember Watlington, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2021-002 by City of Charlotte, Aviation Department and adopt the following Statement of Consistency. This petition is found to be consistent with the Southwest District Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends office/industrial land uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed rezoning to industrial is consistent with the adopted land use for the site and the surrounding area. The adjacent parcels are all zoned for industrial uses and the site is within the Airport Noise Overlay which is compatible with industrial zoning. The site is just south of Charlotte-Douglas International Airport, surrounded by industrial uses.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 652-653.

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

The Homeowners of Centurion Estates and 16507 and 16501 Marvin Road – rrella@carolina.rr.com

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ITEM NO. 25: ORDINANCE NO. 54-Z, PETITION NO. 2021-005 BY CITY OF CHARLOTTE, AVIATION DEPARTMENT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 108.67 ACRES LOCATED ON THE SOUTH SIDE OF WILKINSON BOULEVARD, EAST OF I-485, AND WEST OF BILLY GRAHAM PARKWAY FROM R-4 LLWPA AIR (SINGLE FAMILY RESIDENTIAL) LOWER LAKE WYLIE PROTECTED AREA, AIRPORT NOISE OVERLAY), I-1 (CD) LLWPA AIR (LIGHT INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA, AIRPORT NOISE OVERLAY) AND I-1 LLWPA AIR (LIGHT INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA, AIRPORT NOISE OVERLAY) TO I-2 LLWPA AIR (GENERAL INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA, AIRPORT NOISE OVERLAY).

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 Southwest District Plan, based on the information from the post hearing staff analysis and the public hearing and because the plan recommends

office/industrial land uses. 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 proposed rezoning to industrial is consistent with the adopted land use for the site and the surrounding area. The adjacent parcels are all zoned for industrial uses and the site is within the Airport Noise Overlay which is compatible with industrial zoning. The site is just north of Charlotte-Douglas International Airport, under the flight path to Runway 18R/36L.

Motion was made by Councilmember Watlington, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2021-005 by City of Charlotte, Aviation Department and adopt the following Statement of Consistency: This petition is found to be consistent with the Southwest District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office/industrial land uses. 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 proposed rezoning to industrial is consistent with the adopted land use for the site and the surrounding area. The adjacent parcels are all zoned for industrial uses and the site is within the Airport Noise Overlay which is compatible with industrial zoning. The site is just north of Charlotte-Douglas International Airport, under the flight path to Runway 18R/36L.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 654-655.

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ITEM NO. 26: ORDINANCE NO. 55-Z, PETITION NO. 2021-032 BY E-FIX DEVELOPMENT CO, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.298 ACRES LOCATED ALONG THE SOUTH SIDE OF LASALLE STREET, ON THE EAST SIDE OF TAYLOR AVENUE, AND WEST OF BEATTIES FORD ROAD FROM O-2 PED (OFFICE DISTRICT, PEDESTRIAN OVERLAY) TO B-1 PED-O (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY, OPTIONAL).

The Zoning Committee voted 6-0 (motion by Barbee, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the West End Land Use & Pedscape Plan (2005) based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends multi-family/office/retail uses. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because this petition proposes a new parking lot along Taylor Avenue to service the existing businesses on the parcels to the right of the site and is consistent with the West End Land Use & Pedscape Plan (2005) recommendation of multifamily/office/retail. The site plan includes an 8-foot planting strip and 6-foot sidewalk along Taylor Avenue, in agreement with the area plan recommendation. The site plan proposes a 5-foot sidewalk and 7-foot planting strip along Lasalle Street. While these widths are narrower than what the area plan recommends for this street, they are consistent with the width of the existing sidewalk on adjacent parcels. The site plan proposes ADA accessible ramps on both Taylor Avenue and Lasalle Street, in accordance with the Charlotte Land Development Standards Manual (CLDSM) and Public Right-of Way Accessibility Guidelines (PROWAG). The construction of a parking lot and sidewalk on this facility will increase the utility and safety for the businesses located on LaSalle Street and for their customers who either drive or walk.

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.

- Revised the site plan to show the 2-foot curb and gutter changed to a 2-foot and 6-inch curb and gutter along Taylor Avenue per CLDSM and USDG standards, removing

the truncated domes on the proposed driveway per CLDSM Type II Modified driveway standards, and extending the proposed sidewalk to the property line.

- Added a note to the conditional plan to state the project will comply with the Tree Ordinance during the Land Development process. The petitioner acknowledges that changes and alterations may be needed to comply with the Tree Ordinance during permitting.

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

Motion was made by Councilmember Eiselt, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-032 by E-Fix Development Co., LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the West End Land Use & Pedscape Plan (2005) based on the information from the final staff analysis and the public hearing, and because the plan recommends multi-family/office/retail uses. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because this petition proposes a new parking lot along Taylor Avenue to service the existing businesses on the parcels to the right of the site and is consistent with the West End Land Use & Pedscape Plan (2005) recommendation of multifamily/office/retail. The site plan includes an 8-foot planting strip and 6-foot sidewalk along Taylor Avenue, in agreement with the area plan recommendation. The site plan proposes a 5-foot sidewalk and 7-foot planting strip along Lasalle Street. While these widths are narrower than what the area plan recommends for this street, they are consistent with the width of the existing sidewalk on adjacent parcels. The site plan proposes ADA accessible ramps on both Taylor Avenue and Lasalle Street, in accordance with the Charlotte Land Development Standards Manual (CLDSM) and Public Right-of Way Accessibility Guidelines (PROWAG). The construction of a parking lot and sidewalk on this facility will increase the utility and safety for the businesses located on LaSalle Street and for their customers who either drive or walk, as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 656-657.

Councilmember Eiselt and Councilmember Watlington left the meeting at this time.

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HEARINGS

ITEM NO. 29: HEARING ON PETITION NO. 2020-122 BY MVP EQUITIES CORPORATION FOR 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 I-485 FROM MX-3 (MIXED USE) TO R-12 MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL)

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is approximately 50-acres on the north side of Hucks Road, just on the east side of Arthur Davis Drive and south of I-485. The property is currently zoned MX-3, the proposed zoning is for R-12 multifamily, conditional and the adopted future land use comes from the North Lake Area Plan adopted in 2008 and that actually calls for transit-oriented development residential for this site. The proposal with this petition is to allow up to 110 townhomes and up to 406 apartments. We do have four amenity areas proposed throughout the site that would include things like a club house, pool, pocket park, pavilion and/or picnic tables. Also have an eight-foot planting strip and six-foot sidewalk along all public streets, also enhanced architectural standards for the building. Traffic signal and turn lanes would be constructed and installed on Old

Statesville Road and Hucks Road and also there is dedication of right-of-way to NC-DOT (North Carolina Department of Transportation) for future Hucks Road improvements.

Staff does recommend approval of this petition it is consistent with the North Lake Area Plan recommendation for residential development under transit-oriented development. The petition does propose as mentioned, 110 single family attached dwelling units and 406 multifamily. That density is at 10.5 DUA (dwelling units per acre). This project was actually part of a larger rezoning back in 2005 of 140 acres that proposed up to 975 single and multifamily dwelling units as well 35,000 square feet of retail uses but that project was never developed so staff does feel that this project carries some of that forward and it is consistent with the area plan. Like I said we do recommend approval of this petition and will be happy to take any questions following Mr. Pennell's presentation.

Paul Pennell, 1213 West Morehead Street said I am with Urban Design Partners. Currently this site is approximately 50 acres currently zoned MX-3, requesting an R-12 multifamily district, approximately 10.5 DUA requesting 110 townhomes and 406 multifamily units. This is the approximate location of the site just north of Hucks Road. This site was actually part of the North Lake Area Plan specifically the Eastfield Transit Station Area Plan related to the Red Line a few years ago. Just recently the site north of the 50-acre site was just recently administratively amended for single family and townhome uses. Our portion of the site just south of what was amended a years ago is along Hucks Road and included commercial uses, apartment and single family uses. Back on September 28th was our first of four community meetings that we had on this site. This was the first site plan that we had shared with the community. There were series of concerns that the community shared with us that we worked through subsequent site plans that included a lack of open space, proximity to existing single family neighborhoods and then also we heard loud and clear that traffic was a very large concern of the community and has been for a long time. NC-DOT was planning on aligning Hucks Road; unfortunately as this petition progressed we learned that alignment was actually not going to take place until 2031, so through this petition we are looking to assist the community in resolving a lot of that pain that they have been dealing with for so many years.

With the current site plan, we are showing here which reflects the existing zoning plan, we've added a tremendous amount of open space, a lot of undisturbed open space and also pulled density away from the Spring Park Neighborhood. Here is a representation of that open space. Here are the four dates that we had for a community meeting and I've got just a few seconds left, but I have to acknowledge all the efforts of the Charlotte Department of Transportation including Robin Byers, Erica Mute and Erin Pucket. There has been a tremendous amount of coordination efforts regarding off-site commitments related to this petition. With that we can go into more detail if there are any questions.

Councilmember Johnson said I wanted to acknowledge Paul Pennell and the developer; they have worked very closely with C-DOT and the residents. If you will recall he said there were four community meetings because there was quite a bit of community push back about this development. It is on Hucks Road and Old Statesville Road and Hucks Road is a farm road and there is quite a bit of development, a huge project for that area. There is currently a 20-minute wait at that intersection, and it was one of the first problems I heard about when I ran for office. So, I appreciate the attention to the improvements, and we are still working through the improvements; this is in the ETJ (extra territorial jurisdiction) but it does affect the residents of Charlotte and very close to District 4. We are hoping to mitigate some of those challenges sooner than later and I just also wanted to also get some information about the open space. Can you go back to that slide and go into detail about the commitment to open space and what is the tree safe for this petition?

Mr. Pennell said we are committing to a large amount of open space on this particular site and a large amount of undisturbed open space. The undisturbed open space is actually related to some environmental features that are on site that we are looking to protect with a series of streams and creeks that the current property owner actually breached upon on site. We are going to leave it as is and also having that undisturbed open space

directly adjacent the existing single family homes that you see here, Plan North, felt that that was a more appropriate adjacent use than the townhomes that we had previously shown in our first site plan submittal. As far a tree save goes, we are required to do 15% as a minimum on site. I tend to believe that we are going to be creeping above that number simply because there is so much undisturbed open space that we've got located out here.

