

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, February 21, 2022, at 5:04 p.m. from the Meeting Chambers of the Charlotte Mecklenburg Government Center with Mayor Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Julie Eiselt, Larken Egleston, Malcolm Graham, Renee Johnson, Matt Newton, Gregg Phipps, and Braxton Winston, II.

ABSENT UNTIL NOTED: Councilmember Victoria Watlington.

Mayor Lyles said I want to welcome all of those watching this meeting virtually as well as those that are in attendance here. Tonight, joining us in the February 21st meeting got the Charlotte City Council. So, tonight's meeting is being held in accordance with the applicable law, governing remote meetings with Council Members that are participating both in the building as well as remotely and all of the requirements of the law are being met. The public and media are able to view this meeting on the Government Channel, the city's Facebook Page, and the city's YouTube Page.

* * * * *

INVOCATION AND PLEDGE

Councilmember Eiselt gave the Invocation followed by the Pledge of Allegiance to the Flag.

* * * * *

EXPLANATION OF THE ZONING MEETING PROCESS

Mayor Lyles explained the Zoning Meeting rules and procedures.

* * * * *

INTRODUCTION OF ZONING COMMITTEE

Keba Samuel, Chair of the Zoning Committee introduced members of the Zoning Committee. I chair the Zoning Committee. The Zoning Committee will meet on March 8th at 5:30 p.m., to discuss and deliberate on the petitions being heard tonight. That 5:30 meeting on March 8th, 2022, will not be a continuation of tonight's public hearing. There will not be an opportunity for the public to speak, unless and until a committee member has a question that is best addressed by a member of the public. That meeting will stream live on the city's Planning Department's YouTube Page. For questions or to contact the Zoning Committee, information can be found at charlotteplanning.org.

Mayor Lyles said Ms. Samuel will give us any questions that the Zoning Committee has as we go through the public hearing. So as the Council has adopted a policy that no good is done, after 10:00 p.m. So, if the meeting lasts beyond 10:00 p.m., we may recess the

hearings and reconvene those at a later date. My hope is that we're able to accomplish all of those scheduled to avoid any inconvenience to the petitioners.

* * * * *

DEFERRALS/ WITHDRAWALS

Motion was made by Councilmember Eiselt, seconded by Councilmember Newton, and carried unanimously to defer: a decision on Item No. 2, Petition No. 021-103 by Providence Group Capital, LLC to March 21, 2022; a hearing on Item No. 3, Petition No. 2021-176 by Anita Thomas to March 21, 2002; and, withdrawal of Item No. 18, Petition No. 2021-014 by Whitestone Holdings, Inc.

* * * * *

DECISIONS

ITEM NO. 4: ORDINANCE NO. 239-Z, PETITION NO. 2021-089 BY REDWOOD USA, LLC AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent from post-hearing staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because the Newell Small Area Plan (2002) recommends residential uses up to four dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential uses for this site. The requested density remains under four DUA, which is the recommended density of the site. The request helps to achieve the area plan's land use goal to "encourage a range of housing types that will meet the needs of different types of households". The general land use pattern in the area includes residential developments of complementary density.

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. Breaks out the MUP commitments and related amenities into a separate bullet so it is more visible.

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

Councilmember Johnson said I do want to acknowledge the residents and also the developer on this petition. I worked closely with the developer and also the residents, trying to negotiate a happy medium for this petition. The developer, I met with him several times. He's been very open to meeting with the residents. We were all invited out to one of the properties, to see what the finished project would look like. This developer is as Mr. Pettine said, developing a multiuse path. There's a trail head, station and it connects to Rocky River, across the street from the park. There's going to be parking and bike repair stations. So, this developer is really trying to be a good neighbor and benefit the community. So, for that reason, I support the petition.

Motion was made by Councilmember Johnson, seconded by Councilmember Winston, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be consistent from final staff analysis based on the information from the final staff analysis and the public hearing, and because the Newell Small Area Plan (2002) recommends residential uses up to four dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the plan recommends residential uses for this site. The requested density remains under four DUA, which is the recommended density of the site. The request helps to achieve the area plan's land use goal to "encourage a range of housing types that will meet the needs of different types of households". The general land use pattern in the area includes residential developments of complementary density as modified.

Councilmember Watlington arrived at 5:19 p.m.

The ordinance is recorded in full in Ordinance Book 64, at Pages (s) 580-581.

* * * * *

ITEM NO. 5: ORDINANCE NO. 240-Z, PETITION NO. 2021-100 BY DONALD M. EDWARD AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 7-0 (motion by Ham, seconded by Spencer) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Prosperity Hucks Area Plan's (2015) recommendation of residential use, but it is inconsistent with the recommended density of 4 DUA, based on

the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential 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 this petition proposes up to 160 multi-family dwelling units that will be age-restricted (55+) for a density of 11.96 DUA. This petition will increase housing options and varieties of housing types in the area. Adjacent to this petition is Petition 2020-148, which was recently approved for detached and attached single-family housing units and allows for a density of up to 6 DUA. On the other side of Petition, 2020-148 is R12MF(CD) zoning on which are existing townhomes. The age-restricted multi-family units are an appropriate density transition from the lower-density adjacent townhomes. This petition will increase pedestrian connectivity in the area by committing to construct an eight-foot planting strip and six-foot sidewalk along the site's public street frontages. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan (2015), from Residential up to 4 DUA to Residential up to 12 DUA for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Winston, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be consistent with the Prosperity Hucks Area Plan's (2015) recommendation of residential use, but it is inconsistent with the recommended density of 4 DUA, based on the information from the final staff analysis and the public hearing, and because the plan recommends residential 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 this petition proposes up to 160 multi-family dwelling units that will be age-restricted (55+) for a density of 11.96 DUA. This petition will increase housing options and varieties of housing types in the area. Adjacent to this petition is Petition 2020-148, which was recently approved for detached and attached single family housing units and allows for a density of up to 6 DUA. On the other side of Petition 2020-148 is R12MF(CD) zoning on which are existing townhomes. The age-restricted multi-family units are an appropriate density transition from the lower density adjacent townhomes. This petition will increase pedestrian connectivity in the area by committing to construct an eight-foot planting strip and six-foot sidewalk along the site's public street frontages. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan (2015), from Residential up to 4 DUA to Residential up to 12 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page (s) 582-583.

* * * * *

ITEM NO. 6: ORDINANCE NO. 241-Z, PETITION NO. 2021-152, BY R.I. CHARLOTTE PROPERTY, LP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent from post-hearing staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because the University City Area - Blue Line Extension Plan's (2015) recommends office/retail uses as amended by rezoning petition 2017-196. 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 is generally consistent with the existing development pattern in the area. While proposed residential uses are inconsistent with the area plan's recommendation, the petition's reuse of existing structures ensures consistency with the current context. The site is less than a ½ mile from the McCullough transit station, which will provide appropriate transportation service for residential development. The approval of this petition will revise the adopted future land use as specified by the University City Area - Blue Line Extension Plan from office/retail uses to residential/office/retail uses for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Winston, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be inconsistent from final staff analysis based on the information from the final staff analysis and the public hearing, and because the University City Area - Blue Line Extension Plan's (2015) recommends office/retail uses as amended by rezoning petition 2017-196. 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 is generally consistent with the existing development pattern in the area. While proposed residential uses are inconsistent with the area plan's recommendation, the petition's reuse of existing structures ensures consistency with the current context. The site is less than a ½ mile from the McCullough transit station, which will provide appropriate transportation service for residential development. The approval of this petition will revise the adopted future land use as specified by the University City Area - Blue Line Extension Plan from office/retail uses to residential/office/retail uses for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 584-585.

* * * * *

ITEM NO. 7: ORDINANCE NO. 242-Z, PETITION NO. 2021-157, BY CITY OF CHARLOTTE AVIATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 6-1 (motion by Welton, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Dixie Berryhill Strategic Plan (2003) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office/retail/light industrial uses 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 area is located just west of the airport and the third parallel runway making it compatible for either light or general industrial uses. The site is located adjacent to Interstate 485 and just south of the I-2 zoned property being developed for general industrial uses. Any future development of the site will be required to provide a class A 100-foot landscaped to buffer from adjacent residential uses in compliance with the zoning ordinance. The approval of this petition will revise the adopted future land use as specified by the Dixie Berryhill Strategic Plan, from office/retail/light industrial to heavy industrial for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be inconsistent with the Dixie Berryhill Strategic Plan (2003) based on the information from the final staff analysis and the public hearing, and because the plan recommends office/retail/light industrial uses 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 area is located just west of the airport and the third parallel runway making it compatible for either light or general industrial uses. The site is located adjacent to Interstate 485 and just south of I-2 zoned property being developed for general industrial uses. Any future development of the site will be required to provide a class A 100-foot landscaped buffer from adjacent residential uses in compliance with the zoning ordinance. The approval of this petition will revise the adopted future land use as specified by the Dixie Berryhill Strategic Plan, from office/retail/light industrial to heavy industrial for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 586-587.

* * * * *

ITEM NO. 8: ORDINANCE NO. (DEFERRED), PETITION NO. 2021-158 BY TREVI PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF

CHARLOTTE TO AFFECT 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.

The Zoning Committee voted 5-2 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent from post-hearing staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because the Northeast Area Plan (2000) recommends institutional and residential/office/retail uses as amended by rezoning petition 2010-047. 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 adopted future land use for this site was amended by rezoning petition 2010-047. The proposal to allow additional uses, increase in height and clarify architectural standards do not drastically alter the intent of the previously approved rezoning. The petition furthers the Northeast Area Plan's goal to establish "a balanced land use pattern that includes a mixture of housing, shopping, employment, and civic 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. Added language stating that the automotive service station will be for only minor adjustments and repairs allowed in the CC district. Major engine work is prohibited.

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

Motion was made by Councilmember Johnson, seconded by Councilmember Eiselt, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be consistent from final staff analysis based on the information from the final staff analysis and the public hearing, and because the Northeast Area Plan (2000) recommends institutional and residential/office/retail uses as amended by rezoning petition 2010-047. 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 adopted future land use for this site was amended by rezoning petition 2010-047. The proposal to allow additional uses, increase in height, and clarify architectural standards not drastically alter the intent of the previous approved rezoning. The petition furthers the Northeast Area Plan's goal to establish "a balanced land use pattern that includes a mixture of housing, shopping, employment and civic uses" as modified.

Councilmember Winston said I just want you to know I will be voting against this that is going with the minority opinion of the Zoning Committee. The removal of the wellness center and the adult care center in favor of the automotive care center is not appropriate. We would lose an opportunity in a very auto-centric part of town. So, perhaps gradually it includes more pedestrian-centric development with that change, thank you.

Councilmember Phipps said I followed this petition for quite a while, and I even attended the groundbreaking back a couple of years ago, but I find myself here conflicted. I no longer share the same enthusiasm that I once did for this project. I think while the original intent of the project still several elements of it still remain, I think that the project has evolved to a point where I cannot support it due to various administrative and site plan amendments that have occurred over the last few months. Namely, one of them, a couple of them, that Mr. Winston mentioned, being the elimination of the adult daycare facility, and the wellness facility. Also, the removal of restrictions on some of the multifamily units from age restrictions to I guess no restrictions there. Also, replacing that adult daycare center and wellness center, with the gas station, gives me some heart burn. So, I know this petition has been around for a long time, back in 2010. I recognize the fact that the market has probably moved in different directions. I just cannot support it in its current form right now, so I'll be voting no against this petition, also. Thank you.

Councilmember Johnson said I wanted to know about those kinds of changes, like, mid-project. I know we don't send it back for zoning, but how are citizens and Council protected, I guess, is the word, for the integrity of the rezoning petitions? Where is that check and balance that the changes like this aren't made from the original intention or the original application?

David Pettine, David Pettine, Planning, Design & Development said the check and balances essentially is the vote this evening and the process that it went through to get to the current state that it's in. As presented for decision through, you know, when the hearing came up last month, and when that process starts, that's the kind of check and

balances to see what's changed and what the need is for the changes that are being requested by the petitioner and then, that evaluation begins through the just the normal rezoning process. So, it's really the process itself becomes kind of the check on, you know, the evaluation of those changes from previously approved project to, you know, requested site plan amendments and administrative amendments after the fact.

Mayor Lyles said Ms. Johnson, does that address?

Ms. Johnson said yes, thank you.

Councilmember Eiselt said in light of some of my colleague's comments, I would like to rescind my second motion.

Mayor Lyles said so we do not have a second for the motion. I'm assuming there's been some reconsideration and thoughts raised by comments from Mr. Winston and Mr. Phipps, but we do have a motion. I can't remember who made the motion, for the original. Who made that motion? Ms. Johnson? Ms. Johnson made the motion, Ms. Johnson made the original first, and so, do we have a second from the Council?

Mr. Winston said I would like to make a substitute motion, because I must say, well, I guess I would make a motion if that one did not carry. I did not intend to necessarily kill this petition. I didn't necessarily count the votes here and talked to colleagues about this. So, I don't want to blind side this petitioner. So, Mr. Phipps, I don't know if it would be more appropriate to ask for a deferment or to send it back to the zoning committee, to see if there is anything that can be done here.

Mr. Phipps said yeah, my review of the notes and minutes, I mean, the Zoning Committee approved it by a margin of 5-2. I don't know what it would do. But it's not my intention, either, to disrupt the process at this late stage, but this petition has been in some form or fashion, since 2010. I recognize, our changes in the marketplace, and, you know, trying to get something done, but other than that, I think that it's appropriate that we would go ahead and vote on this petition and move on.

Mayor Lyles said Mr. Driggs has seconded the motion, made by Ms. Johnson. And I think that you've heard the discussion that -- what I heard Mr. Phipps say, is that this is perhaps being driven by the way that the land use has been in the current state. While it was not originally intended that way, it is the current state. I think that Mr. Winston was saying that it would be helpful for us to let people know before we're going to do that because there are major consequences when we deny a petition.

Ms. Eiselt said I would be inclined to vote no, but if this is going to kill this deal for two years, I would have wanted the opportunity for it to be sent back to the petitioner if it was to be deferred for them to sort this out.

Mayor Lyles said the motion though is to approve it.

Mr. Winston said then make a substitute motion.

Mayor Lyles said no, we started the roll call and I don't that we can come back.

Councilmember Ajmera said I'm in the same boat as Mayor Pro Tem, and I would like an opportunity to defer this. So, can I go ahead and make a substitute motion? I don't think I even made a substitution motion to defer this yet.

Mayor Lyles said I need to work with our attorney, we have a motion on the floor that has been made and seconded to approve the petition. We've got two votes to do it. One against. I'm just trying to make sure that what we're doing is appropriate. Do we have to go through the motion that's on the floor or since we start voting, or are we allowed to make a substitute motion?

Ms. Johnson said I'm sorry. Since I made the original motion, I just talked to the developer on the phone, and he's prepared if we defer, the vote. So, since there is this uncertainty, he'd like to clarify some things that he says aren't really accurate as far as you know, he's not removing the wellness center and other things. So, he's comfortable with the deferral, so if I rescind my original motion, then can we make a substitute motion to defer this for another month?

Councilmember Graham said we've already started voting.

Ms. Johnson said okay, well, okay. All right.

Mayor Lyles said I had to talk to the city attorney about this, and because of the dire consequence of the two-year deferral, we will abandon this original motion, and I think that; I'm not sure if the Mayor Pro Tem or Ms. Ajmera but made the motion to defer this petition. So, I need the motion to defer the petition and a second.

Mr. Graham said I'm not disputing what the attorney said, but that's the first I've heard that you can stop a vote right in the middle of it and make a substitute, but I'll go along with the spirit of what we're trying to do, but I'm not sure that's procedurally correct.

Mayor Lyles said I think you need to go on the record because this is the question.

Mayor Lyles said Mr. Graham, I'm going to ask the attorney to go on the record to make this statement.

