

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Tuesday, January 18, 2022 at 5:04 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Julie Eiselt presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Larken Egleston, Malcolm Graham, Renee Johnson, Matt Newton, Gregg Phipps, Victoria Watlington, and Braxton Winston II.

ABSENT: Councilmember Mayor Vi Lyles.

ABSENT UNTIL NOTED: Councilmember Ed Driggs.

Mayor Lyles said welcome to the January 18th City Council Zoning Meeting. My name is Julie Eiselt, Mayor Pro Tem. Tonight's Zoning Meeting is being held in accordance with applicable law governing our remote meetings with some Councilmember participating remotely. The requirements of notice, access, and minutes are met as required by law. Tonight, actually all Councilmembers are remote because we do have a few of us up here in Raleigh for the North Carolina Transportation Summit. The Mayor is in DC at a separate conference. So, it's a busy night. But as we know the public and the media are able to view this meeting on the Government Channel, the City's Facebook page, or the City's YouTube page.

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INVOCATION AND PLEDGE

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

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EXPLANATION OF THE ZONING MEETING PROCESS

Mayor Pro Tem Eiselt explained the Zoning Meeting rules and procedures.

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DEFERRALS/ WITHDRAWALS

Motion was made by Councilmember Newton, seconded by Councilmember Graham, and carried unanimously to withdraw item No. 2, Petition No. 2019-179 by Ronald Staley Jr. - Verde Homes LLC; to defer a decision on Item No. 8, Petition No. 2021-103 by Providence Group capital, LLC to February 21,2022; a hearing on Item No. 20, Petition No. 2021-014 by Whitestone Holdings, Inc to February 21, 2022; a hearing on Item No. 21, Petition No 2021-014 by Regal Oaks Investments, LLC to February 21,2022; a hearing on Item No. 22, Petition No. 2021-141 by The Drakeford Company to February 21,2022; and a hearing on Item No. 27, Petition No. 2021-119 by Profile Homes to February 21,2022.

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INTRODUCTION OF ZONING COMMITTEE

Keba Samuel, Chair of the Zoning Committee introduced members of the Zoning Committee. They will meet on Tuesday, February 1st, 2022 at 5:30 p.m. to make recommendations on 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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DECISIONS

ITEM NO. 3: ORDINANCE NO.9965-Z, PETITION NO. 2020-181 BY ALBEMARLE PROPERTY INVESTORS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 11.24 ACRES LOCATED AT THE NW INTERSECTION OF ROCKY RIVER CHURCH ROAD AND ALBEMARLE ROAD IN UNINCORPORATED MECKLENBURG COUNTY FROM NS, R-3 (NEIGHBORHOOD SERVICES, RESIDENTIAL) TO NS (SPA), NS (NEIGHBORHOOD SERVICES, SITE PLAN AMENDMENT, NEIGHBORHOOD SERVICES) WITH 5-YEAR VESTED RIGHTS.

The Zoning Committee voted 6-0 (motion by Spencer, seconded by Rhodes) to recommend denial of this petition and adoption of the following Statement of Consistency: this petition is found to be inconsistent with the Albemarle Road/I-485 Interchange Study 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/office/retail and multifamily/office/retail for the site. Therefore, we find this petition to not be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because this request for additional auto-oriented uses is inconsistent with the overall vision/intent of Zone B of the area plan, which is to “create a viable pedestrian environment”. While the petition is inconsistent with the intent of Zone B of creating a true town center, it fulfills the plan’s land use goal to

“provide for a mixture of integrated, appropriately scaled uses ...at the intersection of Albemarle and Rocky River Roads” when viewed with the mixture of land uses entitled through the Cresswind development (2015-101). The petition will enhance the pedestrian environment in the overall area through its commitment to provide intersection improvements to accommodate bicycle and pedestrian crossings at the Rocky River Church/Albemarle Road intersection. The provision of a grocery anchor proximal to a large amount of residential units provides necessary neighborhood services to a growing area of far east Charlotte. The conditional notes regarding drive-thru uses will further help limit the outcome of traditional drive-thru uses for one of the development areas and will be more geared toward pick-up options and less auto-intense uses.

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

1. Petitioner removed accessory fueling stations (e.g., gas stations), automotive service stations, and car washes from the list of permitted uses for the site.
2. Petitioner added conditional notes restricting menu board signage and any other permitted signage to be utilized in the fashion of a menu board for one of the permitted drive-thru windows outside of the pharmacy pick-up window.

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

David Pettine, Planning, Design & Development said just a quick order of housekeeping, we can do those when they come up for each item as they come up, we can start with 3, and go through the decision and we have taken about the care of not sending it back, that would go to the motion for the decision on it, then 4, 5, 6, when we get to 7, we'll go back to the changes after.

Motion was made by Councilmember Newton, seconded by Councilmember Ajmera, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Albemarle Road/I-485 Interchange Study 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/office/retail and multifamily/office/retail for the site. Therefore, we find this petition to not be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because this request for additional auto-oriented uses is inconsistent with the overall vision/intent of Zone B of the area plan, which is to “create a viable pedestrian environment”. While the petition is inconsistent with the intent of Zone B of creating a true town center, it fulfills the plan’s land use goal to “provide for a mixture of integrated, appropriately scaled uses ...at the intersection of Albemarle and Rocky River Roads” when viewed with the mixture of land uses entitled through the Cresswind development (2015-101). The petition will enhance the pedestrian environment in the overall area through its commitment to provide intersection improvements to accommodate bicycle and pedestrian crossings at the Rocky River Church/Albemarle Road intersection. The provision of a grocery anchor proximal to a large amount of residential units provides necessary neighborhood services to a growing area of far east Charlotte. The conditional notes regarding drive-thru uses will further help limit the outcome of traditional drive-thru uses for one of the development areas and will be more geared toward pick-up options and less auto-intense uses as modified.

Councilmember Johnson said I just wanted to know from Mr. Pettine, what the significant changes were that now allow for recommendations?

Mr. Pettine said the restriction of the menu board signage that Mayor Pro Tem read earlier to not send back to the Zoning Committee. That was something that the staff had sought for some time on this petition just to eliminate one of the menu sign boards for one of the drive-throughs. So, that was taken care of Friday and that was what we had been asking for. So, that made our recommendation a favorable one. Just also for a point of housekeeping on this item, the Zoning Committee's statement of consistency wouldn't be adopted by Council if the recommendation is to support it. So, we would need a consistency statement from Council that would replace the Zoning Committees.

Mayor Pro Tem Eiselt said okay. So, I would ask for a motion for a statement of consistency I guess I'm going to need help with the legal language on that.

Mr. Pettine said yes. So, the Statement of Consistency can essentially be consistent with what the staff provided in the rationale in terms of what the overall project support position was for the staff, that could be similar to the Council's, just because the Zoning Committees was different. If you adopt that one, you're adopting one to not support it. So, If you want to adopt it is consistent with the staff's rationale, we can work that into a consistency statement I would just to [inaudible] reasonable.

Terrie Hagler-Gray, Senior Assistant Attorney said I would suggest, Mayor Pro Tem, that you allow the staff an opportunity to put that the proper consistency statement form for you before you adopt and approve.

Mayor Pro Tem Eiselt said okay.

Councilmember Newton said Dave, is that something that can be done tonight as we go through these decisions?

Mr. Pettine said yes.

Mr. Newton said to come back?

Mr. Pettine said yes.

Mr. Newton said okay. So that being the case, would we then want to move this item to later in decisions, Mayor Pro Tem?

Mr. Pettine said I can read the items if you want.

Ms. Hagler-Gray said it sounds like Mr. Pettine is ready to propose a statement of consistency for you.

Mr. Pettine said so, the points for the statement of consistency would be:

1. While the petition is inconsistent with the intent of Zone B of creating a true town enter, it fulfills the plan's land use goal to "provide for a mixture of integrated, appropriately scaled uses ...at the intersection of Albemarle and Rocky River Roads" when viewed with the mixture of land uses entitled through the Cresswind development (2015-101).
2. The petition will enhance the pedestrian environment in the overall area through its commitment to provide intersection improvements to accommodate bicycle and pedestrian crossings at the Rocky River Church/Albemarle Road intersection. The provision of a grocery anchor proximal to a large amount of residential units provides necessary neighborhood services to a growing area of far east Charlotte.
3. The conditional notes regarding drive-thru uses will further help limit the outcome of traditional drive-thru uses for one of the development areas and will be more geared toward pick-up options and less auto-intense uses.

Mayor Pro Tem Eiselt said okay. So, may have I a motion to adopt the Zoning Committee's Statement of Consistency as defined by staff, given the changes and updates, as the Council's own and approve or deny the petition?

Motion was made by Councilmember Newton, seconded by Councilmember Ajmera, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Albemarle Road/I-485 Interchange Study 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/office/retail and multifamily/office/retail for the site. Therefore, we find this petition to not be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because this request for additional auto-oriented uses is inconsistent with the overall vision/intent of Zone B of the area plan, which is to “create a viable pedestrian environment”. While the petition is inconsistent with the intent of Zone B of creating a true town center, it fulfills the plan’s land use goal to “provide for a mixture of integrated, appropriately scaled uses ...at the intersection of Albemarle and Rocky River Roads” when viewed with the mixture of land uses entitled through the Cresswind development (2015-101). The petition will enhance the pedestrian environment in the overall area through its commitment to provide intersection improvements to accommodate bicycle and pedestrian crossings at the Rocky River Church/Albemarle Road intersection. The provision of a grocery anchor proximal to a large amount of residential units provides necessary neighborhood services to a growing area of far east Charlotte. The conditional notes regarding drive-thru uses will further help limit the outcome of traditional drive-thru uses for one of the development areas and will be more geared toward pick-up options and less auto-intense uses as modified.

Mr. Winston said yes, so we voted on whether or not to send back this to the Zoning Committee before we were informed that staff changed their recommendation. Being that the Zoning Committee was 6-0 and just reading over the notes, I know some of it was in relation to probably staff's beef with the menu boards. But I would have possibly been inclined with the 6-0 vote for denial, to get some input from the Zoning Committee, as to whether or not they think their decision might be different given the staff's and the petitioner's work on Friday. I don't know if I can ask Ms. Samuel if she would be able to kind of extrapolate the changes that have occurred and kind of cross-reference those with the Zoning Committee's discussion?

Keba Samuel, Chair of the Zoning Committee said thank you, Mr. Winston, for the question. I'll be glad to comment. Just a point of clarity first, for Mr. Pettine, is item number 1 from the printed version that I was mailed on Friday, is that item still outstanding?

Mr. Pettine said I don't believe so. Let me look. No, it's no. It's not outstanding.

Ms. Samuel said okay. So, thank you, Councilmember Winston. So, most of the discourse around this particular petition regarded allowing more drive-throughs than was originally approved in the 2015 petition. And now that Mr. Pettine has confirmed that no additional drive-throughs will be built with this particular rezoning recommendation for approval, the Zoning Committee would certainly support this petition as it is today.

Mr. Winston said thank you very much.

Councilmember Ajmera said I was going to comment on this change that has been made. I appreciate the petitioner and Councilmember Newton, working together to address the concerns that were raised by the staff. That balance is our vision with the economic needs that we are seeing. So, this is a less auto-intense use. So, I'm looking forward to supporting this. I appreciate the work that's been done.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 546-547.

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ITEM NO. 4: ORDINANCE NO. 222-Z, PETITION NO. 2021-019 BY FIFTH THIRD BANK AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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(CD) (TRANSIT-ORIENTED DEVELOPMENT-TRANSITIONAL, CONDITIONAL).

The Zoning Committee voted 4-3 (motion by Welton, seconded by Chirinos) to recommend approval of this petition and adoption of the following Statement of Consistency: this petition is found to be inconsistent with the Woodlawn 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 development for this parcel. 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 there is a community benefit in allowing a drive-through given the current health conditions and varying needs of residents and users, including vulnerable populations. The rezoning will facilitate transportation enhancements via improvements to highly used bus routes along E. Woodlawn Road. A drive-through will allow different users an opportunity to interact with a person.

Councilmember Ajmera said so, this one is similar to the one we previously discussed where there is a drive-through that's been requested by the petitioner. I'll be supporting it, and the reason behind this one is certainly there are public benefits attached to this one. The petitioner has committed to working with public transportation and there's also an arts component to this petition. I know that we have gotten some e-mails about, hey, you guys approved the plan, and now, you are amending, and you're making changes. So, I just want to clarify that this is all of the petitions we approve is on a case-by-case basis, and this one truly stands out because this is specific. They [inaudible] specification for the bank use. It cannot be used for let's say fast food or other, it could be more auto-dependent, auto-centric. So, that's the reason I'll be supporting this. Thanks.

Mayor Pro Tem Eiselt said I will also say that like, Ms. Ajmera, every one of these cases we look at on a case-by-case basis, and I support this as well, because this is a bank that is going into an area that is traditional home of people that have been unbanked for a long time. This bank has been very intentional about trying to work with folks that haven't had banking relationships in the past and we know that the drive-through in this particular location is necessary. So, that is why I'm going to be supporting this particular petition

Councilmember Winston said I would just like to note that the bank, the petitioner has said this branch would be built even if this exception were not granted and they were not able to put this condition on the transit orient development. I would say it's in short walking distance to a light rail station, existing residential communities, and large tracts of residential communities that are on the line. So, I will not be supporting this and I think that this sets a bit of a snowball down a hill and a bad precedent for transit-oriented development in our community. Thank you.

Councilmember Phipps said no for the reasons just described by Mr. Councilmember Winston, and because of the fact that we spent a lot of time vetting these TOD designations and I would like to maintain the integrity of those on a go-forward basis. Thank you.

Motion was made by Councilmember Watlington and seconded by Councilmember Bokhari to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Woodlawn Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the adopted plan recommends transit-oriented development for this parcel. 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 there is a community benefit in allowing a drive-through given the current health conditions and varying needs of residents and users, including vulnerable populations. The rezoning will facilitate transportation enhancements via improvements to highly used bus routes along E. Woodlawn Road. A drive-through will allow different users an opportunity to interact with a person.

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

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

NAYS: Councilmembers Phipps and Winston.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 548-549.

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ITEM NO. 5: ORDINANCE NO. 223-Z, PETITION NO. 2021-075 BY KINGER HOMES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.69 ACRES LOCATED ON THE SOUTHWESTERN CORNER OF THE INTERSECTION OF STEELE CREEK ROAD AND HAMILTON ROAD FROM UR-1(CD) (URBAN RESIDENTIAL, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Ham) to recommend approval of this petition and adoption of the following Statement of Consistency: this petition is found to be consistent with the Steele Creek Area Plan (2012) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential land use at up to 5 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the proposed rezoning does not increase the number of dwelling units (32) per acre, making it consistent with the adopted residential up to five dwellings an acre for this site. The proposed development will provide a different housing choice at a density that is comparable to the surrounding single-family detached residential. The proposed development will install multimodal infrastructure along both public street frontages where none currently exists. A buffer will be provided between the adjacent detached single-family homes and proposed attached single-family homes to minimize the impact to the existing homes.

Motion was made by Councilmember Watlington, seconded by Councilmember Egleston, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the Steele Creek Area Plan (2012) based on the information from the final staff analysis and the public hearing, and because the plan recommends residential land use at up to 5 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed rezoning does not increase the number of dwelling units (32) per acre, making it consistent with the adopted residential up to five dwellings an acre for this site. The proposed development will provide a different housing choice at a density that is comparable to the surrounding single-family detached residential. The proposed development will install multimodal infrastructure along both public street frontages where none currently exists. A buffer will be provided between the adjacent detached single-family homes and proposed attached single-family homes to minimize impact to the existing homes.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 550-551.

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ITEM NO. 6: ORDINANCE NO. 223-Z, PETITION NO. 2021-091 BY CHIK-FIL-A, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.21 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF SOUTH BOULEVARD AND CAROLINA PAVILION DRIVE SOUTH, NORTH OF INTERSTATE 485 FROM TOD-CC (TRANSIT-ORIENTED DEVELOPMENT - COMMUNITY CENTER) TO MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL).

The Zoning Committee voted 6-1 (motion by Welton, seconded by Chirinos) to recommend approval of this petition and adoption of the following Statement of Consistency: this petition is found to be inconsistent with the Sharon & I-485 Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends transit-oriented development. 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 proposed use with an accessory drive-through is an existing non-conforming use on the site. The proposal will allow redevelopment of the existing use with drive-through with a new use with drive-through. The new site plan improves the site layout by locating the drive-through completely internal to the site behind the building. No parking or drive is between the building and the street. Provides direct pedestrian access from the public sidewalk along South Boulevard to the entrance of the building via an 8 ft sidewalk, and via a 6 ft sidewalk from the new sidewalk along the private street Carolina Pavilion Drive S. The proposed site plan will result in an improved pedestrian experience by constructing a 12 ft multi-use path along the South Blvd. frontage and 6 ft sidewalk along the private street, Carolina Pavilion Drive. The proposal modifies driveway access in coordination with CDOT/NC-DOT and installs a No U-turn sign at the end of the median of Carolina Pavilion Dr as requested by NC-DOT. The approval of this petition will revise the adopted future land use as specified by the Sharon & I-485 Transit Station Area Plan from transit-oriented development-MIXED-USE to residential/office/retail use.

Motion was made by Councilmember Bokhari, seconded by Councilmember Egleston to inconsistent with the Sharon & I-485 Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends transit-oriented development. 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 proposed use with accessory drive-through is an existing non-conforming use on the site. The proposal will allow redevelopment of the existing use with drive-through with a new use with drive-through. The new site plan improves site layout by locating the drive-through completely internal to the site behind the building. No parking or drive is between the building and street. Provides direct pedestrian access from the public sidewalk along South Boulevard to the entrance of the building via an 8 ft sidewalk, and via a 6 ft sidewalk from the new sidewalk along the private street Carolina Pavilion Drive S. The proposed site plan will result in an improved pedestrian experience by constructing a 12 ft multi-use path along the South Blvd. frontage and 6 ft sidewalk along the private street, Carolina Pavilion Drive. The proposal modifies driveway access in coordination with CDOT/NC-DOT and installs a No U-turn sign at the end of the median of Carolina Pavilion Dr as requested by NC-DOT. The approval of this petition will revise the adopted future land use as specified by the Sharon & I-485 Transit Station Area Plan from transit-oriented development-MIXED-USE to residential/office/retail use.

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

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

NAYS: Councilmember Winston.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 552-553.

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ITEM NO.7: ORDINANCE NO. 225-Z, PETITION NO. 2021-096 BY ASCENT REAL ESTATE CAPITAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.89 ACRES LOCATED ALONG E. 36TH STREET BETWEEN NORTH ALEXANDER STREET AND NORTH MCDOWELL STREET IN THE NODA COMMUNITY FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).

The Zoning Committee voted 4-3 (motion by Spencer, seconded by Blumenthal) to recommend approval of this petition and adoption of the following Statement of Consistency: this petition is found to be inconsistent with the 36th Street Station Area Plan with respect to the proposed land use, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends

institutional and residential uses up to five dwelling units per acre 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 petition's request for a mixture of uses (retail and multifamily) is similar in density and scale to recently approved rezonings in the immediate area (e.g., 2019-069). The requested height is consistent with the maximum height permitted (65 feet) under TOD-NC zoning, which is proximal to the subject property. The site is under .5 miles from a Blue Line transit station. The density proposed with this project is appropriate considering the site's proximity to rapid transit. The site is currently a mixture of vacant land and former institutional uses (place of worship). The redevelopment of this block's frontage along E. 36th Street will provide density close to transit without requiring the tear down of any existing single-family detached homes. The petition's proposed uses are complementary to the 36th Street Station Area Plan's overall goal of community design by creating a "high-quality urban environment by enhancing the identity of the transit station area through the creation of attractive streetscapes." This petition commits to streetscape improvements along all three streets it fronts and commits to a higher percent ground floor transparency percentage than is required in the MUDD district (60 percent committed/50 percent required) while providing improved urban open space through the creation of a retail courtyard space along E. 36th Street. The petition is proposing to protect adjacent single-family uses from the structure's visual impact through stepdown/stepbacks in height, parking deck screening, and an enhanced landscaped buffer between the parking deck and single-family uses. The approval of this petition will revise the adopted future land use as specified by the 36th Street Station Area Plan from residential and institutional uses to residential/office/retail uses for the site.

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

1. Further describes the nature in which two trees (one on-site, one off-site) will be preserved and notes the min. the caliper of replacement trees should either one fail to survive after construction. Limits the time for replacement for the off-site tree adjacent to the project to two (2) years after the building's certificate of occupancy.
2. To accommodate the preservation of an off-site tree, the petitioner has provided a 16' x 24' notch (approximate) at the northern corner of the building (please see sheet RZ-1 for details).
3. Removed the possibility for a pool to be placed in the amenity area.
4. Commits to installation of four (4) bulb-outs at the intersection of N. Alexander Street and E. 36th Street.
5. Commits to providing bicycle storage in 10 percent excess of ordinance requirements.
6. Commits to providing stormwater control 10 percent above the requirements of the City's PCSO.
7. Commits to the installation of an 8' masonry wall against the amenity area and the alleyway.

8. Adjusts height to better interact/transition with adjacent single-family residential (please see sheet RZ-1 for details). Height maximums range from 40 feet against key corners of the structure located against single-family to 65 feet against E. 36th Street.
9. Commits to providing an on-site trash pad or grate outside of ROW in an effort to keep rollouts out of the ROW/sidewalk.

Motion was made by Councilmember Egleston, seconded by Councilmember Winston to not to send this petition back to the Zoning Committee.

Councilmember Egleston said one, on the motion to not send back, all of the changes that have been made upfront. I'll admit that we have not gotten to where any neighbors wanted to be completely on this project. That said, all of the changes that have been made have been changes made in the direction of the pushback that the petitioner was receiving from neighbors, staff, neighborhood association, councilmembers, and others, so this moves it all and the Zoning Committee. So, this moves everything in the right direction. The debate will be about does it move it far enough in the right direction. One other change that was made in the last hour, is we have not reached a consensus with the immediately adjacent neighbors. There have been a commitment in the petition to where the pool would have been, it will not now be a pool, but it is still going to be a courtyard. There had been a commitment to an 8-foot masonry wall. The petitioner is still willing to build that wall. But I've asked them to remove it from the plan until the neighbors can reach some consensus on whether they would prefer to have it there or not. But the breezeway that's been created that we'll discuss in a moment, there's some thought that that could create a better visual break to be able to see through the back courtyard as well. And so, we're leaving that up to the neighbors. But if we put it in the note they'd be required to know whether the neighbors wanted it or not. They have said they're willing to do it and will confirm with the neighbors to determine if that is wanted. I have confirmed with Dave Pettine, that by taking it out of the notes, it can still be done, but we can't do it the other way around. So, one other change is the removal of the commitment to the requirement of the 8-foot masonry wall behind the amenity area, though, they are still willing to do that if the neighbors so ask. So, Dave, I don't know if I covered that from a technical standpoint correctly but fill in if not.