Ms. Johnson said can you tell Council the number of trips that are proposed for this? I know we can see it in our book, but I just want to make sure that they are aware of what a large project this is.

Mr. Pennell said Ms. Johnson, you have stumped me, I don't know that number right off the top of my head, but what I do know, it is quite a few. So, being quite a few, we have made commitments to widening Hucks Road, dedication of a future alignment for NC-DOT purposes, widening Old Statesville Road north and south of Hucks Road, installing a traffic signal which is not there today, which is so badly needed. As related to the signal that will be installed, it is in very close proximity to a rail line on site as well. So, in installing the signal we will be installing traffic safety arms within the rail right-of-way as well or at least be coordinating that with the rail.

Mayor Lyles said Dr. Byers would you talk about the number of trips for us, I think we have that here, then we will go right back to you Ms. Johnson.

Robyn Byers, Transportation Program Manager said the proposed rezoning is 3005 trips. This is down from the current entitlement of 10,995 trips.

Ms. Johnson said and the timeframe for the improvements.

Mr. Pennell said the majority of the improvements will actually go in prior to the first Certificate of Occupancy being issued. The rail safety arms, and the signals would actually go in prior to the final 25% of Certificates of Occupancy being issued.

Ms. Johnson said okay, so the rail and signals would go in after 75% of the project is completed.

Mr. Pennell said that is correct, so the first 75% of the Certificates of Occupancy would be issued to essentially generate revenue to pay for the cost of the rail arms and the signal which are quire expensive.

Ms. Johnson said so that is completed occupied, right?

Mr. Pennell said occupied, yes or at least Mecklenburg County issuing Certificate to allow people to move in, yes.

Councilmember Phipps said I'm look at Page 2 of 7 of Staff Analysis and they have a statement in here that says this proposal is consistent with the area plan's recommendation of transit oriented residential development. I was wondering, is this statement heavily relying on the development of the Red Line which now appears to be very much in doubt.

Mayor Lyles said Mr. Phipps, we have a lot more faith than that. I think that rail at some point somewhere along the way.

Mr. Pettine said that is correct; that is where that transit-oriented development recommendation comes from and some of that I think also does align with the previously approved plan carries a lot of those same uses and density forward for just this portion of it. But yeah, the recommendation does come from what was envisioned to be rail service in that corridor.

Mr. Phipps said I guess I was on the Council back when this petition was approved, this 2005-129 and I don't recall us talking about the Red Line back then, but maybe we were. My second question is for the petitioner; will this be a phased buildout?

Mr. Pennell said that is a great question; I actually don't believe it is. Currently, I do believe that most of this will be going in at a relative confined window of time so from a phased standpoint, my current understanding is land development drawings will be going in as a single project.

Mr. Phipps said looking at this drawing you've got 15 buildings and a boat load of townhouses, you are saying that all of these will be built concurrently?

Mr. Pennell said maybe not all at the exact same time. There will probably be some internal construction phasing that does occur, but yes, this will not be a long-term construction buildout over many years, this will be relatively quick.

Mr. Phipps said so you will be leasing the apartments and at the same time finding buyers for the townhouses, right?

Mr. Pennell said that is correct, yes.

Mr. Phipps said are you working closely with NC-DOT to ensure that the road construction will be compatible with their infrastructure work? Are you looking at this as a temporary fix until their infrastructure work is done?

Mr. Pennell said that is a great question; we are actually accounting for and accommodating the future alignment for whenever it does occur so, for our connection to Hucks Road the TIA did require that we have 150-feet of storage. Currently right now, what we are showing to the existing Hucks Road is about 250-feet of storage to prepare for that future alignment when and if it does occur.

Mr. Phipps said I'm looking at the one way in/one way out entry way to the development so you've got 50-acres and you've got one way in and one way out; so how do you propose to direct the traffic coming out of this development onto Hucks Road? Is that entry way, that is not scheduled to be signalized, right?

Mr. Pennell said no, that is correct Mr. Phipps. The connection of Hucks Road and Springs Park and our public drive in is not going to be signalized, however you can probably see to the north, the plan that you are looking at here at you plan west, there are three additional connections to the development that was just recently administratively amended. There will be future connections that occur up to Independence which I think is approximate a half mile to the north so Hucks Road will not be the primary means of egress for this development long-term.

Mr. Phipps said but I'm still struggling with the fact that if you've got a traffic back up on Hucks Road now with the traffic coming out of this 50-acre development on to Hucks Road, I'm trying to understand how you are going to stack the outgoing traffic on to Hucks Road going to Old Statesville Road. That is my concern right now. Given what is there now and the development that is occurring on that tract proposed, I don't see how that is really going to – I think there are going to be a lot of frustrated people trying to get in and out of this development. That is what I'm trying to say.

Mr. Pennell said thank you for your concern tonight and we will certainly continue to work with NC-DOT and C-DOT and Robyn Byers on these concerns and we will have a follow up discussion if you would like.

Mr. Phipps said okay, my final question is on the rail crossing alignment you said that you are going to install that traffic light to coordinate with the railroad crossing prior to the last 129 Certificate of Occupancy which is 25% right.

Mr. Pennell said that is correct.

Mr. Phipps said how can you assure the commuters in that area, you know how things gets delayed and schedules, how can they be assured that you would get to this extra 25% in a reasonable time for them to be able to take advantage of it?

Mr. Pennell said I'm not sure how we can any specific assurances on how and when that can be made, but what I can say is that we've done quite an extensive study on costs for all of the off-site infrastructure that is going in related to this petition and the costs of the rail arms and the costs of the signal are quite high. So, at some point the petitioner is requesting the opportunity to generate some revenue to be able to pay for those off-site commitments that are being made for the community. From their calculations that are approximately the first 75% Certificates of Occupancy being issued, that would assist in paying for over a million dollars in commitments that need to be made for the signal and the rail arms.

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

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ITEM NO. 31: HEARING ON PETITION NO. 2021-017 BY CHARLOTTE MECKLENBURG HOUSING PARTNERSHIP FOR 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 I-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).

Mayor Lyles declares the hearing open.

David Pettine, Planning said this is just under 4.5 acres on the west side of West Sugar Creek Road and Yuma Street. This petition is currently zoned MUDD-O and UR-2(CD) and the proposed zoning is for UR-2(CD) Site Plan Amendment. The adopted future land use from the Northeast District Plan calls for residential up to 12 DUA (dwelling units per acre) that was actually amended from the previous rezoning on this petition which was 2018-154. This proposal looks to amend that petition and propose up to 52 multifamily dwelling at 11.6 DUA. It would limit the site to two buildings and 60-feet maximum height for both. Also reserves 90% of new housing units per households earning up to 80% AMI for a period of 20-years. Also retains architectural details that regard building being placed to present a face or side to all public streets. Buildings would front a minimum of 60% of the Sugar Creek Road frontage, there is also limitations on blank walls and architectural façade features which would be incorporated into the design. Just looking at the site plan, the development areas are really comprised of development Area A, Area B is not proposing any development at the time so this would just be an amendment to that 2018-154 petition.

Staff does recommend approval. We do have a few outstanding issues related to transportation and environment to work through. It is consistent with the plan recommendation of residential use up to 12 dwelling units per acre. We will be happy to take any questions following the petitioner's presentation.

Bridget Grant, 100 North Tryon Street said I am a Land Use Consultant with Moore and Van Allen. Jeff Brown and I here working with Dream Key Partners, formerly the Housing Partnership on this rezoning. In an effort to not repeat Dave's efforts I'm going to forgo giving a presentation. Again, we are pleased to be here tonight with staff's support and earlier today I showed [inaudible] from the community and we will be happy to answer any questions. I'm going to turn it over to Julie Porter to say a few words.

Julie Porter, 4601 Charlotte Park Drive said Dream Key Partners, formerly Charlotte Mecklenburg Housing Partnership has been working in Charlotte communities for over

30-years. We revitalize Charlotte neighborhoods and develop affordable housing, both multifamily and single family serving low- and moderate-income renters and homeowners. On the program side we administer the City's House Charlotte down payment assistance program and provide homeownership and foreclosure counseling. I believe you are quite familiar with this development, so I do not have anything further to add to Bridget's presentation. I did want to thank you all for the opportunity to deliver the emergency rent, mortgage and utility assistance programs. With your support we have administered tens of millions of dollars of help during this pandemic to thousands of Charlotteans. Thank you for your continued investment in Charlotte's affordable housing and just as an FYI, I believe Fred Dodson is not available to speak this evening.

Councilmember Phipps said I would just like to say that I will definitely be supporting the petition, but I am disappointed that the current layout as it is now is something to be desired compared to the first one. I think this type of project is definitely needed in the neighborhood and I look forward to supporting it.

Councilmember Johnson said I wanted some clarification on the design; I want to know what we are approving. We are approving Area A and not Area B. There is a history with this petition, and I applaud Dream Key and all of their work and everything that Julie does. I personally [inaudible] she actually went out and [inaudible] on the street at that time so they do amazing work, but I would be remiss if we didn't mention some of the history and how strongly the residents of Hidden Valley worked to negotiate and try to get some concession. I want to make sure that I know what we are approving at this time. It is my understanding that this development would be the developers only developing at this time on [inaudible] Street and not Yuma. Is that correct?

Mr. Pettine said I believe that is correct. I think we can defer to the petitioner and see if they can answer that and clarify that for us.

Ms. Grant said Ms. Johnson you are correct; we are only developing in development Area A up on West Sugar Creek Road. We are not seeing any entitlements in development Area B; we are proposing that remain as open space.

Ms. Johnson said is that included in this petition, are we considering that area at all or when there is a change we would decide on that separately in the future?

Ms. Grant said we are including it in this petition as not having any development on it. So, that change in the future we would have to come back and rezone it and ask for additional entitlements.