Terrie Hagler-Gray, Senior Assistant Attorney said Mr. Graham, because of the uncertainty with which direction the Council was going in before, the vote started on this motion, and because of the consequence that there won't be an opportunity for the petitioner to come back for two years, if the motion is denied, and also, because of the information that Ms. Johnson provided about the deferral, I think because of the situation it seems that the intend tent of the Council is to give this petition an opportunity. It is at

the discretion of the Council, but I believe that in the circumstances, you may be able to go ahead and accept the substitute motion at this point.

Mr. Graham said okay.

Mayor Lyles said I'm going to say this, and I think first, we're going to hear from Ms. Samuel on this petition, who is the chair of the zoning committee.

Keba Samuel, Vice Chairperson of Charlotte Mecklenburg Planning Commission/Chairperson of Zoning Committee said wants to clarify that the minority opinion is based on the documented requested details in the staff analysis that specifically state remove the 25,000 square foot wellness center, remove the 14,000 square foot adult care center. I think it was Councilwoman Johnson, who noted that the petitioner is saying that it's not accurate. Perhaps, if it pleases the Council, they can send it back to the zoning committee, if that information is not accurate. Would be another option here, if I understand correctly. Again, the minority opinion was based on the documented requested details prepared in the staff analysis. Thank you, Madam Mayor.

Ms. Hagler-Gray said I would just like to say, based on the circumstances, and the intent of the Council, what it appeared to me, I had made a determination that the vote could be interrupted, but I understand that it is not typical to do that and so, I would at this point recommend that you go forward with the vote to I believe it's a vote to approve.

Ms. Eiselt said I think that the difference with this versus a vote we make during the business meeting is we want to make sure that if we vote to deny this petition, have we immediately closed the door on a deferral? You know, does that start the clock by saying you can't come back for two more years because we denied the petition?

Mayor Lyles said Mayor Pro Tem, what I would say, then defeats the motion that was on the floor, and take the next step, and have the motion to keep the process clean

Ms. Eiselt said well, that's what I asked Ms. Hagler-Gray is if we could do that because if we vote to deny the petition, does that immediately cancel the opportunity to defer it, does this immediately say it cannot come back for two years, is there still an opportunity to defer it?

Ms. Hagler-Gray said I believe the motion was to approve the petition. Is that correct?

Mayor Lyles said mayor: that is correct. The motion was to approve the petition and the zoning committee's statement as our own. So far, on the roll call vote, we had Ms. Johnson voting yes, Mr. Newton voting no, and Ms. Watlington voting yes. The Mayor Pro Tem and Ms. Ajmera take a position to have a substitute motion. The issue is having a substitute motion in the middle of the roll call vote. I'm trying to figure out a way, that we can accomplish this, but we do have a motion on the floor, that has to be voted on. A motion properly made and seconded.

Mr. Winston said Madam Attorney, it's my understanding if a petition is denied, then that two-year period would be on the table. What we have now is a motion to approve. Is a failure to reach six votes to motion approve the same as a denial? Being what I'm getting at if we don't get six votes to approve, could we make another motion to do something with this petition i.e., send it back?

Ms. Hagler-Gray said yes sir.

Mayor Lyles said that's the path, I was trying to take, if you take this motion and it don't get approved, then we are ready to start with a clean motion. roll call vote, so everyone knows what the count is, Ms. Johnson has voted in support and Mr. Newton has voted against. Ms. Watlington has voted in support. We're now to the Mayor Pro Tem?

Ms. Johnson said I'm sorry, to interrupt, but I would like to change mine to no, given the conversation that we had.

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

YEAS: Councilmembers Bokhari and Graham.

NAYS: Councilmembers Ajmera, Driggs, Egleston, Johnson Newton, Phipps, Watlington, and Winston.

Motion was made by Councilmember Braxton, seconded by Councilmember Ajmera, and to defer for 1 month: a decision on Item No. 8, Petition No. 2021-158 by Trevi Partners, LLC to March 21, 2022.

Mr. Graham said I do, and I don't want to be a bug tonight, right, but procedurally, are we doing this the right way? Either an approval or denial?

Mayor Lyles said Mr. Graham, the Council can vote for a deferral.

Mr. Graham said after it was denied?

Mayor Lyles said yes.

Ms. Hagler-Gray said it wasn't denied, it didn't achieve the six votes necessary to approve. You can either make a motion to deny, but there's been a motion made to defer, because the previous motion didn't pass so there's no action.

Mayor Lyles said okay, guys. Can y'all help us a little bit? I know you're all excited about this opportunity for the way that we see this. We have an attorney. Mr. Graham, did you hear what was said?

Mr. Graham said I'm fine.

mmm

Ms. Johnson said Mayor, I have to piggy-back off of Mr. Graham's question, in concern about the process. This goes against our practice. So, if the attorney is saying that because we didn't vote specifically to deny it, failure to approve it still leaves the issue to adjudicate able? I thought that not approving was a denial.

Mayor Lyles said no, the motion was to approve and that did not pass. So that opens it up for another motion and generally, that's the way we've done our business meetings, if something doesn't pass, you can go to a substitute motion or another motion. I think that's what she's saying, it's like a clean slate. We couldn't make the motion I'm assuming. We could make the motion to deny, or we could make a motion to defer. That's the way I understand what Ms. Hagler-Gray is saying to us. I'm going to say that she has been sitting through the zoning meetings more than most of us have had all combined. I tell you, if something comes back, this is how I believe, if she goes back and says, I've done the research, and it's changed, we bring it forward again. Right now, it's a deferral and there's no harm, no foul if she comes back and she says you have to do something now and she can do that in a week.

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

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

NAYS: Councilmembers Graham.

* * * * *

ITEM NO. 9: ORDINANCE NO. 243-Z, PETITION NO. 2021-160 BY CHARLOTTE-MECKLENBURG SCHOOLS & WOODFIELD DEVELOPMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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.

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the South District Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends multi-family up to 8 units per area, open space/greenway use and single-family residential up to 3 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 institutional uses, such as schools, are generally compatible with residential land uses. Provides a buffer along the eastern property line abutting residential uses. The petition provides relief to the schools in the

area. The proposal adds to the mixture of housing types in the area creating new housing choices. The site is located adjacent to Toringdon within the Ballantyne mixed-use activity center and provides a transition between the intense uses south and west and the single-family to the north and east of the site. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from multi-family up to 8 units per acre, greenway and single-family residential up to 3 units per acre to institutional use for the eastern portion of the site and residential less than or equal to 22 DUA for the western part of the site.

Motion was made by Councilmember Driggs, seconded by Councilmember Winston, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be inconsistent with the South District Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends multi-family up to 8 units per area, open space/greenway use and single family residential up to 3 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 institutional uses, such as schools, are generally compatible with residential land uses. Provides a buffer along eastern property line abutting residential uses. The petition provides relief to the schools in the area. The proposal adds to the mixture of housing types in the area creating new housing choices. The site is located adjacent to Toringdon within the Ballantyne mixed use activity center and provides a transition between the intense uses south and west and the single family to the north and east of the site. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from multi-family up to 8 units per acre, greenway and single family residential up to 3 units per acre to institutional use for the eastern portion of the site and residential less than or equal to 22 DUA for the western part of the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 588-589.

Councilmember Driggs said I just want to commend the neighbors for their very constructive attitude and conversations with the petitioner here and commit to them that we will work with them to ensure that some of the issues that they raised about possible parking and thoroughfares in the neighborhood because of the school, we will work to address those, the city will stay involved on that issue, but otherwise, I think we're ready to go ahead with the vote on this one.

Councilmember Winston said I echo Mr. Driggs' comments, grateful for the active neighbors. I was able to spend some time with Mr. Driggs, the developer, and folks from CMS (Charlotte Mecklenburg Schools). Again, this [inaudible] gets done by engaged citizens and this was definitely one of those situations.

* * * * *

ITEM NO. 10: ORDINANCE NO. 244-Z, PETITION NO. 2021-161 BY CHARLOTTE-MECKLENBURG SCHOOLS & WOODFIELD DEVELOPMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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.

The Zoning Committee voted 7-0 (motion by Spencer, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the South District Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends for residential up to 6 units per acre as amended by the previous rezoning 2017-171. 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 density is needed to help housing. Residential is compatible with institutional use. The proposal provides school relief. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from residential up to 6 units per acre to institutional use for the western portion of the site and residential less than or equal to 17 units per acre for the eastern portion of the site.

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

1. Added a MCPRD Recreation Center on the CMS-retained portion of the property.
2. Increased the affordability commitment to 15% (an increase from 10%) of units at a rate of 80% AMI for 20 years (an increase from 15 years).
3. Reduced the building height to 3-story 40' (from 48') for exterior multifamily buildings and 4-story 48' (from 55') for interior multifamily buildings. Note that we had to also increase the height of the school to 50'.
4. Reduced the massing and scale of the front multifamily building (was u-shaped, now broken into 3 separate buildings).
5. Added more green space, including a written and visual commitment linear park along Beau Riley and a pocket park at the corner of Beau Riley and Ardrey Kell. The minimum open space increased to 16,500 sq. (from 9,000).
6. Added wider sidewalks, with 12' MUP all the way around the residential site and min 6' at the western pinch point (was 5').
7. Agreed to construct a bus waiting pad if CATS provides future transit service to the area within 5 years of zoning approval.

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

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, to adopt and approve the following Statement of Consistency: this petition is found to be inconsistent with the South District Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends for residential up to 6 units per acre as amended by the previous rezoning 2017-171. 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 density is needed to help housing. Residential is compatible with institutional use. The proposal provides school relief. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from residential up to 6 units per acre to institutional use for the western portion of the site and residential less than or equal to 17 units per acre for the eastern portion of the site as modified.

Councilmember Driggs said I would like to say to the residents in the Audrey Kell area that I appreciate your passion and your engagement, raising the issues that you have, and I agree with you on a lot of those issues. I've done my best to take your message to the petitioner and to my colleagues, and I think that in a nutshell, we can summarize by saying that the density of the residential portion of this development is just too high. In the context of the adjacent single-family neighborhoods, the congestion on the roads, which is a serious problem, and the lack of public transportation and walkable amenities in the expected large development near apartments like this. The situation at Audrey Kell is [inaudible]. It's one of the most crowded roads in Charlotte. Notwithstanding these issues, I do acknowledge that the petitioners have responded to the opposition to the initial plan by making significant changes. The number of units has been reduced from 475 to 349. Significantly the number of affordable housing units is increased from 10 percent to 15 percent of total units. The affordability term is now 20 years up from 15. I would like to take this opportunity to emphasize that the affordability of the apartments was never the issue here, contrary to public statements that were made. Three mayor developments have been improved in District 7 in the last couple of years, with over 300 affordable apartments and they were not opposed by anybody locally. They did not encounter opposition in District 7. I think we need to move past that narrative.

Other improvements that have been made since the public hearing include the new recreation center, reduction in building height, and various plan changes as detailed in Mr. Brown's letter to me dated February 10th and by Mr. Pettine just now. The plan has come a long way since first offered. I regret that the final adjustment that I proposed that would have allowed me to vote for the plan has proved unworkable for the petitioners. That combined with my strongly held view that CMS should not make the City Council responsible for the timely delivery of schools makes it impossible for me to support this

petition. At the same time, colleagues I have tried to share with you all of the information you need to reach your own conclusion. I recognize that our usual practice of standing behind the district Council Member may not apply in this case. So, I appreciate the time you have given to me on these issues. The progress we have made since the petition was originally filed, and I will respect the will of the Council as determined by the vote we are about to take. Thank you, Mayor.

Councilmember Ajmera said I want to recognize Mr. Driggs's involvement in the rezoning petition. We have had several conversations. The whole component for this rezoning petition [inaudible] and because of his advocacy there have been several changes that have been made that are very positive from infrastructure improvements to open greenspace to affordable housing. We have come a long way from where we were at the hearing

I've also talked to our CMS board members. I've talked to residents, and I understand that school overcrowding is a serious issue. Some of the school overcrowding, we have contributed to that by approving higher density, and we need to be part of the solution. This is a part of the solution, by approving this rezoning petition. This is not perfect. However, we have come a long way with reducing the density and increasing the green space, and opening up the recreation center. So, I will be supporting it and I hope my colleagues will as well. Thank you.

Councilmember Winston said I would like to thank the petitioner. I would like to thank the CMS and I would like to thank neighbors and I would like to thank Mr. Driggs. I said a while ago, that Mr. Driggs is really good at these rezonings. I think he showed everybody kind of what I meant. He got a lot of concessions out of the developer. It's a great project moving forward, even if he's not going to support it.

A couple of things came up during this whole petition, I just think need some clarification or clarity. Congestion, I think this is one of the main things that we all as the Council at the city are trying to deal with. People do not create congestion. Cars, and automobiles, are what create the congestion. The need for people to get into their vehicles and use those vehicles to move about town, to get to the basic needs, essentials, like going to work, going to the supermarket, or going to school, are what creates congestion. In order to solve those issues, we have to develop a city that is more pedestrian-centric. It creates places where you don't need a vehicle and therefore, you have less traffic and congestion. We're dealing with a part of town that is very difficult to provide. Again, I would think to thank the petitioner for going back to utilizing the City Council-adopted policy to measure these things. We can measure the types of gradual changes that will be needed, right? This is a part of town that does have a lot of desirable services. That if there was more dense housing, you could take a more pedestrian-centric approach. That is part of what this represents. We're going to need more of this, not just on Audrey Kell Road, but in all parts of town. So, the more that people can do things like walk to school, the less congestion there is going to be. When it comes down to it, in this specific area, one of the biggest drivers of congestion, is the need for people to drive to school, particularly Audrey

Kell right there. Whatever congestion majority of that congestion is going to be, because of the new school and the traffic around pickup and drop-off.

So again, we have an issue in this city, regardless of its public schools CMS, private schools, [inaudible] school, charter schools. Too many people have to drive [inaudible] that creates traffic nightmares all over the town. Not matter where you're at. So, this petition hopefully will help bring a gradual difference in this area. I will say, it can't be spoken enough, this project brings unsubsidized affordable housing to District 7. Over this past year, it's been highlighted how difficult it has been for us to subsidize affordable housing in District 7. This project, because of its innovation, is going to allow that.

Again, I have to give some props to CMS. This can't be overstated. This community, this city, and this region has been in a conversation around affordable housing and equity. In 2017, I think it was, we passed an almost billion-dollar bond to build more schools. This was in the middle of an affordable housing conversation. Where we have identified that the biggest inhibitor to building affordable housing is the cost of land and as a community, the way we develop schools is one of the few greenspaces where you have the ability to cut the costs of dirt in charlotte. So, we have to find ways to get CMS to develop housing when they develop schools and you're doing that. right? This is an experiment. This is hopefully something that can be replicated throughout the county, throughout the city. I would agree with Mr. Driggs, that I think if there's anything that there was a missed opportunity, where we can figure out a better way to collaborate here. Being that you are finding a solution that we've asked you to, and that affordable housing and pedestrian-centric development is something that we have asked you to think about. When you bring something to us, how can we help to better this, right? How can we hear, for instance, the issues of the community, right? I think about what we learned in other development projects, like in Centene, right, where we are going above and beyond and finding ways that we can improve state-maintained roads, right? Well, this was the main sticking point on this petition. Is there something that we have learned in other types of developments and land use projects that can be applicable, as you're introducing these models of development? Are there ways that we can work with you and other development partners, to utilize these dollars that we put, to house teachers, firefighters, and police officers, in affordable housing situations, in places that they might find really desirable, right? Like next to an elementary school, or a high school, and in a place that has apartment living as well as home ownership opportunities and townhomes. There might be that natural upward economic mobility, again, if we find better ways to collaborate.

So, I know I said a lot, but this is important. These past two petitions are very important. I hope that we look back at these two things, as a real paradigm shift, in how we develop our cities, so kudos and congrats to you on this, thank you.