David Pettine, Planning said yes, you covered it for us, thank you.

Mr. Egleston said that was just speaking to the motion to not send it back.

Councilmember Phipps said I do think that the changes that have been proposed since the public hearing and the Zoning Committee vote have been both pretty substantial and significant. The change I would imagine that it's evident that the changes have been going on even prior to this meeting, So, to me, I'm not so much concerned for it to go back to the Zoning Committee to get an extra vote and such. I'm just wanting to see, because it looks like it was a desire by at least three members of that Zoning Committee, to get a better understanding of what was going to be taking place there and the fact that these

many changes were made since they did vote on it, to me, would warrant them to take a relook, and for maybe even the community to get a better understanding of the cumulative effect of all of the changes that have taken place in terms of what it means, what is it then, that they would have, even though it's moving in the right direction. I intend to support the petition, but I do think that we owe the community that much in this process. Thanks.

Mr. Egleston said I had that conversation with Dave. I don't know if he wants to respond?

Mr. Pettine said certainly, there's a good amount of the changes that have occurred on this petition. There's about 8 or 9 total. As Councilmember Egleston said, these have all been changes that have been made in a way to try to address continuing dialogue and concerns that have been raised by the community. There were also things that the staff were continuing to ask for in terms of clarification on items. So overall, I think, when we look at changes that are presented after Zoning Committee's recommendation, one of the bases we used to determine whether or not they should go back is the nature of the changes, are they more to address the continuing dialogue that goes on between petitioner and community? Are they the ones that move the petition in a direction that's more favorable towards an outcome where everybody is generally getting the resolution items that they've been looking for?

So ultimately, I think that the staff feels comfortable with them not being recommended to going go back to Zoning Committee, I don't necessarily think that the outcome at the Zoning Committee would be different other than a vote potentially that would be maybe 5-2 instead of 4-3, because they were also concerns that the Zoning Committee raised. So, yes I think overall, the changes like I said, while there's a good handful of them, they were made in an effort to continue to work with the community and show some commitment to addressing some of those concerns. And also working with the district rep as well, just to work through all of those changes that the community was continuing to want and see. So, that's where the staff was in terms of recommending it not going back to the Zoning Committee.

Mr. Phipps said well, there, again, I think that the decision to send back to the Zoning Committee is a decision that the council has to make. I certainly respect the recommendation of the staff. But I do feel that given the discussion and dialogue that went on in the Zoning Committee, and given what we have in front of us, to me, I'm not so how much concerned that it would get another vote or whatever, it could still be 4-3, but still, I think that it would give an opportunity for the Zoning Committee as well as the community, itself because even with these changes, I don't think that these changes have moved in a direction that we are prepared to go in. I just throw that out as my opinion that they should at least have at least one more opportunity to see the cumulative effect of all of these changes. Thank you.

Councilmember Johnson said I agree with Councilmember Phipps. I just want to piggyback off of that. If eight or nine changes aren't considered significant enough to send back to the committee, then I don't know what would be. Even in the e-mail from the

petitioner's representative today, they mentioned the changes are significant. So, I would be willing to make a substitute motion to send back to the Zoning Committee. If that's necessary. I mean, I would like to make a substitute motion to send back to the Zoning Committee. I think in the spirit of transparency, Councilmember Egleston said, you know, changes were made, up to an hour ago. We know that we've received much opposition from the community on this. So, I think that this is fair and transparent because of all of these changes, to send back to the Zoning Committee and allow all parties, particularly, their residents as well, time to review these changes.

Councilmember Driggs joined the meeting at 5:48 P.M.

Mayor Pro Tem Julie Eiselt said we don't need a substitute motion because the first motion is whether or not to send it back. We'll get through all of the comments and then we can take a vote on whether or not the Council feels the need to be sent back.

Councilmember Aimera said I appreciate some meaningful changes that have been made by the petitioner, specifically, to address tree save, stormwater issues, and also, eliminating the amenity, which is the pool, and I appreciate Councilmember Egleston's work on this. So, to Councilmember Egleston, I know that from where we were at the hearing to now, there have been many, many changes that have been made to get the community on board. Do you feel that giving them or even deferring this petition by a month, will give them additional time to come to the negotiation table and get them on board? Specifically, neighborhood support for this. I know that the Noda Neighborhood Association had sent a letter in opposition. So, do you feel comfortable allowing additional time? Or do you want to move forward with this tonight?

Mr. Egleston said Mayor Pro Tem if I may. The reason I proposed that it not be sent back is because as Dave said, the spirit of the opportunity for the Council to send it back is if changes are made that then render the Zoning Committee's opinion not reflective of where they stand. I think, in this case, the three folks who voted against it, many of the points they raised have been addressed to different degrees. So, there's no change that's been made here that would potentially render the positive verdict of the Zoning Committee a different negative outcome and that as I discussed with Dave last week and understanding why we have this opportunity to send it back or not, that's how expressed to me what it's there, it's a safety valve. If they had made changes that made the petition go in the wrong direction, it would be disingenuous to move forward, understanding that the Zoning Committee supported it, because maybe they wouldn't any longer. As he's said, that's not the case here. I will tell you that, and I intended to get in the details on the project when we were voting on the project but I don't believe that the month gets us to a place where the neighborhood is supportive and the reason being, I know we've all receive the Noda Neighborhood Business Association letter, maybe Thursday of last week, that was updated to reflect a lot of the change. Though, since that letter, the two outstanding things, they identified everything from tree save to stormwater to affordable housing to the trash and all of those things, they said, we believe that the petitioner has meaningfully addressed these concerns that have been raised.

They did call out two things, specifically, that [inaudible] are outstanding issues, one of those being the pool, which they recommended removal of, that has been done, and then the height and the massing. We'll talk a little more later, about the change made today in that terms of the breezeway that cuts through the building and in between those two courtyards that I think makes a difference on the massing. There's been a height reduction on the back. Both Noda, [inaudible], and the immediate neighbors are of the opinion that five stories is just inappropriate anywhere on this site or really anywhere along this corridor. There is no five-story height on the back of this project now. There used to be. We've had that changed. But that is a sticking point that is not going to be resolved in one month or one year because the staff has said that it's appropriate. Our future plans that we're working on say it's appropriate. The Zoning Committee, [inaudible] has said it's appropriate and I've expressed to the neighbors that I respect their opinion that it's not, but I don't share that opinion. So, I think this is close to transit and on a street like 36th Street, we wouldn't dream of doing this on 35th or 37th Street, but 36th Street is different. Our plans call out 36th Street as being different. That is a point that is not going to be squared away by any amount of conversation because there's just a core disagreement on that point. So, to send it back, I don't think that we end up in a better place a month from now than where we are today. And again, I was hoping to talk more about the project itself when we get to the project vote.

Ms. Ajmera said so, thank you, Mr. Egleston. That's a long answer. To Mr. Phipps' point, I don't think that the discussion is much about Zoning Committee's decision. I think it's just more about transparency and the community's input throughout the process. Because some of the changes, like you mentioned, and the petitioner mentioned, did happen at the last minute. So, I think it just gives the Council an opportunity to hear from the community over the next couple of weeks, the community's feedback on some of the significant and meaningful changes that you all helped facilitate. That's all I have to say. Thank you.

Councilmember Driggs said I apologize for my ghostly appearance; I'm sitting here at a hotel desk with a dim lamp. I agree that sending it back to the Zoning Committee is not [inaudible] and I would not support that. So, I really think as Ms. Ajmera pointed out that the question is whether, in order to respect the community's input on this, we should just defer it. Mr. Egleston, to that point, do we know what the particular time sensitivity here is, if we did defer it for a month, what kind of hardship might be created for the petitioner, or how would that affect the whole process?

Mr. Egleston said I would defer to the petitioner if the petitioner is on the call to answer that question. My point was simply that there is not in my view, the opportunity, there's not going to be a month from now a version of this plan that has, you know, universal support on basis of the height. So, if the petitioner is on, they can answer.

Mr. Driggs said I get that. I think--I think.

Mr. Egleston said I don't know if any of them are on to answer the question.

Mr. Driggs said right. I think the point that we're not going to be able to get everybody to a place where they're accepting of this, and in fact, probably even fair to say that we have reached a point where it's unlikely that this will change much further. As it sort of courtesy to the residence, I would suggest that we not send it back to the Zoning Committee, but consider deferring our decision for a month, unless the petitioner points out that there is a real commercial or other hardship. I mean, I'm talking about earnest money and some of those things. And so, I would be interested to hear from the petitioner about what it would mean if we did just decide to vote on this next month.

Collin Brown, 1420 East 7th Street Suite 100 said so, I think hearing all of what you're saying, I agree with what's been said. I don't think, I guess to be direct, Mr. Driggs, we have been at this for almost a year. The land seller is a church which has plans. We've used all of the extensions that we have. Our goal was to come to a hearing in October. We had spent the last couple of months working diligently with the neighborhood to improve the petition. I think that we have done everything that can be done. I think our team is just to a point where, you know, we would like to have a decision and that is what the land seller would like also.

Mr. Driggs said okay. Thank you for the answer. So, I'm a no on sending I want back to the Zoning Committee. If somebody else wants to make a motion to defer it, that's another conversation.

Councilmember Winston said again, I would ask Ms. Samuel, given the conversation amongst Council and given the changes, what she could extrapolate the usefulness of sending this back another time to the Zoning Committee would do and what she might think that the discussion and/or vote might end up being?

Keba Samuel, Vice Chairperson of Charlotte Mecklenburg Planning Commission/Chairperson of Zoning Committee said thank you, again, for your question, Councilmember Winston. We had a similar discussion in our work session, whether to defer, whether we thought deferral would get us to something that was more palatable for the community, and what value a deferral might add. A motion was made to defer this petition and it failed and then, a motion was made to recommend approval and it passed. Narrowly, but it passed. In listening to the discussion and the notes that Councilmember Egleston just made and also, Mr. Pettine, I too, believe that sending it back to the Zoning Committee with the changes that are currently on the petition now, would not render a different result. I think as Mr. Pettine kind of alluded, it might get closer to a 5-20 vote. But I think those that were in favor of this petition, the decision would push us even more in favor of the petition with the changes that would be brought forth by the petitioner.

Terrie Hagler-Gray, Senior Assistant Attorney said I just want to remind everyone that this would be a three-fourth vote. To not send back.

Mayor Pro Tem Eiselt said okay. So, we need three-fourths of the council, so. Help me with the math. 8 people, 7 or 8 people, not to send it back.

Ms. Hagler-Gray said nine.

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

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

NAYS: Councilmembers Johnson, Phipps, and Watlington.

As a result, will go back to Zoning Committee.

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ITEM NO. 9: ORDINANCE NO. 226-Z, PETITION NO. 2021-118 BY INTEGRATED PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.1 ACRES LOCATED ON WESTINGHOUSE BOULEVARD BETWEEN PARK CHARLOTTE BOULEVARD AND QUALITY DRIVE FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL).

The Zoning Committee voted 6-1 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adoption of the following Statement of Consistency: this petition is found to be consistent with the Steele Creek Area Plan (2012) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends industrial-warehouse-distribution land use 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 does not change the industrial land use of the site but allows for the presence of outdoor storage. An undisturbed 114-foot buffer area will be provided in the rear of this site where it abuts residential uses. The area along Westinghouse Boulevard is developed mainly with both light and heavy industrial uses. The site is already zoned I-1 (Light Industrial), and the proposed site plan prohibits the most intense uses allowed in I-2 (Heavy Industrial) zoning districts such as junk yards, petroleum storage facilities, and medical waste disposal facilities.

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

1. Additional conditional notes prohibiting a gas station as a principal use and prohibiting underground fuel tanks.

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

Motion was made by Councilmember Winston, seconded by Councilmember Bokhari, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the Steele Creek Area Plan (2012) based on the information from the final staff analysis and the public hearing, and because the plan recommends industrial-warehouse-distribution land use 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 does not change the industrial land use of the site but allows for the presence of outdoor storage. An undisturbed 114-foot buffer area will be provided in the rear of this site where it abuts residential uses. The area along Westinghouse Boulevard is developed mainly with both light and heavy industrial uses. The site is already zoned I-1 (Light Industrial), and the proposed site plan prohibits the most intense uses allowed in I-2 (Heavy Industrial) zoning district such as junk yards, petroleum storage facilities and medical waste disposal facilities as modified.

Councilmember Watlington said yes with a comment that we were able to get the underground petroleum storage approved to not be included. So, the prohibition of underground petroleum storage does stand as part of the minority opinion in the Zoning Committee.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 556-557.

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ITEM NO. 10: ORDINANCE NO. 227-Z, PETITION NO. 2021-127 BY FLAGSHIP HEALTHCARE PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.2 ACRES LOCATED ON STEELE CREEK ROAD BETWEEN HUNTINGTON MEADOW LANE AND SETTLERS TRAIL COURT FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO O-1 (CD) (OFFICE, CONDITIONAL).

The Zoning Committee voted 7-0(motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adoption of the following Statement of Consistency: this petition is found to be inconsistent with the Steele Creek Area Plan (2012) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential land use at up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because while inconsistent with the low-density residential development recommended for the site, the proposed office use is compatible with the surrounding development

pattern along Steele Creek Road which includes institutional and office uses. The parcels are less compatible to be developed for low-density residential considering their frontage on Steele Creek Road, which is proposed to be widened to a four-lane thoroughfare by NC-DOT. The site is separated from the single-family residential neighborhood to the east by a 50-foot water quality buffer along a tributary of Walker Branch Creek. The petitioner has committed to dedicating or conveying an easement of the SWIM buffers onsite to Mecklenburg County for future greenway use. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from residential at up to 4 dwelling units per acre to office land use for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Winston, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Steele Creek Area Plan (2012) based on the information from the final staff analysis and the public hearing, and because the plan recommends residential land use at up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because while inconsistent with the low-density residential development recommended for the site, the proposed office use is compatible with the surrounding development pattern along Steele Creek Road which includes institutional and office uses. The parcels are less compatible to be developed for low density residential considering their frontage on Steele Creek Road, which is proposed to be widened to a four-lane thoroughfare by NC-DOT. The site is separated from the single-family residential neighborhood to the east by a 50-foot water quality buffer along a tributary of Walker Branch Creek. The petitioner has committed to dedicating or conveying an easement of the SWIM buffers onsite to Mecklenburg County for future greenway use. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from residential at up to 4 dwelling units per acre to office land use for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 558-559.

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ITEM NO. 11: ORDINANCE NO. 228-Z, PETITION NO. 2021-135 BY ALLIANCE RESIDENTIAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.50 ACRES LOCATED AT THE INTERSECTION OF NORTH TRYON STREET AND MATHESON AVENUE, WEST OF NORTH BREVARD STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Ham, seconded by Blumenthal) to recommend approval of this petition and adoption of the following Statement of Consistency: this petition is found to be inconsistent with the North Tryon Area Plan, based on the information from the post-hearing staff analysis and the public hearing and

because the adopted plan recommends institutional uses for this parcel. 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 although inconsistent with the North Tryon Area Plan's land use recommendation for the site, the petition is generally consistent with the existing development pattern in the area which includes a mix of retail, industrial, adaptive re-use, and nearby residential. A proposed density of approximately 97 DUA is appropriate given the site's proximity to the existing light rail. The site is within .55 mile of the 25th Street Station on the LYNX Blue Line. The requested housing density achieves the plan's land use goal of encouraging a variety of housing types in the area to accommodate a diversity of residents. The petition's proposed 8-foot sidewalk, 8-foot planting strip, and variable 2-way bicycle track along Matheson Avenue achieves the plan's goal of creating an improved urban environment by encouraging project design that contributes to the community, creates an attractive streetscape, and enhances mobility in the area. The approval of this petition will revise the adopted future land use as specified by the North Tryon Area Plan, from institutional uses to residential/office/retail uses for the site.

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

1. Clarified that access along N. Tryon Street will now be used as gated emergency access only. This access will be gated and locked with a Knox box.

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

Motion was made by Councilmember Egleston, seconded by Councilmember Bokhari, and carried unanimously to and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the North Tryon Area Plan, based on the information from the final staff analysis and the public hearing and because the adopted plan recommends institutional uses for this parcel. 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 although inconsistent with the North Tryon Area Plan's land use recommendation for the site, the petition is generally consistent with the existing development pattern in the area which includes a mix of retail, industrial, adaptive re-use, and nearby residential. A proposed density of approximately 97 DUA is appropriate given the site's proximity to existing light rail. The site is within .55 mile of the 25th Street Station on the LYNX Blue Line. The requested housing density achieves the plan's land use goal of encouraging a variety of housing types in the area to accommodate a diversity of residents. The petition's proposed 8-foot sidewalk, 8-foot planting strip, and variable 2-way bicycle track along Matheson Avenue achieves the plan's goal of creating an improved urban environment by encouraging project design that contributes to the community, creates an attractive streetscape, and enhances mobility in the area. The approval of this petition will revise the adopted future land use as specified by the North Tryon Area Plan, from institutional uses to residential/office/retail uses for the site as modified.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 560-561.

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ITEM NO. 12: ORDINANCE NO. 229-Z, PETITION NO. 2021-136 BY HABITAT FOR HUMANITY OF THE GREATER CHARLOTTE REGION, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.38 ACRES LOCATED ON THE SOUTH SIDE OF EAST LANE DRIVE, WEST OF EAST W.T. HARRIS BOULEVARD, AND EAST OF INDEPENDENCE BOULEVARD FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Ham, seconded by Chirinos) to recommend approval of this petition and adoption of the following Statement of Consistency: this petition is found to be inconsistent with the Independence Boulevard Area Plan density recommendation based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential use up to 4 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 proposed residential land use aligns with the adopted plan policy; however, the proposed density is 7.56 DUA. The parcel shape and location at the end of the cul-de-sac make it difficult to continue the single-family lot pattern that currently exists in the neighborhood. The proposal provides housing options and a mix of housing types in the area. The

proposal develops a vacant parcel and does not eliminate existing housing in the neighborhood. The plan provides buffers adjacent to single-family homes and building design standards to ensure compatibility with surrounding residential uses. The plan provides buffers adjacent to single-family homes and building design standards to ensure compatibility with surrounding residential uses.

Motion was made by Councilmember Newton, seconded by Councilmember Driggs, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Independence Boulevard Area Plan density recommendation based on the information from the final staff analysis and the public hearing and because the plan recommends residential use up to 4 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 proposed residential land use aligns with the adopted plan policy; however, the proposed density is 7.56 DUA. The parcel shape and location at the end of the cul-de-sac make it difficult to continue the single-family lot pattern that currently exists in the neighborhood. The proposal provides housing options and a mix of housing types in the area. The proposal develops a vacant parcel and does not eliminate existing housing in the neighborhood. The plan provides buffers adjacent to single-family homes and building design standards to ensure compatibility with surrounding residential uses. The plan provides buffers adjacent to single-family homes and building design standards to ensure compatibility with surrounding residential uses.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 562-563.

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ITEM NO. 13: ORDINANCE NO. 230-Z, PETITION NO. 2021-140 BY HUTTON AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.69 ACRES LOCATED ALONG THE SOUTH OF NORTH TRYON STREET, EAST OF PAVILION BOULEVARD, AND NORTH OF HARRIS HOUSTON ROAD FROM NS (NEIGHBORHOOD SERVICES) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).

The Zoning Committee voted 4-3 (motion by Ham, seconded by Chirinos) to recommend approval of this petition and adoption of the following Statement of Consistency: this petition is found to be consistent with the Northeast Area Plan's recommendation for retail uses for the site but inconsistent with the plan's recommendation for residential uses based on the information from the post-hearing staff analysis and the public hearing and because the adopted plan recommends retail/residential uses. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposed project is consistent with the existing, adjacent development patterns. The petition helps achieve the area plan's land use goal of "a balanced land use pattern that includes a mixture of

housing, shopping, employment, and civic uses". Before the approval of the rezoning petition 2007-079, the Northeast Area Plan recommended only retail uses for the site. While proposing an auto-oriented use, the petition still furthers the land use goal to stimulate pedestrian and bicycle activity via its commitment to construct a 12-foot multi-use path and 8-ft planting strip, along the property's frontage of N. Tryon, in accordance with Charlotte BIKES. The approval of this petition will revise the adopted future land use as specified by the North Tryon Area Plan, from institutional uses to residential/office/retail uses for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Egleston to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the Northeast Area Plan's recommendation for retail uses for the site but inconsistent with the plan's recommendation for residential uses based on the information from the final staff analysis and the public hearing and because the adopted plan recommends retail/residential uses. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed project is consistent with the existing, adjacent development patterns. The petition helps achieve the area plan's land use goal of "a balanced land use pattern that includes a mixture of housing, shopping, employment and civic uses". Before the approval of rezoning petition 2007-079, the Northeast Area Plan recommended only retail uses for the site. While proposing an auto-oriented use, the petition still furthers the land use goal to stimulate pedestrian and bicycle activity via its commitment to construct a 12-foot multi-use path and 8-ft planting strip, along the property's frontage of N. Tryon, in accordance with Charlotte BIKES. The approval of this petition will revise the adopted future land use as specified by the North Tryon Area Plan, from institutional uses to residential/office/retail uses for the site.

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

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

NAYS: Councilmember Phipps.

Councilmember Johnson said I just wanted to say that this petition was previously heard, I think, I want to say 2007, but it was refiled on the market for over a decade. This petitioner is increasing pedestrian and bike connectivity by replacing a six-foot sidewalk with a 12-foot multiuse path. They're also improving the travel lanes and we have support from also nearby HOA. So, I just wanted to add that to the record.

Councilmember Phipps said yeah, I frequent this particular strip shopping center a lot and, you know, I really hope that it, wish that it had some of the controls in place on the one we approved in number 3. An ETJ (Extraterritorial Jurisdiction) area next to Mr.