Motion was made by Councilmember Winston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.
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ITEM NO. 32: HEARING ON PETITION NO. 2020-173 BY FC ODELL SCHOOL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATE 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).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just over 9-acres located south of Carolina Lily Lane, west of Mallard Creek Road, east of Beard Road. The current zoning of the property is R-3 with a small piece zoned UR-2 (CD). The proposed zoning is to take all of that under one UR-2(CD) zoning district. The adopted future land use from the Northeast Area Plan which was adopted in 2000 calls for residential up to 12 dwelling units per acre. The proposal in this petition is to allow up to 150 senior multifamily units in one building. Access to the public street network would come through the adjacent Mallard Creek

Townhome development which I believe is currently in permitting. There would be a 7,000 square amenity area with landscaping, benches and a pool that is being proposed, also sidewalk extensions between all public and private streets would be included and the architectural details would include things like principle building material to be composed of glass, brick, metal, natural stone, precast stone or stucco. We would have some blank wall expanses, so we don't have too long of a building face without any kind of modulations or massing. Building elevations would be designed with vertical bays or articulate architectural façade features. Also, there would be some height variations along the long pitched of flat rooflines.

Staff does recommend approval of this petition; there are no outstanding issues. It is consistent with the Northeast Area Plan recommendation of residential use. It is slightly inconsistent with the density recommendation of 12 DUA, this project comes in at 16.13 so, just over that 12 dwelling units per acre recommendation. While it is a little bit higher we do feel that the use is consistent with the area plan's recommendation, have a development pattern with varying density and housing types, and also introducing senior housing for this area would accommodate for growth of the senior population in this area of Charlotte. Approval of this petition would revise the adopted future land use from residential 12 to residential up to 17 DUA for the site. We will be happy to take any questions following the petitioner's presentation.

Collin Brown, 1420 East 7th Street said I am here on behalf of the petitioner; great overview by Dave so I will try to move quickly. On the line with me tonight is Kevin Woodley who is part of the development team. We've been working with their team on several of these developments around the region. It is senior active adult housing and really targeted more reasonably priced units than a lot of [inaudible] market. As Dave mentioned this is outside the Charlotte ETJ, but as you can see here, it is really the back door of Concord Mills, so a great proximity to shopping, employment and transportation. We are happy to have staff's support and have had not negative feedback from the community and although we are slightly higher on density than the land use plan recommends, one of the real positives about the senior living is nationally they have fewer residents per unit. The average apartment has [inaudible] residents, your average independent living has 1. [inaudible]. So, they were slightly higher on density, we think there will be fewer folks residing there. Also, senior living can generate almost half the traffic of a typical multifamily development and of course they have no impact on the schools. We think they were a little bit higher on density, it is a good fit. As Dave mentioned the development team is coordinating with adjacent development teams to coordinate the delivery of street infrastructure out there. That is an area that is growing quickly; they are coordinating with the development team to bring some connection in together.

Councilmember Phipps said when you say this is age restricted project complex, what is that age?

Kevin Woodley, 7315 Wisconsin Avenue, Bethesda, Maryland said we are primarily traditional senior housing developers, what you might think of as high [inaudible] assisted living and memory care facilities in the mid-Atlantic. Through that kind of experience, we recognize there is a whole lot of people that comes to our buildings that want to live around seniors. They want the safety and security of interior corridor, elevators, the amenities, but at the same time they don't need 24-hour care, they don't need meals and so the concept here, we are developing a project in Matthews and Huntersville and Indian Land, SC is essentially to provide that same sense of community, that same security with interior corridors, elevators, same amenities but at a lesser costs, and can partner with folks that provide in-home care, provide meals. We are having some interesting conversation with Atrium on Medicare Advantage Plans and bringing in a nurse practitioner, so essentially what we do is we develop it, try to bring the monthly costs down and then we are primarily focused on what we call the middle market senior housing. Because there are a lot of folks, Dream Works is doing a great job I think of building some affordable senior housing and then there is a lot of people, admittedly us, that build more luxury product and unfortunately there is not a whole lot of people that develop products for what we define as the middle market and that is what we are trying

to cater to here. We say 55 and over, our average resident will probably be 75 or 76 years old.

Mr. Phipps said that is a big difference, about 20-years difference because 55 is pretty young. People are still working at 55, retirement is in the 60's.

Mr. Brown said Mr. Phipps, you can't live here if you are younger than 55, but most of the residents who will come here will be significantly older.

Mr. Phipps said that corridor over that at Mallard Creek and Old Concord area, it is just one apartment under construction after another. You are talking five or six successive apartments right there across the street and they are getting ready to widen Mallard Creek Church Road from Derita coming on up. I've been told that a petition that we approved that was a convenience store, gas station and a Pizza Hut a few years, the widening of Mallard Creek Church Road is taking out that particular convenience store after only a few years. So, that whole area is just exploding. Is this going to be annexed into the City?

Mr. Brown said yes sir.

Councilmember Johnson said I was looking at the community meeting information and according to this there were zero people at the community meeting. Is that correct Collin?

Mr. Brown said that is correct and that has been the case with the last several that we've worked on up here Ms. Johnson. One of things is there aren't single family homeowners right by the site, but that has been consistent with the last few we have handled in the area.

Ms. Johnson said one of the things we have talked about because that is a pretty busy area so, we don't know that we are getting the information out to the folks who might want to hear about this. We've talked about in the Zoning Department posting this information on Next Door so that we are reaching more residents, at least until Council changes the policy to expand the notification. Can I ask Dave, is this one that could be put on Next Door or how soon we will be changing that policy?

Mr. Pettine said we would be looking to send out notices for the April petitions in May so we would be beyond it for this particular petition, but we hope to be using Next Door for notifications for new petitions that were filed in April beginning in May.

Ms. Johnson said if any residents in that area have a concern about it they just need to reach out to Council directly so that we can hear the voices of the community since no one showed up at the community meeting which cause concern for Council that we are not hearing from the public if there is concern.

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

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ITEM NO. 33: HEARING ON PETITION NO. 2020-182 BY CIRCLE G, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.18 ACRES 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).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 0.18 acres along the northeast side of East 5th Street, southwest of Park Drive and east of Charlottetowne Avenue in the Elizabeth Community. The property is currently zoned O-2, the proposed zoning is for MUDD-O and the adopted future land use in the Elizabeth Area Plan recommends residential, office and retail uses

for the subject site. This proposal is to construct nine apartments units and one office, the office would be on the first floor in the single building. That would be limited to 50-feet in height with a parking area. It does propose decorative and perforated screening wall along the northeastern and northwestern property line, also ingress and egress off 5th Street with an eight-foot sidewalk and eight-foot planting strip. We do have some optional provisions that would include a planted screening between the building and property line as well as a seven-foot setback along adjacent residential properties. We do propose some architectural standards for the façade facing North Torrence Street that would include accommodation of windows and door and then façade facing East 5th Street would have a decorative architectural screen and then the facades on the ground floors would incorporate 20% masonry materials. We do have prohibitions on the expanse of blank walls greater than 20-feet in all directions using architectural design features and the building elevations would be designed with vertical bays or articulated architectural features. This is an infill project the staff does recommend approval for. We do have some outstanding issues related to transportation and land use and site design. It is consistent with the Elizabeth Area Plan recommendation for residential, office and retail use on the site. We will be happy to take any questions following the petitioner's presentation.

Kristina Held, 1307 West Morehead Street said this is a project in [inaudible] it is a three-story multifamily with office and retail on the corner. This project is led by two brothers originally from India who are now living in the United States and they would like to bring their entire family under one roof. This shows the family of three siblings, two brothers and a sister who are doing this as their one and only [inaudible] project in Elizabeth. They have owned this land for seven years and they have thought long and hard what to do with this property, so this is sort of their dream project to have everyone in their family have an apartment in this building. The Elizabeth Neighborhood is really appropriate for this building. [inaudible] is a lawyer, has spent over 20-years working and living in Japan and he really understands higher quality smaller spaces, so we were able to fit the nine units and one office on this property. We are thinking this would be suitable for people who want to have an urban life. There is a lot of public transportation close to it, the park is close, and I have a limited amount of parking per ordinance.

This is the current structure, it is multifamily, a duplex and as you can see it is pretty run down and is an eyesore in the neighborhood so we are really happy to demolish it in the coming two week and build something really nice on that parcel as you can see the structure on there. We are doing a lot of site improvements, because we are rezoning to MUDD-O so we will have an eight-foot planting strip and an eight-foot sidewalk which will really improve the walkability of the site, especially to the new Independence Park which is also planned for a really big renovation. The existing site as was mentioned is very small, it is only 0.18 acres; this is an urban infill by nature so like I said we have public transportation, we expect people to bike. All of the green lines are actually proposed bike lanes by the City of Charlotte. We have walking distance to CPCC and to Novant Health.

This is the original site plan that was submitted March 15th and the biggest note I think was how to organize our development data and we did not include two notes from transportation. This is the new revised plan where we included those notes, it is the site's right-of-way shall be dedicated and fee simple convey to the City before the site's first building Certificate of Occupancy is issued. That is the first note and the second one is that all transportation improvements will be approved and constructed before the site's first building Certificate of Occupancy is issued.

Councilmember Winston said I just wanted to say this is the first petition I've seen like this. This is an incredible example of using land ownership to generate literal generational wealth and I hope we can get to the point of becoming a planned City that allows for more residents who own property to be able to do this type of transformational work for their families to pass on for generations to come. I would love to learn more offline about this specific journey that the family has gone on to potentially see this to fruition.

Councilmember Egleston said this is a great example of multi-generational living. I've met with the petitioner a couple of times and the neighborhood is supportive of it so, I'm excited about this project.

Councilmember Johnson said I thought I saw something that said it was being donated to Goodwill and I wanted some more information on that.

Ms. Held said yes, the owners were actually trying to renovate this building and it didn't go so well, but there are new windows in there, there is some new roof over the existing porch and there some new timber inside like two by fours, two by sixes and they have contacted Goodwill to come and take all of those items because the windows are completely new. [inaudible]

Ms. Johnson said I heard you say demolish and then I read something else, so the material is donated to Goodwill.