Councilmember Eiselt said I too, want to thank Mr. Driggs. He worked really hard on this petition. I was disappointed that the petitioner would not reduce the number of units by another 50. I'm not trying to be cynical. I think that probably could have been done. I really don't like being pitted against the schools like this. Either we're for the schools and

affordable housing or not. The City Council has the job of planning. The schools don't and the county doesn't. It is tough, as anybody knows who watches these rezonings, every single month, the whole country is struggling right now with rising house costs, traffic congestion, and things like that. None of these are binary choices, right? We need more of this kind of product. in this part of town. There's no doubt about that. Audrey Kell is the problem, that street is a problem, there's no doubt about that. We need more school options in South Charlotte, there's no doubt about that and so it leaves us with a very difficult job to do. At the end of the day, I really don't like being pitted against our colleagues in government by the developer, frankly. So, that was very frustrating for me, in this process. At the end of the day, I'm going to support this petition, because we need to leave alleviate the overcrowding in our schools. There's a parent who had children through the public school system here, who had kids that have 48 kids in a trailer. I can't even imagine what that would be like, in the COVID (mild to severe respiratory infection caused by the coronavirus) environment, to have to now have to deal with that kind of overcrowding. This is something that I've said, and we always talk about that we need to do, the City Council, needs to figure out ways to partner with the schools and I don't believe we've had one, a zoning that we've partnered with the schools on since 2016 with the school at least Eastland. So, I hope that we can refine this process. I hope that the city planners can get involved earlier on and this can be a more satisfactory outcome, but at the end of the day, I want to remind everybody that traffic congestion is a real problem all over the city. Every one of us are struggling with it. The state has an \$11 billion gap between projects that have been approved, that are in the trips, projects that are approved for funding, and what the state has to pay for that funding. We have got to get our state leaders to understand the desperate need for transportation improvements all over the state and address the lack of funding for those.

So, this was something that, frankly, is a little bit out of our control, because we can't do anything about Audrey Kell or Providence Road, the traffic congestion on those. I think we all need to team together and really advocate at the state level with our state representatives, that we need help addressing the traffic congestion in these parts of the town. With that, I will be in support of this petition, and I hope that if this were to come up again, we would figure out a better way to work together for a better solution, thank you.

Councilmember Johnson said I just want to say that I will be supporting this petition. This petition checks all of the boxes, it's affordable housing, where there might not otherwise be affordability. We're building schools in the overcrowded school district area. It just checks the boxes. The neighbors complained about the traffic. I understand that. Mr. Driggs said this is one of the most congested areas in the city. I agree with Mayor Pro Tem. She just nailed it. We need our state leaders or we as Council or elected officials, have to do something. This is a macro issue. Yes, this is a congested area. So was Sugar Creek, when there was a petition that was approved. So was the highway with 160. So was Mallard Creek when we approved a million square feet of the development. So, traffic is an issue in the city. That's a macro issue, so we as Council can't cherry-pick which of our residents are going to be negatively affected by the growth. It's something that we as a Council or a state representative, that we have to be intentional about addressing. The

traffic is an issue, and I would say also if we could work with the state leaders and really try to develop a plan if we take a step back from development or whatever it is going to take, but the traffic is a problem, but unfortunately, the current residents are bearing the burden for the future residents that we're planning for. So, we as leaders have to balance leading for the future with managing for the here and now. I think that this is just an example of what we as leaders or state leaders, need to address the macro issue of the traffic and the lack of infrastructure, but for this development, I'm excited and look forward to supporting it, because again, it's affordable housing in an area that might not otherwise be affordable and the additional schools so, I will be supported supporting, thank you.

Councilmember Phipps said I think one of the most frustrating parts of the petition was the fact that that there was no way or supposedly, there was no way to delink school construction from the multifamily units. I don't know that I've ever seen a petition that was really structured this way where it was an all-or-nothing type of proposition. I recall back in 2017 when I actively campaigned for school bonds. So, it would sort of be really just counter intuitive for me to vote against the school construction after I was out there campaigning, holding up signs in support of school bonds, back in 2017. So, I'll be supporting this petition as well, and I also thank Mr. Driggs. He was working with people James Brown is the hardest man in show business. I think it's Mr. Driggs, working this, working phones, working with his colleagues on this, and trying to reach an accommodation, and I appreciate his leadership in this area. So, I'll be supporting it. But one thing I wanted to find out was, much has been said about if these schools would help alleviate overcrowding. I'm wondering, has there been any modeling to show how long it would take for these schools, after construction, to reach capacity again? I would be interested in knowing if the school board, [inaudible] has ever done any of that type of modeling that might be available to us there.

Mayor Lyles said we'll do a follow-up so that we can ask that question and see people nodding so we'll get some additional information and send it out as a result of the follow-up report. I think it's probably one of those situations whereas Ms. Johnson said, almost every one of the ills that we've talked about in urban living, is part of what this petition has addressed, or called our attention to. Particularly, I want everybody to remember when we were talking about Charlotte, and in the next ten years, will grow another city the size of Greensboro here. So, these are not going to be new issues for us. They're going to be issues that continuously show up on our agenda. I really appreciate the idea of how we collaborate and share information as we work together, toward the quality of life for everyone in the city. We all know the top issues are making sure that we have a really good program for our kids, to be able to have the jobs of the future, that we continue to address affordable housing, and that we provide ways for people to move around this city that isn't a burden on the quality of life that we present. So, as we're going through this, Mr. Driggs has probably been what I would call a wise person to really give us a model, for how to address some of these issues and how we have to talk about it in our communities because this will not be the last one. We're going to grow 200,000 people in the next ten years. These problems are only going to grow with the population growth in our city.

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

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

NAYS: Councilmember Driggs.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 590-591.

* * * * *

ITEM NO. 11: ORDINANCE NO. 245-Z, PETITION NO. 2021-162 BY ROSEMARIA ESPINOZA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 7-0 (motion by Spencer, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Thomasboro/Hoskins Small Area Plan (2002) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends retail uses for the site. However, we find this petition to not be reasonable and in the public interest based on the information from the post-hearing staff analysis and the public hearing, and because the site is surrounded by general and neighborhood business zoning districts and this petition as a conventional rezoning without conditions would allow for nuisance uses and would not remedy the traffic issues in the area.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, to adopt and approve the following Statement of Consistency: this petition is found to be consistent with the Thomasboro/Hoskins Small Area Plan (2002) based on the information from the final staff analysis and the public hearing, and because the plan recommends retail uses for the site. However, we find this petition to not be reasonable and in the public interest based on the information from the final staff analysis and the public hearing, and because the site is surrounded by general and neighborhood business zoning districts and this petition as a conventional rezoning without conditions would allow for nuisance uses and would not remedy the traffic issues in the area.

Mayor Lyles said I looked at this on the map and if you look on the map, the site is denoted with the red star. I see nothing but asphalt. I mean, nothing but asphalt. Around that and I wondered if there was any rationale because it's Brookshire. It's Highway I-85, with several exits, and a diamond. It just seems to me that when you look at the surrounding uses, and where this is, I don't see how it can become more than.

Councilmember Egleston said Madam Mayor, it's also in our packets, the full explanation of the zoning committee's discussion and vote.

Mayor Lyles said yes, sit in it is in the packet.

Terrie Hagler-Gray, Senior Assistant Attorney said thank you Councilwoman Johnson for the question. So, the committee thought that this particular petition for it to come to us conventional and not knowing the types of impact that it would have, in this area, was bothersome for some committee members. Once that concern was voiced, there was some discourse about the whys and the whats. That area of 16 is fairly tiny in terms of its intersecting with 85, Rozzelles Ferry Road, and Lynwood. If that petition were to move forward on a conventional basis, it may impact that single-family community right there, not knowing the traffic problems that it could exacerbate, going to Highway I-85. So, some of us drive that highway or that stretch of 16 every day and have seen many accidents. So, not have it come to us conditionally was a bit of a concern. We didn't want to approve it in the blind.

Mayor Lyles said I remember we had this conversation about conditional versus conventional rezonings before. I think that what Ms. Samuel is saying, is that conditional would have been preferable, is that correct? Did I say that correctly?

Keba Samuel, Vice Chairperson of Charlotte Mecklenburg Planning Commission/Chairperson of Zoning Committee said that's correct, Madam Mayor. With conventional rezoning, the petitioner is not required to submit a site plan. So, without the site plan, knowing the direct impact on that particular quadrant of 16 and Rozzelles Ferry was a concern.

Mayor Lyles said I guess I'm going to ask this because we've gone through this once, if we do deny this petition, would there be a two-year moratorium on changes?

Ms. Hagler-Gray said yes, [inaudible] The standard is a two-year denial window, within which you must wait to come back for reconsideration.

Councilmember Driggs said I believe and correct me if I'm wrong, the standard is you can only submit a higher density application within the two-year period. If it's not a total lockout, the new petition has to be above the density of the one that was denied.

Ms. Hagler-Gray said that's correct, Mr. Driggs, I would have to check for sure, but there are specific exceptions to that two-year rule, and I think that the density of the hierarchy and the zoning categories is one of them.

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

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

NAYS: Councilmember Ajmera.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 592-593.

* * * * *

ITEM NO. 12: ORDINANCE NO. 246-Z, PETITION NO. 2021-169 BY CITY OF CHARLOTTE ENGINEERING AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency this petition is found to be inconsistent with the Northwest District Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential 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 the proposed rezoning to NS (neighborhood services) which proposes neighborhood services, a police station, and emergency services for this site, is compatible with the single-family land use recommendation for the site and surrounding area. Police Stations and emergency services are complimentary uses for single-family residential areas, especially when the site is located along a major thoroughfare such as Mt. Holly – Huntersville Road, as they provide protection for the residents near the site. Fire Station #33 is located 700 feet from this site, on Mt. Holly-Huntersville Road. The petition would contribute to multimodal mobility in the area by providing an 8' planting strip and 12' multi- use path along the site's Mt. Holly-Huntersville Road frontage. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan, from the current recommended single-family up to 4 DUA land use to institutional land use for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Winston, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be inconsistent with the Northwest District Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends single family residential 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 the proposed rezoning to NS (neighborhood services) which proposes neighborhood services, a police station and emergency services for this site, is compatible with the single-family land use recommendation for the site and surrounding area. Police Stations and emergency services are complimentary uses for single-family residential areas, especially when the site is located along a major thoroughfare such as Mt. Holly – Huntersville Road, as they provide protection for the residents near the site. Fire Station #33 is located 700 feet from this site, on Mt. Holly-Huntersville Road. The petition would contribute to multimodal mobility in the area by providing an 8' planting strip and 12' multi- use path along the site's Mt. Holly-Huntersville Road frontage. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan, from current recommended single-family up to 4 DUA land use to institutional land use for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 594-595.

* * * * *

ITEM NO. 13: ORDINANCE NO. 247-Z, PETITION NO. 2021-173 BY OPM LIMITED & BENFIELD AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.22 ACRES LOCATED ON THE SOUTH SIDE OF OLD MT. 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).

The Zoning Committee voted 6-1 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Northwest District Plan (1990) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential uses up to 8 dwelling units per acre on a portion of the site, and the recommends single-family residential uses up to 6 dwellings units per acre on the rest 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 the site is adjacent to a number of industrial-zoned parcels and this rezoning would bring the block along the south side of Old Mt. Holly Road and east side of Melynda Road under one consistent type of zoning district, industrial. Though the site is across from two single-family homes on the north side of Old Mt Holly Road, the other surrounding land uses are compatible with the proposed rezoning. Surrounding land uses

include institutional, auto-related retail, and auto-related office uses. Though the site is near single-family residential homes and is zoned for single-family residential uses, if this vacant site were developed under the current zoning district it would be almost entirely surrounded by industrial-zoned parcels and land uses that include an auto repair business and office and retail sites of two transportation companies. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan (1990), from single-family residential uses of up to 6 dwelling units per acre for a majority of the site and residential uses of up to 8 dwellings units per acre for a portion of the site to industrial uses.

Motion was made by Councilmember Graham , seconded by Councilmember Driggs, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be inconsistent with the Northwest District Plan (1990) based on the information from the final staff analysis and the public hearing, and because the plan recommends residential uses up to 8 dwelling units per acre on a portion of the site; and the recommends single family residential uses up to 6 dwellings units per acre on the rest 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 the site is adjacent to a number of industrial-zoned parcels and this rezoning would bring the block along the south side of Old Mt. Holly Road and east side of Melynda Road under one consistent type of zoning district, industrial. Though the site is across from two single family homes on the north side of Old Mt Holly Road, the other surrounding land uses are compatible with the proposed rezoning. Surrounding land uses include institutional, auto-related retail, and auto-related office uses. Though the site is near single family residential homes and is zoned for single family residential uses, if this vacant site were developed under the current zoning district it would be almost entirely surrounded by industrial-zoned parcels and land uses that include an auto repair business and the office and retail sites of two transportation companies. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan (1990), from single family residential uses up to 6 dwelling units per acre for a majority of the site and residential uses up to 8 dwellings units per acre for a portion of the site to industrial uses.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 596-597.

* * * * *

ITEM NO. 14: ORDINANCE NO. 248-Z, PETITION NO. 2021-180 BY DANIEL CORPORATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Charlotte Center City 2020 Vision Plan (2011) based on the information from the post-hearing staff analysis and the public hearing, and because although the plan does not make a specific land use recommendation for this site, it encourages future development that contributes to the overall viability and livability of Center City. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because this rezoning would allow for the redevelopment of the site for dense, mixed urban uses. A majority of the site is currently utilized as surface parking. The site is adjacent to other UMUD-zoned parcels that host various uses. The surrounding context of the site at the nexus of 6th Street and Graham Street in the Fourth Ward displays a gradual shift in the area to higher-density residential, retail, and office uses. The rezoning of these parcels would be in line with the redevelopment of the area. The subject site is located in the Fourth Ward Historic District and any future redevelopment on the site must adhere to the standards of the Historic District Commission.

Motion was made by Councilmember Graham, seconded by Councilmember Eiselt, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be consistent with the Charlotte Center City 2020 Vision Plan (2011) based on the information from the final staff analysis and the public hearing, and because although the plan does not make a specific land use recommendation for this site, it encourages future development that contributes to the overall viability and livability of Center City. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because this rezoning would allow for the redevelopment of the site for dense, mixed urban uses. A majority of the site is currently utilized as surface parking. The site is adjacent to other UMUD-zoned parcels that host various uses. The surrounding context of the site at the nexus of 6th Street and Graham Street in the Fourth Ward display a gradual shift in the area to higher-density residential, retail, and office uses. The rezoning of these parcels would be in line with the redevelopment in the area. The subject site is located in the Fourth Ward Historic District and any future redevelopment on the site must adhere to the standards of the Historic District Commission.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 598-599.

* * * * *

ITEM NO. 15: ORDINANCE NO. 249-Z, PETITION NO. 2021-183 BY JAMES HOWELL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 6-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency this petition is found to be consistent with the Sharon & I-485 Transit Station Area Plan (2009) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential uses up to 8 dwelling units per acre on 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 rezoning of these parcels from the existing R-8 (CD) zoning and its associated site plan would allow for infill development on the sites which, given their acreage, are currently underutilized. This petition is consistent with the proposed land use for the area. The approval of this petition would maintain uniformity with the surrounding zoning designations and development patterns.

Motion was made by Councilmember Watlington, seconded by Councilmember Winston, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be consistent with the Sharon & I-485 Transit Station Area Plan (2009) based on the information from the final staff analysis and the public hearing, and because the plan recommends single family residential uses up to 8 dwelling units per acre on 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 rezoning of these parcels from the existing R-8 (CD) zoning and its associated site plan would allow for infill development on the sites which, given their acreage, are currently underutilized. This petition is consistent with the proposed land use for the area. The approval of this petition would maintain uniformity with the surrounding zoning designations and development patterns.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 600-601.