Newton's district. I mean, they have two drive-through pharmacies there, one anchored by a grocer there. And then you have a CVS, they have a recently-approved and open Exxon convenience store with an attached car wash. And, you know, it's on Tryon, but really, it's further up North of Tryon when really, it's Highway 29. It's your now 55-mile speed limit there. So, you know, I don't know if given the sidewalk there and the traffic, and such the speed limit that the people would feel that comfortable walking over there. Any other time I would be in favor of something like this, I just think at that site surrounded by mostly a bank or apartments on either side of it, that the pedestrian nature of it is not enhanced with this type of facility there at that dent. So, that is the real reason for my opposition to it. Nothing really personal to the petitioner or otherwise but that's how I feel about it, thanks.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 564-565.

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ITEM NO. 14: ORDINANCE NO. 231-Z, PETITION NO. 2021-144 BY LEH NC STATESVILLE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.91 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF STATESVILLE AVENUE AND NORRIS AVENUE, SOUTH OF ATANDO AVENUE FROM R-8 (SINGLE-FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by Chirinos) to recommend approval of this petition and adoption of the following Statement of Consistency: this petition is found to be consistent with the Statesville Avenue Corridor Area Plan (2001) recommendation of residential use, but inconsistent with the recommended density of up to 12 dwelling units per acre based on the information from the post-hearing staff analysis and the public hearing, and because this petition proposes up to 21 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes up to single-family attached dwelling units at a density of 22.85 dwelling units per acre. While the proposed density is higher than the area plan's recommendation of residential uses up to 12 DUA, the petition does fulfill the plan's intention of adding multi-family attached units along Statesville Road to locate housing units in close proximity to jobs and other amenities. There is existing R-22MF zoning and similar density development to the south and north of this site across Statesville Avenue. Abutting this site are two parcels zoned B-1. B-1 zoning allows for up to 22 DUA for residential uses. This petition commits to providing a minimum of 4,003 square feet of open space areas, with amenities such as landscaping and benches. The petition commits to providing an ADA-compliant bus pad on Norris Avenue and will increase pedestrian connectivity throughout this area by providing a 6-foot sidewalk and 8-foot planting strip along the site's frontage of Statesville Avenue & Norris Avenue. The approval of this petition will revise the adopted future land use as specified by the

Statesville Avenue Corridor Area Plan (2001), from Residential up to 12 DUA to Residential over 22 DUA for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the Statesville Avenue Corridor Area Plan (2001) recommendation of residential use, but inconsistent with the recommended density of up to 12 dwelling units per acre based on the information from the final staff analysis and the public hearing, and because this petition proposes up to 21 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes up to 21 single-family attached dwelling units at a density of 22.85 dwelling units per acre. While the proposed density is higher than the area plan's recommendation of residential uses up to 12 DUA, the petition does fulfill the plan's intention of adding multi-family attached units along Statesville Road to locate housing units in close proximity to jobs and other amenities. There is existing R-22MF zoning and similar density development to the south and north of this site across Statesville Avenue. Abutting this site are two parcels zoned B-1. B-1 zoning allows for up to 22 DUA for residential uses. This petition commits to providing a minimum of 4,003 square feet of open space areas, with amenities such as landscaping and benches. The petition commits to providing an ADA compliant bus pad on Norris Avenue and will increase pedestrian connectivity throughout this area by providing a 6-foot sidewalk and 8-foot planting strip along the site's frontage of Statesville Avenue & Norris Avenue. The approval of this petition will revise the adopted future land use as specified by the Statesville Avenue Corridor Area Plan (2001), from Residential up to 12 DUA to Residential over 22 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 566-567.

ITEM NO. 15: ORDINANCE NO. 232-Z, PETITION NO. 2021-145 BY EMBREY PARTNERS, LTD AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.24 ACRES LOCATED ON THE SOUTH SIDE OF SCALEYBARK ROAD AND EAST SIDE OF SOUTH BOULEVARD, WEST OF CONWAY AVENUE FROM TOD-TR (TRANSIT-ORIENTED DEVELOPMENT - TRANSITION) TO TOD-CC (TRANSIT-ORIENTED DEVELOPMENT - COMMUNITY CENTER).

The Zoning Committee voted 7-0 (motion by Ham, seconded by Chirinos) to recommend approval of this petition and adoption of the following Statement of Consistency: this petition is found to be consistent with the Scaleybark Transit Station Area Plan (2008) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends transit-oriented development – MIXED-USE for this 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 site is within a ½-mile walk to the Scaleybark Station. The TOD-CC district may be applied to parcels within a ½- mile walking distance of an existing rapid station, or within ½ mile walking distance of an existing streetcar stop. The dimensional standards of the transit-oriented development zoning ordinance limit the maximum building height to 65 feet for buildings within 200 feet of the site's adjacent R-4 zoning. The subject site is directly adjacent to a number of other areas zoned TOD-CC. This rezoning would allow for the redevelopment of the site to transit-supportive uses. The TOD-CC zoning district is appropriate for the site due to the site's direct adjacency to South Boulevard, a major thoroughfare. The use of conventional TOD-CC 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.

Motion was made by Councilmember X, seconded by Councilmember Y, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the Scaleybark Transit Station Area Plan (2008) based on the information from the final staff analysis and the public hearing, and because the plan recommends transit-oriented development – MIXED-USE for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the site is within a ½-mile walk to the Scaleybark Station. The TOD-CC district may be applied to parcels within a ½- mile walking distance of an existing rapid station, or within ½ mile walking distance of an existing streetcar stop. The dimensional standards of the transit-oriented development zoning ordinance limits the maximum building height to 65 feet for buildings within 200 feet of the site's adjacent R-4 zoning. The subject site is directly adjacent to a number of other areas zoned TOD-CC. This rezoning would allow for the redevelopment of the site to transit supportive uses. The TOD-CC zoning district is appropriate for the site due to the site's direct adjacency to South Boulevard, a major thoroughfare. The use of conventional TOD-CC 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 ordinance is recorded in full in Ordinance Book 64, at Page(s) 568-569.

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ITEM NO. 16: ORDINANCE NO. 233-Z, PETITION NO. 2021-147 BY PROVIDENCE GROUP CAPITAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.10

ACRES LOCATED AT THE NORTHWEST INTERSECTION OF CLANTON ROAD AND PELTON STREET, WEST OF SOUTH BOULEVARD, AND EAST OF SOUTH TRYON STREET FROM TOD-CC (TRANSIT-ORIENTED DEVELOPMENT - COMMUNITY CENTER) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT - URBAN CENTER).

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by Chirinos) to recommend approval of this petition and adoption of the following Statement of Consistency: this petition is found to be consistent with the Scaleybark Transit Station Area Plan (2008) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends transit-oriented development – MIXED-USE for this 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 site is within a ½-mile walk of both the Scaleybark Station and New Bern Station. The TOD-UC district may be applied to parcels within a ½- mile walking distance of an existing rapid station, or within ½ mile walking distance of an existing streetcar stop. The use of conventional TOD-UC zoning applies standards and regulations to create 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.

Motion was made by Councilmember X, seconded by Councilmember Y, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the Scaleybark Transit Station Area Plan (2008) based on the information from the final staff analysis and the public hearing, and because the plan recommends transit-oriented development – MIXED-USE for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the site is within a ½-mile walk of both the Scaleybark Station and New Bern Station. The TOD-UC district may be applied to parcels within a ½- mile walking distance of an existing rapid station, or within ½ mile walking distance of an existing streetcar stop. The use of conventional TOD-UC zoning applies standards and regulations to create 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 ordinance is recorded in full in Ordinance Book 64, at Page(s) 570-571.

ITEM NO. 17: ORDINANCE NO. 234-Z, PETITION NO. 2021-148 BY K SADE VENTURES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR 114.46 ACRES LOCATED ON

THE EAST SIDE OF HARRIS HOUSTON ROAD, NORTH OF UNIVERSITY CITY BOULEVARD, AND SOUTH OF NORTH TRYON STREET FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (SINGLE-FAMILY RESIDENTIAL).

The Zoning Committee voted 7-0 (motion by Rhodes, seconded by Blumenthal) to recommend approval of this petition and adoption of the following Statement of Consistency: this petition is found to be consistent and inconsistent with the Northeast District Plan (1996) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family uses up to four dwelling units per acre and single family/multifamily/office uses up to 8 dwelling units per acre, and the plan recommends greenway uses on a portion of 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 this rezoning would allow for a slight increase in density in the area while still being contextually appropriate for the adjacent single-family uses zoned R-3. The rezoning request is consistent with the single-family land use recommendation for this area. The site is located approximately one mile from amenities along University City Boulevard. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan (1996) from greenway uses for a portion of this site to single-family residential uses.

Motion was made by Councilmember X, seconded by Councilmember Y, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent and inconsistent with the Northeast District Plan (1996) 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 and single family/multifamily/office uses up to 8 dwelling units per acre; and the plan recommends greenway uses on a portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because this rezoning would allow for a slight increase in density in the area while still being contextually appropriate for the adjacent single-family uses zoned R-3. The rezoning request is consistent with the single-family land use recommendation for this area. The site is located approximately one mile from amenities along University City Boulevard. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan (1996) from greenway uses for a portion of this site to single-family residential uses.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 572-573.

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ITEM NO. 18: ORDINANCE NO. 235-Z, PETITION NO. 2021-153 BY GALAGA INVESTORS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.17 ACRES LOCATED ON THE SOUTH SIDE OF TYVOLA ROAD, WEST OF OLD

PINEVILLE ROAD, AND EAST OF INTERSTATE 77 FROM I-2 (GENERAL INDUSTRIAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by Chirinos) to recommend approval of this petition and adoption of the following Statement of Consistency: this petition is found to be inconsistent with the Tyvola & Archdale Transit Station Area Plan (2008) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office/retail/industrial-warehouse distribution uses for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the site is within a 1-mile walk of the Tyvola Station along Old Pineville Road. The TOD-NC district may be applied to parcels within a 1- mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop. The petition would allow for the redevelopment of the site to transit-oriented uses. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site than other TOD districts because it is situated among moderately intense uses. The use of the conventional TOD-NC zoning applies standards and regulations to create 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.

Motion was made by Councilmember X, seconded by Councilmember Y, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Tyvola & Archdale Transit Station Area Plan (2008) based on the information from the final staff analysis and the public hearing, and because the plan recommends office/retail/industrial-warehouse distribution uses for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the site is within a 1-mile walk of the Tyvola Station along Old Pineville Road. The TOD-NC district may be applied to parcels within a 1- mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop. The petition would allow for the redevelopment of the site to transit-oriented uses. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site than other TOD districts because it is situated among moderately intense uses. The use of the conventional TOD-NC zoning applies standards and regulations to create 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 ordinance is recorded in full in Ordinance Book 64, at Page(s) 574-575.

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ITEM NO. 19: ORDINANCE NO. 236-Z, PETITION NO. 2021-155 BY HABITAT FOR HUMANITY OF THE GREATER CHARLOTTE REGION, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR 0.62 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF CENTRAL AVENUE AND MEDALLION DRIVE, WEST OF KILBORNE DRIVE, AND EAST OF EASTWAY DRIVE FROM O-6 (CD) (OFFICE, CONDITIONAL) TO R-22MF (MULTI-FAMILY RESIDENTIAL).

The Zoning Committee voted 7-0 (motion by Rhodes, seconded by Blumenthal) to recommend approval of this petition and adoption of the following Statement of Consistency: this petition is found to be inconsistent with the Eastland Area Plan (2003) 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 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 remainder of this parcel is zoned R-22MF, this rezoning would bring the parcel under one consistent zoning district rather than split into two different zoning districts. The subject site is directly adjacent to other areas zoned R-22MF. If the rezoning is approved, the overall density allowed on this parcel would only marginally increase from approximately 15 dwellings units per acre to 20 dwelling units per acre. The site is located along Central Avenue, a major thoroughfare, making it an appropriate location for moderately dense residential development. The approval of this petition will revise the adopted future land use as specified by the Eastland Area Plan (2003), from single-family residential uses up to four dwelling units per acre to multifamily residential uses up to 22 dwelling units per acre for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Eastland Area Plan (2003) 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 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 remainder of this parcel is zoned R-22MF, this rezoning would bring the parcel under one consistent zoning district rather than split into two different zoning districts. The subject site is directly adjacent to other areas zoned R-22MF. If the rezoning is approved, the overall density allowed on this parcel would only marginally increase from approximately 15 dwellings units per acre to 20 dwelling units per acre. The site is located along Central Avenue, a major thoroughfare, making it an appropriate location for moderately dense residential development. The approval of this petition will revise the adopted future land use as specified by the Eastland Area Plan (2003), from single-family residential uses up to four dwelling units per acre to multifamily residential uses up to 22 dwelling units per acre for the site.

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The ordinance is recorded in full in Ordinance Book 64, at Page(s) 576-577.

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CONTINUATION OF ITEM 7:ORDINANCE NO. 225-Z, PETITION NO. 2021-096 BY ASCENT REAL ESTATE CAPITAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.89 ACRES LOCATED ALONG E. 36TH STREET BETWEEN NORTH ALEXANDER STREET AND NORTH MCDOWELL STREET IN THE NODA COMMUNITY FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).

Councilmember Watlington said I would like to go back to the particular petition in Noda, the one in which we failed to receive three-quarters of a vote to not send back to the Zoning Committee. I would like to recall that vote.

Councilmember Egleston said I think we probably have to actually revote. [inaudible] someone on the winning side of the vote is asking to reconsider.

Terrie Hagler-Gray, Senior Assistant Attorney said yes, if you would like to reconsider that vote, it must be made by someone who was on the prevailing side.

Mr. Egleston said which she was.

Councilmember Driggs said the prevailing side was to send it back. Well, sorry [inaudible] (Talking simultaneously).

Mr. Egleston said required three people to prevail.

Mr. Driggs said I guess that's prevailing, ok. The vote to send it back failed, I don't know who's the prevailing side in that case.

Mayor Pro Tem Julie Eiselt said the three votes that were the descending votes, are prevailing.

Mr. Egleston said I'm referring to the attorney's recommendation which is that her motion is in order and that I can second it and I will second it.

Terrie Hagler-Gray, Senior Assistant Attorney said this appears to be a motion to reconsider that vote to not send back.

Mayor Pro Tem Eiselt said so, I need a motion to reconsider the vote as to whether or not to send the petition back to the Zoning Committee, based on the changes, that was made after the Zoning Committee meeting.

Motion was made by Councilmember Watlington, seconded by Councilmember Egleston to reconsider the vote as to whether or not to send the petition back to the Zoning Committee, based on the changes, that were made after the Zoning Committee meeting for Rezoning Petition 2021-096 by Ascent Real Estate Capital, LLC.

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

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

NAYS: Councilmembers Johnson and Phipps.

Motion was made by Councilmember Egleston, seconded by Councilmember Winston to Not to Refer back to the Zoning Committee.

Councilmember Watlington said I want to comment on my decision to move to reconsider. For me, and I had this conversation with the district rep earlier, it's important to me that those most closely accountable to the people, being the district rep, and the four at-large are those that I would like to defer to in regards to these kinds of things. It's very important to me, as the district rep that as I'm working with the community on each petition, that work and that investigation is considered by my colleagues, particularly, those that are also on the ballot for each group. So, on this one, I do believe that although

it requires a three-quarters vote to not send it back, in particular, here, it's clear that the majority of the folks whether they port the petition or not support the petition would like to see some kind of a decision, whether it's approval, denial, or deferral. So, with that, I will be switching my vote on this one. Thanks.

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

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

NAYS: Councilmembers Johnson and Phipps.

Mr. Egleston said I think I covered almost everything in terms of the changes that have been made in the discussion around whether or not to send it back. So, if folks have questions, I'm happy to field them, but otherwise, I don't see a need to repeat all of that.

Ms. Johnson said I stand on the fact that these are a lot of changes that I think it's fair and transparent for the residents to be able to consider. We have received dozens, if not, more than 100 letters and e-mails about the petition. So, this is highly visible and highly contested. So, again I say if eight or nine changes and even the representative says these are significant changes and don't require more input or comments from the public, then I don't know what does. So, I would like to make a motion to defer the decision in order to allow residents to review the changes, especially those that have come in within the last hour. I think that we owe that to our residents. So, again, a motion to defer the decision.

Motion was made by Councilmember Johnson, seconded by Councilmember Phipps to defer Item No. 7, Petition No. 2021-096 by Ascent Real Estate Capital, LLC.

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

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

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

Mayor Pro Tem Julie Eiselt said I'm going to make a comment on this. This has given me a lot of heartburn. the comments that I want to make on this is that have been out and looked at this property and met with residents. There were two things that bothered me about it; it was the mass and the stormwater issues. There were a lot of other issues that residents had raised as well. What I am personally really struggling with are those two issues. Which the petitioner did address I think as much as they could. The stormwater issue is something that is an issue all over our city. I am comfortable that in this particular project, the petitioner added additional stormwater capacity over and above what was required by the ordinance. So, at least we know that the drainage off of this property is

not going to be detrimental to other people's properties. And the mass was something that I think I'm struggling the most with, however, what I also struggle with is the fact that the product itself is a good product. We need these micro-apartments, you know, we're going down the road of an Austin, Texas or a San Francisco or other cities where housing has become so expensive that, you know, affordable housing aside, if you don't make a smaller unit for people, people just aren't going to have to be able to afford places to live. When thinking about artists, NoDa is an area that to me is more of the artist's area, this particular project has space that people can rent more affordable than what could be available in the center of NoDa and the micro-apartments, which you know, is much more affordable than what we are seeing in the South End.

So, I think this is a conflict that we're going to see all over the city. There's going to have to be sacrifices made. And in this particular case, I would like to vote no against it, because it's big but I don't know that we're going to get the product that we need in the city if we don't start making some tradeoffs and in this particular case, the eight changes that have been made, all our changes that residents ask, and that I asked for. So, it's a little disingenuous of me to say I want you to change the scale and the stormwater and vote no against it.

So, I will be supporting it, but again, and in the last thing I will say is that if it weren't for the fact that David [inaudible] is the architect on this He's a local architect who cares tremendously about sustainability, about what a project looks like, and, you know, by adding this breezeway in, taking out the swimming pool, which is what people asked for, and putting the breezeway so that it breaks up the mass, then that is what I had asked for the base on the changes that residents told me that they were requesting. So, I'm going to be a yes with this one but I really struggle with the size of some of our developments. And I just don't know what we're going to you know, we're going to have to have these conversations on a regular basis to get what we really need in this city is close to our transit corridors

Councilmember Ajmera said just like you Mayor Pro Tem, I struggled with this one. I appreciate the changes that's been made by the petitioner to address. Some concerns that been raised by the neighbors. For me, the biggest concern was around the tree save. Specifically, the heritage tree and neighbors brought up a very important issue that I think we as a Council need to address. How do we preserve and protect our trees on alleyways? Because that is not named by the city. Results are not owned by any private party, either. So, I have had that conversation with our tree arborist and as the environment and equity and engagement committee takes a deeper dive into this tree ordinance, I do look forward to hearing our staff's feedback on some of these gaps that we have. And NoDa is known for its neighborhood charm, specifically historic charm, the unique fabric, and the character that I think we must preserve throughout this process. And I'm pleased with these changes that the petitioner has made and I appreciate the work that the district Councilmember has addressed the changes. While I understand that the community still does not support it. However, it would be disingenuous of me not to

support it after several changes that we have requested have been made. So, I'll be supporting this one. Thank you.

Councilmember Phipps said I had an opportunity also to go out and visit with the neighbors and tour the area and the surrounding streets and such. I do believe that the changes that have been proposed and made were both substantive and significant and I think they enhanced the project to the point that would garner my support. But I, too, am concerned or I have some over the massing and would hope that some of the massings could be mitigated. I would like to see even with these proposals up to the 11th hour, how the massing, how maybe, you know, in what way can we approach the massing in a way that would be more aesthetically pleasing to the eye? My familiarity with the massing of this scale is with the student housing that's located on University City Boulevard. Adjacent to the University of North Carolina at Charlotte where we had a block-long student housing project, but it was broken up in a way or it is broken up in a way through little plazas and little courtyards in the front, that makes it appear to be more conducive and pedestrian-type friendly.

So, I'm hoping that any kind of elevations that would come out of this would be able to show the cumulative effect of these changes in a way that the community would appreciate. Not to say that all of the community would be on board, but I think that it would be a benefit to them, given that all of these proposals and changes are on paper, look good, but just, you know, if that changes, the dynamic elevation, I think it's something that is worthy, that we could see. So, we can see what kind of impact that really makes. So, I think that the project is a better project, as a result of these changes and I will vote to support it. Thanks.

Mr. Egleston said so, the Councilmember Phipps question about massing, I think one of the changes that were made most recently that Mayor Pro Tem helped me lobby the petitioner for this breezeway through the site, I think breaks the massing up in a way that is aesthetically and visually improved. There are people who are going to be disappointed with the outcome of this. I think there have been a lot of changes and I appreciate the people who have negotiated in good faith, both neighbors and neighborhood association, Zoning Committee members, and many of you on the Council, who have helped me to lobby for this laundry list of changes that have been made over the course of, as was earlier stated, nearly a year's worth of discussion, and I think that the project is in a much better place for the community. I think it will be a project that the petitioner will be more proud of. I think it is going to yield a better outcome because of all of the work that was put into it. I can appreciate the frustration for the folks who didn't get what they hoped that we would get. But I think that everyone, even those folks, would acknowledge that we've ended up in a far better place than where we started. So, thank you to all of you and to everyone else in the community who made these changes possible, and thank you to the petitioner for continuing to come to the table and be open-minded to the changes that were [inaudible] significant and do cut into their ability to generate a profit on this for their business. But they understood that bringing the community closer to where they wanted to be on this and bringing it closer to where our vision for our city is, and doing things like

saving trees, and making a commitment to affordable units and a project and making a commitment to have space for small local retail businesses, all of those things strengthen our community and they strengthen the project and I appreciate all of the work that's gone into it.

Ms. Johnson said I just want to say that I went out to the site, also. I didn't have a chance to meet with the residents, but I listened to the residents and read their e-mails. I personally don't recall any e-mails from the community in support of this. And yes, we need more affordable housing units and this is not necessarily, definitely not affordable with the capital [inaudible], more affordable because they're microunits. But location still matters and as a former real estate, you know, agent, that's very important. So, when Councilmember Phipps talked about this type of mass structure, in the University Area, it's not in a residential community and it doesn't sit next to a single-story home. So, I think that the residents need to understand, that we're talking about a structure that is a block long or wide. So, this is a, we've heard words like, very massive and monstrosity and all of that, that is going to be implanted into a residential community. And yes, 36th Street does have other multifamily, but this is extreme. So, I know that we need more affordable housing but it's up to the Council to still be strategic in where these are placed. Which was my opposition to the 2040 plan. Because I still think there's an opportunity to be strategic and intentional about the location of these types of properties. So, I won't be supporting the petition today. Thanks.