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

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ITEM NO. 34: HEARING ON PETITION NO. 2020-194 BY TOOMEY AVENUE, LLC FOR 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).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this 8.8 acres on the north side of Tremont Avenue, east side of Toomey Avenue and it does stretch over to Wilmore Drive. The current zoning is I-1 light industrial; we do have a small R-5 piece that fronts Wilmore Drive that is part of this petition as well. The properties are being proposed to be rezoned to MUDD (CD). The adopted future land use from the Newbern Transit Station Area Plan does recommend residential up to 22 DUA as well as office, industrial warehouse distribution for the majority of the site. We do have part of this petition also governed by the Central District Plan which recommends single family residential up to five units per acre, that is for the lot that is located at the corner of Wilmore Drive and Toomey Avenue. The proposal for this petition is up to 325 single family attached and/or multifamily units. That comes in about 36.9 DUA; they also have 61,000 square feet of non-residential uses that can include things like office, retail, personal service, EDEE and other commercial uses as well as a minimum of 4,500 square feet of amenity areas and then 2,000 square feet of open space. We have prohibition on things like car washes, except accessory to residential uses, automobile service stations and also EDEE's with drive-through. Also, we've got some prohibition on multifamily residential and commercial uses in the portion of the site that fronts Wilmore Drive, that is that small piece that was zoned R-5. Building height is limited to 55-feet for residential and 40-feet for commercial buildings, it does allow unused residential units to be converted to additional non-residential square footage. We do have transportation improvements with this petition which would include on-street parking along Toomey Avenue and along West Tremont Avenue, installation of a traffic signal and pedestrian crossings at Remount Road and I-77 off-ramp and Toomey Avenue, also coordination of a new connection to Erwin Creek Greenway if possible. Also, have design guidelines that would preserve the existing building for an adaptive reuse if possible and also limit renovation and demolition to 20% of the building footprint and possibility for building expansions or adding a mezzanine to that existing footprint to earn that adaptive reuse. We also have a number of architectural standards that have been incorporated into the project.

Staff does recommend approval of this petition upon resolution of outstanding issues related to transportation, site and building design. It is consistent with the Newbern Transit Station Area Plan for residential and office uses, but it is inconsistent with that industrial warehouse distribution as well as the density, it is recommended for 22 DUA, this comes in like I said at 36.9 DUA. It is consistent with the Central District Plan residential use, but also again inconsistent with density in that regard. However, we are in close proximity to the LYNX Blue Line and we feel the mixed use components of the project will allow the existing buildings to remain, potentially and be adaptively reused while allowing some infill development in close proximity and we do feel this is an appropriate location for the project. We will be happy to take any questions following the petitioner's presentation.

Collin Brown, 1420 East 7th Street said I am here on behalf of the petitioner, again a great overview by Dave. Really interesting site here, an assemblage of [inaudible] have been brought together in this rezoning and this hard corner here was a late add. We would have been here for a hearing earlier, our team was trying to acquire that, but something the neighborhood wanted to see. Additionally, the development team also controls several parcels on the opposite side of the street, so they are really looking at this holistically. We've seen a lot of multifamily development in this area and so I think this is a little bit refreshing, this isn't just your kind of Texas donut that we talk about, but here is a mixture of uses coming together on this site, adaptively reusing some of these old buildings in the area that has come character, bringing [inaudible]. This is in addition to the multifamily, so here is a look at the existing building, currently industrial right in the middle that would be adaptively reused bringing in some creative office, maybe some light retail. This is that building on the corner that had not been part of our petition. The neighborhood wanted some more active retail, they want a little food and beverage. We thought if we get this corner the development team could make that happen. This is a look from the Wilmore Neighborhood; these properties are really under utilized as is and we think this will be an improvement, so we are taking it from that industrial zoning to the mixed use plan that Dave mentioned. In addition, working with C-DOT, working at a new traffic signal down here at Remount Road and Toomey Avenue to address some ongoing traffic concerns. Here is a look and again this is an earlier look, keeping some of the existing building character, bringing in some multifamily and the same development team, thought not part of this rezoning, will be adaptively reusing some other buildings in the area. Really kind of revitalizing this Toomey corridor very much on the back end of Wilmore Drive and I think pretty sensitively treating this one parcel that does extend up into the Wilmore area. Had a number of community meetings and as we've gone through them I think the feedback has gotten more and more positive so happy to be in front of you tonight and take any questions you have.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2021-001 BY BIRDCO, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.24 ACRES BOUNDED 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).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is about a quarter of an acre between Shamrock Drive and Downs Avenue; the parcel has frontage on both. The current zoning is R-5, the proposed zoning is for R-8. That is a conventional rezoning request. The Central District Plan does recommend single family uses up to five DUA, the GDP (General Development Policies) does provide some guidance based on the age of the Central District Plan and this GDP would accommodate a density of up to eight to 12 dwelling units per acre on this site. The petition itself wouldn't result in eight dwelling units per acre on this parcel,

it would really just allow for the subdivision of the site similar to what you see as you go down Shamrock Drive past Newell Avenue on Downs Avenue as well where you have one lot facing Shamrock Drive and one lot facing Downs Avenue. It would not allow any kind of attached product at this time so just want to convey it is just to subdivide this lot into two with frontage on one on Shamrock Drive and one on Downs Avenue.

Staff does recommend approval of this petition; while it is inconsistent with that initial Central District Plan recommendation, it is consistent with the GDP and it would mirror a recent approved rezoning just to the east, it was 2020-170 and would allow for some sensible infill development with an outcome that is similar in lot pattern to what is out there currently. I will be happy to take any questions you may have.

Mayor Lyles said how it is noted that it is for two lots instead of eight when it is zoned that way? Is it just by setbacks and the permitting process that defines that?

Mr. Pettine said it would be based on the acreage of the lot, you can only get the density that your acreage would really accommodate so you would need a whole acre to get up to the eight DUA, so they would only be able to split that into two. The R-5 wouldn't allow them to split into two because they don't have the acreage or frontage to do it, so they would have to go to R-8 to then split that in to.

Mayor Lyles said and that is under the permitting process.

Mr. Pettine said yes.

Councilmember Winston said I just wanted to follow up with the Mayor's question and staff's answer to that. This again is another example of our current exclusionary zoning districts, they do allow you to change them, but only if you have the time and resources to go through this rezoning process. The only difference now is that we are applying a different color on the map that allows for this property owner to add a second home, a second unit to this lot, but that regulation automatically makes development more expensive and therefore makes those homes more expensive and less affordable for people that live there. This is especially true for this part of town that has recently gone through is in the more mature stages of the cycle of gentrification that many of us are trying to up end.

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

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ITEM ON. 36: HEARING ON PETITION NO. 2021-003 BY HOPEWAY FOUNDATION FOR 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-17MF (MULTIFAMILY RESIDENTIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) WITH 5-YEAR VESTED RIGHTS.

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just under 20-acres on Sharon Road West. The current zoning of the property is R-17 MF, the proposed zoning is for MUDD-O. The adopted future land use from the Sharon and I-485 Transit Station Area Plan which was adopted in 2009 does recommend institutional uses for the site. That is likely due to the nature of the current uses that are located on the site. The proposal is to have two redevelopment areas on the east and west side of the existing facility. You can see those in the hatched areas or the area with the dotted outline. It limits the permitted use to institutional as well as accessory uses allowed in the MUDD district. We have a maximum building height allotment of 60-feet, eight-foot planting strip and 12-foot multiuse path as well as a CATS bus waiting pad along Sharon Road West. We do have a number of architectural standards that would include things lime building materials, standards for

massing, articulation, transparency and limits on blank walls, etc. and also the optional provision would be to allow parking and maneuvering between the building and streets to remain. So, essentially it is to maintain the existing building on the site while allowing some redevelopment around it to maintain some feasibility and usability for the site for the long-term.

Staff does recommend approval of this petition upon resolution of outstanding issues related to sight and building design as well as transportation. Then we have a technical revision related to sight and building design that needs to be addressed as well. As mentioned, it is consistent with the Sharon and I-485 Transit Station Area Plan recommendation for institutional use so, even though it is MUDD District, the uses are consistent with the institutional zoning district, so we do consider it consistent with that recommendation. We will be happy to take any questions following the petitioner's presentation.

Collin Brown, 1420 East 7th Street said I am here on behalf of the petitioner. Alyson Kuroski-Mazzei with Homeway is on if you have questions as well as Mark Kime with Lane Design; he is helping us with the plan. As Dave mentioned it is about 20-acres on Sharon Road. If you do not know the Hopeway Foundation, they are a fantastic organization, provides much needed services in our community. We have been working with them for several years, really kind of coming in [inaudible] business property so they can move in, get underway and have been providing services in our community for several years now. The purpose of this rezoning is to try and make this a forever home for them as they are looking forward in the future. I don't have a detailed site plan to show you, what we are trying to do is get them the zoning that will allow them to grow in the years to come and give them good flexibility. Here are some concepts of what they are doing; the MUDD zoning district gives them the ability to grow here, it has a lesser working requirement to allow them to go ahead and make some plans for the future.

We have had [inaudible] community meeting and had some attendees at that meeting that spoke in support. I think they know that Hopeway is a good neighbor and are happy to help them to continue to grow. Happy to answer any questions you may have.

Mayor Lyles said I just have to say when Hopeway was being through of I served on the Advisory Committee and it is truly such a great resource in our community and so much appreciate the work that they do. I might be a little bit favorable around anything that they want to do to expand because honestly, the federal government has abandoned people. I'm just going to say, when it comes to issues around keeping us mentally well we just don't invest enough.

Councilmember Winston said I agree; I have a question about the 5-year vested rights and why they are necessary. I also have a question about Sharon Road West and the sidewalks. We were actually just talking about this this morning in Transportation and Planning Committee meeting. I have lived off of Sharon Road West and I was talking to Councilmember Eiselt on the phone as I was walking from the Blue Line to my home and she commented about how concerned she was of my safety as I was walking and it sounded like I was walking amongst a race track. Those sidewalks are not suitable to our current sidewalk ordinance. I don't trust that street for my daughters to ride their bike to the greenway, which is close to it; we have to drive there because of how dangerous it is. You mentioned that there isn't any necessarily construction, but as to get the zoning right so I would wonder what is the responsibility to get those sidewalks up to current code, given this rezoning since there isn't necessarily any new construction. It would concern me if that is the case and that is a forever home that there would be no compelling to every get that stretch of sidewalk up to the current standards if we don't do it during this rezoning.