* * * * *

ITEM NO. 16: ORDINANCE NO. 250-Z, PETITION NO. 2021-184 BY REVOLVE RESIDENTIAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 7-0 (motion by Spencer, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency this petition is found to be inconsistent with the Woodlawn 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 and industrial-warehouse distribution uses on 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 site is within a 1-mile walk of both the Woodlawn Station and Scaleybark Station. The TOD-TR 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. This petition would allow for the redevelopment of the site to transit-oriented uses. This site is adjacent to a number of parcels zoned TOD-TR that were formerly zoned I-2, reflecting a shift in the area away from intensive, industrial uses. The use of conventional TOD-TR zoning applies standards and regulations to create desired form and intensity of transit-supportive development, and conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the adopted future land use as specified by the Woodlawn Transit Station Area Plan (2008) from office and industrial warehouse distribution uses to transit-oriented development for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Egleston, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be inconsistent with the Woodlawn Transit Station Area Plan (2008) based on the information from the final staff analysis and the public hearing, and because the plan recommends office and industrial-warehouse distribution uses on 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 site is within a 1-mile walk of both the Woodlawn Station and Scaleybark Station. The TOD-TR 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. This petition would allow for the redevelopment of the site to transit oriented uses. This site is adjacent to a number of parcels zoned TOD-TR that were formerly zoned I-2, reflecting a shift in the area away from intensive, industrial uses. The use of the conventional TOD-TR 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 approval of this petition will revise the adopted future land use as specified by the Woodlawn Transit Station Area Plan (2008) from office and industrial warehouse-distribution uses to transit oriented development for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 602-603.

* * * * *

ITEM NO. 17: ORDINANCE NO. 251-Z, PETITION NO. 2021-185 BY SXCW PROPERTIES II, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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 B-1 SCD AIR (SHOPPING CENTER, AIRPORT NOISE OVERLAY) TO B-2 AIR (GENERAL BUSINESS, AIRPORT NOISE OVERLAY).

The Zoning Committee voted 6-1 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Central District Plan (1993) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the site is located along Freedom Drive, a major thoroughfare, making it appropriate for the application of the B-2 zoning district. The current site plan associated with the area from rezoning petition 1987-074 calls for the parcels to be utilized as surface parking for a shopping center. If approved, this rezoning would allow for the site to be redeveloped with various uses as prescribed by-right in the B-2 zoning district. The site is adjacent to a number of other parcels zoned B-2.

Motion was made by Councilmember Watlington, seconded by Councilmember Phipps, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be consistent with the Central District Plan (1993) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the site is located along Freedom Drive, a major thoroughfare, making it appropriate for the application of the B-2 zoning district. The current site plan associated with the area from rezoning petition 1987-074 calls for the parcels to be utilized as surface parking for a shopping center. If approved, this rezoning would allow for the site to be redeveloped with various uses as prescribed by-right in the B-2 zoning district. The site is adjacent to a number of other parcels zoned B-2.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 604-605.

* * * * *

HEARINGS

ITEM NO.19: HEARING ON PETITION NO. 2021-056 BY URBAN TRENDS REAL ESTATE, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.35 ACRES LOCATED ALONG THE NORTH SIDE OF B AVENUE, EAST OF BEATTIES FORD

ROAD, AND NORTH OF INTERSTATE 85 FROM R-3 (SINGLE-FAMILY RESIDENTIAL, R-17 MF (MULTI-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said as mentioned 1.35, just off of Beatties Ford Road between B Avenue and C Avenue. It's currently zoned R-3 and R-17. The northern portion of the site along C Avenue is the R-17 part. The proposed zoning is for UR-2 conditional and the adopted future land use in the northwestern district plan does call for multifamily uses. It does have some single-family recommendations down on that yellow portion of the site there as well. This proposal is to allow up to 20 multifamily units, as you can see in the layout there into four separate buildings, which would construct a new public street that would be a connection point between both B Avenue and C Avenue. Would provide an eight-foot planning strip and eight-foot sidewalk along public streets, a walkway that would connect residential entrances to the sidewalks. Also, a minimum of 12,000 feet of open space with seating areas and enhanced landscaping and shape structures, and then commenced architectural details for preferred building materials, modulations for buildings over 100 feet in length, pitched roofs, blank wall expanse limitations, and screened meter banks. The staff does recommend approval of this petition. There's some outstanding issues related to transportation. It is consistency with the Northwest District Plan recommendation for multifamily land uses. Again, we do recommend approval and be happy to take questions following the petitioner's presentation, Thank you.

Chris Ogunrinde, 227 West. 4th Street said I'm with Urban Trends Real Estate. I'm actually here tonight on behalf of Mr. Cousar. We are his agent and we're going through this rezoning on his behalf. Most of what you see here is some of our work. I figured I would talk a little bit about how we got to this point. This petition was filed last year and as a result of dialogue with the community, after the community meeting, we proposed a three-building, three-story 36-unit project for this site, because the owner, Mr. Cosa wanted to maximize the density on the site. As we talked in dialogue with the community, there were quite lukewarm to this concept. If you go to the next slide. They felt that it was just out of scale. The way we like to work, we like to listen. So, we went back to the drawing board. Basically, addressed some of the issues and scaled down the density, as well as the product. So, we went from a three-story walkup development project down to a townhome development. The next set of slides will show the sensitivity to the design that we bring to a different project, similar to this one. So, we have not designed this because Mr. Cousar is still trying to decide whether this will be a for sale or for rent product. However, the next set of slides will show you some of the work that we have done in the community which we hope that we're going to collaborate with Mr. Cousar to bring to the project in the Belmont neighborhood. Then, this is in the Third Ward.

This is recently completed by the Wesley Village Fremont West area, and this is under construction in South Charlotte On Swans Run. I show all of this to say that we did the

same reason how we listened to the community about the scale and the density, we're going to do the same thing as we get into the design phase. To listen to them and understand what they're looking for, and make sure that the design fits within the context where we are building. With that, I will take some questions, if you have some for us

Mayor Lyles said let me see if I heard this correctly. Is that you're requesting the urban residential conditional but you don't yet have the design and the conditional really requires a review of a number of things that require design and this starts the clock running, so that means that you would be working with the staff to bring something that meets the conditional standards at some point?

Mr. Ogunrinde said well, we do have the site plan, and that we are going to be bound by. So, I think we are going to be limited to height, a 40-foot height limitation, and the density is going to be defined. Now, the look of it is what we were hoping to have flexibility. If we go for sale, workforce housing, then we can decide whether it's a three-story product or a two-story product. The challenge that we've had with conditional rezoning to date is that when you make those decisions now, and then you decide on the different market product, and then you have to come back for rezoning, and we're trying to avoid having to do that. So, if there's a way to work with staff, to address some of the concerns that you might have, then we're willing to listen to that

Councilmember Graham said and you asked the first question for me. Thank you, Chris, for the presentation and for listening to the neighborhoods in reference to the size and scale of the project. Just as the Mayor indicated, I would love to, you know, before we approve this, be able to see some drawings, if possible. So, is that possible?
Mr. Ogunrinde said

Mr. Ogunrinde said oh, absolutely. The question is that does the images show to replace drawings, if not, then we'll do drawings. The examples of the products that could be built there in terms of the [inaudible].

Mr. Graham said yeah, [inaudible] Beneficial to the neighborhoods, and the neighborhood associations might be asking those types of questions as well. So, I think that will be helpful for all.

Mr. Ogunrinde said okay.

Mayor Lyles said I think working with Mr. Graham and the neighborhood associations may be good. I do have one question. I see the way the layout is now; you have two areas that have driveways that end in a dead-end area. I just wondered about how that might work for circulation and as well for visitors marking. So, I think there are issues around transportation and doing something that is safe in that setting, because I don't know whose property that is, but when you have that dead end, how does that work? How do we get refuge collection services in there as well? We have some places that we did, that we didn't do so successfully and the guys have to do extra things to get refuge collection

in and out. So, I just want us to be sensitive to what we're doing and particularly, where those properties come out. I know you'll come back with a homeowner or the rental property decision but again, something to look at for how we provide services, fire and ambulance, and refuge, in there as well.

Councilmember Phipps said I had a chance to read your community meeting report, you had four people in attendance there. None of which I could see raised any substantial objections. They had just had general questions. I was wondering, I don't know what kind of feedback you have been getting from the adjacent neighborhood, there, but it looks as if they really didn't avail themselves of this particular community meeting at this point. I don't know if you have had any subsequent conversations with them or not.

Mr. Ogunrinde said I'm glad you asked that question. The first meeting was the one you just refereed to and it was probably four or five people there. Everybody was just excited about seeing the investment come into Wilson Heights. Now, we've had subsequent meetings with them, and the new folks that came by said, gosh, this don't fit here. So, we said, well, let's take a step back.

We spoke with Mr. Cousar about let's just lowering the density and the scale and he was amenable to that. So, we went back and this they thought fit better with the fabric of the single-family community and all of that. The Magnolia Garden, that Mr. Cousar has owned for 46 years, he told me earlier. I'm like, wow, you must have bought it when he was 11 years old. He has owned it for a while. One of the perfect examples of affordable housing is one bedroom range of \$750 and two bedrooms there is \$850. He's basically wanting to kind of expand upon that and he's been a great neighbor to that community. So, from the comments that you saw there, they were excited to see him do more work there. We hope this will be an extension of what he's been able to do over the years.

Councilmember Eiselt said Chris, thank you, and I, too, want to tell you that I appreciate you working with the neighbors and listening to them about what their concerns have been. I would also share the sentiments that Mr. Graham expressed, I real little would like to see what that design would be, with it being for purchase versus rental. So, if we can get that, before the decision, it would give us a little time to ask any questions. I think that would be important. Also, get to see what the design would be based on whether it ends up being rental or for sale.

Mr. Ogunrinde said we'll get that done.

Ms. Eiselt said thank you.

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

* * * * *

ITEM NO. 20: HEARING ON PETITION NO. 2021-093 BY STEELE CREEK (1997), LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 184.9 ACRES LOCATED SOUTH OF INTERSTATE 485, EAST OF STEELE CREEK ROAD, NORTH OF BROWN-GRIER ROAD, AND WEST OF SANDY PORTER ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL), MUDD (CD) (MIXED-USE DEVELOPMENT DISTRICT, CONDITIONAL), I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO O-2 (CD) (OFFICE, CONDITIONAL), MUDD-O (MIXED-USE DEVELOPMENT DISTRICT - OPTIONAL), UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) WITH FIVE-YEARS VESTED RIGHTS.

David Pettine, Planning, Design & Development said just under 185 acres, it's located just south of 485, off Steele Creek Road at the end of Brown Grier Road and Sandy Porter Road. It's currently zoned a myriad of districts. You've got R-3, MUDD conditional, and I-1 condition, and the proposed is for O2. MUDD-O and UR-2, are all conditional zoning districts with five-year vested rights. the Steele Creek Area Plan does recommend residential up to 6 DUA (Dwelling Units per Acre). However, the development response study that was put together in October 2017, was a focus method to evaluate and work with the development proposals that called for unanticipated development activity from the existing area plan. The development response in this area did recommend that the area be developed with a mixed-use to moderate to high-intensity development. Along with an appropriate street network to support such development. The study also recommended that the development be walkable and pedestrian-oriented. So, the proposal that's included with this petition does have 1.23 million square feet for office and/or medical office uses, 340,000 square feet of community hospital use, and 104,200 square feet of commercial, 250 hotel rooms, and do have 275 multifamily dwelling units and or senior multifamily dwelling units, and 50 single-family attached dwelling units. It does allow for some conversion right and transfer of uses and also grants an easement of a 35-foot swim buffer for a future greenway and dedicates an area in E-2 for a future park.

Also, commits to transportation improvements as outlined in the TIS (traffic impact study) and commits to several preferred architectural standards throughout the development as a whole. The staff does recommend approval of this petition. We do have outstanding issues with transportation to work through. It's inconsistent with the adopted area plan, but it does implement the vision that was put together for the development response. Therefore, the staff again does recommend approval of the petition and we'll be happy to take questions following the petitioner's presentation, thank you.

Jeff Brown, 100 North Tryon Street said it is a pleasure for my colleague, Bridgette Grant and I to be assisting Steele Creek 1997 along with Childress Kline on this mixed-use rezoning for this Steele Creek area to be anchored by an exciting project of Novant Health facility, community hospital. I witnessed tonight, Chris Thomas, who supports a number of the efforts for Steele Creek 1997 and also, and Matt Stein, who leads the real estate and facilities for Novant Health.

Dave did a great job. Many of you may recall the Steele Creek 1997 for the gambrel Real Estate interest has really played a really stewardship role in this entire Steele Creek area for the new development. That includes for instance the premium outlet mall project that you can see nearby and the concourse across 485 at Arrowood Road. Those are all long-time Steele Creek 1997 properties and as a long-term stakeholders they're very patient in the development but the time is right to move forward. Particularly, with the opportunity presented by Novant Health to bring healthcare services to this underserved area.

This kind of sums up things, really in a nutshell. We're pleased again. Thank you, Dave, for all the great work of the staff. Pleased to have their support. There's some really I think really minor site plan-related issues dealing with transportation nodes, but this slide really shows that over a phased period of time, this is a big project. It is. As a result of that, a lot of the traffic study work has been done, and to tie the development on a phased basis to road improvement. You'll see that the heart of the project, is really where the Novant community hospital will be. That will be anchoring the project. That is at the heart of the project as well. Dave mentioned consistent with the development response, the street network that you see here, extensions to Shopton Road West and Dixie River Road, and again, our time is limited tonight, but in the material we sent to you earlier, it also the staff analysis of an extensive listing of the road improvements that have been proposed on a phased basis and the true [inaudible] has been reviewed and approved by C-DOT (Charlotte Department of Transportation) and NC-DOT.

This is again, the opportunity to bring healthcare services. Matt is here to talk, if you want, about the questions of why that is so pressing for this area. The opportunity to bring the community hospital is incredibly compelling. I did point out that Chris and also Bridgette among others on the team, have been out of the community with the stakeholder groups, and we're not aware of any opposition. No one is speaking in opposition here tonight. Also, I want to thank Councilmember Watlington for her efforts and otherwise, we're available to talk further as need be, thank you.

Councilmember Phipps said Jeff, I was wondering, has the hospital piece obtained the relevant entitlements yet in terms of the certificate of need and that sort of thing?

Mr. Brown said that is correct, they have. We're actually hoping to move very quickly in order to be able to implement the project in time for the certificate of need, itself. So, the development timelines are pretty tight. So, we need to move forward as quickly, but, yes, this is planned to provide tremendous services. It will be a 48-bed hospital in the first phase, including observation beds, and, you know, together with emergency services, and all of the other things that you would expect for this time of the facility.

Mr. Phipps said right. So, you mentioned phasing, do you have any idea other than just the road infrastructure improvements starting out, what would be the priority in terms of implementing phasing pieces of this?

Mr. Brown said sure. Several things that I would refer to on that, and if you go back, maybe go into the next slide, please, that's the development, let me move further to the next slide, the next slides or so. I could give you quickly a response Councilmember Phipps.

That's the development response. We are consistent with our goals. The next several slides really talk about transportation efforts. First and foremost, the opportunity presented by the development to bring new road extension. You'll see Dixie River Road will be extended through the site. Shopton Road West extended through the site. All of which will provide additional outlets and avenues for moving cars around. You'll see it's not shown up on this map, one of the other ones, several road improvements moving to the south, through the [inaudible] development and I think that's highlighted. Those will open up, and other avenues to brown Grier Road. So, there will be a variety of network connectivity as part of this development project.

Then as you can see, we studied all of these intersections in yellow, and a number of road improvements will be taking place. Some of the highlights would be, there will be an additional lane, for example, a decisional southbound lane on Steele Creek Road. That will extend for 800 feet going down towards Shopton. There are other improvements like that, another number of improvements on a phased basis. I emphasize a phased basis, because on a full build-out will be coordinating some of these aspects within NC-DOT, because they have road project plans for Steele Creek Road. I hope that's responsive to what you were seeking, Council member Phipps.

Councilmember Phipps said I was trying to figure out, apart from road infrastructure, what piece are we going to be going for as far as in the construction phase first? Will it be the hospital?