Mr. Egleston said I don't want to belabor the discussion but I think if we're talking about being strategic, this strategy is we've made a billion-dollar investment in the light rail. We hope to continue to invest in things like light rail and if we're being strategic, if the density is necessary, if more housing is necessary, in this community, and it is, the strategic place to put it is in walking distance to transit stations, this is walking distance to the 36th Street Light Rail Station. It's a neighborhood of high opportunity, it's in a neighborhood with opportunity, to be able to move around our city to jobs, to school, to work, to play, whatever. To me, if it belongs anywhere, it belongs near, and it's not just NoDa, it belongs up and down the Blue Line, it belongs up and down where we hope to build the Silver Line. And if it's going to be at the stops it belongs on streets like North Davidson and 36th Street, thereby preserving the neighborhoods. So, to me, this is the definition of strategic.

Mayor Pro Tem Eiselt said and I'll just add to that, in the last comment for all of the Council to think about. I think what really happened here, is what I'm really focused on. When we look at our 2040 mapping, is that there is a transition from what's on 36th Street and I agree with Mr. Egleston, that our density needs to be on our rail corridors and on our high transit corridors, which is what this is. But it was important to me that I saw a transition between what's on 36th Street, which goes right through light rail, transitioning to a single-family neighborhood. I live in an area just like that. I'm very hyper-conscious of that and I do appreciate the changes that were made. This isn't the last project that's going to be like this, and we've got to make sure that these projects transition so they're not hurting the housing that are nearby. But we're also honoring the commitment that we made to

invest in public transportation and to put people near the public transportation so they can use it.

Mr. Phipps said yeah, the decision to send back or to defer in my mind would have had the same effect in terms of it just would have given the community an opportunity to weigh in on these changes, and to see the impact of them. So, I really do think that both outcomes would have accomplished the same thing. But unfortunately, they went down in flames. Thanks.

Motion was made by Councilmember Egleston, seconded by Councilmember Winston to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the 36th Street Station 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 institutional and residential uses up to five dwelling units per acre for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the petition's request for a mixture of uses (retail and multifamily) is similar in density and scale to recently approved rezonings in the immediate area (e.g., 2019-069). The requested height is consistent with the maximum height permitted (65 feet) under TOD-NC zoning, which is proximal to the subject property. The site is under .5 miles from a Blue Line transit station. The density proposed with this project is appropriate considering the site's proximity to rapid transit. The site is currently a mixture of vacant land and former institutional uses (place of worship). The redevelopment of this block's frontage along E. 36th Street will provide density close to transit without requiring the tear down of any existing single-family detached homes. The petition's proposed uses are complimentary to the 36th Street Station Area Plan's overall goal of community design by creating a "high quality urban environment by enhancing the identity of the transit station area through the creation of attractive streetscapes." This petition commits to streetscape improvements along all three streets it fronts and commits to a higher percent ground floor transparency percentage than is required in the MUDD district (60 percent committed/50 percent required) while providing improved urban open space through the creation of a retail courtyard space along E. 36th Street. The petition is proposing to protect adjacent single-family uses from the structure's visual impact through stepdown/step backs in height, parking deck screening, and an enhanced landscaped buffer between the parking deck and single-family uses. The approval of this petition will revise the adopted future land use as specified by the 36th Street Station Area Plan from residential and institutional uses to residential/office/retail uses for the site as modified.

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

YEAS: Councilmembers Ajmer, Bokhari, Driggs, Egleston, Eiselt, Newton, Phipps, Watlington, and Winston.

NAYS: Councilmembers Graham and Johnson.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 554-555.

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ACTIVE TRANSPORTATION PROJECTS

ITEM NO. 26: ACTIVE TRANSPORTATION PROJECTS

Mayor Lyles said you have a report on the recent active transportation projects listed on the agenda.

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HEARINGS

ITEM NO. 23: HEARING ON PETITION NO2021-089 BY REDWOOD USA, LLC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 21.30 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF ROCKY RIVER ROAD AND JOHN RUSSELL ROAD, NORTH OF THE PLAZA FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said 2021-089, it's 21.3 acres, on Rocky River Road. Just near the John Russell Road intersection and north of the Plaza. The current zoning is R-3. The proposed zoning is R-8, multifamily conditional. The adopted future land use is from the area plan, from 2002, it does recommend residential uses up to 4 dwelling units per acre for the site. The proposal is up to 76 private alley-fed townhome units. That comes in at about 3.5 units per acre. It would have guest parking, provided throughout the site. Does propose a 40-foot building height, consistent with residential zoning. Primary access would be from Rocky River Road. We also have extensions of Gloxinia Road and was a connection to [inaudible], but it looks like that has turned into a pedestrian connection through the site. It does propose a 12-foot multiuse from Lupin Court to [inaudible] Road. That would incorporate the pedestrian bridges over the stream crossing. Also, a 12-foot multiuse path along John Russell Road. A 10-foot crosswalk and accessibility ramp to the John Russell Road intersection. As well as a 6-foot sidewalk and 8-foot planting strip along Rocky River.

There will be a proposed right turn lane on Rocky River Road, as well. And then we have an upgrade of a pedestrian signal at the John Russell Road and Rock River Road intersection. A 50-foot dedicated right-of-way from John Russell Road, center line. Then a 35-foot right away from John Russell Road center line. Also, architectural standards would be included. Those would address raised entrances, garage doors, pitched roofs, and walkways and limit buildings to five units or fewer when they front a public or private network required street. It also proposes a 50-foot Class C buffer, that would be along all property lines that abut property zoned R-3 and MX-1. It does identify a 100-foot post-

construction undisturbed buffer that's measured from the stream, existing pond and tree save. That's all along the back of the site. And also, identifies the areas that would be activated with seeding, trash receptacles, and pond overlook, that would preserve that existing pond; like I said on the back end of the property.

As I mentioned, the staff does recommend approval of this petition. We do have outstanding issues related to the site and building design as well as the environment to be addressed prior to the zoning committee. The petition is consistent with the small area plan recommendation for residential uses up to four DUA (Dwelling Units per Acre). We'll be happy to take any questions following both presentations by the petitioner as well as members of the public. Thank you.

Rad Schneider, 7007 East Pleasant Valley Road., Independence, Ohio said I'm the Director of Acquisitions for Redwood, USA, LLC for the Carolina markets. I'm just here to give a quick overview of the company and what we are looking to do here. So, Redwood is a developer and property management company of single-story apartment rental communities. It's the only thing we do. We have over 100 neighborhoods across the Midwest and the Southeast. We currently have over 500 employees and counting, and most of that is in the field, or service technicians, and the neighborhood managers and leasing associates. We have about 120 or so in our headquarters in Independence, Ohio, which is about ten minutes south of Downtown Cleveland.

As you can see, here's our market presence, which started in Ohio. So, that's where we have most of it. Of course, throughout the Midwest as well, and then within the Southeast, we got our start in Greenville and then in South Carolina, and then started to move into charlotte.

Within North Carolina, mostly in the Charlotte [inaudible] but starting to branch out a little bit, our very first site was in Concord which is fully built and completed. It's 100% occupied with a waitlist. The same goes with our Lake Wylie, which is also 100% occupied with a waitlist. We've got two projects under construction in charlotte. One on Ridge Road, the other on Harris Houston, and of course the Rocky River Road project that we're talking about today. Some key facts about us, we have almost 14,000 apartment homes now. We typically do about 2,000 every year. So, we're a high-growth company. We've never sold a neighborhood and have no intention to. We are market-rate housing. So, we're not age-restricted. With that said, the average age of one of our residents across our entire portfolio is about 50. The product type just tends to kind of lend itself to people who are looking to downsize and have an alternative housing style, you know, without the burdens of home ownership. So, about 70% are empty nesters and because of that we typically have about seven school-age children per 100 apartment homes and a little over 1 1/2 people per dwelling, and 1 1/2 car per dwelling as well. Residents typically stay with us for two years with some staying more than five.

Of course, we want to make sure we have reliable renters and great neighbors. So, we have extensive background and credit checks for all of our applicants and future

residents? I wanted to highlight some of our property management. We are actually ranked second nationally in the OAR power rankings by the multifamily executive. That's a leading multifamily publication. To put that into perspective; Lennar their multifamily unit is ranked third. That's the second national largest home builder. We always have an on-site neighborhood manager and on-site service technicians during the normal operating periods and we then have 24/7 emergency hotlines in case something were to occur after hours.

We do things like power washing every two to three years and when that happens you do the entire neighborhood. Residents don't have to worry about anything. We do light bulb changes and quarterly filter changes. All of that, you know, concrete inspections every spring and most importantly, I would say we paint the walls in every unit [inaudible]. When somebody moves out and as somebody gets ready to move in, all the walls look brand new.

To attest to this, our oldest property, which was built in the early 2000s actually has the highest rent per square foot. Which is in Olmstead Township, Ohio. So, here's a look at our exteriors. As you can see everything is a single story, two bedroom, two bath with an attached two-car garage. Heavy emphasis on open green space.

Here's our interior. So, it starts at 1,300 square foot approximately. Everything is an open floor plan. Granite countertop, stainless steel appliances. Mostly LTV waterproof flooring with the exception of bedrooms. Those are in fact carpets. Energy [inaudible] star certified construction. So, the materials, the doors, windows, and shingles, are energy-efficient units. So, here's some more looks at our floor plans. The most common is Forest Wood. That's about 1300 square feet. Cape Wood is the largest. It's essentially the Forest Wood, but we added a sunroom on the side.

Willow wood is the second most popular. There's a picture of it on the left. As you can see it's a little more open. More square-shaped. We have hundreds of years of experience by our executive management team between acquisitions, construction, and development. Along with finance and operations especially on the property operations side, we are industry-leading levels of occupancy, delinquency, conversion ratios, and retention across our entire portfolio.

So, this was the Redwood Ridge Road project. This was successfully rezoned from R-3 to R-8 MF back in 2018. So, it's about 21 acres and 120 apartment homes. This is just outside of 485. The most recent one was Red Woo, Harris Houston. Within the same district. It's about 20 acres and 73 apartment homes are planned. Also, from R-3 to R-8 MF. We closed that just this past October. And of course, this site as Dave just went over 21 acres about. Also looking to go from R-3 to R-8 MF. What we really like about this site is our ability to save a lot on the natural environment. As you can see there's a significant tree save. In fact, we're above the city threshold. I believe it's either 15 or 20%, but we're definitely above that at about 3 1/2 units per acre with 76 apartment homes projected.

We will have full access to Rocky River and as Dave pointed out, the [inaudible] Road connection was removed. That was an issue. We were certainly cognizant of the neighborhood next door. We wanted to limit the impact of the connectivity if possible.

So, we were able to eliminate that by working with C-DOT and the Planning Department on putting a multi-use path there instead. We also agreed that C-DOT made a request to connect all the way back to Lupine Court. Which we were fine with doing. That's going to create greater increased connectivity through the whole intersection all the way down to Reedy Creek Park. Here's a look at the project compared to the surrounding neighborhood. We're right in the middle there with the density at about 3 and 1/2. The most I think that was Mattamy Home development just around the corner. It's going to be townhomes. It's about 4.86 and the subdivision across the street is F-4.

I did want to highlight some of the concerns that came out of the neighborhood meeting. First and foremost, property value is a topic that typically comes up when you are talking about rental properties next to single-family. I would point out that our recent appraisal on Harris Houston Road concluded a stabilized preowned value of about \$301,000. When you modify that to the square footage of a single-family home in the area, it was comparable to what I could find for sale online and sometimes higher. Studies have shown consistently and result over decades that market rate multifamily does not negatively impact surrounding property values. In fact, increasing housing options can sometimes increase property values. I've listed some studies there that are some of the most famous Harvard, MIT, University of Arkansas, and Little Rock, also pulled a five-year history on county assessment records from two homes next to our Lake Wylie site to show that those continued to increase with our presence nearby.

There's concerns obviously on traffic. That's always a big concern as well. As I mentioned, we average 1 1/2 cars per apartment home. Single-family can sometimes double that. You have more people per home. You tend to have more cars. Our traffic impact wasn't deemed high enough to trigger a TIS (traffic impact study) by the site, and we have four parking spaces per apartment home technically. So, you've got two in the garage and two in the driveways. Those are full-sized driveways. Along with the additional guest parking per city requirements, we do not believe that cars overflowed into the neighboring neighborhoods will be an issue.

There were concerns on the leases being that we're about, I think, within three miles of campus. There are earn cans that parents could sign for their college kids. They can do that but any person over the age of 18 has to sign and also live in the unit. So, a parent would have to live with their kids. All persons then signing on the lease are subject to the same background and credit check. There was also concern that these would go on Airbnb. That's not our business model and we don't allow subleases. Anybody attempting to do that would be immediate eviction.

Then lastly, the land use plan. So, there was obviously questions about a multifamily product in this particular neighborhood. Redwood is defined technically as an attached

single-family townhome with the building department and as I mentioned we do have a similar density to the surrounding subdivisions. I did find online that it looks like there were some existing rentals in the subdivisions as well. Those were invitation homes owned single-family homes that were put out to rent. There is also a kind of a setup for transitional land use plan here and neighborhood services just outside of the corner. So, we're along a corridor route, and going from NS (neighborhood services) into kind of a low, medium density, multifamily and then into single-family is a great transitional zone use.

Lastly, I would just say that with the recent change through the 2040 Plan, there seems to be a push for different types of housing and you know, that is something that Redwood can certainly provide with our fitting in with a single-family home neighborhood and offering some flexibility compared to ownership. With that, that's all I have on what we're proposing to do.

Eric Thompson, 1708 America Road said I'm the President of the Seven Oaks Homeowners Association. And I'd like to start off by thanking the City Council and especially thanking Councilwoman Renee Johnson for all of her engagement with our community on this issue. We had a lot of long meetings, some of which were three hours. I just wanted to thank her for her engagement. So, our community is united and strongly opposed to the Redwood, USA building and apartment development in the middle of our neighborhood. We know that our city is growing and that we need new housing to accommodate all of our growth, but we already have several new developments within less than a mile of our community. The City Council has already approved a 200-unit townhome development at the same intersection of this exact apartment complex, and the Seven Oaks Homeowners Association did not voice any opposition to that project because we felt like it was a quality development that will continue to move our neighborhood in the right direction. Some of the other close developments include the retreat at Rocky River and Selwyn Landing, both on Rocky River Road, less than a mile from our community. On Back Creek Church, there's the Reserve at Austin Estates and underway, there's also a Creekside Grove which is a very large community over on Hood Road. So, there's a lot of development right there. We do think there's a lot of development. Again, there's a multifamily development right there at that same intersection, the 200-unit that same intersection.

And you know, we just feel like Redwood USA, you know, with their professional sales and development team that they're going to tout the project in the best possible light. Just the reality for us and Seven Oaks is just much different. The apartments will increase loitering, crime, trespassing, and use of our amenities by non-residents, traffic, and congestion, while simultaneously decreasing our property values, aesthetics, and safety. After construction, Redwood USA will change and will charge their tenants the absolute highest rate that the market will bear while putting the smallest investment possible into the community to satisfy their investors. If approved, Seven Oaks will carry the burden of the City Council's decision. This project is just simply not a good fit for our community. I have been told by many people that this development is not that bad or I have seen a lot worse and I think none of those are reasons to approve this rezoning petition. The fact is

that nobody wants this development in our neighborhood. We're strongly against this development because it will put apartment development literally in the middle of our neighborhood. It will connect our streets up to it. We've got issues right now with loitering and those other kinds of things and they're all people that don't live in our neighborhood. We've got, of course, our pond. We have people all day and night trying to fish in our pond, doing all these kinds of things. So, this is going to exacerbate all of those problems that we already have.

You know, City Council recently denied a petition in Steele Creek. That was not a good fit for their community. I'm asking City Council to take the same action here. This project is offensive. We have 5,000 square foot homes in our community. We have many 4,000-plus square foot homes in our community, and as a neighborhood, I don't see how this project is being considered because there's no apartments anywhere near our neighborhood. This would be a complete change of what's there in the area. And Seven Oaks Community and all of our neighbors are strongly opposed to this and requesting that the City Council deny this petition. I just want to real quickly say that there are a couple of things that I want to touch on. So, the idea that because, you know, we are three miles away from UNCC, and what we don't want is kind of a college party house or frat house or anything like that near the neighborhood. I'll just say that the house next door to mine is actually an eight-bedroom house. The person that was trying to buy that house when it went up for sale was going to try to put two college students in each room in that house and I literally would have had a house of 16 college students living right next door to me. I just know from the person that was trying to buy the house next door to me that people will try to do the same thing here with this development and again, it's nestled right in our neighborhood. So, the two people that I just want to introduce is Tony Suber. He's a board member. He going to speak next and Jim Dale. He is the Vice President of Operations for the security company that we've hired to try to mitigate some of the issues that we've been seeing. So, we have seven-day security in the neighborhood now and also Justin Bagwell who is a community member will also be speaking. Thank you.

Tony Suber, 9519 Fernspray Road said I'm a member at large in the Seven Oaks HOA (Homeowner Association) Board Of Directors, and Seven Oaks presently has three routes of ingress-egress. According to the builder's plans, they want to open the dead end on Gloxinia Road. That will create the fourth entrance into the neighborhood. This will undoubtedly lead to an increase in traffic as well as traffic violations. We are already experiencing large-scale speeding problems. This will create a greater hazard for motorists and pedestrians, especially children. Also, there's concern over the displacement of wildlife. Every wooded area in and around this community contains wildlife. I personally witness deer traversing the roadway and even in my backyard. This project will deplete what little area is left of their natural habitat. I would like to direct this to Mr. Schneider, how does Seven Oaks benefit from the presence of this new community? What specific measures do you have in place to combat the issues mentioned? Multiple neighbors have expressed their displeasure regarding the proposed zoning change as [inaudible] construction by Redwood USA. The Board Of Directors functions as a mouthpiece for the community. We represent the interest of the

neighborhood. In light of the aforementioned, both the Seven Oaks Board and homeowners are vehemently opposed to the petitioner's rezoning request. Thank you.

Elwood Dale, Vaugelas Court, Monroe said We were hired approximately 18 months ago and we provide the HOA with an end-of-the-month activity report each month to highlight some of the security encounters that we experience and what we found I have gone through the reports over the last couple of days and what we found is that 85% of all the security-related encounters are a result of outside penetration. So, with that said, we realize that there are physical structures and restricted property settings that we try to focus on to control. Like the clubhouse, clubhouse parking lot, the swimming pool, the play area, and the pond, and that 85% tend to see that private property as public property. And I think as was mentioned a moment ago, we have seen people come in, in the middle of the night, jump a locked gate and decide to have a pool party or drug activity going on in the children's play area or people coming to the pond and launching their boat and decide to take a fishing trip. We have been very effective to decrease that type of activity in the community and I believe that by connecting the two neighbors, we'll see all of our efforts go in a different direction. I agree that this particular project, from a security perspective, is probably not the best fit for the Seven Oaks community. One of the things that we found is that it's hard to really get the police to respond to nuisance types of activities, loitering, a kid sitting on the street and using an illegal substance or going to an isolated area in the community, and the young people with their intimate contacts or intimate encounters.

In summary, I do believe that the community will be negatively impacted from a quality-of-life perspective through the population, growth and congested patterns, the increased need for social services like the police, etc., and the increase definitely criminal activity and nuisance type of activities.

In rebuttal, Mr. Schneider said I will first say on the issue of connectivity that was obviously something that we worked on before the neighborhood meeting because we figured that would be an issue. You know, even with getting rid of one connection, it is required to have at least another. I mean that's just ordinance. You got to be able to connect those streets regardless of what you are developing. So, you know we were able to make a positive impact. We can't get rid of all of it, but we did the best we could to limit it. In terms of neighborhood issues, I can certainly understand that. I would say that if this were to get approved and we were to get built, I would highly, highly encourage the HOA and Redwood to establish communications to keep eyes on those things and if, you know, people are loitering and things of that nature, that's something we should watch together and report. That's why we have neighborhood managers on-site during the day and also service technicians. That's all I have Dan to discuss those topics.

Councilmember Johnson said I just want to say that I have had the opportunity to meet with the residents and also with the developer. I have visited the site in concord. So, I look forward to continued discussions. I do want to address Mr. Thompson. He said that he's heard people say, that it could be worse. I don't know if he's referring to something I

said, but my thought is that Charlotte is growing very quickly. This is on the edge of their development, the streets would be through the development, but it's on the outside of their development. So, what I was saying is that these are attached single-family residents and not the massive multifamily that we have seen and some of our residents that we've had to approve in spite of. So, I'm looking forward to continuing working with the Seven Oaks community, and hopefully, we can come to a concession, but if not, you know, we'll see what happens next month, but I will give Mr. Thompson a call tomorrow. And I thank them for their engagement, and also thank Mr. Snyder. They worked with the subdivision department and have eliminated one of the entrances to have access to the park. So, both sides are doing, you know, exactly what they should. The residents are speaking up and the developer is trying to concede. So, I hope that yeah. This is a good product that we don't know what the outcome will be. But just know that I'm working for the residents and I'll be in touch with Mr. Thompson tomorrow. Thank you.

Councilmember Winston said I just wanted to give a note to community members. Certainly, you know, invite folks to bring their oppositions to any petition and any of their concerns. I just think it's important for the community to understand some of the policy guidance and the growth strategies that the City Council and the City Of Charlotte has implemented. You know, I heard a lot about wanting to preserve 5,000 square foot or 4,000 square foot homes and putting other homes of a different type of square footage doesn't fit. You know, we are trying to combat different types of segregation of people being able to live in certain places. It's not just color of skin but at a point in time, it's about people's place in terms of economics and we know that because of the way we've developed in the past because we have concentrated, you know, similar square footage homes, which equates to similar cost homes, we have parts of town that disallow people from different walks of life. So, I don't know if it's necessarily the most compelling argument anymore to say, hey, we have a certain square footage home. We shouldn't have other ones close to us. It kind of flies in the face of the policies of Charlotte City Council at this point in time. So, just, again, I want the citizens to be aware and have the best chance of the kind of advocating their positions in an effective manner on a go-forward basis.