Mr. Brown said two good questions there Mr. Winston; number one I think it is a perfect example of a use that needs a vested right as we are putting this in place. I don't have a ready to go plan right now and one thing that happens as you start building your development you earn a common law vested right. That is not immediately on the horizon here to have the vested right to protect them. As far as the sidewalk improvement, one

of the commitments of this rezoning is for a 12-foot wide multiuse path along that frontage which I'm sure you will notice would be a tremendous improvement. That is triggered when the [inaudible] so expansion of up to 30,000 square feet that would be required and provided.

Mr. Winston said I didn't quite -

Mayor Lyles said I think that Mr. Winston; would you repeat, I think probably a yes and why or a no and why Mr. Brown?

Mr. Brown said the request for the vested right to give them time to develop this plan and build it out; commitment for a 12-foot wide multiuse path along Sharon Road that would be triggered when development up to 30,000 square feet occurs; 30,000 square feet would trigger that improvement.

Mr. Winston said let's talk about that multiuse path offline Mr. Brown.

Motion was made by Councilmember Winston, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.
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ITEM NO. 37: HEARING ON PETITION NO. 2021-011 BY MOVEMENT RESOURCES FOR 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).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is approximately 4.14 acres on Central Avenue at the location of the former Eastland Mall site. The current zoning is MUDD-O, the proposal is for MUDD-O SPA. The adopted future land use from the Eastland Area Plan does recommend residential, civic office and retail uses within a town center environment. This proposal would maintain all the previous entitlements and conditional notes that were previously approved with 2019-055; that was to establish the Movement School on this property. It would increase the maximum number of principle buildings on site from two to three. Optional provisions would be to maintain the existing planting strip and sidewalk along Central Avenue. We would have a total square of EDEE retail and service uses would be increased from 2,000 square feet to 8,000 square feet and also expands permitted uses to include type one and type two EDEE as well as professional businesses, general office uses such as banks, clinics, medical offices, etc. and then retail sales limited to uses in B-1 drive-in/drive through service lanes windows would be prohibited on the site. Also proposes architectural standards for the buildings including things like front façade facing buildings on all streets and a combination of windows and doors on all facades. The first-floor buildings along streets incorporate a minimum of 30% masonry materials, etc.

Staff does recommend approval of this petition, we do have some outstanding issues and technical revisions related to site and building design that need to be addressed, but again, it is consistent with the Eastland Area Plan recommendation. We will be happy to take any questions following the petitioner's presentation.

John Carmichael, 101 North Tryon Street said I represent the petitioner, Movement Resources. With me tonight are Garrett McNeill and Tim Hurley of Movement Resources and Greg Welsh of Oak Engineering. They are available to answer your questions. The site contains just over four-acres and is located on the north side of Central Avenue just east of the intersection of Sharon Amity Road and Central Avenue. The site is located next to the Eastland Mall which is immediately east of the site and Movement School

Eastland is currently located on the site. The site is currently zoned MUDD-O, it was rezoned to MUDD-O on September 15, 2019 to accommodate the development and operation of Movement School Eastland. This is the currently approved rezoning plan that shows the two buildings that are currently utilized by Movement School. One building was a repurposed former grocery store and the other building is a new building that was constructed. These are picture of Movement School Eastland in case you are not familiar with this. This is the site plan amendment request and the purpose it to allow additional maximum of 6,000 square foot building and the following use which would be an addition to the approved uses; office use including a medical clinic, retail and personal service uses and eating, drinking and entertainment establishments type one or type two, drive-thru windows would not be allowed.

This is [inaudible] Movement's request, there would be a maximum of three buildings, the total maximum gross floor area of the three buildings would be 106,000 square feet. A maximum of 8,000 square feet could be devoted to eating, drinking and entertainment establishments and retail sales and service uses. A maximum of 15,000 square feet or the 106,000 square feet could be devoted to business and general office uses, including a medical clinic. This is the rezoning plan associated with the request. You see the existing building one and two to the plan right and to the left next to Central Avenue would be the proposed 6,000 square foot building. Once again it would be devoted to office, retail, restaurant and personal service uses. We appreciate the staff's positive recommendation and we are happy to answer any questions. We will address the outstanding issues this week. Thank you for your consideration.

Councilmember Newton said the one concern I think I consistently heard from the community were related to traffic and I think more particularly [inaudible] I know that everyone understands that the development of this parcel alongside the Eastland redevelopment project is going to generate traffic, but I was a bit surprised at the entitlement frankly is 1,750 trips per day wasn't higher, but having said that the proposed zoning would generate [inaudible] trips which is slightly higher. There has been reports that traffic has backed up on Sharon Amity Road as it leads to the back alley on the back side of the Eastland site which unfortunately doesn't align to the opposite side of Sharon Amity Road. The community has also been in extensive conversations with C-DOT about a much-needed traffic light at Sharon Amity Road and Wilora Lane Road. I was wondering what considerations here have been given to traffic patterns, potential back-ups on Sharon Amity Road, potential back-up on Central Avenue and traffic flow through this site to prevent anything like that to the extent that something like maybe mitigators. That is a question for either you John or C-DOT staff, hopefully, this has all been taken into consideration.

Mr. Carmichael said C-DOT hasn't asked us to look at those items. We did have a neighborhood meeting and there was a general concern about traffic as Mr. Newton stated on Central Avenue. I think in part arising out of the bus lane and then there was a comment about the traffic backing up on this private drive to the right of the site that leads out to North Sharon Amity Road and I think what Tim Hurley advised the folks at the community meeting was that the parents are now getting use to the mechanism of picking up and dropping off their kids so this hopefully should flow a lot more efficiently. We may need to defer that question in part to C-DOT Mr. Newton.

Mr. Newton said I understand that. You mentioned to the right of the diagram in front of us, I see the back side of the Eastland site itself, but whatever the case that back alley there I really wonder if it is better to do this for either egress or entrance rather than and possibly both. Having said that kind of create a safer condition at that intersection where this meets with Sharon Amity Road. If we could kick that over to C-DOT staff to maybe comment on the traffic pattern and traffic flow with this additional development and how that will work to just maintain to ensure safety on Central Avenue and Sharon Amity Road exists.

Robyn Byers, Transportation Program Manager said what we are working with this rezoning petition is that a lot of the improvements in the area are actually being completed by the Eastland Mall site and so, we have referred this petitioner to the Eastland Mall

Group to continue making sure that the improvements are consistent among the two. I believe that Eastland Mall is actually improving that back drive to force the right out and include a left over to help improve the congestion in that area.

Mr. Newton said I think that left is very much needed and maybe this also speaks to the additional need for a traffic light at Sharon Amity Road and Wilora Lake Road. I think estimates that we've received right now was two years to have that installed. There was a fatality there and just over the past few months we've had two traffic [inaudible] there since then. I think as development continues within the immediate area we are going to see little bit more traffic created essentially creating more problems at that intersection. To the extent that can be expedited, the installment of that light [inaudible].

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

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ITEM NO. 38: HEARING ON PETITION NO. 2021-012 BY HOPPER COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.57 ACRES LOCATED ON THE EST 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).

Mayor Lyles declared the hearing open.

Dave Pettine, Planning said this takes us to the other corner of the Eastland Mall Site Area and this is about 4.57 acres on Wilora Lake Road. The current zoning is R-4 and the proposed zoning is MUDD-O. The adopted future land use from the Eastland Area Plan does recommend single family, multifamily, office, retail uses for the site. This proposal would be for up to 89 single family attached units or townhomes. That comes in about 19.47 dwelling units per acre. The proposed maximum building height would be 55-feet; it does request optional provisions for the allowance of a covered front stoop with an architectural feature. That is chosen by the petitioner as well as the existing sidewalk along Hollyfield Drive may remain in place. That was part of a previous sidewalk project that I think coordinated with the school and maintained a lot of the existing street trees so they would like to keep that intact. It does propose some internal connectivity by means of private alleyways and streets as well as architectural standards. We do have an eight-foot planting strip and eight-foot sidewalk along the site's frontage with Wilora Lake Road and then a minimum 20-foot wide landscaped buffer be provided against existing single family residents that are located on the corner of Wilora Lake Road and Hollyfield Drive. We also have a proposal for a minimum of 1,750 square feet of green space and amenity space.

Staff does recommend approval of this petition; they do have some outstanding issues to work through related to transportation, environment and site and building design. It is consistent with the Eastland Area Plan recommendation and we will be happy to take any questions following Mr. Carmichael and the petitioner's team presentation.

John Carmichael, 101 North Tryon Street said I am here representing the petitioner, Hopper Communities. Bart Hopper and Clay McCullough of Hopper Communities are with me as is Nick Bushon or Design Resource Group and they are happy to answer your questions. The site contains about 4.57 acres located on the west side of Wilora Lake Road at the intersection of Wilora Lake Road and Hollyfield Drive. The site is located west of the Eastland Mall site and Charlotte East Language Academy is located across Hollyfield Drive from the site immediately to the north. The site is currently zoned R-4 and the petitioner is requesting that the site be rezoned to the MUDD-O zoning district to accommodate the development of a residential community on the site that would contain up to 89 single family attached dwelling units. The request is consistent with the land use plan, namely the Eastland Area Plan. This is the rezoning plan; the site would be accessed from Wilora Lake Road. There would be two access points on Wilora Lake

Road and an access point from Hollyfield Drive. The northern most townhome units adjacent to Wilora Lake Road would front Wilora Lake Road. Each unit would have a garage that would be accessed from an internal private street or alley. Architectural standards are a part of the petitioner's rezoning plan; a 20-foot wide landscaped area planted to the standards of a Class C buffer would be installed at the northeast corner of the site. We appreciate the Planning staffs recommend of approval and we will address the outstanding issues this week. We appreciate your consideration and the rezoning team is happy to answer your questions.

Councilmember Newton said thank you for that presentation John; similarly, to the last presentation, there are some concerns pertaining to an uptick in traffic from the development. Once again, I think there is an expectation that there is going to be an uptick in traffic because we all know that is part and parcel to redevelopment of the site as a whole, however, even in this case we are talking about more than doubling of entitlement. The questions have really revolved around Hollyfield Drive; what potential traffic mitigators could be created on Hollyfield Drive to protect the children that are attending the Charlotte East Language Academy and also protect seniors who are in the Brookdale Community and would like to traverse Wilora Lake Drive over towards the Eastland site. I wanted to ask Robyn if she is still present, ask her about any considerations given to mitigators here in the immediate vicinity of this development given those concerns?