Mr. Brown said thank you, I'm sorry, if you can see the darker, sort of pink area there, red area, those would be the portions of the development that will happen first, and the principal element of that is in the heart of the site, where the community hospital will be, and some relatively limited amount of medical office, medical services. There will be a multifamily component up on Steele Creek, but closer to Steele Creek Road, as part of the first phase as well. As you can see, the bulk of the office development will be coming in future phases.

Councilmember Winston said I keep hearing that we're running out of hundreds of acre plots of development, but Mr. Brown, you keep on bringing them into the hearings over the past few years. So, I think that this is great. I hope that the staff and the petitioner, what really excites me here are these new public streets, right? Obviously, the petitioner is concerned about the project, first and foremost, but what we always hear about development in this part of town, this Steele Creek area, is the increased traffic flow, and the long wait that we have to improve state-maintained roads for the growth that's here. I just would like to point out to the public, these are the type of projects that really do have ripple effects. That flood of vehicle traffic, pours out into Steele Creek Road and heads

up to I-85 and 485, and makes it to the rest of the town. Part of why it's so constricting is because there's nowhere else for this to go. We are creating different networks here, potentially. I just like for us to make sure that as much as we can, the road network is optimized for the conditions in the greater part of the area. Again, this is how development and working with private development can alleviate some of the confines that we have in dealing with our issues, for state-maintained roads and other issues like that. So, I really like to know more and understand the impact that we think this road network could have on the greater area.

Mayor Lyles said I keep hearing that we're running out of hundreds of acre plots of development, but Mr. Brown, you keep on bringing them into the hearings over the past few years. So, I think that this is great. I hope that the staff and the petitioner, what really excites me here are these new public streets, right? Obviously, the petitioner is concerned about the project, first and foremost, but what we always hear about development in this part of town, this Steele Creek area, is the increased traffic flow, and the long wait that we have to improve state-maintained roads for the growth that's here. I just would like to point out to the public, these are the type of projects that really do have ripple effects. That flood of vehicle traffic, pours out into Steele Creek Road and heads up to I-85 and 485, and makes it to the rest of the town. Part of why it's so constricting is because there's nowhere else for this to go. We are creating different networks here, potentially. I just like for us to make sure that as much as we can, the road network is optimized for the conditions in the greater part of the area. Again, this is how development and working with private development can alleviate some of the confines that we have in dealing with our issues, for state-maintained roads and other issues like that. So, I really like to know more and understand the impact that we think this road network could have on the greater area.

I would like to bring a couple of things to the forefront here. Which is, when you're building a hospital that size, you're going to have a 24/7 operation. So, there's going to be variable uses. I would like to actually see how we talk about transit and I know that we have asked our transit team, what is it that we can do for mass transit here, but at the same time, that's for today, this builds out if you look at the square footage and the operations that are going to be on the property, we need to figure out a way that when we are doing this we incorporate mass transit because the job are not all going to be people that would want to drive every day. So, how do we make sure that our stops are there?

Then, that brings me to the other one, is that I think that when you think about the long-term plans for our infrastructure, we're talking about doing more electric vehicles, and having a plan that would perhaps move people around this campus, in a way that is different than having what could you park your car in the deck, and still be able to go to lunch without getting in your car? So, I really like to see some opportunities for how we could use electric vehicles and small ways of doing it. All of us have been to camp North End and we've seen that young entrepreneur that has the electric golf car, moving people around, you work here, but you eat here, and I just really think that we have the right partners in this area and the right kind of ideas for the future. That we make it possible to

move around using getting there by mass transit in your car, but also by being able to move around without having to have vehicle access just because you're going to lunch. Or you're going to shop. Or whatever. So, I would like for you to really think through that for the hospital, especially, what can we do to design this in a way that makes it easy for the workforce to get there, and easy for the people that live there, and move around.

Mr. Brown said thank you, in fact, I know that the discussions have already been had with the development group and the hospital, to be very mindful for example the 300 jobs for bus services and other things of that nature to be ramped up. You're right for an internal circulation system could be a possibility in the future as well.

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

* * * * *

ITEM NO. 21: HEARING ON PETITION NO. 2021-111 BY REGAL OAKS INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.40 ACRES LOCATED ON THE NORTH SIDE OF ALBEMARLE ROAD AND EAST SIDE OF REGAL OAKS DRIVE, WEST OF EAST W.T. HARRIS BOULEVARD FROM B-2 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) AND B-2 (CD) (GENERAL BUSINESS, CONDITIONAL) TO R-22 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

David Pettine, Planning, Design & Development said just off Albemarle Road and Regal Oaks Drive. Existing zoning is B-1 conditional and B-2 conditional and the proposed zoning is for R-22 multifamily conditional. Adopted future land use from the Eastland Area Plan. It does recommend single-family and multifamily in the hatched area as well as office and retail uses. Excuse me, retail uses in that area are highlighted in red on Regal Oaks. The proposal is for up to 136 multifamily residential dwelling units and also limits the number of total principal buildings to six. Allows building height to be defined by the ordinance, proposes access off both Albemarle Road and Regal Oaks Drive, eight-foot sidewalks, and planting strips are posed along Regal Oaks. Proposes an eight-foot buffer and six-foot buffer along portions of the property lines abutting non-residential uses and zoning. It does have architectural standards related to facades that face public streets and building placement as well as site design, massing articulation, and prefers building materials, and prohibits surface parking areas between Regal Oaks Drive and proposed buildings. It also proposes open space and amenity areas to be improved with landscape seating, hardscape elements, and shade structures and also identifies possible tree-save areas on the plan.

The staff does recommend approval of this petition. We do have some outstanding issues of site and building design to work through, but it is consistent for single-family, and multifamily. Office uses for a portion of the site, but it is inconsistent with the retail use

that fronts Regal Oaks. However, the staff does feel it's appropriate and recommends approval. We will be in to take questions following the petitioner's presentation, thank you.

Bridget Grant, 100 North Tryon Street said with Moore Van Allen here tonight with the development team. Regal Oaks investment and getting support on the land use side from DPR Associates. As Dave, mentioned, the site is located off Albemarle Road and is essentially located for a number of complimentary uses.

Dave's done a great job on all those parts of zoning and land use. I'm just going to highlight again, that this is a change of zoning from R-3 to R- 22MF CD. We were originally looking for up to 140 units but we have dialed that number back. There is an interconnectivity between the sites and existing uses and cross-access easements. Again, it is consistent with surrounding development.

It is always easier to read these when you are looking at them in color to get a good idea of how the buildings work around the periphery of this site, but all of the parking is essentially located. There are a number of common open spaces throughout the development and again, we've got that access and connectivity with tree save along the periphery of the site. With that, I'm happy to answer any questions.

Mayor Lyles said Ms. Grant is that a public road that enters off of Albemarle?

Ms. Grant said it's like a private driveway.

Mayor Lyles said private driveway how long is that private driveway?

Ms. Grant said I can get a specific estimate. I think it's a couple of hundred feet. Not too long, maybe less. Let me take a look at the pit and get back to you.

Mayor Lyles said let's see how long it really is to see how people will drive on it.

Ms. Grant said it's essentially an access drive that's already there, that serves the function surrounding businesses. There are already people driving on it to go east or west to get into the other business as well.

Mayor Lyles said I don't think there's a traffic study but looking at the number of people that you would have in there, I mean, is it going to be a turn lane? I see the access that you are talking about, but I just wonder about people getting in and off of Albemarle Road in a driveway setting to turn left and right. I don't know how many buildings are.

Ms. Grant said thankfully we've got the option of secondary access off Albemarle Road. So, when you go up Albemarle Road on Regal Oaks drive, there's another entrance of the development that is sort of split with access. So, it's probably easier for some of the people to access off of Regal Oaks and for the balance to come directly off Albemarle Road.

Mayor Lyles said mayor: I would like the transportation staff to take a serious look at access in and out of this site. It's human nature. it looks to me like that road is the same size of the driveway that comes in.

Councilmember Newton said I had a question for staff actually. I just wanted to start by homing in on the fact that we as a Council have placed significance on housing diversity. So much so that it's in the comp plan that we passed last year. Looking at this and understanding that we're talking about multifamily here and the surrounding area seemingly all but exclusively including residential multi-family. I'm wondering, how we reconcile that with the stated goals of housing diversity. I just want to underscore the point by mentioning that in our materials it's really fantastic that we have this checklist that the staff is now providing us to give us a sense of whether or not the proposals in front of us are meeting our comp plan goals. In this instance with this petition, we do have a checkmark that indicates that our second goal, goal 2 of the checklist here and neighborhood diversity and inclusion, has been met. I'm just wondering how is that reconciled in this case if understanding that this is R-22 that we're looking at within this petition and the areas surrounding it are also between R-16 and above?

Mayor Lyles said Mr. Newton, that might be a question for staff. Is that for the staff Mr. Newton?

Mr. Newton said yes ma'am. That's for the staff.

Mr. Pettine said I think we looked at it as a continuation of having continued options for housing. There's some single-family still within the area of Bonnie Brook and the W.T. Harris. So, it just continues to provide opportunities for additional housing in the area whether it's similar to what's adjacent to it but overall if you kind of zoom out, is a little bit further of Harris and Albemarle, there are some other single-family families, both detached and attached options. I think the staff figured that it's contributed to adding just additional housing opportunities and increasing some of that general diversity between single-family and multifamily options in the area.

Mr. Newton said I will be interested in having the mother of a conversation certainly off-line to be brought better up to speed on exactly what the geographic regions are or kind of the territory that we look at when we talk about the housing diversity because I guess to your point, if you go far enough, right, I mean certainly there will be different forms or types of housing and I'm just wondering exactly what that geographic area is in as much as our considerations under the plan are concerned. That's my only question, thank you, Madam Mayor.

Councilmember Phipps said I was wondering and just curious if any subsequent discussions have been held with the adjacent community in as much as everyone attended the community meeting. Have you all had any conversations with the adjacent neighbors or anything?

Ms. Grant said We actually held two community meetings, but no one attended the first one. We changed the zoning designation so it gave us an opportunity to have a second community meeting and we didn't get attendees at either one. There are a number of businesses that surround the site. So, it's not uncommon, but we didn't get residential attendees as well.

Mayor, I did confirm. That driveway is 220 feet long and that movement is limited to right in and right out which helps to control the access.

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

* * * * *

ITEM NO. 22: HEARING ON PETITION NO. 2021-133 BY DRAKEFORD COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.57 ACRES LOCATED SOUTH OF ALLEGHANY STREET, WEST OF ASHLEY ROAD, AND NORTH OF BULLARD STREET FROM R-12 MF (MULTI-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said 6.5 acres off Allegheny Street. It's currently zoned R-12 multifamily and the proposed zoning is for UR-2 conditional. The adapted future land use from the Central District Plan does recommend multiuse for the site. The proposal is for up to 107 single-family attached residential units. That comes in at a density of 16.29 dwelling units per acre. It does request conversion rights that single-family attached units can be converted to single-family detached at a rate of 2:1. It limits building height to 50 feet as architectural standards including pitched roofs, usable porches and stoops, and blank wall limitations. That limits the number of units per building fronting public or private network streets to five. Commits to the construction of an ADA (Americans with Disabilities Act) compliant bus waiting pad along Ashley Road. It also reserves access to undeveloped rights of way and alleys from adjacent properties and commits transportation to improvements including the construction of ADA-compliant curb ramps at public street intersections. Dedication of rights of way in coordination with an adjacent property owner to extend the sidewalk and fill in the gap on Bullard Street which is the road south of the project.

The staff does recommend approval of this petition upon resolution of outstanding issues related to the transportation and site and building design. It is consistent with the Central District Plan upon recommendation for multifamily land uses. We'll be happy to take any questions following the petitioner's presentation, thank you.

Collin Brown, 1420 East 7th Street said on the half of the petitioner and Drakeford company. Bobby Drakeford is with us if you have questions. Good overview by Dave and in the interest of time, I will move quickly. As Dave mentioned this is a proposal for single-family attached homes which are townhomes and an interesting assemblage that Mr. Drakeford has been able to pull together. The current zoning is already R-12. So, this is not a significant increase in density. Looking at 107 townhomes just over 16 dwelling units per acre. Switching over to a color version. I think Dave mentioned what I think is the real achievement is the ability to continue Heywood Avenue and restore this traditional block structure. That is something that C-DOT has been intentional about over the last few years. Rezoning, we work on last year brought Heywood through here at a parcel which is to the south. So, this is a continuation of bringing that linking that up providing more ways in and out of the neighborhood. In addition to the public street, obviously, this will be accompanied by planting strip and eight-foot sidewalks and providing more walkability, connecting those neighborhoods to the school campuses along Allegheny. So, we think very positively. I think the design team has done a good job integrating the site plan with the surrounding single-family neighborhoods. So, that it fits in nicely. A nice orientation and then you can see some nice pockets of green space as well. Happy to take any questions you may have.

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

* * * * *

ITEM NO. 23: HEARING ON PETITION NO. 2021-141 BY THE DRAKEFORD COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.33 ACRES LOCATED ON THE EAST SIDE OF EAST 34TH STREET, NORTHWEST OF THE PLAZA, AND EAST OF MATHESON AVENUE FROM O-2 (OFFICE) TO NS (NEIGHBORHOOD SERVICES) WITH 3-YEAR VESTED RIGHTS.

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said 33 acres on East 34th Street off Hudson Street. Just north of the Plaza. Currently zoned O-2, the proposed zoning is NS. They are proposing three-year vested rights. Central District Plan recommends single-family uses up to 4 DUA. The general development policies do provide guidance that gets up to over 17 DUA for the site. The proposal is for up to 9 single-family residential dwelling units and one building with individual garages. That would be at a density of 27 units per acre. Max building height would be 48 feet. It does propose a private 20-foot-wide access on East 34th Street and proposed a variety of principal building materials as well as prohibiting vinyl as a building material except for things like soffits and windows and minor components. Also, it proposes an architecture that includes blank walls, building facades, orientation, pedestrian connections, and corner and end units facing the public street. As mentioned, the staff does recommend approval after this petition upon resolution of

outstanding issues related to transportation and site and building design. It's inconsistent with the Central District Plan recommendation of up to four DUA but it is consistent with the general development policies that provide guidance at over 17 dwelling units per acre. So, the staff will be happy to take any questions following the petitioner's presentation. Thank you.

Russell Fergusson, 933 Louise Avenue said Mr. Pettine covered the detail really well on this. I think it's really important just to note the context here in the appropriateness of this change and this use of townhomes in this location. As you can see that's Food Lion there on the Plaza and Matheson for those familiar with the area. Towards the Plaza, we have a lot of commercial uses. For a small-scale and Hodgepodge situation right now. Just to the north, there's existing R-17 multifamily.

The lot is currently vacant. This is the view from the Plaza looking down East 34th Street. You can see sort of the area of development from the Food Lion to the left. Looking back toward the Plaza with the subject parcel right here to the left. You can kind of see the commercial tone and tenor of this area.

A little bit of conceptual overview of how this slots in with the existing multifamily to the north and to the south of commercial. We got quite a few minor revisions coming along. The only real notice is that we will be part of some discussions with the Noda Neighborhood Association about reducing the height of the rear unit. The only portion of the lot that is adjacent to single-family. All though it's separated by the alleyway.

I think it's just a nice thing to overview this. It's a mixed-mill type of housing opportunity. It gives an opportunity for a small infill project on only a third of an acre, adding up to nine residences. Utilizing this vacant property, one of the things that came up in our discussions with neighbors was the usefulness of this type of intermediate use between commercial and residential. I think it's a really good project. I think it fits in pretty well and we would greatly appreciate your support. Thank you very much and we're here to answer any questions.

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

Councilmember Ajmera left the meeting at 7:20 p.m.