Councilmember Driggs said So, in that same vein, I just wanted to point out I've had conversations with my constituents in the past about rental properties and I guess I would just caution you at this point. I'm not prejudging this thing and I will certainly listen to the input from the residents, but a density of three and a half is very low and there are a lot of places where we're seeing more dense development where people I think would leap at the opportunity to get development at a density of three and a half. So, I guess would you need to think about whether your issue is the fact that these are rental properties and if the alternative was a density of 10 townhomes which would not be uncommon, and think about the implications that might have. So, it's wrong to say it could be worse. That's a bad expression but you really need to be realistic about how properties are being developed right now and what the market demand is and consider whether this is something that you should try because who knows what may come next. The other thing I would mention is a crime. I don't know what kind of data we have. There's often

apprehension about crime when it comes to rental properties. I know those really down-market rental properties are more likely to be an area. I would be interested between now and the time that we vote on this to hear from CMPD whether we can make more objective what the situation is with crime and respond to that particular concern. So, I would just encourage you, to keep an open mind on this thing. Let's work on it together and inform yourself just by looking at other rezonings and things like that about what is going on in Charlotte and what might happen if you succeed in thwarting this one. Thank you.

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

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.

Albert Delecia, 10028 Seven Oaks Drive

Marcus Hart, 1919 Galardia Road

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ITEM NO. 24: HEARING ON PETITION NO. 2021-160 BY CHARLOTTE-MECKLENBURG SCHOOLS & WOODFIELD DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 73.97 ACRES LOCATED ON THE NORTHEAST SIDE OF NORTH COMMUNITY HOUSE ROAD AND EAST SIDE OF JOHNSTON ROAD, WEST OF ELM LANE FROM MX-2 (INNOV), R-3 (MIXED-USE, INNOVATION) & (SINGLE-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) WITH 5-YEAR VESTED RIGHTS.

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said as mentioned it's 73.97 acres. It's on Community House Road and Johnston Road. Current zoning is MX-2 and R-3. So, it's got split zoning on the property. The proposed zoning is to bring that in all under MUDD-O with five-year vested rights. The South District Plan from 1993 does recommend greenway uses. You can see that in the green color there on the north side of the property as well as multifamily, eight units per acre, and single-family residential up to three units per acre across the site. The petition is split up into two development areas. You have Area A, which is the area on the right in blue. That allows the maximum of 311,000 square feet for high school with a max building height of 70 feet. It does request optional provisions to allow parking between the building and public street and have a minimum of 800 parking spaces. Area B, which is one closer to Johnston Road in North Community House Road; allows a request for up to 420 multifamily residential dwelling units for a density of 20.4 DUA. It does limit the building height to 70 feet. Some general details provide vehicular access from Johnston Road and North Community House Road via the new public and private network streets.

We do have a multi-use path connection to Barrett Place. Also commits to coordinating with Mecklenburg County Parks and Rec to provide bike and pedestrian connectivity to the site and connectivity through the greenway. It also has a number of transportation improvements that were identified in a transportation study. Which include but are not limited to things like storage on turn lanes for North Community House Road. Signal modifications on North Community House Road and left turn lane into the site on Johnston Road, as well as upgrades to crosswalks at the intersection of North Community House Road and Torrington Way. It also provides architecture standards [inaudible] related to building materials, building placement in and frontage for massing and roof form and articulation as well as HVAC and service screening. That would be more for the multifamily component of the project. It also commits to a 75-foot Class B buffer along the eastern property line and so at this point, I would actually turn it over quickly to Brandon Brezeale with C-DOT (Charlotte Department of Transportation); to go over just some transportation-related items that came out of the traffic study for this project.

Councilmember Watlington left the meeting at 7:00 p.m.

Brandon Brezeale, Charlotte Department of Transportation said real quickly, as mentioned, the petitioner had to provide a traffic study for this development. Four intersections were studied. C-DOT reviewed and ultimately approved the traffic study and the improvements that came out in July of 2021. Intersections that will be receiving improvements include Community House Road and Toringdon Way. There will be a new traffic signal installed there as well as turn lanes for left turns and right turn on multiple approaches. As well as Community House and Endhaven Lane. There's going to be a southbound left-turn lane along Community House Road for that. Then also Johnston Road and the new site access that will go up through the subdivision to the school where a southbound left-turn lane will be added. We're also getting some multimodal improvements that weren't captured with the traffic study but we also have gotten the petitioner to agree to include a multiuse path along Johnston Road. And then also setting aside easements for a future four-mile creek greenway connection at the rear of the property. Thank you.

Mr. Pettine said so, the staff does recommend approval of this petition. We do have outstanding issues and technical revisions related to transportation and site and building design to work through. It is inconsistent with the South District Plan recommendation. However, the staff feels the institutional uses such as schools are compatible in this area. The buffer along the eastern property line and abutting residential uses certainly provides a transition between the proposed uses. Also, the petition would provide relief to the schools in the area and add a mixture of housing types, and the site is located adjacent to Torrington within the Ballantyne mixed-use activity center. So, that does give us a little bit more comfort with the context of the project and how it relates to those uses surrounding it. Again, the staff does recommend approval upon resolution of those issues and we'll be happy to take any questions following the petitioner's presentation. Thank you.

Collin Brown, 1420 East 7th Street said on behalf of the petitioner. I will coordinate our time. Thanks to Dave for his good review. This is a pretty interesting rezoning. a couple of interesting things going on. One, the property owner is the roman catholic diocese. It has been a real effort between these real two petitioners to even be able to gain control of this property to bring this opportunity to the table. So, the ownership is interesting and then the partnership that we have is interesting. So, on the line tonight if you have any questions, Woodfield, Chad Haggler is from Woodfield. He is a multifamily developer and then Charlotte-Mecklenburg school, Dennis LaCaria is on from CMS. So, what we're proud to bring you tonight is really the first of two rezonings. The next petition will be similar. This is a partnership between CMS and Woodfield to bring some much-needed relief schools to this area and also provide housing in close proximity to the schools. So, I think if we talk about the 2040 Plan, these are achieving a lot of the goals, in my mind, and I think we're getting some creative outside-of-the-box thinking on behalf of the school board to be able to bring this to the table. As Dave mentioned, very unique site. Great proximity so that you know, the current zoning on the site is currently zoned for 429 duplex and townhome units. That rezoning was approved about 15 years ago. The way things have progressed, I'm happy that did not come to fruition. CMS which is desperate for schools there just note many 80-acre pieces of land around. Happy to bring this partnership. Woodfield was able to put this property under contract. There are challenges with the diocese ownership that made it impossible for CMS which is why this partnership was necessary. I think Dave did a good job reviewing the site plan. As you see, we have fortunately no opposition tonight and really would like to give our thanks to the associations, the townhome association here, and the single-family neighborhood, Councilmember Driggs helped us to connect with the leadership of those organizations. We have been out on-site multiple times to walk the property line with them and I think, you know, from a conversation that started, oh, my gosh, we don't want this in our backyard to a conversation where folks in the community said, hey, let's see this as a positive. Let's see this as an asset. The CMS team, which is adjacent to them did a great job, I think, providing adequate buffers in addressing a lot of those concerns. So, it looks like our time is up, but I'm here as well as both petitioners if you have questions.

Councilmember Driggs said I wanted to say I really appreciate that there's going to be a school at this site. I may have actually been involved in suggesting this location for a school. This is something that the district needs and looks forward to and this location for that housing development with the benefit of two main thoroughfares and the separation from the nearby single-family works well. So, I, too, appreciate the general acceptance of people who live nearby and I'm kind of supportive of this. I would like to see this move ahead. Now, I did have one question. There was, for a while, a conversation about whether there would have to be a connection into [inaudible].

Mr. Brown said There was a possibility of connection to Barrett Place but there will not be a vehicular connection at that location which the neighbor is pleased with. We resolved that issue.

Mr. Driggs said frankly, that's the biggest concern I heard. I wonder if you can just tell me what the breakdown is of the 74 acres between the residential and the school.

Mr. Brown said from an acreage perspective?

Dennis LaCaria, P.O. Box 30035 said the challenge is as you can imagine there's quite a bit of topo and the water and things of that nature on there. We're actually at CMS [inaudible] about 40 acres that we can actually build on when it's all said and done. So, there's a lot of acreages that just is in the floodplain, will be dedicated to the greenway, and is really unbuildable.

Mr. Driggs said great. So, we'll call it 40. Okay. Once again, look forward to having a school there and I think this is one that the community can feel good about. Thank you.

Councilmember Bokhari said just a quick question for me. We had a discussion amongst the Intergovernmental Relations Committee today about consolidation opportunities and the complexity between all the bodies. Particularly at a municipal level. I'm just curious what the relation of this and what we're seeing is to the school bond packages that we've seen in the past and the overall school board strategy.

Mr. Brown said thanks to Councilmember Bokhari, for that question. Exactly, these schools that are represented in both of these petitions tonight were overwhelmingly approved by the voters in 2017 as part of the bond referendum. And when we promised the voters that we were going to deliver elementary school in 2023 and the high school in 2024, which means, in essence, both of these projects have to start in March or April of this year in order to deliver on time because the opening of school happens one day a year. If you missed it by a day, you missed it for that entire calendar year. So, time is definitely of the essence here. It does tie directly to our strategy. You know, Councilmember Driggs mentioned, you know, that he had an interest in this site. But I actually approached the diocese about this thing back in 2008 because we knew that this was a great location for a high school. We have to solve for Myers Park, South Mecklenburg, and Ardrey Kell high schools, which are the three largest high schools by student population in the state of North Carolina. Nobody else is close, and so this is badly needed. As part of our strategy going forward, to your point, we shared some of this with me, [inaudible], and some of the other entities, the planning commission. This may be the last sort of comprehensive high school that we ever build in Charlotte or Mecklenburg County because of the cost and the availability of real estate. Even with this, we're building our first four-classroom high school wing. So, a four-story classroom wing at a high school. We've had to do a lot of things to really compress the site, compress the school footprint in order to even build on this and manage all the requirements that we have from MSTA, for, you know, the things we want to do, tree saves, the stuff we have to do with post-construction ordinances, all of those sort of regulatory things plus deliver a full comprehensive high school experience with competition athletics and all of those other things. So, this one may be it for this sort of iteration of high school. But we're very, very glad that we've been able to secure this site and really having the opportunity to work

with Woodfield here and at the elementary school and the next petition and tie these things together so that we can accomplish these projects for our students.

Mr. Bokhari said that's really helpful. The timing point is well noted and it just shows the broader context. Like in our committee discussion today where there's so many critical touch points between the three major municipal bodies that operate here. You see a lot and have challenges still on, you know when we're rezoning normal situations and what this does to the capacity of the school systems that are there, but it's also important to remember that funnel flows the other ways as well, when bond dollars are approved to move forward with severe crisis level capacity problems we have, we are on the other side of that equation as well. With the rezoning. That's helpful. I appreciate it.

Councilmember Phipps said I noticed that the height limitations for the buildings for both the school and the apartments limit the building height to 70 feet. So, is residential going to be as tall as the school or what?

Chad Hagler, P.O. Box 1127, Isle of Palms, SC 29451 said yes Councilmember Phipps, we do not anticipate quite being as tall as 70 feet. I think originally when we submitted, there was not height limitations. We're asking for MUDD zoning. The staff came back and requested a height limitation and we implemented one. This product will be no more than five stories tall. It actually sits kind of down below the high school. It fronts, you know, Johnston Road, which is a major thoroughfare. It fronts Community House, which has commercial, hotel, and whatnot. But you know, currently, obviously, in the petition, we do have the same height limitation but are not necessarily expecting to achieve full maximum height there.

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

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.

Carolynn Sarver, 9133 Cotton Press Road

Mark Pannenberg, markpannenberg@gmail.com

Sue Francis, suefrancis1958@gmail.com

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ITEM NO. 25: HEARING ON PETITION NO. 2021-161 BY CHARLOTTE-MECKLENBURG SCHOOLS & WOODFIELD DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 35.87 ACRES LOCATED ALONG THE SOUTH SIDE OF ARDREY KELL ROAD, WEST OF WADE ARDREY ROAD, AND EAST OF

MARVIN ROAD FROM MX-2 (INNOV) (MIXED-USE, INNOVATIVE) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) WITH 5-YEAR VESTED RIGHTS.

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said just under 36 acres on Ardrey Kell Road at Beau Riley and Wade Ardrey Road. The current zoning is MX-2 and the proposed is MUDD-O with five-year vested rights. The South District Plan from 1993 does recommend residential units up to six dwelling units per acre. It was amended by the previous zoning petition, which was 2017-171. The proposal with this petition is for up to 103,000 square feet for an elementary school with a max height of 40 feet. This is also divided into two areas as the previous one. So, Area A would be the school. Area B proposes up to 380 multi-family units as well as 50 single-family attached units. That's about 430 total units and approximately 20 DUA. It proposes a max height, the multifamily buildings would be 48 feet along all street frontages and then the interior buildings to the site would be proposed for the max height of 55 feet. Limits on height for the townhomes along the back end of the project where the single-family exists would be 40 feet.

Also, it would have a 27-foot setback at Beau Riley Road and a 26-foot setback along internal private streets, and 40 feet along Wade Ardrey. Also, there would be variable setbacks along Ardrey Kell Road that could get up to 84 feet. Also, have architectural standards proposed for the multifamily buildings which relate to massing and height, as well as placement and frontage, blank wall provisions, and roof form and articulation. There's also architectural standards for townhomes related to raised entrances, pitched roofs, and garage doors. A 9,000 square feet would be provided for urban open space. That would be primarily in Area B and at least 10% of the multifamily units would be income restricted at 80% AMI (Area Median Income).

General details for the site would be a Class C buffer along the southern property line that would be between Area B and Area A and the existing single-family residential. Also, request optional provisions to allow parking between buildings and streets and commit to parking lot screening and landscaping within the setbacks, and also dedicates and conveys a greenway and stormwater easement to a minimum of 100 feet adjacent to a six-mile tributary along the western property line. You can see that along the left-hand side of the project, highlighted in green. This is another one that C-DOT has a quick slide to share on transportation improvements. So, I will turn it over to Brandon with C-DOT.

Brandon Brezeale, Charlotte Department of Transportation said so as with the previous petition the petitioner was required to do a traffic study with this project. Nine intersections were studied in the area. We really wanted to make an effort to get it correct with the requirements and transportation improvements that we were asking for here. So, C-DOT in conjunction with NC-DOT (North Carolina Department of Transportation) staff as well as a third-party consultant that C-DOT hired reviewed and approved the TIS. We verbally approved all the commitments for the project last week and formally approve them this morning. Of the improvements under the nine intersections that were studied,

eight will require transportation improvements. Some of those highlights include a new traffic signal at the existing Beau Riley and Ardrey Kell intersection [inaudible] across from the high school. Doing some signal modifications to the Marvin Road and Ardrey Kell Road intersection as well as adding a dedicated right turn lane.

Three new internal intersections along Beau Riley with the school and the residential subdivision will require turn lanes. We're going to add some additional turn lanes at the intersection of Wade Ardrey and Ardrey Kell. Then also, the petition has committed above the traffic to also install a pedestrian-hybrid beacon and signalized pedestrian crossing at Woodland Watch Court and Wade Ardrey Road intersection. Thank you.

Mr. Pettine said the staff does, as mentioned, not recommend approval of this petition in its current form. We do have some concerns with the density being consistent for the residential portion of the development. As mentioned, it was inconsistent with that district plan recommendation for residential up to six DUA that was amended by the previous rezoning in 2017. So, again, the staff would like to continue discussions about how to address that residential density concern. So, with that, I will turn it over to the petitioner and the community. We will be happy to take any questions following their presentations.

Collin Brown, 1420 East 7th Street said on behalf of the petitioner. I will start my timer since I don't have the handy one on the dais. Again, as Dave has mentioned, it's kind of part two where we have a situation here. This is interesting because the property owner in this case is CMS. So, it's not the diocese, but CMS owns this. Some of you may recall, that we actually took this property through a rezoning maybe five years ago for a developer that planned to do townhomes on the site. That rezoning was approved. However, as Dave mentioned, it is very difficult to find significant to find acreage to accommodate schools. So, CMS ended up purchasing this property and Dennis can expand on this. I think the goal at the time was for this to be a middle school. However, it's too close to another middle school. Dennis, if you have questions can expand on this. So, now CMS has settled on elementary school for a portion of the site. Well, the acreage is large enough that an elementary school does not take the entirety of the site. This was an opportunity for CMS and Woodfield to work together. These two petitions are very much joined. So, there is a real reason that CMS and Woodfield are working together on both of these. So, again, I have Chad and Dennis on. If you have questions for them, on this, we just had a great hearing on the diocese site where staff is onboard and neighbors are on board. as you heard, this one has challenges. We're still working with staff. They are not supporting in the current form. I am optimistic that we'll get there.

There is some community feedback. Councilmember Driggs has done a good job again of connecting us with the community. We have had some on-site meetings and there is now great consternation from his constituents in the area. I believe that most of that comes from traffic impact. So, we would spend a lot of time. Brandon has gone through what was in the traffic study. I think the good news is there are some improvements on the way. Probably needed already. But at a high level, this petition accommodates several things. We have a new elementary school which is very much needed to relieve the

severe overcrowding. I don't think there's a lot of pushback on the school even though the school, even though the school is a big traffic generator. I think the community is comfortable with that. What we're excited about and you guys have touched on these things a couple of times tonight, is really integrating multifamily residential into this site, and Dave I think just pointed out and we had this conversation with staff, the staff says, hey, you've got this site in a sea of single-family. There's nothing else around it, which, to me, I think means this is a great opportunity.

We're placing these units. There's nothing like this in the area where someone can have an affordable place to live and we're placing this in walking distance of three schools. We are directly across the street from Ardrey Kell High School, arguably the best public school in the state. This new elementary school we'll be directly connected to walking distance there and this is also walking distance to Community House Middle School. So, we are creating more dense and this is not the super high density that we talk about earlier tonight, but kind of medium density, multifamily housing and walking distance to the schools for students as well as employees. CMS roughly estimates that between those three schools, there are between 400 and 500 employment opportunities. So, not just families that can live there and have access to these great schools but educators working in the schools, this isn't an opportunity for them because the next bullet point here, this is creating a new housing option in a highly amenitized area. It has a lot of things they want, including great schools. But it's basically exclusively a single-family area. That's the contradiction. I know the feedback is, oh, this doesn't belong here because it's entirely single-family. However, there is no opportunity for many of these educators to live in the area. They cannot afford to live here. So, we think the multifamily that we're bringing, even the market rate creates a for-rent option where people walk and in addition, this includes a commitment for affordable units. Ten percent of units at 80% of AMI for 15 years. And I know sometimes we kind of roll our eyes and say oh 80% of AMI, that's nothing. In some of the areas, that's not a big deal, but in the Ballantyne area, 80% is significantly less than the market. So, we think that's a real opportunity. Our current plan is for 430 units which we're going to have some discussion about the unit count but 10% of that is 43 units. That is a real number. I wish Pam Wideman was still around to tell us what it would cost for the city to build 43 units in this area of South Charlotte with great access. I think that is a real opportunity. We know we acknowledge; we've got the feedback from the neighbors about the traffic impacts mostly due to the schools. We're working on that. We have gone to the traffic study. There are improvements being made. So, I hope that we're making some headway on that and again, folks are coming to the schools. This is what we keep talking about and I know I know everyone does not embrace the 2040 Plan. So, I won't delve into that, but there are a couple of major issues that I appreciated. So again, here's the aerial view. It is true that this is mostly single-family. You do have industrial zoning for storage use here but there are activity centers within a mile and half proximity. It is drivable, not walkable. But this would be walkable to these three great publicly schools. Of the 2040 Plan, I actually found this very interesting. This is just some of the good information that was done in putting the 2040 Plan together. This map that I'm showing you here where you see the darker colors, is the equity metric and this shows access to essential amenities goods, and services. These are areas in

the city where it's easy to access child care, early childhood education, parks, open space, community facilities, fresh food, healthcare pharmacies, financial services, and access to internet service. The darker the better. Look at the circle. This is where we are. Do you see that dark color? That means that this is an area of the city where there's great access to essential amenities, goods, and services, which is no surprise. What is interesting is when you contrast that with the next slide. This is showing access to housing opportunities. So, this is a map showing where there is access to housing unit diversity, housing costs, housing size, and subsidized housing.

This area is gray because it is in the very lowest area for a housing opportunities. What I think is the most interesting is typically there's a pretty decent correlation between dark colors and housing opportunity and those are happening in areas where we have more density. This is a pretty interesting opportunity here, in all the things that we're talking about of the infrastructure maybe not road infrastructure, but kind of the public service infrastructure is in place, the parks are in place, these great schools are in place. What we don't have is housing options and that's why I am arguing to you that this is the right place for us to provide some diversified housing stock. As we were evaluating this through the 2040 Plan the staff is acknowledging and we're getting a check for the ten-minute neighborhoods. We're not getting a check for neighborhood diversity and inclusion, which is puzzling to me. I guess the standard here does say you get credit for middle-density housing, duplexes, and triplexes we're not getting credit for. But I think as we have shown and staff will say this is an area where it's exclusively single-family and we're bringing something new. We get the checkmark on the next housing access to all because we have a commitment to affordable units. Interested in exploring further. Certainly, we're not by transit but we are working. There is some trail system nearby by the creek that we're working on to install some trails here. There's good parks nearby. So, we'd like to explore that a little further but certainly, we think this is an opportunity in an area with very low housing diversity. And we'll continue working. So, here's the site plan. You can see the elementary school here to the left with its extensive [inaudible] to get those cars out of the street so they're not queuing. That's why that has to be there. We've tried to be pretty sensitive with the multifamily. So, what Woodfield has done, they have got their multifamily apartment units and they have the pressed up to Ardrey Kell and then in order to transition to the neighborhood to the rear, we have townhome style units. Working with the staff and community understood that they are maybe the appropriate transition was not to have apartments the entire way. So, we do have the lower density, lower height units, there transitioning.

You'll hear in a little bit, some feedback from some neighbors down here on Sulky Plow. This is an issue we're open to exploring. I certainly understand their concerns about having some of the school traffic coming through this neighborhood here. We hope to continue discussions with them.

So again, here is the view of the site as we're talking about the opportunities, it's interesting to hear them say, hey, there's not opportunities for schools. There's really not many more opportunities for new residential development in the area. I know that you

we're saying okay if this is not appropriate for multifamily, I don't know there's any other opportunities in the area for multifamily. So, I think we've got a unique opportunity to add some here, and I think it's the right place. We're really talking to staff and I think the question is, how many homes? That is the staff's concern. They have said, in the 2040 Plan, the GDP (Gross Domestic Product) supports up to 17 dwelling units per acre. So that you know currently we're at 430 on 21 acres. So, we're currently at about 1982 GDPs supporting 17 would be 368. We cannot close that gap and provide affordability. We're open to conversations. We would like to get there and close the gap as much as possible. But I don't think we're miles apart. Our current density is under 20, GDP supports 17. We're hopeful we can get there.