Robyn Byers, Transportation Program Manager said we have absolutely looked at the front engine or requirements from the ordinance that if there is more mitigation that needs to happen or anything in particular that you are looking at in this area we are more than willing to discuss that with the petitioner to see what we can do.

Mr. Newton said I would appreciate that and let's look at ways that we can prevent any potential harmful problems from occurring in the future. Having said that I also wanted to ask the petitioner about the trees. I know that we are looking at preserving trees along the street, but if I recall correctly during the community meeting there was conversation about potentially preserving some of the mature trees on site. I wanted to ask if there has been any progress with that?

Mr. Carmichael said if I could go back to the first question of traffic mitigators; I reached out to Ms. Blackmon of C-DOT several weeks ago to talk about maybe converting the intersection of Hollyfield Drive and Wilora Lake Road to a four-way stop intersection. It is the intersection to the northeast there, Hollyfield Drive and Wilora Lake Road and I asked Ms. Blackmon if we could convert that to a four-way stop intersection and she said yes, and the petitioner is happy to pay for the installation of those stop signs. The point of that is several fold, one is to slow traffic on Wilora Lake Road and two, to provide a safe pedestrian movement for students and everyone in the area. That is one thing that the petitioner is going to do in an effort to try to help a situation that currently needs to be addressed irrespective of this development. In terms of the trees, there was mention of some mature trees on the interior of the site. I believe Mr. Hopper stated at the Community Meeting that they could look at preserving trees along the edges, but those within the interior of the site unfortunately really couldn't be preserved given the development that you see on the plan before you. Bart, I see you are here, I don't know if you have anything to add to that.

Bart Hopper, Hopper Communities said that is correct.

Mr. Carmichael said we will definitely address that intersection issue Mr. Newton. Robyn, I don't know if you are privy of my conversation with Ms. Blackmon or not.

Mr. Hopper said we are happy to do that.

Councilmember Johnson said this question is for John, I wanted to know how this petition is related to 2021-011. I know one is [inaudible] but due to the location and you are the representative for both of them in speculative numbers, are these two petitions related, is it the same owner?

Mr. Carmichael said it is a total coincidence that I was approached. Hopper Communities, I've had the privilege of working with Bart Hopper Communities for years and I did the prior rezoning for Movement and so they just happen to approach me at the same time and we literally solved them consecutively. They are not related at all.

Ms. Johnson said are they adjacent as far as geographically, are they right next to one another?

Mr. Carmichael said no, they are not. This site here before you is on the eastern edge of the Eastland Mall site. The current Movement School and the site is on the westerly edge so to speak. It is right next to the Quick Trip which is located at the intersection of Central Avenue and Sharon Amity Road, so they are on opposite sides of the Mall site.

Ms. Johnson said okay, I can see the map, but I just wanted some reference on where they were in relation to one another.

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

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ITEM NO. 39: HEARING ON PETITION NO. 2021-016 BY URBAN TRENDS REAL ESTATE, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.02 ACRES LOCATED SOUTH OF I-85, WEST OF BEATTIES FORD ROAD, AND NORTH OF BROOKSHIRE FREEWAY FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO R-22 MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just over seven-acres at the end of Honeywood Avenue and Nelson Avenue in the area of Montana Drive. This property is currently zoned R-5, the proposed zoning is for R-22 MF (CD). The adopted future land use from the Central District Plan does recommend single family up to four DUA. The GDP (General Development Policies) which we would apply in this case does provide some additional guidance and the petition does meet the General Development Policy criteria for consideration of up to 22 dwelling units per acre and that is something that we take into consideration when we were evaluating this petition. The proposal is for up to 150 multifamily dwelling units in a maximum of seven buildings across the site. The building height would be capped at 40-feet which would be consistent with single family residential and single family attached residential in the area. It does provide access off of Honeywood Avenue and Nelson Avenue. We do have two areas of open space and amenity space; there would be 4,320 square feet and then 9,010 square feet with amenities such as seating areas, hardscape elements and shade structures. We do have detached lighting limited to 22-feet in height and we also have a minimum five-foot sidewalk and crosswalk that links to the buildings on the site and to sidewalks on the abutting public street. We also have a 38-foot Class C buffer to abutting residential properties as well as a commitment to preferred architectural materials and standards.

Staff does recommend approval of this petition; we do have some technical issues related to sight design to work through. As mentioned it is inconsistent with the original adoption of the Central District Plan in 1993, but it is consistent with the General Development Policies that support density over 17 dwelling units per acre. We will be happy to take any questions following the presentation by the petitioner.

Chris Ogrunrinde, 225 Victoria Avenue said I am with Urban Trends Real Estate, Inc. Mr. Pettine basically covered everything that I would like to cover however, I wanted to point out a few things. One, the project is going to be 100% workforce housing consisting of one, two- and three-bedroom units with a club house amenity. AMI from 30% to 80% of the AMI with an average of 60%. We appreciate the staff's recommendation for approval and also want to thank Councilmember Graham who met with us on site and

walked the neighborhoods with some of the residents there. The neighborhood does have typical concerns about affordable housing coming into the community, but hopefully we are able to [inaudible] their fears about what that means. Workforce is nothing that would deteriorate the community so we are going to continue to work with them to help them understand what this investment in the community will be like. We are proposing roughly a \$25 million investment in a community that hasn't seen a lot of investment in many years. I'll take questions and answer your questions.

Mayor Lyles said are these all three-story or all two-story buildings?

Mr. Ogunrinde said they are all three-story walk-up units.

Mayor Lyles said I guess what I'm seeing is they are up to 24-units in most of the buildings.

Mr. Ogunrinde said that is correct.

Mayor Lyles said what is the largest building?

Mr. Ogunrinde said the maximum building is 24-units.

Mayor Lyles said I guess that is one of the things I think about, three-stories and 24-units. I just don't know, I look at some of the other pictures around and they are two-story, but their buildings are very, very long. Just in terms of space and parking, and I understand amenities of one-acre, but if it is workforce housing and it is 30% to 80% I guess I'm just comparing it to some of the other developments that we've had that have had a few more compact units and maybe going higher. I know height cost more than out, so I get that part of it and I think this is an important development for the community. I want to be certain about how we lay it out and for the amenities to be spread through and to make it something that we would all be proud of.

Councilmember Winston said to the Mayor's point is there the possibility of adding to the mix to lay any of those concerns, if adding some market rate to it would allow for some more flexibility into a development like this. As I'm looking at where this is and I haven't gone specifically to see this, one of the concerns I would have without being in it is kind of accessibility. This kind of abuts a highway and those are the types of places where you do see affordable housing although it is not always the most desirable location for people to live, but the market will respond to supply shortages. Maybe that is something that we can talk about offline to kind of dig into some more of the details and stuff like that.

Mayor Lyles said I think Mr. Graham has been working with you so I'm sure he will have a lot of input from the community as well.

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

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ITEM NO. 40: HEARING ON PETITION NO. 2021-018 BY POPLAR DEVELOPMENT PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.81 LOCATED IN THE WESTERN QUADRANT OF THE INTERSECTION OF NORTH POPLAR STREET AND WEST 28TH STREET SOUTH OF ATANDO AVENUE FORM R-22 MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 10.81 acres just off of North Popular Street, also bounded by 26th Street and 28th Street; 27th Street bisects the site basically in two and North Pine Street runs through there as well. The current zoning is R-22 MF (CD) the proposed zoning is for UR-2 (CD). The adopted future land use from the North Tryon

Area Plan in 2010 calls for residential up to 22 dwelling units per acre. This proposal is to all up to 323 residential dwelling units, a minimum of 16 of those would be reserved for households earning no more than 80% AMI (Area Medium Income) for a period of 15 years. It would have installation of eight-foot planting strip and eight-foot sidewalk along street frontages. Utilize the existing road network to preserve that connectivity. We do have a three-foot masonry wall to screen service parking areas that are 100-feet in length that front existing public street. We have improved open space areas that would be provided within each of the four development areas and will include things like lawn panels, walkways, seating areas as well as a host of architectural details for each unit.

Staff does recommend approval of this petition; we do have some outstanding issues related to transportation and site design to work through. It is consistent with the recommendation for residential use, but it is inconsistent with the density of up to 22 DUA, this petition comes in at 29.3 so it is over that increase, but the area plan does mention that the density increase of up to 30 DUA could be considered with the appropriate transition to the existing single family. I believe this produce would achieve that, we have no real other outstanding issue other than transportation and site design. We will be happy to take any questions following the petitioner's presentation.

Keith MacVean, 100 North Tryon Street said I am with Moore and Van Allen, assisting Poplar Development Partners with the petition. With me tonight representing the petitioner is Todd Jackovich and Sam Barns; they are available to answer questions. Stonehinge which is affiliated with the petitioner was created in 2009 to develop multifamily and office communities throughout the southeast. The principles in Stonehinge have over 20-years of [inaudible] development throughout the southeast. As Dave mentioned the site is just over 10-acres, currently vacant, zoned R-22 MF, we are proposing UR-2 (CD) to allow development of the site with a new residential community. The petitioner is currently developing the adjacent site that was part of Petition 2014-071 which was approve a few years back and you can see that under construction there on the picture on the righthand side. Stonehinge is a long-term holder of the residential community and plans to be a continued presence in the community as part of the development of these communities. Part of the North Area Plan which does support residential units up to 30 based on certain design criteria which we believe we have met. This is our proposed site plan, again allowing the site to be developed with a residential community with 323 units. We will be making streetscape improvements to the existing streets as Dave mentioned. We will have access to those adjacent streets as well. We are setting aside five percent of the units as workforce housing units for a minimum of 15-years at 80% or below of AMI. The petitioner is working with C-DOT to look at the option to abandon the dead-end portion of West 27th Street that is between North Tryon Street and the adjacent single family homes and we are currently working with C-DOT to see how that can be accomplished.