* * * * *

ITEM NO. 24: HEARING ON PETITION NO. 2021-146 BY KINGER HOMES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.70 ACRES LOCATED ON THE NORTHWEST SIDE OF MALLARD CREEK ROAD, EAST OF PROSPERITY CHURCH ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, David Pettine, Planning, Design & Development said 3.7 acres on Mallard Creek Road. The current zoning is R-3. The proposed zoning is for R-12 multifamily conditional and the adapted future land use from Prosperity Hucks calls for single-family at no more than six dwelling units per acre. This proposal is for up to 34 townhome units. That comes in at just around nine dwelling units per acre. It does commit to an eight-foot planting strip and six-foot sidewalk along Mallard Creek Road. Provides internal sidewalks and pedestrian connections to all public and private streets. There's a 24-foot class C buffer to abutting single-family homes. Provides 2,000 square feet of open space with benches and enhanced landscaping. As well as visitor parking spaces and architectural details to include things like building materials, usable porch stoops, raised entryways and blank wall provisions, and pitched roofs. The staff does recommend approval of this petition upon resolution of outstanding issues related to transportation and site and building design. It is inconsistent with the Prosperity Hucks recommendation of no more than six DUA and again, it comes in just at 9.2. The staff feels that is a slight increase over what was recommended and does support the petition. Like I said upon resolution of those outstanding issues. So, we will take any questions following the petitioner's presentation, thank you.

Travis Gingras, 1189 Daybrook Drive said thank you for the introduction of the site. If you don't mind since Dave, introduced everything, go to slide five, please. I 'm going to save you from using this slide. We had a great discussion with the community in this area and we've listed the most notable concerns from the community which include traffic concerns along Mallard Creek, concerns about the proposed elevation of the height of the proposed building, and then concerns of a specific drainage issue along the northern property line. I wanted to add to the site plan that we are providing 12 visitor spaces as well as the open space that they had included. Those 12 visitor spaces are in addition to the two-car garages that each unit will have. Here's a site line schematic.

This really kind of helped to show the community exactly what we were proposing for the buffer. You'll note that we've got about a 95-foot separation between the proposed homes and the existing homes. We will be providing a 50-foot landscape tree area or plantings; I should say in that buffer. That's going to really help buffer and kind of hide the existing homes with the proposed homes and vice versa.

Here, these are the current traffic improvements that we are providing. The petitioner committed to extend the right turn lane through the frontage and provide a right turn lane into the site. Restriping Mallard Creek to provide a dual left turn lane and that would be it on that next slide, please.

Lastly are the drainage concerns along the northern property. We're committed to fixing the issues and preparing this exhibit. What we're proposing as a berm with fencing and then adjacent to that berm would be a ditch going to a proposed dropped inlet. Then that dropped inlet will tie into the existing storm drainage that is going through the Chatham

community to our north. Attached are just some design concepts that we have. This is a single-family attached product.

Councilmember Phipps said yeah, I'm familiar with this site. The site was the subject of a petition not so long ago of an age-restricted complex there and the neighbors there were pretty vocal. So, I imagine they were pretty vocal with you. I'm wondering, did the neighbors have any real complaints about access to the property? I know that N C-DOT, at some point, is going to be widening that stretch of Mallard Creek. I don't know how far away that is off but I was wondering about the neighborhood's concern about egress and ingress to that property.

Mr. Gingras said yeah, neighbors did have some concern of really kind of making full access movements. We provided one option to NC-DOT that would include extending that median. NC-DOT was not in favor of that because that would negatively impact the businesses across the street. So, what they proposed was still a full access movement with that dual left turn lane that both sides of the street could use in that area. We are extending that right lane through our frontage and then also including the right turn lane into our site.

Councilmember Johnson said I have a question about drainage and the neighbors' concerns on the drainage issues. This question may be for Mr. Pettine. This area and I have spoken to a couple of Councilmembers but I know that I spoke to my predecessors. I spoke to Greg Phipps and Councilmember Phipps about this. There seems to be and I don't know if it's because of the age of the complexes in District 4, but there's a huge impact on many of the yards, I guess, due to the development. There's several subdivisions; Brown's Ferry and I'm going out to one of the neighbor's houses next week because of a drainage issue where four of the yards are flooding every time. I had a great lesson with someone from the stormwater department on the history of stormwater in the city. This is a challenge to the infrastructure of District 4. I haven't heard from any of the neighbors. I look forward to them reaching out to me, but if neighbors are complaining about a drainage concern, is this resolution that the developer is proposing, will that be sufficient to resolve any flooding or any issues that might be a consequence of more development in the area?

Unknown said is that directed to the petitioner?

Ms. Johnson said no, [inaudible]. We can talk offline, if Mr. Pettine doesn't have that information or if there's no one in stormwater. When I hear concerns about drainage, again, I have heard from neighborhoods. I have heard from Highland Creek. I heard from Chestnut, Brown's Ferry, and this is a very repetitive and ongoing issue in District 4. Yards flooding and it's the residents' responsibility. I reached out to Mayor Pro Tem to talk about it and this is just concerning. So again, it's a macro issue that we as City Council need to address but if we're already hearing about drainage concerns and this is just the petition, it's concerning because, again, I had one resident reach out and there were 7,000 worth of damage in her home because of some stormwater issues.

So, I want to know what we can do or the mitigation that can be done by the developers if the drainage mitigation that this developer is proposing is enough for residents so that they won't have ongoing problems. So, I just need some technical guidance on how we can be proactive in helping our residents with stormwater and drainage issues.

Mayor Lyles said Ms. Johnson, I think the macro picture, as you just said, is something that we've been having to think about a lot and how we can do this and resolve this. So, I think that my understanding is that might be a part of our budget discussions. If it's not, then perhaps the staff. For this specific petition that you have asked for, I'm going to ask Mr. Pettine if that comes out in a follow-up report.

David Pettine, Planning, Design & Development said yeah, we can provide that information in the follow-up report. We will have to reach out to our partner stormwater to talk through some of that and get that information together.

Ms. Johnson said thank you. I had a great meeting with one of the staff members in stormwater and, again, I don't know if it's just District 4 or if it's the age of some of the subdivisions, but I have been hearing this a lot lately. Again, I'm scheduled to go out to one of the resident's homes. There's four- or five-yard flooding behind the Davis Lake subdivision. Yeah., if the red flag is already raised on the drainage issues for this complex, I think that's something that we really need to listen to as Council Members.

Mr. Gingras said I would like to add as well that we are committed to fixing those issues here on the site.

Ms. Johnson said great, thank you.

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

* * * * *

ITEM NO.25: HEARING ON PETITION NO. 2021-154 BY MATT GALLAGHER FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.3 ACRES LOCATED EAST OF PRICE LANE, WEST OF PARKWAY PLAZA BOULEVARD, AND SOUTH OF YORKMONT ROAD FROM I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL).

David Pettine, Planning, Design & Development said it's just over nine acres on Parkway Plaza Boulevard, just South of Yorkmont Road. Also connecting to Price Lane. Existing zoning is I-1 conditional, proposed zoning is for ur2 conditional, and adapted future land use from the Southwest District Plan does recommend office land uses for this site in the surrounding areas. It's also located within the old coliseum mixed-use activity center as part of the center's corridors and wedges growth framework. We apply GDP

(Gross Domestic Product) in this case. Since its older district plan and the petition did not meet the general development policy locational criteria for up to 9.6 DUA. However, the petition does come in at 90 single-family attached dwelling units at a density of 9.6.

It does propose a private street network and provides access to units which are primarily front-loaded. It commits to implementing an eight-foot planting strip and six-foot sidewalk along Parkway Plaza Boulevard while maintaining the existing six-foot strip and five-foot sidewalk along Price lane. It provides 1.58 acres of open space. That would include things like a picnic shelter, outdoor fire pit, dog park, playground, or basketball court. It commits to architectural details. As well as limits the units per building to six. Also, the state's petitioner will establish a homeowner's association, which would require a roll-out container used for trash and recycling.

The staff does recommend approval of this petition upon resolution of outstanding issues related to transportation and site and building design. As mentioned, it's inconsistent with the office of land use recommendation found in the district plan. While it's inconsistent with that and doesn't get up to 12 DUA criteria and the GDP, the staff does still feel like it's part of that growth framework in centers' corridors and wedges. Part of that mixed-use activity center could continue to contribute to the successful outcome and buildout of that overall area. So, I will be happy to take any questions that you may have after the petitioner's presentation, thank you.

Matt Gallagher, 9606 Bailey Road said with Blue Hill Development and it's nice that they referred to it as my rezoning but it's actually Blue Hill Development's and this is a continuation of price lane phase one which Dave if you are able to go back a few slides to the site plan, you'll see across the street from Price Lane. We have completed that development, worked with the city to take a pump station off-line, create an aerial sewer over the creek to be able to serve the basin in the future, and also [inaudible] Price Lane which in 1958 was dedicated but never improve upon. So, we turned Price Lane into an up-to-date city road. This is really our phase 2. Just taking us a while to get here. We've worked with our neighbors in the office complex who desire some vitality and more rooftops. They don't have plenty of vacancies and they're glad to see a different use we work with them for that amenity area that can be used by their employees during the day and our residents on the evenings and weekends.

So, really not much of a presentation. Just want to open up with questions and provide any answers for you, thank you.

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

* * * * *

ITEM NO. 26: HEARING ON PETITION NO. 2021-172 BY BROWDER GROUP REAL ESTATE, LLC IN ZONING FOR APPROXIMATELY 10.79 ACRES ON EITHER SIDE OF THRIFT ROAD NEAR THE INTERSECTION OF JAY STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL).

Mayor Lyles said declared the hearing open.

David Pettine, Planning, Design & Development said its under 11 acres. There are several different properties along the Thrift Road corridor stretching from Tuckasegee down to Freedom Drive. The current zoning for these parcels is I-2. The proposed zoning is MUDD-O. The adapted future land use from the Bryant Park Land Use and Streetscape Plan recommends a mixed of uses, office retail, and light industrial for this site and the surrounding area. Essentially the proposal allows for all uses permitted in the MUDD District with a limit building height for any new buildings up to 90 feet. It does request optional provisions to allow parking and maneuvering between the existing buildings and adjacent streets. Also, it coordinates for C-DOT. We would use a tracking chart to calculate any trip gen for those parcels. The land use in this area changes. The such time that those cumulative trips for these parcels that are involved would exceed 2,500 trips.

The petitioner would be required to do a traffic study and/or propose and construct alternative transportation improvements in coordination with C-DOT. It does request the renovations to the existing buildings not be subject to MUDD standards, but anything new would be constructed under those MUDD standard guidelines. It commits to the implementation of an eight-foot planting strip and a six-foot sidewalk along all street frontages where feasible, where a conflict occurs with existing buildings at a minimum six-foot planting strip and five-foot sidewalk would be installed. It does commit the right-of-way dedication on Jay Street at 27 feet from the center line and then provides median improvements to Thrift Road including the installation of a ped-cross sidewalk and refuge with appropriate signage. The cost of those improvements would be reimbursed by the city. Essentially the proposal for the multiple parcels that we have is these buildings have been ongoing conversions from the industrial uses of the past to adaptive reuse projects with offices, EDEE (eating/drinking/ entertainment establishment) restaurants, et cetera. The parking calculations that come in under the I-2 zoning are a little bit more onerous to allow those for those transitions and changes of uses to take place.

So, that's why we've got this MUDD-O proposal in front of us this evening. It's to help continue to allow these buildings to be adaptively reused and transition, while being a little bit more flexible with some of the parking standards. So, that's why we have this petition in front of our evening. The petitioner will certainly get into that a little bit more in their presentation. The staff does recommend approval of this petition. We do have outstanding issues related to site and building design to continue to work through. It is consistent with the mixed-use recommendations per the Bryant Park land use and Streetscape Plan and we will be happy to take any questions following the petitioner's presentation, thank you.

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

* * * * *

ITEM NO. 27: HEARING ON PETITION NO. 2021-174 BY BLU SOUTH, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 36.73 ACRES LOCATED SOUTH OF EAST WESTINGHOUSE BOULEVARD, WEST OF CHINA GROVE CHURCH ROAD, AND NORTHEAST OF INTERSTATE 485 FROM B-2 (CD) (GENERAL BUSINESS, CONDITIONAL), R-12 MF (MULTI-FAMILY RESIDENTIAL), AND R-4 (SINGLE-FAMILY RESIDENTIAL) TO UR-C (CD) (URBAN RESIDENTIAL, COMMERCIAL, CONDITIONAL) AND UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles said declared the hearing open.

David Pettine, Planning, Design & Development said is off east Westinghouse Boulevard and its about 36.7 acres. Just there between Westinghouse and I-45 just off China Grove Church Road. The existing zoning is B-2 conditional R-12 and R-4 are existing districts out there. The proposed zoning is URC. That would be the area that would front East Westinghouse Boulevard and then UR-2 would best rest of the site and the residential component as the site plan here shortly.

The Sharon & I-485 Transit Station Area Plan recommends residential up to 17 units per acre, as well as office retail for a small portion, That's that kind of northwest portion of the site that's purple and red. The proposal is for several different development areas. Area 1A and B is the UR-C. A portion of the site. That would be for indoor and outdoor recreation as well as office uses for residential sales and leasing. There may be uses in there like neighborhood food beverage service, which would be limited to 1,800 square feet. That would be no on-premises cooking and no alcohol sales, no drive-thru as associated with that. It could have mobile food vending services, and outdoor fresh produce stands. As well as a mobile-produced market and a bicycle-sharing station.

A total of 24,000 square feet of gross area and up to four buildings. Essentially, that would be some non-residential uses that could be used for folks within that development. As well as other members of the community. Area-2 is UR-2. That would be up to 133 single-family attached townhomes. Area 3, which is that blue portion to the south would be for up to 80 single-family attached dwellings. Those would primarily be duplex, two dwelling units, and then Area 4 there is an existing religious institution there no, I believe. That would either remain. If that were to go away, then there would be up to additional 20 single-family attached dwellings. Similar to what's built out in Area 3 in those two-unit buildings that are proposed.

Access from Westinghouse Boulevard would be through a network of internal streets connecting to Aileen Circle. That would be via Blu Town's Way and then we'd have a

pedestrian connection on Sterling Lane. So, that wouldn't be vehicular there. It would just be pedestrian. An eight-foot planting strip for a 12-foot multiuse path along Westinghouse Boulevard. Also limits the maximum building height and all the development areas to 40 feet and does grant a 60-foot-wide easement to Mecklenburg County. That's the green dotted line there. You can see it says easement to MCPRD and that would be to accommodate future access to the king's Branch Greenway and county-owned parcel to the west of the site.

The staff does recommend approval of the petition upon resolution of issues related to site and building design as well as technical revisions related to the site building design. It's consistent with the residential use of up to 17 units per acre for the majority of the site. it's inconsistent with that residential portion and where it's in the northeast section where it says office and retail uses but again, the majority of the site is consistent with that Sharon and I-485 Station Area Plan. We will be happy to take any questions following the petitioner's presentation, thank you.

John Carmichael, 101 North Tryon Street said on behalf of the petitioner. With me tonight are Gregg Whitehead, the petitioner, and Daniel Jones, the project engineer. They are available to answer your questions.

Mr. Pettine said the site contains over 36 acres. It's located on the south side of Westinghouse Boulevard, west of China Grove Church Road. This is an aerial of the site. It's outlined in green. You can see the center portion of the site, there are townhome units. Single-family attached dwelling units. It is currently under construction. Many have been completed, but the remainder are under construction.

The site is currently zoned R-12 multifamily B-2 CD and R-4. The site's less than a quarter-mile walk from the I-485 South Boulevard Transit Station.

The petitioner's request is slightly rezoned to URC-CD and UR-2 zoning districts as Mr. Pettine stated to allow up to 24,000 square feet of gross floor area that could only be devoted to indoor recreation, office uses, and neighborhood food and beverage service.

Outdoor recreation uses as well. Mobile food vending and then produce stands, produce market, and bicycle sharing stations. The center portion of the site of a total of 133 single-family attached dwelling units. One hundred and five are approved and are completed or under construction. So, the petitioner is asking for additional 28 units, up to 80 single-family duplex dwelling units.