Robert Marshall, 17110 Sulky Plough Road said thank you for the time to speak tonight, my property is directly adjacent to this new proposed development within Audrey Commons on Sulky Plough Road. So, I'm directly impacted by this rezoning. I'm speaking against it. And would ask the City Council and the City Staff to reconsider several key components. The first of which is the connection to Sulky Plough Road via Choke Street. This connection offers no value to either neighborhood, eliminating several trees of significant size, we would be better served as a pedestrian multiuse path. In public meetings, the petitioner has expressed the desire not to make the street connection. My neighbors are very much against making this vehicular connection due to the likelihood of this being a cut-through to the school, due to the significant impacts of this project.

Secondly, I would like the City Council to reconsider both the height and density of the proposed apartment complex. This apartment complex is built on two-lane roads, unlike others in the area, which are located on four-lane roads. Audrey Kell Road is a state road, and it is not planned for expansion until the 2030s. This small area becomes a parking lot, five times a day, when Audrey Kell le school, Community House, enter and leave their school days, along with normal evening rush hour traffic. By adding two additional gridlocked windows, from the elementary school, and 450 housing units, you'll be putting further strain on our area. The 90-page traffic study shows on page 17, a current delay of three minutes at the intersection of Wade Audrey and Audrey Kell. On page 63, if this site plan is built as requested, there will be delays between 46 and 83 minutes. This traffic study was only obtained over the weekend in spite of the completion in November. I would encourage City Council to follow the recommendation of the City Staff, reduce the number of housing units to the recommended land use, reduce the height of the buildings from four stories to three, reflect local heights, and require additional improvements to be made to the entries of the area schools to reduce the impact on traffic.

Dawn Anderson, 9513 Wheatfield Road said I currently also live in the Audrey Commons Community. And I'm against this rezoning petition and would ask City Council and staff to reevaluate several parts and components of this development. The first, is the connection of Choke Street, at Sulky Plough Road. This Choke Street adds to know the benefit to Audrey Commons or the CMS Woodfield development. Our community in Audrey Commons is very unique, our homes are very close to the street. Our roads are narrow. And so normal vehicular sounds are much louder, due to the homes acting like

an acoustic walls. Secondly, my request is that at the end of Sulky Plough Road we add, again, remove the Choke Road, add a pedestrian multiuse path, and maintaining the mature tree canopy at the end of Sulky Road. Most importantly is the density. The density and the height of the Woodfield development residential development is vastly inconsistent and exceed the current land use. The CMS Woodfield development as per the current resident portion of the plan is not compatible and is extremely out of character with the surrounding land uses. So, my request with this is please, to reduce the residential unit count, and add additional options, but this is not acceptable for this area. Unfortunately, I have not had a chance to read the traffic study, the 81-page traffic study came to me Saturday. But again, it looks like based upon what I've seen, that with all of the three scenarios, the LOS, the level of service of that area with the traffic study it shows an F rating, f is being the worst. So, please request that Charlotte city leaders, let's make Charlotte a better place to live for our generation and future, and let's really think about, you know, what we build before we build it. Because if you can look at this diagram, of this community, it clearly, it is just not with the surrounding area, thank you.

David Aquila, 10140 Buggy Horse Road said to get to the point, so everyone can get there. I'm against this also, the two reasons you've heard, traffic and density. And it's really a density in the sense of adding population. Audrey Kell Road, this was mentioned earlier, currently cannot handle the volume. There's a major problem now. So, adding a few traffic lanes and cut-offs and traffic lights are not going to solve the problem of that volume. It's a volume problem, putting too much in a brown paper bag. So, really, the density is related to the density issue. So, when we add these additional homes, and apartments, which is fine, you're just compounding the volume problem. So, I do request that the City Council relook at the traffic issue, relook at the density, to make it a balanced approach, to do what we really need to do here to make this winnable for everyone. I understand the need for elementary school and how it ties to high school. But currently, as this proposal is written, it really is not acceptable and I should also mention I'm also the Audrey HOA's current President. I am speaking on my personal views, but in talking to many of our neighbors, they also concur with what I have expressed today and encouraged me to come tonight and talk. I'll turn it over to someone else to give everyone an opportunity, thank you.

Ronald Maccaroni, 8931 Cotton Press Rod said thank you for this opportunity to speak. My name is Ron Macaroni. I live in the Audrey community, as well, which is about an eighth of a mile south on Marvin Road. From the proposed site. While I understand the need for additional schools, for the area, to help relieve some of the over crowdedness, and for the need for housing access for all. I'm speaking also in opposition, primarily for two reasons, number one, as you already heard, the impact on traffic, on Audrey Kell Road, and secondly, the lack of what appears to be a lack of green open or recreational space, for the development portion of it. Not so much the school portion of it. Audrey Kell Road is a major east-west corridor between 521 Ray Road and Providence Road. Along Audrey, Kell Road are a number of individual home developments, as well as several commercial properties, which include stores, restaurants, and personal and medical services, and banks, a number of schools. Elon Park, Audrey Kell High School

Community House Middle School, Paul Ridge, and Hawk Ridge schools, and at the end of Providence Road, there's a major complex with multiple major multifamily complexes, as well as hotels. Audrey Kell is also a major connector to roads going to various offices in Ballantyne either through Community House, Marvin, or 521 or at the end of Audrey Kell Road as well. Thus, oftentimes, and particularly during rush hour and when schools are letting out, Audrey Kell Road is very crowded and in fact, it will come to a stop most often because it is a two-lane road as we already heard. For example. The light at community house Road, which is closest to this site, the light for the intersection of Community House Road and Audrey Kell, traffic will back up from Audrey Kell all the way to Rea Road, which is over a mile. Or it will back up for over a mile going the other way. It's kind of hard to speak with this mask on. And when it occurs, residents in the area who are trying to get on Audrey Kell Road, literally have to muscle their way out either on Wade Audrey Road or Community House Road by pulling into traffic that's already stopped.

Regarding the traffic study, where there's improvements supposedly made to mind different intersections. When traffic is already stopped, on Audrey Kell Road, it's hard to imagine how putting additional turn lanes or longer turn lanes, is going to help the movement of traffic along Audrey Kell Road. And to the point at times, Audrey Kell Road also for traffic is attempting to enter Audrey Kell Road from Rea Road, can't turn on to Audrey Kell Road, because it's backed up so much. As you can imagine, this frustration for the drivers in the area, but more importantly, it probably presents the risk of traffic hazards and safety issues. And so, the question basically becomes, where are 3300 more cars going to go on a road that is already stopped during the day, again, during rush hour. and when school lets out. And while again, the petitioner's impact study says they will add turn lanes, that's not going to help the problem that we now have with the stop of the traffic.

In rebuttal, Mr. Brown said yes, quickly, I think we're hearing the issue is traffic. It's interesting, that the traffic [inaudible] focuses itself on the density of the multifamily development and the challenge for us is, that most of the traffic is actually generated by the schools. So, significant reductions in the unit count with the multifamily doesn't necessarily solve all of the problems. And we do think it's important as we have talked about a lot now, is to actually have residential where you can walk to the schools and not have to be in the car. So, I think that's important. To the point on Sulky Plow, I don't know if you have presentation backup, we completely agree with the adjacent property owners at Sulky Plow. We have been out there and we have walked that site with them, and they do have a kind of neo-traditional neighborhood here, mostly with private streets. It just so happens this one is public. That is the barricade that runs into our site, where the city is basically requiring the vehicular connection. We totally understand the perspective of these property owners in this location. And we would be amenable to averting that to a multiuse trail and think that will be a real benefit. We'll continue working with the Planning Staff and the Department of Transportation as we move forward. And look forward to conversations with you all over the next month. Happy to take questions. Chad and Dennis are available as well.

Councilmember Ajmera said one of the speakers raised a question about open space. Mr. Brown, could you please address that?

Mr. Brown said yes. One of the positives of kind of having this integrated development on both of the positions you've heard is that the residents of the multifamily projects are able to avail themselves of the open spaces and the recreational opportunity on the school campuses. So, here the site here, there is open space within the site. But also, I mean, without having to cross the major street at all, they have access to the fields, the sporting fields on site, and as well as the trails that will be installed in this area. So, we think that's a positive. We view this very much as unified development and this is a unique opportunity where you have a private sector team working with CMS, to make sure that these work together. And so, we think that's a real positive with the open space of the school, better open space than you'll see in any multifamily development as available.

Ms. Ajmera said so, Mr. Brown, following up on that, I know that some things are still a work in progress, connection to greenways, and other trails. What are you looking at?

Mr. Brown said well, so the positive is we're working on some connections over here in the wetlands in this area. The other positive, which I do think everyone will appreciate is a new traffic signal at this location. Which will allow safe pedestrian crossing to the Audrey Kell campus and all of the amenities as well.

Dennis LaCaria, P.O. Box 30035 said as well as the new pedestrian beacon on wade Audrey to facilitate that safe route to those schools. So, we're definitely excited about that, and we work very closely with CMS with Mecklenburg County Park and Recreation as you can imagine because to circle back to the conversation with Mr. Bokhari earlier, you know, the Board Of Education is the only one the three major powers, if you will, within the municipality who do not have taxing authority. So, we're totally dependent on the [inaudible] of others and Mecklenburg County being, you know, our local funding partner for 100% of the capital and, you know, 35% or so of our operating budget, it behooves us to work with Park And Rec for a lot of different reasons but we do have the greenway connectivity back there that we've designed and to the extent possible, we like it to be a scenario where we need by a school, where are you going to park. So, we really try to integrate and plan joint use with Mecklenburg County Park and Rec, as much as possible. And make the schools available, as an amenity to all of the residents.

Ms. Ajmera said my specific question is around tree savings and if you can show me on the site map here, the tree saves and the open space area and the trails that will be connected. You don't have to have all of the answers right now if you don't have the design maps for it. And that could be for later, but that's what I'm looking for. Also, we had met Mr. Brown, on this, a couple of months ago for the specific rezoning petition, and I had expressed my concerns, specifically, around traffic, and the quality of life. I think from today's public hearing, it's pretty clear that neighbors are concerned about traffic, the quality of life, and the congestion that this will bring to this neighborhood. I know that you're going to do some of the traffic impacts, but I would be interested in how we can

address those concerns, maybe by infrastructure improvements, but that's what I'm interested in understanding.

I appreciate the investment that you and the commitment that you all have made in affordable housing and addressing overcrowding in our schools but it should not come at the cost of traffic congestion and the quality of life. There's many residents that already complain about traffic that we have specifically in that neighborhood. So, I look forward to hearing some resolution on those items, thank you. Mr. Brown, if you want to respond to any of those items, I know that's still a work in progress, feel free to do so.

Mr. Brown said it's very interesting, and I'm learning, working with CMS, and Dennis may need to fill in here, but Councilmember Ajmera, there's a relationship between CMS and further projects. Essentially NC-DOT is responsible for doing transportation improvements to them. So, they're very involved in the traffic study. The traffic study is done NC-DOT made some recommendations. C-DOT has asked us to go above and beyond. There were a couple that C-DOT took out. We've agreed to do the additional ones. But this for me is my first experience, Councilmember Ajmera, where the Department of Transportation is actually doing the improvements. So, I have I guess, a little more confidence in making sure, I'm not negotiating against necessarily against them, they're reviewing this and providing what they think is appropriate. Dennis s that accurate?

Mr. LaCaria said that is. There's actually, you know, some legislation that was passed here. I think with the intent to benefit charters, not necessarily public-school districts. But where the Departments of Transportation are basically required to reimburse for the cost of some of the improvements, we have all determined that a lot of the things that we're talking about here are in the best interest of the area, the community, and especially the students and the safe routes to school. So, we have actually committed to [inaudible] to kind of going above and beyond the things that are actually required of us, and we believe that we are being responsible and not just mitigating the impacts as defined by the traffic study that was as you heard reviewed by NC-DOT, C-DOT, and a third-party consultant but are in addition to and we are actually waiving reimbursement, but we are quite frankly entitled to in order to accomplish these projects these improvements as part of the project because we do believe it's in the best interest of everybody to perform them and absent anything else, I mean, CMS had to buy this entire development because that was the only way it was offered. So, you know, at some point, you know, regardless, CMS was going to build an elementary school across from Audrey Kell and the balance of this site was going to be made available for purchase by somebody. Because we are primarily funded by property taxes and having things off the tax rolls makes no sense. There's this sort of narrative, CMS is making some money, through this, but we're actually doing this, we're saving the taxpayers of Charlotte-Mecklenburg County a considerable amount of money. Because we do have the funds committed for 100% of the acquisition of the high school. I just think there's some things that are kind of floating out there that we need to address.

Ms. Ajmera said I don't think I asked that question. Did I? Did I mention anything about CMS making money? I don't think I made that claim?

Mr. LaCaria said no, I don't think you did. And I'm not trying to suggest you are. I was just trying to tie things up to say I think we are going above and beyond here, to address a lot of the concerns relative to the traffic, and even more things that are required.

Ms. Ajmera said okay. I would like to see the list of improvements that you're all making., I'm still working through that, so I think we'll need another meeting on how do we address the quality-of-life concerns that are very, very valid here? And have gotten some feedback from the neighbors and members who live in the area. So, I'm interested in addressing how do we mitigate the traffic impact here? Thank you.

Councilmember Driggs said I have to say up front that I strongly agree with the staff and the residents on this issue. And in fact, when I first heard about this proposal, I made it clear, that I thought that the density initially proposed, 470 units, was way out of proportion to this surrounding area and that has since been reduced to 430 from 470. I made my position clear on that. And the petitioner, I think, decided to just kind of roll on and assume that the rest of Council disagreed with me. You know, I've done 1200 something like that rezonings on the council. I think have a good idea of what works where. And I can tell you, colleagues, this is just not right. I've often in my presentations to Council, I've referred to my hot spots for traffic, and they are Providence Road, Audrey Kell, and Community House. And that's exactly where we are here on the latter of those two. You should also know that on that site right now are basically six single-family homes. So, Mr. Brown pointed out that this was rezoned, for 220 townhomes, in fact, was the number. Those are going to be on the entire site. Neighbors are okay with that. It was a big change for them compared to having this essentially empty space, but we were able to get that approved. But now, we're stepping up from there to the school and the 430 units, and the neighbors and I are being asked to believe that 3,370 additional trips per day can be absorbed on that very difficult road by some modifications to the intersections. I'm not a traffic engineer, so I need to spend more time looking at that report, to see how they think they can work. But I have a lot of sympathy for skepticism on the part of residents nearby who have to deal with the conditions already. I've been there myself; it takes ages to get through there. Audrey Kell is a major connector, it goes all the way out to Waverly and Ray Farms, in the east, and this is really just not a suitable place. The other one had a similar density, but it was on two main thoroughfares, and it was buffered by the school from neighbors. This development is completely out of character. I don't think that it is the intention of the 2040 Plan to create clashes like this. So, I think that reference to the 2040 Plan is selective and displaced.

These units are not within walking distance of most of the amenities like you can't buy food on foot. And there's a lot of things that you can't do on foot from this location. So, this is a kind of development that has its place. And this is not the place. So, the question really is, you know, what could work, and I think there need to be more conversations with the staff and I hope maybe I'll be included this time, but we need to recompute here, I

don't think it's a question of 430 or 390. I think that we're just off target. I'm guessing that that has to do with the fact that 40 acres, in order to swap 40 acres over on End Haven, for this particular site, it was necessary to assume a whole lot of density to boost up the value of the location. But that's not my concern. [inaudible] I'll tell you to improve the diversity of housing in District 7, without creating a clash, like this. I hope maybe we can reset and have some more constructive conversations like the ones we should have had, I don't believe that the planning staff wasn't consulted when this plan was devised, either. We were just presented with it, the staff and I. I think it's regrettable that CMS didn't see fit to talk to their sister government about our issue of rezoning and appeared to think they could just roll right through us because they're going to say it's a school, you need the school. We do need the schools. The schools are important. And I would be willing to bend over backward to get to this elementary school, because of the need that we have in District 7. But to assume that they could just go ahead and drop this in our lap in the name of the school, I think that it is excessive. This is something that we should have talked about earlier and more meaningfully and now, we're in a difficult position. I think that there's time pressure in terms of being able to move ahead with the schools, I don't want to get in the way of the creation of these schools, but I really think that it would have made a lot more sense for us to look harder at this residential piece sooner.

What I'm hoping after the consultation with the staff is that if we can make significant changes to the residential portion of this, and have them available for the Zoning Committee, we might still be able to vote on this petition. But we're not close right now. And I think in my mind that's the thing that we need to be clear about and that I'm willing to spend more time with you to talk about the evolution of this whole deal, but I have one question. I'm wondering since we're being told about that how this is a great juxtaposition of a school, and these 430 units, how many students are there going to be at that school?

Mr. LaCaria said no boundaries have been drawn yet, Councilman Driggs. So, that remains to be seen, but nominally that's a 700-800 student school. That a 45-classroom K5 elementary school is what's planned there. We'll know when the boundaries are actually drawn and what the actual population will be. That has not happened yet.

Mr. Driggs said so how many elementary students are you expecting will be living in the 430 units?

Mr. LaCaria said we forecast and provided that information for our planning services to the city as part of the rezoning packet. So, that's sort of firewalled, I had nothing to do with their estimate. They do project fewer students generally from apartments than they do from single-family homes. And so, there's a factor that's applied based on the sort of the student yield based on the housing typology.

Mr. Driggs said I agree with that and that is how it works. And I can tell you, again, from my experience, I would not expect a lot of elementary school kids to live in multifamily or townhome type of environments. And therefore, this case that we have, the convenience of the juxtaposition of this housing type with the school, is just I think an example, let's

just step back, and think about this. Two hundred and twenty townhomes was the existing rezoning, and we are now talking about 430 residential units and an elementary school on the same land. So, I think I'm making myself clear. I'm not there. And colleagues, you can think about whether you feel differently or want to proceed on this basis, but I would hope that we can have meaningful talks about changing this plan before it comes up for a vote, thank you.

Councilmember Winston said first, I do have to give some props to Collin, Mr. Brown. I think that was a great use of the equitable growth framework metrics, I thought it was very applicable. I will say, I do agree with some of what the residents were saying. I don't believe, for instance, that improved turn lanes will necessarily reduce traffic congestion. But given the many different points of the Comp 2040 Plan, and also some of the comments that Mr. Bokhari made, the type of traffic and congestion that is being generated in these different parts of town are really more about the auto-centric development that we have had over time. And to solve for that. Not necessarily building this development is not necessarily going to help with that. That being said, you know, I do believe the biggest generator of traffic in this situation is in fact the schools. It's the carpool lanes, right. It is the drop-off and pickup of the students and that is true in every part of town. Public. Private, catholic, and charter schools. But that is not something that CMS can necessarily solve by themselves. This is something that we are going to have to look at intergovernmental if we in fact this community do want to solve the congestion and the problems with commutes around schools and that type of infrastructure. I will say this petition, the petition that was presented, previously, I would like us to kind of step back, we can often be pretty critical of one another. We can be pretty critical of one another but I feel like this is a place where we have to give CMS some props. They listened. They have been listening to the larger community conversation. And I would like to hit two particular points in this. Let's think back to the bonds discussion of I think that was 2016 and how that intersected with the larger community conversation around affordable housing and the beginning of our real kind of equity work. We kind of identified even us as a city, that as dirt continues to disappear, there are two general entities that we need to be looking at to find places, and greenspace, to put housing on. And that was CMS or school campuses. As well as houses of worship. The second point is what I would like us to step back to. Let's think about a very major rezoning development project in this part of town. Let's think back to the Ballantyne Reimagine. Where the chair of the CMS was one of many citizens who pleaded with us, to figure out how to count and account for and how the figure out how to build new schools in our plans as we dealt with the development. I'm glad it seems like the greater CMS was listening. So, I would say let's step back and again, from that intergovernmental lens, let's figure out how we can work with CMS to make this project work.

To Mr. Driggs' point, earlier, though, I would say to the petitioner, and I would say to the community, what I could say about Mr. Driggs is he's already said how many rezonings that he's done. But when he decides to dig into this, you better believe he's going to be on it, and he's going to figure out a way to best advocate for his constituents and the interest of those constituents. So, I hope with all of that said, we all figure out how to make

this project work because it is needed. It is innovative. Obviously, it is disruptive, but also, these are this and the previous petition, this is something new. Right? This is something new. So, perhaps we don't have these greenspace plots of land in different parts of town. But if these models can work here, perhaps they can work in different parts of town, so as CMS starts to think about future bonds and future school construction, whether it's I don't know, looking at infill construction or looking at existing campuses, to reconfigure those sites, I feel like these two projects, one the previous one that didn't have any kind of blow back from the community or staff, and this one, that does, I think they are excellent models and excellent kind of bell weathers for the types of school development and development around schools for our community-at-large. So, with that, Mr. Driggs, I hope we can work together to figure out how to make this work, thank you.

Mayor Pro Tem Eiselt said great comments by all of my colleagues. I too have a lot of concerns about the fact that Audrey Kell Road is a state road. We can't do anything about it. Providence Road is a thorn in our side, we can't do anything about it. But it is really innovative. Mr. [inaudible], I love that you're here at a Council meeting cause we're always saying, WW-CMSD. And we don't always know. So, I thought to we can coordinate with CMS to be innovative, but this one needs a lot of work. We're all very sensitive to the density here, in an area that really can't handle it very well. So, I do hope that all the petitioners will all be supportive of the comments that our district representative Mr. Driggs has put forward, and let's try to work for a better product for everybody. So, thank you.

Councilmember Phipps said I don't know how well; I'm looking at the 2040 Plan. I don't know how well they address something like this, because this looks like a super institutional campus. Multiple schools, only you got the existing Audrey Kell and the new school, and the new elementary school, the existing British international school. Each with their own athletic amenities. And so, compounding all of the other natural traffic that's going to come about, as a result of the school infrastructure and the proposed residential density, you also are going to have athletic activities in the mix in terms of joining traffic to competing schools, and such, and for competition purposes. I'm trying to figure out is there any kind of traffic impact study that exists that could really make any appreciable difference to what's about to be, you know, proposed for this cumulative institutional campus of several schools. So, you know, even with the high school alone, I'm counting at least five or six athletic amenities there. And that's not counting what's already on the ground at Audrey Kell. So, this is some super density, to say the least. So, I would have to agree with Mr. Driggs, I don't know how we can overcome something like this that's going to satisfy the majority of the people living in the area and be able to get around.

the traffic impact study, you know, I mean, does it really address or consider the cumulative effect of not only the residential component but also, the proposed school infrastructure in addition to the activities that could be taking place on these campuses that would have a very contributory effect on the traffic patterns when these are built out?