These are some images of the proposed residential units, three-stories, a combination of masonry and other quality materials. Some of the units do have three-fourth split to take advantage of the topography on the site which allows some of the units to have three-stories on one side and four-stories on the other. We will not exceed 50-feet in height. Just some of the benefits that the development brings, it is new quality residential, a lightly different style of multifamily community, brings new residents and investment to the area, a help to the revitalization on North Tryon Street. We will be making streetscape improvements, buildings will be oriented toward the street, parting to the rear and as I mentioned earlier we are setting aside five percent of the units for workforce housing. Be glad to answer any questions.

Mayor Lyles said I'm sure Mr. Egleston has more awareness about this. I saw something that said technical data sheet and schematic site plan, but nothing that shows building design except what Mr. MacVean showed, and I think it had an asterisk in it, so was that just an example of what the buildings would look like?

Mr. MacVean said that is a good question Mayor, the rezoning site plan sets up building edges so the buildings have to be oriented to the street and sets limits on how the parking can be located. It is a very technical site plan, not a schematic site plan, but the site plan

that you see is how the site would be developed. That is the proposed site plan, it is consistent with the rezoning site plan which is a more generic site plan with building edges and setbacks and minimum frontage requirements, but then allows the site to be developed as showing in our schematic site plan. If you look at the rezoning plan Mayor, we've got building edges and it is a little hard to read, but we do have building edges.

Mayor Lyles said it is very hard to read and again I go back to the idea of I don't know what the price point is, but there are a lot of buildings out there that are just very big, and very long and I'm not sure how to equate. I'm not technical so you will just have to with me and help me a little bit. I'm not technical on how the open space works and how people move between those buildings, where there are amenities. You said three bedrooms, where are the kids going to play, what other amenities are there going to be? I just think at least for me, I can see the technical part, but I don't really understand it well enough to just see what you have on that page. It seems to be like a lot of brick and mortar, or stucco and mortar or vinyl and mortar, whatever those things are. I don't think that I feel like I got a good idea about what you are planning on doing on the site except nice sidewalks. That is what I heard a lot of.

Mr. MacVean said I understand, we do have design guidelines that are detailed on how the buildings have to be designed and articulated to break up the building mass. Those are notes on the conditional plan so if you look at the building elevations, we have the implements of design guidelines. There is an open space component in each block of the site and that is also a part of the conditional plan to address your point. The buildings are up on the street and each building will have direct connection to the sidewalks along the street and then there will also be sidewalks with interior to the site connecting the buildings, but primarily the buildings in the form that we are proposing or planned to implement is a building form of buildings up on the street, parking to the rear with the buildings have access to the street. There is an amenity club house area located at the corner of 26th Street and North Pine Street, you can see the small pool there. There is also an open space area that is improved that I think is actually sand volleyball court proposed next to the pool, so there is an amenity area and as I mentioned open space area to each block. We have implemented design guidelines. I know the rezoning plan is a little bit more bare bones, but the note that accompany that assure the staff and the residents that you get a quality community that is being proposed here.

Mayor Lyles said 323 multiple residential units and the amenity site; again Mr. Egleston is much more aware of this, but I would just say you did say up to three bedrooms and four to five stories.

Mr. MacVean said I said three stories Madam Mayor, if I said three bedrooms I apologize.

Councilmember Phipps said this Tryon Hills Neighborhood, as I can recall this was a working class neighborhood and I think it had a lot of buildings, but I guess since then; is the same neighborhood that those buildings were demolished for this project if I am not mistaken.

Mr. MacVean said the site is vacant; the site has been vacant for quite sometime. It was previously developed Mr. Phipps but it is currently vacant it was demolished by the current owner of the property is my understanding sometime ago. It has been a few years.

Mr. Phipps said it used to be a part of District 4 back in 2005, but you are talking 323 units and you've only got 16 that is workforce housing. That seems like a change for that neighborhood.

Mr. MacVean said that is a voluntary commitment by the petitioner because this is a second community by the petitioner, and he is able to offer these units at a different price point than the current site that is under development. Mr. Jackovich can address some of your questions regarding price point. We have met with the Tryon Hills Leadership; Mr. Jeff Barr and he is aware of this proposal and he is not opposed to it. He is not here speaking against it; I think he is in support of the development and again we have met with him and he is aware of the proposed rezoning. Keep in mind the site is zoned R-22

MF so it could be developed with a number of units, we are increasing from 22 units to the acre to just under 30, so it is not a huge increase even though it is an increase.

Mayor Lyles said that is pretty huge to me Mr. MacVean.

Councilmember Egleston said I think those are all good questions and I am sure Mr. MacVean can get everybody some more information that is easier to read. It is probably harder to read for you Mayor up on that screen in that room than it is for us on our computer, but I will say that I think that the; you said the improvements on the sidewalk, that is pretty critical right here in particular because of the thing that this site is approximate to, including Camp North End which obviously has a lot of open space and public space. The Cross Charlotte Trail as we complete the sections that connect up to Matheson Avenue will just be a stone's throw from this site. There is a lot of investment both private and public that is going on around this site that will provide additional community space for folks, and this is one of the neighborhoods in my District that is really feeling a lot of pressure in terms of increasing prices and displacement because of its proximity to those investments, to Center City so being able to lock in some affordability there which is voluntary. I'm sure they would do more if we wanted to chip in towards that, and if they go back to the drawing board and find that they are able to do more now that would be great, but I do think we need more housing stock here, we need some affordability locked in long-term and they will have access on these fancy new sidewalks to not only the on-site amenities but the nearby neighborhood amenities that are in the works.

Mayor Lyles said I think you are right Mr. Egleston about the need for affordability and in this case what we are talking about is five percent of the units for 15-years and 80% and below, but what is really needed in this community is more between 60% and 30% instead of the 80%. I know that need is great everywhere but is the property that was once owned by the Housing Authority?

Mr. Egleston said are you thinking of Delahey Courts? Delahey Courts is being developed by –

Mayor Lyles said the Housing Authority, INLIVIAN? Okay it is just south of that.

Mr. Egleston said north of this site.

Mayor Lyles said I'm not good at this, but I would just say it seems to be really dense to me and I understand density, but I don't know that I would rely on long-term other amenities around it to support the amenities of the people that live there.

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

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ITEM NO. 41: HEARING ON PETITION NO. 2021-019 BY FIFTH THIRD BANK FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.976 ACRES LOCATED ON THE NORTH SIDE OF WOODLAWN ROAD, EAST OF TRYON STREET AND WEST OF SOUTH BOULEVARD FROM TOD-CC (TRANSIT-ORIENTED DEVELOPMENT, COMMUNITY CENTER) TO TOD-TR (TRANSIT-ORIENTED DEVELOPMENT, TRANSITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just shy of an acre on Woodlawn Road to the west of the intersection with South Boulevard. The current zoning is TOD-CC which is Community Center. This was part of the 2019-012 realignment rezoning. The proposed zoning with this petition is to take that down to TOD-TR. The Woodlawn Transit Station Area Plan for 2008 does recommend transit oriented mixed use for the subject parcel. Again, that was the basis for it being part of the realignment rezoning. As mentioned staff

does not recommend approval of this petition while it is consistent with the Woodlawn Transit Station Area Plan for recommendation for TOD, staff does not feel that the application of TOD-TR is appropriate in this location. We are within a half-mile walk of the Woodlawn Station on the LYNX Blue Line. That is one of the more intense stations along the corridor and the current TOD-CC was actually applied during that alignment rezoning to help support the type of development that would be conducive to facilitate the most efficient operations and use of the Woodlawn Station. Again, TOD-TR is really the least intensive of all of the TOD Districts. It is intended for transitional areas where there is really not a market for TOD type of development, a more intense TOD development or in areas where we have a lesser intense station or we are not quite fully up to full operation of things like the Gold Line, but the TOD-TR is a much more auto centric TOD District. It does allow things like drive-throughs, gas stations, self-storage facilities and from staff's opinion it is not appropriate of an application of TOD in this location and that is why we do not recommend approval of the petition. We will be happy to take any questions following the petitioner's presentation. It is a conventional request, so we don't have any conditional plan to discuss.

Lee Fite, 201 North Street said I serve as the Regional President for the Carolinas-Virginia Fifth Third Bank. I am based here in Charlotte and is where I have lived by entire life. I appreciate the opportunity to speak for a moment in regards to our request. Many of you are aware of Fifth Third's commitment to the community. We announced several years ago a multipronged approach to invest in the community to invest in affordable housing, to invest and helping to serve through a variety of ways in the community, and one of those was to work with the City and with a number of organizations to place financial centers and markets where we currently don't have very good coverage and a very good footprint. Specifically, as it relates to this location I am only aware of one other financial institution in close proximity to the site that we are looking at on Woodlawn Road near South Boulevard. The other financial institution does have a drive-thru which is what our request is for this one, and for us it really comes down to a matter of safety and accessibility. As the pandemic clearly showed to many businesses, it showed to the financial industry here in Charlotte, it was very, very difficult to operate financial centers that did not have drive-thru access. We heard from customers repeatedly that had concerns about accessibility, we heard from customers about safety and this is a community that we think is underserved. We would like to be able to serve this community, but it is a pretty important part of our business to be able to have that drive-thru to make sure that we are able to provide that accessibility for those that choose to access our services that way. With that I will conclude my comments and allow my other presenters to speak.

Jonathyn Reed, 550 South Caldwell Street said I am with [inaudible] Architects; I am here on behalf of Fifth Third and just wanted to take a moment to thank you guys for allowing us to present today. This facility, we are trying to go from TOD-CC zoning to TOD-TR. This is a 2,500 square foot facility with a detached drive-thru with ATM and video teller station. It also has a walk-up night deposit box on the back part of the facility as well as parking. There are 13 parking spaces, one of which is [inaudible]. The building is to the front of the site and we've also increased the tower vestibule to 26-feet to have a more [inaudible] frontage for the street to fit in with the proposed development.

Mr. Fite said I do not have anything further to add, I think you have summed it up already.

Councilmember Winston said keeping with the theme of the season this is a prime example for City Council to decide whether we want to be a deal making City or a well-planned City. I believe that this is an audacious request for rezoning, and I hope we adamantly make it clear that we will deny this petition. This comes after the community really dove into the TOD realignment around our Station Area Plans where we have a very well thought out land use plan that should give the type of development that we want to happen around transit corridors, especially around transit stations to get the type of development that we want. I think this is the first time since this realignment that I've seen this type of potential cutting up of the TOD Zone. Again, this is a land use plan and not simply a plan to make deals for business models. Know that if we change this that this doesn't have to become a bank; this can create any types of uses at some point in

time in the future for the TOD-TR that is much more appropriate for areas not this close to stations where we want the most intense development. This flies in the face of everything that the community input that has gone into this realignment that we did years ago. I hope Council sees this and I hope Council sees the problematic nature of the request of this rezoning and will adamantly shut this down as to not go against our well-made plans.