Lastly, a religious institution or additional 20 single-family duplex dwelling units. The land use plan, Mr. Pettine went over. The residential density here is 7.5 units per acre. This is the rezoning plan. The limited non-residential uses are at the top, right-hand corner next to East Westinghouse Boulevard. The single-family attached dwelling units are in the center in the green. The additional units are outlined by red boxes. In the blue, you've got the request to single-family duplex dwelling units. Then the red will need to be a religious

institution or an additional 20 single-family duplex dwelling units. Those single-family duplex dwelling units would be rear-loaded dwelling units which would create a nice streetscape.

There would be a deed grant for Mecklenburg County for future access to a future greenway. An eight-foot planting strip and 12-foot multiuse path will be installed along East Westinghouse Boulevard. An eight-foot planting strip and six-foot sidewalks along the internal streets.

We appreciate your consideration as always and are happy to answer any questions that you may have, thank you.

Councilmember Winston said Mr. Carmichael, this development, are there already units being built on this site right now?

Mr. Carmichael said yes, sir. In the green portion, there are 105 under construction or completed and this would ask for an additional 28.

Mr. Winston said all right. So, that entrance, local control, blue central road, the entrance onto Westinghouse, is that a completed street already?

Mr. Carmichael said if you can go back to the aerial. Yes, it's a completed street. Yeah, can you see it at the top?

Mr. Winston said yeah.

Mr. Carmichael said I don't know if you can see my cursor.

Mr. Winston said yes, I can see it. I mean, that's my concern. It seems like part of that is in the rezoning. I would wonder why that offset is there between the entrance, Westinghouse, and across Westinghouse, Crafter's Lane looks. I'm wondering why we would not have aligned those roads when this was initially approved and do we have the opportunity to do anything right now. I just feel like that creates more potential for confusion at that intersection. It makes it more dangerous than it has to be. Is there any ability to realign those so it is a neat four-way intersection?

Staff, do we have any ground to stand on to get to that condition and or the petitioners? Do they have any ability to do that?

Unknown said I believe that came through as a by-right permit and that connection to the street has already been permitted. It looks like situated in the detention pond kind of where that would go. I would say at least the left turn out of both the proposed street off of Westinghouse and of Crafter's Lane are offset such in a way that they won't conflict with each other. I agree, it would have been a better design to have them directly across Westinghouse from each other.

Mr. Winston said yeah, I hope that's something that we can look at moving forward. I don't think that is something that is in the best interest of people on the street. Is there any opportunity to realign that street, Mr. Carmichael?

Mr. Carmichael said I don't have an answer to that question, Mr. Winston. We have to talk to the designer and follow up with you. I'm not sure whether C-DOT [inaudible] is that street or not. I would have to talk to the engineer and the client about that, the petitioner.

Mr. Winston said Understood. I think it's something that we should pay attention to as we make decisions moving forward internally. Will these vehicles be able to enter or exit the property via China Grove Church Road?

Mr. Carmichael said yes, they would be. There's two connections Mr. Winston.

Mr. Winston said that was just again, another concern. I know Westinghouse is a very fast-moving road, with a lot of heavy industrial truck traffic. So, I'm just thinking about people going in and out of there. Thank you very much.

Mr. Carmichael said you are welcome, thank you.

Councilmember Phipps said yes, Mr. Carmichael, could you just briefly highlight where the open space is? Looks kind of tight there. There's a lot of units there and I just want to see what the open space looks like on the site.

Mr. Carmichael said there would be open space here, Mr. Phipps. to the west of those units in the blue to the west in green and then there would be one of the large recreations uses up along East Westinghouse Boulevard. Can you see the open space to the west?

Mr. Phipps said I could get offline and see and get that, thank you.

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

* * * * *

ITEM NO. 28: HEARING ON PETITION NO. 2021-175 BY GREEN STREET LAND CO. LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 26.84 ACRES BOUND BY THE EAST SIDE OF HARRISBURG ROAD, NORTH OF ROBINWOOD DRIVE, AND SOUTHWEST SIDE OF INTERSTATE 485 FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles said declared the hearing open.

David Pettine, Planning, Design & Development said It's bounded there by Robinwood Drive, Harrisburg Road just inside the I-485 ramp and the I-485 outer highway. It's currently zoned R-3. The proposed zoning is R-12 MF conditional. The adapted future land use for the Rocky River Area Plan recommends residential up to 12 DUA for that area of the site in the dark green and then up to 4 DUA for the remainder of the subject parcel there in the light green color.

The proposal is for 295 multifamily units and areas one and two. That comes in at 11 DUA. It does limit Area 2 to a maximum of 15 townhome-style units. That's the area of blue, and red along the frontage of Harrisburg Road. A portion of Area 3, which would be .85 acres would be dedicated and conveyed to Mecklenburg County for use of a public park. The land to be dedicated and conveyed may not include tree save areas for the remainder of the site. It does propose tree save and a minimum of 8,000 square feet of open space to be improved with walking paths, landscaping, seating areas, and then a 50-foot Class C buffer along the property boundary. That is about single-family use for zoning. That buffer could be reduced with a fence or berm per the ordinance. It does notes access would be through the proposed private Road A, which would be from the existing traffic circle at Robinwood Drive. It does propose a right-turn lane into the site from Harrisburg Road. It installs multiuse and planting strip along Harrisburg Road and then this frontage on Robinwood Drive, and then on the proposed private road as well.

It does provide a number of architectural details including preferred building materials, blank wall expanse limitations, and things to address massing and facade for buildings exceeding 120 feet in length.

The staff does recommend approval of this petition, upon resolution of outstanding issues related to transportation, site, and building design and environment. It's consistent with the Rocky River Area Plan recommendation for residential up to 12 DUA but inconsistent with that recommendation for residential uses up to 4 DUA for the other portion of the site. The staff does recommend approval and is happy to take any questions following the petitioner's presentation, thank you.

Keith MacVean, 100 North Tryon Street said with Moore Van Allen, assisting Green Street Land Company with this petition. With me tonight, representing the petitioner is the Dubose Williamson and Scot Herman here in the room with us, as well as [inaudible] virtually and Joe Wilson with Kimberly Horn, the traffic engineer for the site.

The development partners for this site are Sound Development Partners and [inaudible]. Both are local Charlotte developers with a lot of experience in developing residential communities and other types of development in the Charlotte area. Again, based here in charlotte.

Dave gave you a good overview of the site location, at the intersection of Harrisburg Road and 485, just north of Albemarle Road, and where Novant Hospital is on Albemarle Road and other amenities in that area.

Dave again covered this to the more specific location where the 26 acres are located. From a land use perspective two density recommendations, 12 and four. The proposed site plans as you will see tries to adhere to those land use recommendations by proposing to develop most of the units in the portion zone recommended for R-12 and using the portion recommended for R-4 for up to 15 townhome-style units of public park and open space.

This is our proposed plan. The new network required a street that will connect Harrisburg Road to Robinwood Drive. It will be built to public street standards. It will have a public access easement. We have several areas of open space throughout the site. Again, two types of units, townhomes, fronting on Harrisburg and Robinwood and the new public street, and then, apartment-style units to the north. I will mention that we have had good meetings with our neighbors on Robinwood; on the north side of Robinwood between our parcels there on Robinwood. Mr. and Mrs. Wilson, we met with them earlier last week. The petitioner is working with them to provide an easement for a small shed that encroaches on to the property. So, that can remain on there. They can keep encroaching on the site. We were using that as a buffer and open space, and also a good meeting with the Gardeners. We also had several good meetings with the [inaudible] Far East Neighborhood Coalition and incorporates their suggestions into our proposed plan.

We get a little more and more detail about the areas of open space, we are dedicating as Dave mentioned just over eight-tenths to the county for a public park. Then areas of open space. There are streetscape improvements along Harrisburg and the newest street as well as Robinwood Drive.

Just some images of the concept images of the type of residential community that would be developed here, quality residential, quality materials, with interesting residential architectural styles. Just a little more specifics on the open space.

Councilmember Winston said I believe is right across the street from a contentious rezoning from a couple of years ago that had multifamily, not really having dove into the details of this, but not too dissimilar from the type of development that's here. It's very interesting to hear that Franco is involved and there is nobody speaking against this. So, just for the folks out there, that might be watching, things do change over time. This is why we make some of the decisions that we do make. Some of the concerns were those paths and people walking was not logical for this area. A couple of years later, seems like it fits right in line. So, just interesting, I just wanted to comment on that, for history's sake, thanks

Councilmember Newton said I'll tell you, I do have reservations and concerns here, and concerns do persist. It's not as though they just evaporate into thin air. Particularly, when there are still countless numbers of developments in the area that are yet to be built. One of those being the one that Councilmember Winston just mentioned. That one has not been built yet and I would assume, has not been taken into account when traffic studies have been done. I think that from a planning perspective, that is a big blind spot that we

have, here in the city. We're looking at traffic conditions today rather than taking into account what the traffic conditions will be tomorrow. Particularly that who have yet to experience the full extent of growth that they will be leveled with in the near future. This is one of those areas, I mean, last count, by [inaudible] put something in the ballpark of, I've looked at this and said about 20-25. Their estimates are actually higher than that. Their estimates are more recent than mine, too. When I say 2025 or higher, I'm talking about developments that are currently underway or have yet to be built. That is thousands of new units.

I just want to focus on this particular development. I mean, I wanted to set the grander stage there for everyone to provide some context here. In as much as this particular development is concerned, I do appreciate the development team reaching out to Finco.

So, building that relationship, but I have some question preliminary for C-DOT, and then I have a question for the development team. My first question to C-DOT pertains to the roundabout. Traditionally speaking, roundabouts, from what I understand, are the safe alternative. I can tell you that in my experience, I live in this area.

So, I drive this round about on a regular basis. I was actually rear-ended at [inaudible] which is right in front of this round about. So, it was a three-car pile-up, and I was in that three-car pileup after being rear-ended by the car that was rear-ended itself. So, I have firsthand experience as to just how dangerous this area can be. I can tell you, people coming off of I-485 right there, there are many people that aren't as familiar with how a roundabout works, and they do not yield off of the interstate. I think that it's only a matter of time, frankly, feel like it's a miracle that we haven't had a very serious [inaudible] traffic accident, there hadn't been a serious one there. This development would literally feed right into that round about. I was just wondering what C-DOT's opinion is on that. Understanding the dangerous propensity of that round about in the first place; today, let alone the additional traffic from developments in the region and then, this one, in particular.

C-DOT said sure, thank you for that. Yeah, just from roundabouts compared to typical intersections, they do improve safety. They reduce the amount of conflict points compared to a typical intersection. They promote lower speeds. So, there's a traffic-calming element to them. Then, also, the types of crashes that you typically see there, there's less head-on collisions, it's more of an angled crash, so that's probably why whenever you say there hasn't been more serious crashes, that's what they lead to. I wouldn't say that they eliminate crashes, but they do kind of lessen the severity of the crashes. So, whenever we initiated the petitioner did a traffic study for us, on this, it was because of that fourth leg of the roundabout and studying the crash history, and making sure that, you know, the solution that we came to on this kind of worked within the existing crash patterns and that fourth leg.

Mr. Newton said okay. I would just reiterate my concerns in as much as a way that we assess our traffic as the city is concerned. Particularly from a planning standpoint, how

we look at the traffic as it exists today rather than, I do feel like we have all of the information we need to be able to assess what traffic will be in the coming years. I feel like what we do is we focus on today, an area like this, and I'm sure there's other areas across the city, where there's going to be tremendous growth, I think it does a disservice because we know that the full-fledged impact is not being assessed in the current traffic study, and it will be felt by the community later on down the road. With this one, I understand it, I get you, that the traffic circles traditionally speaking, are safe. Once thing, when folks come off of the highway, they're not yielding, and I think it's because they're not familiar with it. I think that we're going to likely start to see some issues there and don't want this to be a contributor to that. Then my question for the development team, we're placing an emphasis on ten-minute neighborhoods, and I know that across the street, we do have some limited, a shopping center over there, it's got a food lion and some other limited retail. So, maybe four or five other retail businesses, but literally nothing else in the near vicinity. We're talking about you having to go another exit either north or south to hit any type of retail commercial.

So, either do that or go down Harrisburg Road, which is a three-mile stretch in the other direction, that doesn't have sidewalks or streetlights. So, I'm just wondering how are we meeting these goals in this? I think that some of the conversations in the community alluded to safe passage across Harrisburg, to the shopping center, which doesn't currently exist from this site. Has that been taken into account? Is that part of the improvements that you mentioned, Mr. McVean?

Mr. MacVean said thank you, Councilmember Newton, we did look at and we are providing pedestrian improvements along our frontage on Harrisburg Road. the 12-foot multiuse path, we are working with C-DOT to make that fourth connection to the roundabout. We'll have to go back and work with C-DOT to get residents from this community across ayres Harrisburg Road around the roundabout and at Robinwood Drive across Harrisburg Road to the other side where the previous developer is actually adding a sidewalk and multi-use path on that side of Harrisburg Road, but we'll have to look at that, again, Councilmember Newton and give you more information on the follow-up as to how we're facilitating pedestrians crossing Harrisburg Road.

Mr. Newton said I really appreciate that. I'm not quite sure. So, my first thought, of course, is to signal a crosswalk. I'm not sure how that would work here but having a further conversation would be very productive. So, thank you so much. Those are my question, thank you, Madam Mayor.

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

* * * * *

ITEM NO. 29: HEARING ON PETITION NO. 2021-178 BY SDP ACQUISITIONS I, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.97 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE AVENUE, NORTH OF ATANDO AVENUE, AND EAST OF INTERSTATE 77 FROM R-22 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) AND I-1 (LIGHT INDUSTRIAL) TO R-22 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) AND R-22 MF (CD) SPA (MULTI-FAMILY RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT).

Mayor Lyles said declared the hearing open.

David Pettine, Planning, Design & Development said is under 16 acres, off Statesville Avenue at the end of Whittington Street as well. Just north of the Atando. The current zoning is R-22MF conditional as well as I-1 light industrial. The proposed zoning is to bring the site under one zoning district and that would be R-22MF conditional, and the adopted future land use from the Central District Plan does recommend several different uses. It does recommend industrial light, recommends multifamily of 22 DUA, recommends office and business park, as well as park and open space. So, the Central District Plan like I said, does recommend quite a few different uses, but multifamily at 22 DUA is part of the recommendations.

The proposal for this petition is for up to 350 multifamily unit apartments. As well as an 8-foot planning strip, and a 12-foot multiuse path, along Statesville Avenue. An eight-foot-wide planting strip and six-foot-wide sidewalk along Whittington Street. Then a 12-foot multiuse path from Whittington Street and Julia Avenue. It does commit to install two ADA curb-compliant curb ramps and push button signals for pedestrians at the northeast corner of Statesville Avenue and Atando Ave. It commits to a bus shelter pad and ADA-compliant waiting pad along Statesville Avenue. It provides a 50-foot Class-C buffer to that single-family, that's adjacent, and also, commits to coordinate with Park and Rec, to dedicate or provide a greenway and stormwater easement from the swim buffer area as depicted on the rezoning plan. As well as a 15,000 square feet outdoor amenity would be provided. Which would include things like a pool, clubhouse, community garden, grills, gym, dog park, or benches. The architectural details have been provided within the petition as well.

The staff does recommend approval of this petition, upon resolution of outstanding issues related to transportation, and building design. As well as requested, technical revisions related to site design. We'll be happy to take any questions following the petitioner's presentation on this, one. Thank you.