Mr. LaCaria said so, thank you, Councilman Phipps. You know, the thing that the traffic study is sort of a blunt force tool. What it doesn't capture is what happens later. So, with

these two rezonings happening, getting the high school built will lead over well over 1,000 students if not more from the Audrey Kell campus. So, we will relieve Audrey Kell with the new High School. Which in the areal proposal is further up Johnston Road, Community House, that area. So, well north of here. But the intent there is to relieve Audrey Kell by a healthy contention of students. And so, when you've removed those students from Audrey Kell, that are currently coming there from other places, that will have a salutary effect on the traffic, impacting Audrey Kell. And then also, today, there are kids that are going through this area on their way to other schools in the area that now with a more compact attendance boundary, because this school will be there, you won't have the traffic from Elon Park and Hawk Ridge, and Polo Ridge that's running around the Audrey Kell Road because we're going to be having a more compact attendance boundary that will be drawing kids here. So, the traffic study doesn't really show you what happens when the new high school is open or the other changes on the rest of the area when the elementary school is built and relieving the traffic that's currently moving through this area. So, it's hard to demonstrate that, especially when we don't have the boundaries drawn. But what we know is if we take 1500 kids out of Audrey Kell high school, that's going to significantly reduce the traffic when we pull 7 or 800 kids out of Elon Park, Polo Ridge, and Hawk Ridge, and tighten that attendance boundary, that's going to reduce the number of trips through this area. The traffic impact study just doesn't capture it that way, it's not that finely grained and it doesn't do forecasting like that. It simply says this is what happens today, if you build this thing, this is what happens after you build it. So, it didn't take into account all of those scenarios, but we know as a result of having both of these schools open, it's going to improve the traffic in both areas, ultimately.

Mr. Phipps said I appreciate the explanation. Thank you.

Councilmember Bokhari said I was going to quickly say that this to me, just there's those moments in particular rezonings where it's crystal clear the challenges that we face are a result of being reactive versus proactive in scenarios. We experience this all the time with Providence Road and Audrey Kell and the list goes on and on where we know have significant problems that are pain points for our citizens every single day, and when we fail to come up with strategic solutions, proactively, in the broader confines of the discussion, and we wait until rezonings occur, obviously, we all point the to the rezoning itself and it becomes this, that is the problem. When in reality, the problem is much greater than that. And I think this also applies to the proactive, intergovernmental relations approach. Which we have talked about several times today in different settings, where on one side of the coin when something like this happens we talk about congestion and issues of density. On the other side, you know, we sit here and we'll complain just as long about 130-140% over capacity in schools that are there, and what we're doing. So, I think the punch line is we can't have it both ways. We can't talk about the need for more housing units and then when more units come in a rezoning time, we sit there and say, no, more, our traffic can't handle it.

The same with the schools, we can't say we're tired of overcrowded schools when ultimately opportunities come, and then that's going to do bad things for traffic. So, it is

really great to see you here, Dennis. I think that is a great sign of what we need more of. I also know that there are school board members watching that are taking great interest in this. I appreciate particularly Sean Strain, who sent a couple of notes, and is very interested, the takeaway for this has to be we need to get in lock step quicker because I agree with many of the things that district rep, Mr. Driggs said. And I also agree with a lot of what Mr. Winston said as well of, we have to figure out a way to make this work. The housing quantity and the school capacity are two things that we don't get a lot of shots at, especially when there's large investments on our fronts. But we're going to have to figure out how to do it within the confines of the reactive mode that unfortunately we're here in front of right now and the time constraints, but we have to figure out a way to start getting ahead of these things and it has to be in proactive macro discussions and in between the three major municipal bodies when it isn't some developer or a combination of public-private partners that want to build something that solves one problem and maybe impacts another one. So, until we get ahead of that proactively, we are always going to be in these almost, you know, somebody feels like they lose situations and rezoning, and unfortunately, that's where we are here. So, I do hope that we can figure out how to as quickly as possible come to this conclusion, reactive now, and then move forward to proactivity going forward.

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

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.

Robert Barrows, 10213 Benderloch Drive

Mark Pannenberg, 8908 Boling Green Drive

Sue Francis, suefrancis1958@gmail.com

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ITEM NO. 26: HEARING ON PETITION NO. 2021-100 BY DONALD M. EDWARD FOR A CHANGE IN ZONING FOR APPROXIMATELY 13.37 ACRES LOCATED AT THE EASTERN INTERSECTION OF EASTFIELD ROAD AND INDEPENDENCE HILL ROAD, NORTH OF INTERSTATE 485 FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said approximately 13.3 acres on the Eastfield Road. Just north of the I-485 interstate. Currently, zoned R3, the proposed zoning is R12 multifamily conditional. Prosperity Hucks Area Plan for 2015 does call for residential up to 4 DUA.

This proposal is for up to 168 restricted 55 and older, multifamily dwelling units provides a minimum of 10% of those dwelling units is maintained at 80% of AMI for a period of not less than 15 years and provides community amenities, such as a pool, dog park, walking paths, and a clubhouse, as well as a 50-foot Class C Buffer to abutting residential uses, also, provides a minimum of 50% open space, which would include ponds, tree save areas, buffers, and greenspace. Commits to an 8-foot planning strip and a 12-foot multiuse path along both Independence Hill Road and Eastfield Road. Limits building height to 45 feet, and provides left and right turn lanes, and at the site driveway on Eastfield Road as well as some architectural standards related to exterior building materials, building orientation to streets, blank walls, and roof pitches.

As mentioned, the staff does recommend approval of this petition. There are no outstanding issues. It's consistent with the residential recommendation but inconsistent with the residential DUA at 4. Again, this comes in at just under 12, but it is for 160 age-restricted 55 and older, residential units. We feel that the petition would increase housing types and varieties and also it allows some transition from that intersection of independence and Eastfield Road to some other attached single-family products that range up to 6 DUA. So, again the staff does recommend approval and we'll be happy to take any questions that you may have following the petitioner's presentation, thank you.

Mark Tiedemann, 3827 Billo Road, Alden, New York said architect up in New York. My partner is Donald Edward. Also, a New York architect, but lives in charlotte, I think, for the last 20 years now. So, this was a parcel of land that is on Eastfield Road. It has great access off of 485, Statesville, and I think Old Statesville Road there. [inaudible] neighbor shopping, grocery shopping, Publix and Walmart that's very close by, Walmart shopping, grocery shopping store. But, you know, this is Eastfield senior housing, it's going to be active over 55. We are going to restrict the zoning to that. That was worked out with the planning and the zoning staff. We worked hard to make sure that we had this blended with the community. We looked at different other zoning opportunities on this site. This one stood out as a winner, and we're glad to be presenting this tonight as something different than I think what has been presented, which is mostly a market rate. This is supposed to be an affordable, active over 55 community with 10% of it being an income restricted that will attach the zoning to. So, we can go to slide number 2. I think it just shows an aerial shot there on slide number 2. We have everybody there moving the slide. There we go. It just shows what we have available to a nearby site. I have heard the schools and things like that on here tonight, you know, obviously [inaudible] 55, we're not using school districts or any of those amenities.

So, this also has reduced the amount of traffic being seniors over 55. There aren't as many trips. This shows a proposed site plan. We have a lot of amenities; we have an exterior perimeter walking path around the whole site. You know, being the outdoor 55 to keep people in shape and keep them active, we have a tennis court here, a basketball court, we have ponds there along with a pool, a clubhouse, and theatre room, all of the amenities that you would expect at a resort-type of community. Again, we are trying to build this as an affordable. This property fits that budget and fits everything that we

needed to make that happen here. All of the buildings are 3-4 stories, I think the four stories are the 485. Thank you very much. That's the architectural character on the outside. Again, both Don and I are architects, licensed back in New York and Don has been living down in Charlotte. But this is proposed for the exterior, most of it is stone or vinyl siding on the outside, but just a nice mix again, showing your drop-offs [inaudible] areas.

I think that's just an aerial view, kind of looking at the 485, we really don't have any neighbors opposing this. We have a nice woman living next door, on the side of the pond here, and she was very supportive of the project. She's our neighbor on the other side of the pond there. That was the only neighbor that we actually talked to and she was very supportive of the project.

Mayor Pro Tem Eiselt said I'll just say, Mark, the over 55 like pickle ball. So, you might want to think about that in addition to the tenants. So.

Mr. Tiedemann said I think we actually have it actually in there somewhere, yeah.

Councilmember Graham left the meeting at 9:00 p.m.

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

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ITEM NO. 28: HEARING ON PETITION NO. 2021-152 BY R.I. CHARLOTTE PROPERTY, L.P. FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.49 ACRES LOCATED ON THE WEST WIDE OF NORTH TRYON STREET, SOUTH OF WEST W.T. HARRIS BOULEVARD, AND NORTH OF MCCULLOUGH DRIVE FROM MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said 2.5 acres on North Tryon Street. The current zoning is MUDD-O. The Proposed zoning is MUDD-O with site plan amendment. The University City Area Plan for 2015 recommends a mix of office and retail uses for the site. The proposal is to take the existing MUDD-O zoning and do an amendment to allow some additional uses outside the existing hotel that would include things like dormitories for students, commercial schools, schools providing adult training for the staff of hospitals, dwellings, detached, duplex, triplex, and quadplex as well as attached multifamily and planned multifamily development and allow for the hotel to transition to additional residential uses. There are notes in there that state when no multiple uses can exist at one time. So, once that hotel transitions to, let's say, a multifamily project, the hotel would

cease operation and we'd convert fully to a multifamily project. so, we wouldn't have two primary uses going on at the same time. So, I wanted to make that clarification. It does limit the number of buildings to seven with a max height of 34 feet. Also notes that public roadway improvements will be subject to the standards and criteria of C-DOT. And NC-DOT. There are some optional provisions which would allow access to site adjacent rights of way, streets, and arterials. No change to the access as shown. As proposed the property will need to opt-out of loading space requirements, request not to provide long-term bicycle parking, and opt out of the delivery zone, as well as signage provisions of MUDD-O.

The site has an existing ground sign that does not meet the five-foot height requirement and they need an optional provision for that item. The staff does recommend approval to afford this petition. No outstanding issues. It's inconsistent with the recommendation for office retail uses. This was amended by the rezoning petition 2017-196, but again, staff feels that the transition of this existing hotel to more stable residential uses or long-term residential uses makes some sense for this area and do support the petition and we'll be what into taking any questions following petitioner's presentation. Thank you.

Ryan Montgomery, 8503 North Tryon Street said I appreciate you giving me your time. I will definitely keep things very quick. As I know it's getting late in the evening. Yeah. The major goal here is basically to allow to add the additional uses from the MUDD-O that we went through the rezoning process back in 2017. The existing building would stay as-is. Most of this is an extended stay facility. The existing hotels have they're full of kitchens and restrooms and basic I had a small apartment where the existing people who stay in the hotel right now are usually looking for more of a long-term stay. We don't really anticipate any noticeable transition around the area. I still have basically the same traffic and fluctuation there. It is just basically more of a long-term tenant as opposed to somebody staying, you know, less permanent and coming in to work for a couple of months. They would be there for a year or so and had an opportunity to take the existing building and add affordable multifamily housing to the area. obviously, being close to the university and then being close to the McCullough, the LYNX line. It's very attractive and for younger folks or, you know, looking for something more moderately priced. I think that's really about it. That's kind of what we're looking to do. Some of these older flagged hotels like residence inn and there's a Homewood suite by Hilton just down on the other side of Tryon, a little bit further south that has done this recently and move in multifamily unit. And that's essentially what we are asking to do, basically moving in from a hotel, stopping the hotel portion, moving into an apartment complex.

Councilmember Johnson said I just wanted to hear a lot more about the project. We can certainly meet off-line. I wanted to clarify a couple of things that you said. Did you say this would be affordable housing?

Mr. Montgomery said yes, Councilmember Johnson. It's going to be essentially an apartment. The hotel itself transforms into basically an apartment unit. You are going to have a lot of studio-type options for folks that, you know, may not be looking for a larger

unit. Something that is just, I know it's been discussed like people are looking for a place for myself and in a smaller type studio option for folks to have. If that makes sense. I can clarify it that way.

Ms. Johnson said it would. Is it permanent housing, or just some longer stay?

Mr. Montgomery said as of right now, it would be like a residence inn by Marriott. If folks that are, if I'm traveling to work in Charlotte right now and I need somewhere for several months. You know, three, four, five months. I want a kitchen. I want more of an apartment feel, that's where this brand exists from the get-go and what it was designed to do. So, basically what you are doing is instead of having it flagged by Marriott, you are turning it into an apartment and leasing these units as an apartment as opposed to renting them on a nightly or monthly basis for a six-night stay, seven-night stay, or a month, however long people need to be there. It's just basically become an apartment that you are renting, like a normal apartment.

Ms. Johnson said yeah. We're all familiar with the residence inn and how they're set up. [But I'm not clear on what these will be. Are these permanent housing? Will they have one-year leases?

Mr. Montgomery said yes, ma'am. That's correct. It would be no different than an apartment complex. You're correct.

Ms. Johnson said okay. And then will there be some, it says minor repairs and alterations may occur subject to the rezoning ordinance. Are you looking at keeping them the same? We may need to meet off-line

Mr. Montgomery said yes, ma'am. It would be essentially the exact same building. Just basically the use of the tenants from a temporary hotel basis to a permanent apartment basis. Like I said, there's the one. There's the Homewood Suites across Tryon. They did the exact same thing where they just came in and they just changed it into apartment use. This is happening all over the country with a lot of these older residence inns and stuff. Where they are basically, the life span for a hotel has kind of gone away but they make perfect apartments. So, basically, we're just transitioning to shut the flag off and turn it into an apartment complex.

Ms. Johnson said okay. I look forward to meeting you. We just approved some I think last month. Maybe the month before behind the Macaroni Grill off W.T. Harris. I just feel like there's more to this complex that I want to learn about.

Mr. Montgomery said yes, ma'am. I'm happy to answer any questions. You bet. Absolutely. It's a new thing that, yeah, I guess it's I think it's a great way for some of these older properties to continue to have good use and without really having to disturb the natural surroundings that they're already in.

Councilmember Phipps said I used to stay at this residence inn when I would come down from Richmond to Charlotte in my treasury days. I'm curious inasmuch as this area is located in a transit corridor and we're trying to make this area more pedestrian and bike friendly. I'm curious as to why you would request to not provide long-term bicycle parking?

Mr. Montgomery said That was actually part of the original request back in 2017, which was basically hotel was no longer in compliance where we were. And I believe you were the Councilman in the area at the time when we went through that, sir. Basically, we weren't going to do any actual changing to the building. So, we had some provisions that weren't part of that. The transit-oriented district that we needed to get the property back into compliance. So, as part of the original, we did the MUDD-O back then. That was one of the few exceptions that we asked for. So, they were already included in that. So, it's basically we already had the MUDD-O. We're just wanting to keep that MUDD-O but allow the user to transfer it to an apartment complex.

Mr. Phipps said yeah. It seems like, you know, it's kind of sort of counterintuitive to be in a position where you want to encourage that and have this particular provision that would preclude bike parking. That's why I was curious about it.

Mr. Montgomery said yes, sir. I completely understand. There was eminent domain when the road expansion was going down Tryon. So, some of the property areas was lost during that. So, we lost some of the available space to do a few of those changes. I believe that's where that is stemming from. Because we had to redo the drives basically and we lost a lot of our frontage area when that expansion happened for CATS (Charlotte Area Transit Center).

Mr. Phipps said I remember that. Thank you very much.

Mr. Montgomery said you bet. Thank you, sir.

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

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ITEM NO. 29: HEARING ON PETITION NO. 2021-156 BY ELITE TEAM REALTY & PROPERTY MANAGEMENT, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.0 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF WELLINGFORD STREET AND HERSHEY STREET, EAST OF WEST SUGAR CREEK ROAD FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said as mentioned two acres on Wellingford Street just east of West Sugar Creek Road. The existing zoning is R-4. The proposed zoning is UR-2 conditional and the adopted future land use recommends residential up to four DUA. That's from the Northeast District Plan. Due to the age, we run the GDP and general development policies, and that does support density up to 12 units per acre, which would support the requested density of this petition. The proposal is for up to 20 single-family attached townhome dwellings. That comes in at 10 units per acre. Limits building height to 40 feet and access would be provided via private Streets off of Hershey Street. Commits to a minimum of four visitor parking spaces. Four units per building when fronting a public street as well as the construction of an eight-foot planting strip and six-foot sidewalk along Wellingford and Hershey. It does provide building design standards related to allowed exterior building materials, pitched roofs, usable stoops, blank walls, and raised entrances. Also dedicates and conveys or provides a greenway and stormwater easement to Mecklenburg County along the northern property line. You can see that highlighted with the green box, greenway, and stormwater easement and it does provide an eight-foot planting strip along the eastern property line planted with evergreen trees which will be measured at ten feet on the center. It also limits the height of detached lighting to 21 feet. As mentioned, the staff does recommend approval of this petition. We have outstanding issues related to working through related to site design and transportation. It is inconsistent with the adopted district plan but it is consistent with the general development policies and again, the staff does recommend approval. We will take questions following the petitioner's team presentation. Thank you.

Collin Brown, 1420 East 7th Street said for the petitioner. Good overview by Dave. I don't have a whole lot to add to that. Looking at the site there, we have attendees at the community meeting. Generally good feedback from them. I think it's looking consistent with where the 2040 Plan is going. It's checking the box for neighborhood diversity and inclusion. The site plan you see here, Dave covered pretty well. Again, good feedback from the neighbors. We have one issue that we're going to work through with the Planning staff. There had been a request, I think, from staff and I expect that we will be able to work through these. But I will point out that one of the things we asked for is if we can match some of the residential setbacks. The home nearest us is set so far back on our property and we have wetlands behind us that we will not be able to match that. But I think we've designed a plan with Jeff's [inaudible] team that really takes into consideration the surrounding properties, and what he going on at the rear of the site, and will be a positive for the community. Happy to take any questions.

Councilmember Phipps said as you know this is a particular area and location located in one of our underserved communities and I do applaud the fact that goal two in our 2040 Plan, neighborhood diversity and inclusion, is appropriately marked. But I'm kind of curious as to, I'm looking at goal number three. I notice there's a different housing type option that's badly needed in the neighborhood, but I'm worried about the access to different residents that might live in that area, particularly in the Hidden Valley Area. Can you comment on that?

Mr. Brown said I'm not sure if I exactly am following. These would be market-rate units. That is a question that came up at the community meeting. That is something the attendees were pleased with, that these would be market rate.

Mr. Phipps said right. I guess what I'm asking for though is, that this Wellingford is located in the heart of the community that is underserved. I was wondering how would this project help members of the community to able to access this type of housing?

Mr. Brown said you know I think that we had a meeting. I guess the primary concern, of Mr. Phipps from the community, was this was an area that had been impacted significantly by wetlands and flooding. So, they did want to know and were pleased with seeing the design it protects that. And we're pleased with this housing type. Again, you know, we said these are not per se affordable units but this is a pretty large site that is undeveloped. They were happy to see that there would be residents here. They were happy with, you know, I think an apartment community would not have been as well received. So, the housing type, the fact that someone is investing in bringing new units here that I'll say relatively affordable, we received positive feedback on that.

Mr. Phipps said I can appreciate the response.

Mr. Brown said I can tell you that you can expect to hear from members of the community with regard to this petition. I mean, I think they had another [inaudible] meeting tonight on it, but I would think given the sensitivity of housing prices and options, and affordability in this community that it would be of some interest in that direction. I'm happy to follow up. Let's connect off-line and you kind of tell me. I think this is trying to strike the point of not gentrifying. But also provides market rate. I think that is going in that direction but happy to discuss it.

Mr. Phipps said thank you.

Councilmember Johnson said I would like to hear more about it also, Colin, if we can meet off-line. I kind of just want to make sure I understand the price point. I know what you are saying about the residents not wanting low income. However, this is a sensitive spot and very vulnerable to gentrification. So, we want to make sure that current residents are able to afford what's built and how this is going to change the character. One of the things that I promised the Hidden Valley area is no matter what district that it was in, they would have a voice on Council. So, I want to make sure we're all paying attention to it, and Mr. Phipps, I want to make sure that they know and that the developers also know that we still will advocate for what's best for that community. So, I would like to have a meeting about this petition also and learn about it.

Mr. Brown said happy to coordinate. I will coordinate with both of you. I think the answers are going to be good. We'll follow up. Thank you.

Ms. Johnson said thank you.

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

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ITEM NO. 30: HEARING ON PETITION NO. 2021-157 BY THE CITY OF CHARLOTTE AVIATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 58.26 ACRES LOCATED ON THE NORTH SIDE OF WALKERS FERRY ROAD, JUST WEST OF I-485 AND CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT FROM R-3 LLWPA (SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA), R-MH LLWCA (MANUFACTURED HOUSING, LOWER LAKE WYLIE CRITICAL AREA) TO I-2 LLWPA (GENERAL INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA), I-2 LLWCA (GENERAL INDUSTRIAL, LOWER LAKE WYLIE CRITICAL AREA).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said just over 50 acres off Walker's Ferry bounding up on I-485 just across from the airport. The proposed zoning, as mentioned, is R-3. It does have a lower Lake Wylie protected area as well as R-MH (residential manufactured housing) with the lower Lake Wylie critical area. The proposed zoning is I-2. Both the protected area and critical area of lower Lake Wylie will be maintained as well. The Dixie Berry Hill Strategic Plan from 2003 does recommend office retail and light industrial uses for this site. The staff does recommend approval of this petition. It is a conventional petition. While it's inconsistent with the office retail light industrial uses, I do feel it is consistent with the general pattern of development in the area and also in that proximity within close proximity, like I said, to the third parallel runway which makes it compatible for either light or general industrial uses and location along 485, just south of additional I-2 zoned property makes it a reasonable candidate for transition to an I-2 zoning district. With that as mentioned, staff does recommend approval and we'll be what into taking questions following Mr. Harris' presentation. Thank you.