Councilmember Bokhari said two comments; one I look forward to going into the details over the next month of this and getting a little deeper and understanding where we are with it. Secondly, and I think more importantly for right now, and I will direct this to you Mr. Fite, I would just like to say on behalf of Charlotte, we appreciate you, we appreciate what Fifth Third is doing and the commitment in our town to expand this commercial banking footprint you have and announcing in the last month you are hiring 30 senior commercial bankers across the broader region and all the support staff that go into that. I want you and your team to walk away knowing how much we appreciate that and how important that is to our community. So while there is obviously more work to do on the broader rezoning front I think it goes without saying that Charlotte is in large part what it is due to companies and leaders just like yourself, doing what you are doing and we greatly appreciate you personally taking the time to come see us and make the case for this right now.

Mr. Fite said I appreciate that.

Councilmember Driggs said I second that.

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

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ITEM NO. 42: HEARING ON PETITION NO. 2021-023 BY CAROLINA PROPERTIES FOR 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).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 4.81 acres as mentioned on Marvin Road and Old Ardrey Kell Road, just north of the intersection of Marvin Road and Ardrey Kell Road. The current zoning is R-3 and the proposed zoning is UR-2 (CD). The adopted future land use from the South District Plan recommends single family up to three DUA. That plan was adopted in 1993 so we do apply the General Development Policies when evaluating the proposal. This petition would meet the density requested which is 8.7 units per acre, the GDP would support a density increase up to that 8.7 that is being requested. The proposal itself allows for up to 42 single family attached dwellings, those would all be accessed via a private alley which would connect to both Old Ardrey Kell Road and Marvin Road. We would have pedestrian walkways throughout the site, we would have proposed installation of a south bound left turn lane at the site's northern driveway on Marvin Road and then restriction of the entrance on Old Ardrey Kell Road would be right in/right out. We would have a minimum of seven visitor parking spaces located on the site. The height of the buildings at the northeast corner of the site nearest the single family homes would be 39-feet, all other units would be 48-feet. We do have some conceptual renderings and building design standards related to raised entrances and the provision of building materials. Also, a minimum of 30-foot wide tree save and landscaped area along the northern and eastern property lines that would be planted to a Class C standard to provide some screening to the existing single family homes, and also we have areas of shared improved open space disbursed throughout the site.

Staff does recommend approval of this petition; as mentioned we have some outstanding issues and technical revisions related to site and building design and environment that need to be resolved. While it is inconsistent with the South District Plan recommendation it is consistent with the General Development Policy that support up to 12 DUA. Again, this comes in at 8.7 DUA. Staff will be happy to take any questions following the petitioner's presentation.

John Carmichael, 101 North Tryon Street said I represent the petitioner and with me tonight are Justin Roath, Brian Smith of Urban Design Partners and Tony Miller of Miller Architectural Group, also Michael Witte is with us tonight, he is an adjacent property owner. The site contains about 4.81 acres and is located on east side of Marvin Road at the intersection of Marvin Road and Old Ardrey Kell Road, you can see the site there in green. The site is currently zoned R-3 and the petitioner is requesting that the site be rezoned to the UR-2 (CD) zoning district to accommodate the development of up to 42 single family attached dwelling units. The density has been reduced from 53 units to 42 units since the request was initially filed. This is the rezoning plan, access into the site would be from Marvin Road and Old Ardrey Kell Road. A 30-foot wide landscaped area with a fence would be established around the parameter of the site. A left-turn lane into the site from Marvin Road would be installed by the petitioner. There are architectural standards and perspectives that are part of the rezoning plan. The units would be unique and aesthetically appealing we believe. We appreciate the Planning staff's recommendation of approval and we will address the outstanding issues this week. Thank you for your consideration and I will yield the rest of my time to Mr. Witte.

Michael Witte, 16720 Krishna Lane said I represent the community behind the proposed townhomes along property lines as well as other communities in the area that are affected. We did submit a letter to City Council on Friday and I just want to make sure there are three things on there that we want at least two of them to be on public record. The biggest thing is we are requesting from C-DOT a formal traffic impact study even though the number of trips per day does not dictate that. A study was done in September of 2019 where they had 40,000 vehicles a day traverse this intersection. So, it is a very odd intersection with five roads basically coming together and trying to make left-hand turns and things like that are extremely difficult and we kind of feel that this townhome is going to put added impact on that as well as the current C-DOT design decreases the left-hand loading lane onto Marvin Road from Old Ardrey Kell Road and that increased loading on Marvin Road so now that loading is in front of 16507 and 16501 Marvin Road.

Councilmember Driggs said I am not sure what is happening here, I heard someone speaking for and then someone speaking against, but the time seemed to run out very quickly.

Mayor Lyles said I don't think he was speaking against, I think he was just saying that they had sent the Council a letter about three things that they wanted and one of them was a request for a traffic study, and then the time ran out.

Mr. Driggs said I just wanted to comment; I am in receipt of the letter and I will be in touch with the residents, we will go into the traffic issue with C-DOT and the other thing was apparently the discussion about a fence. I don't know if that issue has been resolved and the demolition question. So, I just wanted to make clear I have the letter, I have noted that, and I will be in touch with you and we will see how we can work that out.

Motion was made by Councilmember Driggs, seconded by Councilmember Winston, and carried unanimously to close the public hearing.
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ITEM NO. 43: HEARING ON PETITION NO. 2021-024 BY CARLEVATTI HOLDINGS, LLC FOR 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 I-485 FROM R-3 LWPA (SINGLE FAMILY

RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO R-4 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is .62 acres at Old Plank Road and Chapman Street. The current zoning is R-3 and the proposed zoning is R-4, both would maintain the Lake Wylie Protected Area Overlay. This is a conventional petition it is consistent with the Brookshire Boulevard/I-485 Area Plan which recommends single family residential at no more than four dwelling units per acre for the site, so it is consistent. Like I said it is conventional so no site plan or outstanding issues. Staff does recommend approval and I will be happy to answer any questions following Mr. Pennell's presentation.

Paul Pennell, 1213 West Morehead Street said I am here to answer any questions regarding this conventional petition from R-3 to R-4 zoning.

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

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ITEM NO. 44: HEARING ON PETITION NO. 2021-026 BY HENDRICK AUTOMOTIVE GROUP FOR 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 I-485 FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is 15.2 acres on Eastfield Road and Old Statesville Road, just off the I-485 ramp. The current zoning is R-4, the proposed zoning is I-1(CD). The adopted land use from the North Lake Area Plan in 2008 calls for office uses for the site. This proposal is to allow for the development of three automobile sales and service centers, which limit to the largest size of the building to 80,000 square feet. It limits car wash to customers and staff only. Prohibits encroachment into I-485 ramp for car display, it does commit to a 12-foot shared use path and an eight-foot planting strip along Old Statesville Road and a six-foot sidewalk and eight-foot planting strip along Eastfield Road. Also provides access to the site with connection to Old Statesville Road and Eastfield Road. Essentially just a continuation of the I-1 (CD) that is right next door with the North Lake Auto Plaza Boulevard and would basically be an extension of the operations there to this property and take that to a similar I-1 (CD) district to allow that to expand and go into Old Statesville Road and Eastfield Road parcel.

Staff does recommend approval of this petition upon resolution of outstanding issues related to transportation and environment. The petition while inconsistent with the North Lake Area Plan recommendation for office use, staff does feel the conditional plan does limit the uses to essentially what we have going on on the neighboring property just on the other side of Old Statesville Road and will continue those operations in an appropriate location. I will be happy to take any questions following the presentation by the petitioner.

Justin Maxell, 301 McCullough Drive said I am here just to answer any questions. We hope that it is pretty straight forward and welcome any questions.

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

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ITEM NO. 45: HEARING ON PETITION NO. 2021-029 BY DEREK ROTHaupt FOR 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).

Mayor Lyles declared the hearing open.

David Pettine, Planning said actually only .54 acre of the site is being rezoned and I think we had to change that up a little bit. There was some discrepancy in the agenda versus what was actually being proposed to be rezoned on the site. It is just a .54-acre tract, you can see outlined in yellow on the maps here. The current zoning is R-3 and the proposed zoning is I-2, both would have the Lake Wylie Protected Area applied. You can see on the current zoning map the I-2 existing currently on this parcel and this .54-acre piece would also be rezoned to I-2. That would allow the existing business to expand on the property and provide the adequate buffers that would be needed still to the residents that are on there. I believe the property owner and the owner and operator of the business are all one in the same. I'll let the petitioner discuss a little bit more about that, but that is really the gist of the request is to allow some expansion of that existing business so they can also maintain the buffers that will be needed for that. We are just taking that .54-acre piece and rezoning that to I-2 consistent with what is going on next door. The Northwest District Plan does recommend single family residential, so the petition is inconsistent, but in discussing the petition with the petitioner and looking at the site as a whole, staff feels it is an appropriate request and does recommend approval. It is a conventional request so there is no site plan to go along with it. Again, I will let the petitioner discuss any of the questions about the existing operations and future expansion and the existing residents on the site. Again, it is all one parcel, owned I believe by the same entity. I will be happy to take any questions following their presentation.

Daniel Renckens, 1927 South Tryon Street said being the last item on the agenda tonight we will try to keep this brief and primarily be here to answer any questions you have. As Dave mentioned, this is one property, one property owner and the Environmental Services business on the corner, relatively light industrial use is growing and is looking to potentially expand their operations on that corner parcel, but in order to do that we need to place the required buffers between those zoning. So, primarily this request is to slide the I-2 zoning line 75-feet towards the single family to allow for those code required buffers as Dave mentioned. I will be happy to answer any questions you may have.

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

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ADJOURNMENT

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

The meeting was adjourned at 8:33 p.m.


Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 3 Hours, 28 Minutes
Minutes Completed: June 1, 2021