Stuart Hair, 5601 Wilkinson Boulevard said Thank you for having me this evening. I really don't have a presentation. I'm like a lot of the other petitioners. I am more here as a staff resource. Ms. Thompson is also available as well. She is the manager of our economic affairs and can answer any questions that you all have this evening. Thank you for having us.

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

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ITEM NO. 31: HEARING ON PETITION NO. 2021-158 BY TREVI PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 45.31 ACRES LOCATED ON THE SOUTHEAST SIDE OF NORTH TRYON STREET, EAST OF PAVILION BOULEVARD FROM CC SPA (COMMERCIAL CENTER, SITE PLAN AMENDMENT) AND UR-C (CD) SPA (URBAN RESIDENTIAL-COMMERCIAL, CONDITIONAL, SITE PLAN AMENDMENT) TO CC SPA (COMMERCIAL CENTER, SITE PLAN AMENDMENT) AND UR-C (CD) SPA (URBAN RESIDENTIAL-COMMERCIAL, CONDITIONAL, SITE PLAN AMENDMENT), WITH 5-YEAR VESTED RIGHTS.

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said is just over 45 acres on US-29. This is the site of the, I believe, it's the Trevi Village MIXED-USE center. It was currently zoned CC as well as URC. There were some site plan amendments previously done. This is a follow-up, again, to some of those. This is a long-standing project. I think first approved back in 2010, if not maybe a little before. So, it's been a long-developing project so some site plan amendments are coming forward, again, to continue to expand on some options for development for the site. It is from the Northeast Area Plan. It does recommend the institutional and residential office and retail use for the site. The proposal associated with this petition would maintain the original 204 multifamily age-restricted units as well as maintaining residential uses for 109 flex units. That would be with 79 elderly flex units and 52 skilled-nursing units and would also maintain uses like the 110,000 square feet of commercial and 125,000 square feet of hotel and medical office uses. But it does modify the following uses, medical office, to allow would removal of 25,000 square feet of the wellness center portion of that and as well as 14,000 square feet of the adult care center. That's associated with those. It does add uses like laundry services, indoor recreations, commercial kitchens, greenhouses, indoor pet services, as well as type one and two EDEEs and various retail uses. It does have some building-high parking ratios and streetscape requirements that are programmed into the site.

Transportation improvements would include things like dedication and fee simple conveyance of all right-of-way would be issued to the city prior to CO, transportation improvements would be approved and constructed prior to occupancy and public roadway improvements would be subject to the standards of C-DOT and NC-DOT. Also retains development language pertaining to overhead pedestrian bridge encroachments as well as retaining architectural standard language with some minor modifications as well as environmental features language that was all part of the previous entitlements that were approved prior to this site plan amendment. Again, it's really just amending some things to allow additional uses like Type 1 and Type 2 EDEEs and retail and things like indoor recreation. It does remove some square footage for some of the medical office uses that are in there, but overall maintains a lot of the existing entitlements. I will let the petitioner explain a little bit further about what some of those changes mean for the overall project. But the staff does recommend approval of the petition. We do have some outstanding issues with land use and site and building design to work through. But it is consistent with that recommendation for the residential office retail uses and maintaining some of those

skilled nursing facilities and adult care and elderly care does maintain some of that institutional component which would make it consistent with that portion of the land use recommendation as well. Staff will be happy to take any questions following the presentation by Mr. Jenest. We'll turn it over to him. Thank you.

Colin Jenest, 200 South Tryon Street said thank you all for the opportunity to speak before you tonight. Again, my name is Colin Jenest and I'm here to speak on behalf of the petitioner, Trevi Partners, LLC to present the Trevi Village site plan amendment. I sent over a site plan. So, Holly, I don't know if you are able to pull that up? We'll just go back to the staff analysis; the site plan is perfect. So, this project may be familiar to some on Council as the original zoning was approved as petition 2010-047. At that time, the project constituted roughly 62 acres with a mix of multifamily residential geared toward seniors, commercial retail, medical office, and a hotel. As a refresher and you all can on the site plan, the master development is bound on the north by Highway 29 into the south by the Mallard Creek Waste Water Treatment Plant. There are two public streets running north and south and one private street running east-west. Breaking the site into four [inaudible] quadrants. Seventeen acres to the west of pilot avenue, which is the public street that provides access to the Waste Water Treatment Plant, was actually sold back to the city in 2018. The remaining 45 acres east of Pilot Avenue form, again, what is kind of the remaining area of the Trevi Village area master development. As staff mentioned, our petition request to amend the zoning boundary to follow the current street network, northern and eastern quadrants will retain the commercial center zoning and the southwestern quadrant will retain the urban residential C-Zoning as originally approved in 2010. Additional requests include clarifying the allowed commercial retail uses in the CC District.

I know there was mention of an outstanding issue related to a few of the commercial retail uses we were requesting. I did want to note that we have had recent discussions with staff to clarify whether these uses would be allowed in the CC District. [inaudible] additional ordinance requirements are followed. Our final site plan that we are going to submit following this hearing will note the additional ordinance requirements. The remaining requests are related to maximum building height, and architectural materials for the residential types of buildings. I did want to note that we're requesting an increased maximum height of 90 feet for the senior living building and hotel only. All the remaining uses will be capped today at 70 feet as was originally approved by the 2010 petition. The increased type for the senior living facility is really just to allow a bell tower feature over the chapel portion of the building. The height increase for the hotel is based on recent conversations we have had with hotel operators and the number of stories needed to accommodate the 178 rooms that were allowed for the original rezoning documents. I do also want to point out with the hotel location is kind of in the center of the project, it's greater than 400 feet from the closest single-family used property which is located to the east of our site. You know, as the last note related to outstanding issues in the 204-unit age-restricted comment. I did want to clarify that a previous administrative amendment confirmed and approved a non-age restricted use for these multifamily units. I'm happy to answer any questions that you guys have. Thank you.

Councilmember Eiselt said I'll go ahead and ask for that clarification from Mr. Jenest.

Mr. Jenest said sure. I was going to say that we had submitted and had approved an administrative amendment that confirmed the 204 units being non-age restricted and we subsequently have permitted that through the city land development and that project should start construction here in the early part of 2022.

Ms. Eiselt said thank you.

Mr. Jenest said but again, we can ma certainly make sure that gets clarified with the planning staff.

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

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ITEM NO. 32: HEARING ON PETITION NO. 2021-162 BY ROSEMARA ESPINOZA FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.73 ACRES BOUND BY THE SOUTH SIDE OF NORTH LINWOOD AVENUE AND NORTH SIDE OF INTERSTATE 85, WEST OF BROOKSHIRE BOULEVARD FROM R-22 MF (MULTI-FAMILY RESIDENTIAL) TO B-2 (GENERAL BUSINESS).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said is on Linwood Avenue, just on the north side of the I-85 exit 36 interchanges. It's just under .75 acres. The current zoning is R-22MF. The proposed zoning is conventional at B2. As you can see you have B1 and B2 on the other side of that. As well as B1 on the other side of Linwood Avenue. The Thomasboro/Hoskins Small Area Plan from 2002 does recommend retail uses for the site as we. So consistent with the land use recommendation and generally consistent with the zoning districts that are surrounding that staff thought it was an appropriate conventional request. We do recommend approval of this petition. Like I said, it is consistent with the adopted Small Area Plan and would really bring that general area along North Linwood Avenue into a little bit better conformity with all consistent B-2 and B-1 zoning to allow for some consistent development pattern. I will be happy to take any questions. MS. Espinoza I believe is with us if you have questions for the petitioner. I will turn it over from there. Thank you.

Rosemara Espinoza, 118 North Linwood said I don't have any questions and I wanted to confirm that yes, we're requesting to change the zoning based on the other lots that are around the lot that we're requesting rezoning.

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

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ITEM NO. 33: HEARING ON PETITION NO. 021-169 BY CITY OF CHARLOTTE ENGINEERING FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.43 ACRES LOCATED ON THE SOUTH SIDE OF MT. HOLLY-HUNTERSVILLE ROAD, WEST OF MOUNTAIN AIRE CIRCLE AND EAST OF NORTHWOODS FOREST DRIVE FROM R-3 LWPA (SINGLE-FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO NS LWPA (NEIGHBORHOOD SERVICES, LAKE WYLIE PROTECTED AREA).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said it's about 9.5 acres on Mount Holly-Huntersville Road. The property is currently zoned R-3 with the Lake Wylie protected area and the proposed zoning is NS also with the Lake Wylie protected area as well. The proposed future land use from the Northwest District Plan, which is one of our oldest from 1990, recommends single-family, up to four DUA. The proposal is an NS request. Primarily it is geared toward 15,000 square feet of neighborhood services mainly for a police station as well as general office uses in development Area A and then 12,500 square feet of emergency service and general office use in development Area B. Which would be a future development area to the rear of the site. It does limit building height to one story and 40 feet, as well as some transportation improvements like right, of-way dedication along Mount Holly-Huntersville Road and the construction of curb and gutter, an eight-foot planting strip, and a 12-foot multiuse path along that frontage as well. It will be a left turn lane and right turn lane into the site with appropriate storage and in [inaudible] and 54-foot Class B buffer around the perimeter of the site, and also detached lighting would be limited to 25 feet in height and would be full cutoff and downwardly directed to have minimal impacts on the neighboring residential properties.

Again, this is an NS zoning request. The project would be for it's an applicant by the city of charlotte, general services and again, the outcome is to construct the police station as well as some other general office uses on the site. The staff does recommend approval of the petition. I do have technical revisions to work through. It's inconsistent generally with the Northwest District Plan but even with the NS District, it's primarily considered somewhat of institutional use. So, staff does look at that a little bit differently. We don't recommend institutional uses in some of the old district plans and they kind of go where needed in the community. So, this is identified, obviously by the city as an area of need. That is why we have the petition in front of us. We will be happy to take any questions that you may have. Like I said, we don't have any petitioners signed up for this one. So, it looks like we will be happy to take any questions you might have for staff

Councilmember Phipps said yeah. Is the construction of this police station consistent with the construction of other stations that we've had over the last few years?

Mr. Pettines said I believe so.

Mr. Phipps said you said it had one floor.

Mr. Pettine said yeah. I believe so. The renderings that are in the site plan look fairly consistent with some that we have seen in the past. I think the most recent one I can recall was down, I think, in maybe District 6, maybe along Providence or somewhere around Providence and Rea Road area, I think, I can't remember the exact location. It looks very similar. One story. You know, a typical project that we have seen four other police stations in the community that have been recently built. But the site plan has renderings and yeah, they do look as familiar about as familiar as they have with some of the other ones.

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

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ITEM NO. 34: HEARING ON PETITION NO. 2021-173 BY OPM LIMITED & BENFIELD FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.22 ACRES LOCATED ON THE SOUTH SIDE OF OLD MOUNT-HOLLY ROAD, THE EAST SIDE OF MELYNDA ROAD, AND SOUTH OF ROZZELLES FERRY ROAD FROM R-4 AND R-5 (SINGLE-FAMILY RESIDENTIAL) TO I-1 (LIGHT INDUSTRIAL).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said about 2.2 acres Old Mount-Holly Road and Melinda Road. Current zoning is R-4 and R-5. You can see there's some I-1 conditional around at the request for this petition is just I-1 conventional Lots of I-1 between aqua Cam Drive and Melinda Road along Old Mount-Holly. This would look to continue that I-1 zoning to kind of round that block off between the two cross streets along Mount-Holly. The Northwest District Plan does recommend residential uses up to eight dwelling units per acre on a portion of the site. That's the site in green and then single-family residential uses up to six dwelling units on the rest of the site. That's the area that's primarily more in yellow. Again, this is a conventional petition. The staff does recommend approval. While it's inconsistent with the District Plan from 1990. Staff does feel it's adjacent to some already zoned industrial parcels and this will really bring that block into better conformity and hopefully eliminate some of those potential land use conflicts that could have arisen from the R-5 and zoning districts. Staff did feel it was appropriate for industrial zoning and again, we do recommend approval and we'll be happy to take any questions following the

petitioner's presentation or whatever they've got planned as far as being conventional rezoning. Thank you.

Susanne Todd, 1065 East Morehead Street said land use attorney with [inaudible] on behalf of the applicant. I will speak on behalf of Mr. Davis and Mr. Benfield. I think Mr. Benfield signed off and is probably already in bed. I want to thank the staff for their help with this project and for Mr. Pettine's presentation. Again, this is conventional. So, we don't have a site plan. The property does have industrial pretty much on three sides of it. Frankly, most folks aren't going to want to live here. So, we will, of course, comply with all zoning regulations applicable to I-1 and we are here to answer any questions the Council may have. Thank you.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2021-176 BY ANITA THOMAS FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.58 ACRES LOCATED ON THE EAST SIDE OF RANDOLPH ROAD, WEST OF COLWICK ROAD, AND NORTH OF NORTH SHARON AMITY ROAD FROM B-2 (NEIGHBORHOOD BUSINESS) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said just over a half-acre on Randolph Road, side of Bojangles on Randolph just north of Sharon Amity. The current zoning is B-1. The proposed is B-2 conditional. The South District Plan recommends retail uses for the site so the zoning request is consistent with that area plan. The proposal with this petition is to demolish the existing building and construct a new building with up to 1,500 square feet. No indoor seating with a max building height of 22 feet. It does reduce the number of parking spaces and installs a dual drive-thru lane to improve the efficiency of the existing drive-thru facility there, dedicates a 50-foot right-of-way from the center line of Randolph Road, as well as constructing an 8-foot planting strip and a 6-foot sidewalk along that Randolph Road frontage. Also, it provided building design standards related to the following, which would be facades facing a public street. Would contain a combination of windows and doors with a minimum percentage of transparent glass and a minimum percentage of masonry materials on facades facing public streets. As well as limitations on expanses of blank walls to 20 feet in all directions and provide architectural features to break up the facades. Also installs an 18-foot tall [inaudible] wall and landscaping between the sidewalk and the building drive-thru. So that will essentially be between the sidewalk on Randolph Road and the drive-thru that circulates right behind that.

As mentioned, the staff recommends approval of this petition. We do have outstanding issues with technical revisions related to transportation and site and building design to work through. It is consistent with the South District Plan for retail uses and I do believe that the reconstruction of this site would allow for a little bit better operating efficiency, particularly with the dual lanes. We will turn it over to the petitioner to talk a little bit more about the project. We'll take any questions you may have following that. Thank you.

Sara Shirley, 8008 Corporate Center Drive said I will speak on behalf of the developer, Mr. Chris Hackack, and Mr. Barry is here as the licensed engineer for the project. We don't have a presentation prepared, but we're here to help answer any questions that Council may have. We just wanted to thank you for giving us the opportunity to put this before you tonight. As David had stated, we are simply putting forth the rezoning request in order to accommodate the transition from indoor dining to drive-thru only. With that, like you said, we're hoping to install a little bit better pedestrian improvements for a better pedestrian scaled experience of this type. Thank you.

Councilmember Winston said yeah. I don't know if this is a question for Ms. Shirley as much as it is a comment. This is a site right off Randolph Road and Sharon Amity at one of the most notorious trouble kind of trouble spots for auto backup at eating establishments. I know it's not necessarily the Bojangles right now that is most notorious by probably the Chick-Fil-A right adjacent to it. I just think of Mr. Bokhari's words of being proactive versus reactive. Again, I don't think that this is necessarily something that we can figure out specifically with this particular rezoning standing alone, but I would just have concerns that while this parcel and this business is going to do what's best for itself, I don't know if these proposed changes are going to help the very, very problematic situation that exists on that strip of the street right now and I would hope that we can find a way we as the City and its partners to figure this out. We can't just keep putting our heads in the sand at this location. Thank you.

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

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ITEM NO. 36: HEARING ON PETITION NO. 2021-180 BY DANIEL CORPORATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.70 ACRES LOCATED ON THE SOUTH SIDE OF NORTH GRAHAM STREET, EAST SIDE OF WEST 6TH STREET, AND WEST SIDE OF WEST 7TH STREET FROM UR-3 HD (URBAN RESIDENTIAL, HISTORIC DISTRICT) TO UMUD-HD (UPTOWN MIXED-USE DISTRICT, HISTORIC DISTRICT).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said is 1.7 acres on North Graham, really that block of North Graham between west 7th and west 6th Street. The current zoning for this property is UR-3 and the proposed zoning is U-MUDD, both carry that historic district overlay with it as well. The Charlotte Center City Vision Plan doesn't particularly make [inaudible] land use recommendations throughout a lot of uptown. You see somewhere they have had some coloration, but those are from adopted rezonings. Overall, the planning encourages future development that contributes to the livability and viability of the center city. Staff does feel that taking this to U-MUDD which is consistent with most of the zoning in the uptown area does continue to fulfill and facilitate the goals of the Center City Vision Plan. We do recommend approval of this petition. We'll be happy to take any questions following the presentation by the petitioner team. Thank you.

Collin Brown, 1420 East 7th Street said on behalf of the petition, Cameron Conner on as well if you have questions. This is a good overview by Dave. In a nutshell, this is conventional zoning to the U-MUDD District as Dave mention that appears consistent. I don't have a site plan to show you. However, I would remind you that this is in the Fourth Ward Historic District. We will go through a pretty detailed Historic District Committee architectural review. Part of what we don't want to do is get conditional zoning that says one thing and get conflicts from the HTC (Housing Tax Credit). So, this is very comfortable for us that we could have U-MUDD zoning to accommodate this. We will be going through the review with HTC. If you like this is a conventional hearing. Since this is a conventional hearing, I will not get into detail. If you have questions, I'd be happy to talk with you. There is a pretty specific site plan that we're doing. This not pushing the envelope. I'd be happy to talk to you about the HTC process if you have questions.

Councilmember Egleston said I will circle up with you off-line. My point was going about that particular building.

Mr. Brown said preservation is important to the HTC and the petitioner.

Mr. Egleston said preservation is important to the HTC and the petitioner.

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

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ITEM NO. 37: HEARING ON PETITION NO. 2021-183 BY JAMES HOWELL FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.12 ACRES LOCATED ON THE NORTH SIDE OF ERVIN LANE AND WEST SIDE OF CHINA GROVE CHURCH ROAD, SOUTH OF EAST WESTINGHOUSE BOULEVARD FROM R-8 (CD) (SINGLE-FAMILY RESIDENTIAL, CONDITIONAL) TO R-8 (SINGLE-FAMILY RESIDENTIAL).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said It is a couple of different parcels along China Grove Church Road and Ervin Lane. They total 1.12 acres. They were previously zoned R-8 conditional. They are looking to just rezone to just an R-8 conventional. We've got some similar R-8 zoning also along China Grove Church Road and Ervin Lane. Staff felt it was consistent with both that and the I-485 Transit Station Area Plan. It does recommend single-family up to eight DUA. So, we're consistent with that recommendation. Again, this is a conventional petition and staff does recommend approval. There are no outstanding issues and it is consistent with the area plan recommendation we will be happy to take any questions you might have on this one.

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

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ITEM NO. 38: HEARING ON PETITION NO. 2021-184 BY REVOLVE RESIDENTIAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.86 ACRES LOCATED ON THE WEST OF YEOMAN ROAD, EAST OF SOUTH TRYON STREET, AND NORTH OF WOODLAWN ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-TR (TRANSIT-ORIENTED DEVELOPMENT - TRANSITION).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said .86 acres as mentioned on Yeoman Road. It's currently zoned I-2. Looking to rezone to TOD-TR. You can see on the slide there's TOD-TR in the general area just northeast or northwest of that site. Woodlawn Transit Station Area Plan does recommend the office and industrial warehouse distribution uses for the site. But you can see there's TOD mixed recommendations just on the other side of Yeoman and Gilead Street and [inaudible] Street. The staff does feel this is an appropriate continuation of some of that transition to TOD type of uses in this area. We do recommend approval of this petition. As mentioned, it is conventional to a TOD-TR District and we'll be happy to take any questions you might have following the petitioner's presentation. Thank you.

Bridget Grant, 100 North Tryon Street said land use consultant with Moore Van Allen. Here tonight with the petitioner, Tim McCollum, with Revolve Residential. Given the conventional nature of the petition, we not going to give a presentation but we're happy to answer any questions.

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

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ITEM NO. 39: HEARING ON PETITION NO. 2021-185 BY SXCW PROPERTIES II, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.48 ACRES LOCATED ON THE EAST SIDE OF FREEDOM DRIVE, SOUTH OF INTERSTATE 85, AND WEST OF TUCKASEEGEE ROAD FROM -1 SCD AIR (SHOPPING CENTER, AIRPORT NOISE OVERLAY) TO B-2 AIR (GENERAL BUSINESS, AIRPORT NOISE OVERLAY).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said it's just under 2.5 acres on Freedom Drive. Currently, it's zoned B-1 SCD with airport noise overlay. The proposed zoning is for a B-2 conventional and also with the airport noise overlay as well. The Central District Plan from 1993 does recommend retail uses for the site. This is an area that I believe has seen some redevelopment. The property just behind I believe is just redeveloped and is under construction, closed to completion for I think some medical offices. This piece on the front side is part of that overall B-1 conditional that brought that online but this is transitioning just to a B-2 conventional to allow a little bit more flexibility to develop the frontage along Freedom Drive. The staff does recommend approval of this petition and it is consistent with the Central District Plan and recommendation for retail on the site. Again, this is a conventional petition, and with no outstanding issues, we will be happy to take any questions following any kind of presentation from the petitioner team. Thank you.

Anthony Fox, 10116 Saw Mill Road said thank you for what you are doing and the lateness of the hour, I will be brief. I represent SXCW Properties, LLC, also known as Sam's Mart. I am joined by Anthony Warren and Jenny Lucas. I'll make the presentation. It will be brief. This property is designed to infuse what was a challenging area with new and vibrant use. We are seeking to rezone the property from B-1 AIR to B-2 AIR to accommodate intended use that's consistent with the ownership and the owners of development throughout the city. It's a 2.4-acre site. It is currently vacant. It is I'm happy to say, it is consistent with the Central District Area Plan as it contemplates retail uses, and the use of this property that will be made. I will answer any questions that you may have. Thank you.

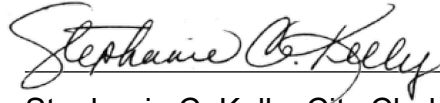
Motion was made by Councilmember Winston, seconded by Councilmember Ajmera, and carried unanimously to close the hearing.

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ADJOURNMENT

Motion was made by Councilmember Egleston, seconded by Councilmember Winston, and carried unanimously to adjourn.

The meeting was adjourned at 10:05 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 5 Hours, 11 Minutes
Minutes Completed: July 21, 2022