Collin Brown, 1420 East 7th Street said on behalf of the petitioners. In the interest of time, I have the scheduled development team on as well, and in the interest of time, I'll move quickly. Great overview by Dave of the petition. Here's a look from Whittington and Statesville. As Dave mentioned, interestingly, a good portion of the site is already zoned R-22MF, and the larger portion of the site is zoned industrial. As Dave mentioned, we've

kind of got some mixture in the plans. The version of the policy map I have on the screen is showing, is Neighborhood 2, which would be consistent with this development. There prior to our rezoning, another development team and petitioner had petitioned to zone this from I-1 to I-2, which allows more intense uses. That was not something that was well-received by the community. We have done a good bit of community outreach, thus far, with neighboring property owners, and community groups. We have gotten very positive feedback on the use. I think that the community is excited about seeing some transition, certainly, away from industrial uses to residential uses. That said, we have ongoing conversations with some members of the community about Whittington, how this development will affect that street, and what can be done to not negatively impact some of the existing uses there. We had a conversation involving Councilmember Egleston as early as this morning and we expect to continue work on those before we come back to you next month. Happy to answer any questions.

Councilmember Egleston said the question was just going to reiterate to my colleagues that there are a couple of things sort of around the edges here that are being worked through with the community. I have faith those will be ironed out before this comes can back in front of us, but relatively simple.

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

* * * * *

ITEM NO. 30: HEARING ON PETITION NO. 2021-181 BY EVOLVE ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 17.83 ACRES LOCATED ON THE EAST SIDE OF NORTHLAKE CENTRE PARKWAY, NORTH SIDE OF NORTHLAKE MALL DRIVE, AND SOUTH SIDE OF INTERSTATE 485 FROM BP (BUSINESS PARK) AND R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles said declared the hearing open.

David Pettine, Planning, Design & Development said 17.8 acres just off of Northlake Center Parkway. It is currently zoned BP and R-3. The proposed zoning is for UR-2 conditional, adopted future land use from the Northlake Area Plan recommends land uses including residential office and/or retail. As well as a park and open space with residential densities for up to 22 DUA permitted as a single use for this site. This proposal is for up to 336 apartments that would come out at a density of 18.8 dwelling units per acre. It does limit the number of residential buildings to five. It commits to providing eight-foot sidewalks and eight-foot planting strips along all public roads. It provides a street network connection to future streets and commits to providing a 15,000 square foot amenity area with a clubhouse, swimming pool, and fitness center. As well as providing

architectural details related to building materials, orientation, and modulations for buildings longer than 120 feet.

I the network street that they were talking about, I just wanted to highlight. There is a project that's in. It was rezoned not too long ago. That's where Linz Lane is. This project will connect and tie to that and also start to establish a future street network pattern for some adjacent parcels that would likely come in for development here in the near future. It also provides some potential to connect to what is Huck Road, a future extension, which would be to the south of this project. So, just wanted to highlight that we're continuing to try to build out a network of streets in this general area, and this petition certainly does its job to help facilitate that outcome.

The staff does recommend approval of this petition upon resolution of outstanding issues related to site and building design. It is consistent with the Northlake Area Plan recommendations, and we'll be happy to take questions following the petitioner's presentation. Thank you.

John Carmichael, 101 North Tryon Street said here on behalf of the petitioner, Evolve Acquisitions, LLC. With me tonight are John McDonald of Evolve and Nick [inaudible] of Design Resource Group, the project land planner. They're available to answer your questions.

The site contains just under 18 acres. It's located off of Northlake Center Parkway. It's just north of Northlake Mall. This is an aerial that shows the site and the surrounding area. The large majority of the site is currently zoned BP, a business park. The remainder of the site is currently zoned R-3.

The petitioner is requesting a rezoning of the site to the R-2 city zoning district to accommodate a multifamily residential community that can contain up to 336 multifamily units. This is the land use plan, it's the Northlake Area Plan. It recommends residential, office, and/or retail. The maximum residential density recommended is 22 units per acre. The proposed density here is 18.8 dwelling units per acre.

Access to the site would be by way of a public street off Northlake Center Parkway. There would be an amenitized community with a clubhouse, pool, fitness center, dog park, and gathering areas. Those sorts of amenities and an eight-foot planting strip and eight-foot sidewalk will be installed along all public streets. As Mr. Pettine stated, architectural standards are a part of the petitioner's rezoning plan, and we are happy to answer any questions that you may have. Thank you for your consideration.

Councilmember Winston said I would just request that the petitioner try to find a way to keep as many trees as possible. Obviously, it's a green space right now. I would like to challenge you to keep and have more trees on there than parking spaces and find ways to develop with previous grounds. You can see what that land looks like with that sea of asphalt from the aerial above the mall. So, I would just be grateful if you can find any kind of creative way and sustainable way to develop this property. Thank you.

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

* * * * *

ITEM NO. 31: HEARING ON PETITION NO. 2016-140 2021-188 BY DOMINION REALTY PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.83 ACRES LOCATED ALONG THE NORTH AND SOUTH SIDE OF ROUNDTREE ROAD, EAST OF INTERSTATE 77, AND NORTH OF TYVOLA ROAD FROM I-1, INDUSTRIAL FROM MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

Mayor Lyles said declared the hearing open.

David Pettine, Planning, Design & Development said 15.8 acres, at the end of Roundtree Road, also at the end of 77 Center Drive. That's a mouthful. The existing zoning is currently I-1, the proposed zoning is for MUDD conditional. The adopted future land use from the Woodlawn Transit Station Area Plan does recommend the office. As well as office industrial warehouse distribution for the site. The proposal is 300 multifamily resident units and four buildings. The building height would be maxed at 68 feet. It does provide a clubhouse and a minimum of 5,500 square feet of improved open space. It does locate the buildings at the southern portion of the site, near and along the extension of 77 Center Drive. That would also connect to Roundtree Road. The northern portion of the site would remain undeveloped. There's a tree save there as well as the stream and a Duke Energy utility easement. Access would be the extension of 77 Center Drive and Roundtree Road, which would be connected to that. It conducts an eight-foot planting strip and eight-foot sidewalk along the street extension. As well as internal sidewalk networks with widths at a minimum of six feet. It does provide on-street parking along both sides of that street extension and commits to architectural design standards for the buildings within the project.

As mentioned, the staff does recommend approval of this project, upon resolution of the technical revisions related to the site and building design and transportation. It is inconsistent with the Woodlawn Transit Station Area Plan. We have seen some redevelopment in this area. Particularly along Roundtree Road, fairly close to the transit station there off of Old Pineville Road. We've seen some TOD rezonings in that area. There is also has been some reinvestment and the redevelopment of the business park and I believe there's a school at the end of 77-Center Drive as well. So, the staff did feel it was a reasonable transition to introduce some residential in this area. We would be happy to take any questions following the petitioner's presentation. Thank you.

Bridget Grant, 100 North Tryon Street said I'm here tonight with the development team, DRP, the architectures, and RJTR land design assisting on land planning. As Dave

mentioned, the site is at the tip of the Exchanged Office Park. It's wedged between I-77 and Norfolk Southern Rail.

I do want to note that the site is located within three-fourths of a mile from the Woodlawn Transit Station area and the site is located less than a mile from the Tyvola Station area. As he mentioned, it's over 15.83 acres, but there is a good bit of tree saves to the northern portion of the site. This is a marketing piece they used for the overall site. I think it's important to show how it fits into the Exchange Office Park, which has over 600,000 square feet of Class A and its current home to Metrolina College Academy. So, we believe that the multifamily in this location would be a great complementary use to the overall business park.

There has been significant reinvestment in the office park, for place-making. You can see that there's a number of public open spaces, gathering spaces, and increased opportunities for walkability. Again, we believe that this is a great fit for multifamily to be included in this development.

The reinvestment includes no exterior, signage, and outdoor plazas. As you know we've been looking at the 2040 Comp Plan as we take a look at a lot of our land use decisions and how we're evolving. We are pleased to say we are consistent with three of the ten goals, creating a ten-minute walkable neighborhood, healthy, safe, and active communities, and diverse and resilient economic opportunities. In summary, when you look at everything, the project again includes approximately 300 multifamily residential units on 15.83 acres. Again, it's located within close proximity to two of our station areas. Access to the site provides a connection between Tyvola through 77-center Drive, up to Roundtree. The developer is going to be providing sidewalk connections throughout the site. The open space amenities are in keeping with the transition that's happening with the overall business park.

The current zoning is industrial, and we believe that MUDD is a more appropriate use in this location. The use provides housing and a walkable environment to over 600,000 square feet of office users and the school. As always, it's just nice to see the site plan in color rather than black and white, to call out the business placement and how the parking is internal to the site, the amenity area, and the connections to the existing office and parks, and schools. Again, we're retaining pockets of tree save throughout the site and provide that connection to Roundtree, which ultimately gets you to the station area. With that, I'm happy to answer any questions.

Mayor Lyles said I was just worried it would be at the garden site, and I was going to have to be worried about that, so, now we're good, right?

Ms. Grant said yes.

Mayor Lyles said great, thank you.

mmm

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

* * * * *

ITEM NO. 32: HEARING ON PETITION NO. 2020-189 BY BENTLEY PHAM FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.52 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF TUCKASEEGEE ROAD AND TIMBERBROOK DRIVE, NORTH OF INTERSTATE 85 FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-22 MF (MULTI-FAMILY RESIDENTIAL).

Mayor Lyles said declared the hearing open.

David Pettine, Planning, Design & Development said half an acre on Tuckaseegee off of Timberbrook and Arborwood. The current zoning is R-4. The proposed zoning is R-22. You can see the Northwest District Plan does recommend multifamily uses for this site and for the majority of this general area. You can see that orange. This is the conventional petition. It is consistent with the Northwest District Plan recommendation for multifamily. The staff does recommend approval. There's no site plan or outstanding issues to speak of, so we'll be happy to take any questions you have.

Councilmember Johnson said do we know anything about these apartments as far as if they will be market rate or if there's any affordability attached to them?

Mr. Pettine said we don't, this is a conventional petition. So, there's no site plan or site details provided for the potential project. It would just be developed by right.

Ms. Johnson said okay. In this site, is it across the street from Lake Arbor? Does anyone on the Council know? If I recognize these streets, it seems like across the street from lake Arbor. I just want to highlight that this is an area where we want to be conscious about displacement. This is an area where residents were very, very vulnerable. Just a couple of years ago, that's an area where I think the city had to shut the apartments down because of the condition and all of that. So, now that it's becoming a hot area, I guess, or it's being developed, I just want to be careful and conscientious. For a conventional rezoning, I would just want to know more information about the project. Thank you.

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

* * * * *

ITEM NO. 33: HEARING ON PETITION NO 2021-191 BY BENTLEY PHAM FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.35 ACRES LOCATED ON THE WEST SIDE OF GLENWOOD DRIVE, NORTH OF TUCKASEEGEE ROAD, AND SOUTH OF

INTERSTATE 85 FROM R-5 AIR (SINGLE-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY) TO R-8 MF AIR (MULTI-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY).

Mayor Lyles declared the hearing open.

David Pettine, Planning said .35 acres, on Glenwood Drive. Just north of Tuckaseegee Road and south of I-85. The current zoning is R-5. The proposed zoning is R-8 MF. Both would have the airport noise overlay as part of that. Adopted future land use from the Central District Plan does recommend single-family residential up to 4 DUA for the site. Again, this is a conventional petition, so the staff does recommend approval. There are no outstanding issues.

It's inconsistent with that Central District Plan recommendation, but it would be consistent with the general development policies that would support up to 8 DUA for the site. So, again, no outstanding issues, and no site plan, and we'll be happy to take any questions that you might have on this one.

Councilmember Johnson said it's the same developer as the previous rezoning. What is the logic for conventional versus conditional on these rezonings, Mr. Pettine?

Mr. Pettine said for this one, in particular?

Ms. Johnson said well, for this one and the last one, but we've already closed it. We can talk about that later; I'll give you a call. For this one, when in general is that decision made?

Mr. Pettine said for this one, I think, the staff looked at the size of the parcel and what that R-8 could potentially generate. Buffer-wise, we likely wouldn't ask for requirements that went above and beyond the ordinance on this one just for the compatibility of residential to residential. That R-8 would really yield a large outcome for this site, given the size and the kind of narrow shape of it. So, the staff felt the conventional petition was reasonable here, rather than go through conditions because we didn't see a lot of conditions to mitigate potential impacts, just given the side of the project.

Ms. Johnson said again, I just want to share my concern about the conventional rezonings and not having a lot of information about the rezonings for these very vulnerable neighborhoods. Very vulnerable areas. So, I would just want to know. I think that we as Council would want to know more about it and this is how residents potentially, maybe not this one specifically, but how residents in very vulnerable areas and very vulnerable residents are displaced. So, I think it's our duty to ask questions about these two developments. So, I don't know if an option is that they would be conditional. I think it's certainly something that we should think about. Thank you.

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

* * * * *

ITEM NO. 34: HEARING ON PETITION NO. 2016-140 2021-193 BY FORK LIFT PRO FOR A CHANGE IN ZONING FOR APPROXIMATELY 17.38 ACRES LOCATED OFF GRAHAM PARK DRIVE, NORTH OF SOUTH TRYON STREET AND SOUTH OF WESTINGHOUSE BOULEVARD FROM I-1, I-1 (CD) (LIGHT INDUSTRIAL, LIGHT INDUSTRIAL, CONDITIONAL) TO I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL).

Mayor Lyles said declared the hearing open.

David Pettine, Planning, Design & Development said off Grand Park Drive, north of South Tryon, south of Westinghouse Boulevard. It is currently zoned I-1 and I-1 conditional. The proposed I-2 conditional zoning. Adopted future land use from the Steele Creek Area Plan does recommend industrial land uses for the majority of the site. It does have that small institutional recommendation that looks to be a bit of a carryover from some existing zoning and land use to the south. It's also, within the Westinghouse industrial activities area per the center corridors and wedge growth framework. The proposal with this petition is for a maximum of 20,000 square feet of gross floor building area. Allows for uses permitted in I-2. It does prohibit the following uses, such petroleum storage facilities, automobile service stations, junk yards, medical waste disposal facilities, adult establishments, railroad, freight yards, Abattoir, construction landfills as the principal use, demolition, landfills, foundries, quarries, raceways or drag strip as well as waste and incinerators. All of those are prohibited uses on the site plan. Access would be from Grand Park Drive, should the Carowinds Boulevard extension be constructed, the petitioner may coordinate with NC-DOT and C-DOT to construct a single driveway connection as means of a secondary site access.

It does provide a 100-foot buffer, adjacent to parcel 20120107, which is currently occupied by a daycare center. That's the parcel I believe to the south. It does provide a 50-foot landed scape area joining Carowinds Boulevard extension right of way. It also limits free-standing lighting to 30 feet in height and requires that be downwardly directed.

The staff does approval this petition. We do have some outstanding issues related to transportation and site and building design to work through. It is consistent with the industrial land use recommendation for the majority of that site. Although that small portion would be deemed inconsistent with that institutional recommendation.

Overall, generally consistent with that area plan as well as the industrial activity area, per those center corridors and wedges framework. With that, we'll take any questions following Mr. Fields' presentation, thank you.

Walter Fields, 1919 South Boulevard said here tonight working with Fork Lift Pro, Bill [inaudible] is my client with the blue shirt, and Jeff Harper is also a member of our project team. We look at this as a pretty straightforward sort of request. This started out with Mr. [inaudible] looking for a place to expand his business. His business is going to require more outdoor storage than I-1 zoning would allow. I think I've been before you 7 or 8 times in the last two years with exactly that same story. Hopefully, the people who are listening that are writing a zoning ordinance that you might see in the future would take a look at that whole issue, that would eliminate a lot of these rezoning cases.

As David said, there's a few little issues here. I don't see anything on that list of unresolved issues that we have any particular concern about. I do want to talk to him about one matter, but I won't take up your time with that. I'll stop now and see if you have any questions.

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

* * * * *

ITEM NO. 35: HEARING ON PETITION NO. 2021-194 BY FOURSTORE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.24 ACRES LOCATED ON THE EAST SIDE OF EAST W.T. HARRIS BOULEVARD, NORTH OF ALBEMARLE ROAD, AND WEST OF LAWYERS ROAD FROM O-1 (OFFICE) AND B-2 (GENERAL BUSINESS) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).

Mayor Lyles said declared the hearing open.

David Pettine, Planning, Design & Development said currently zoned both O1 in purple and B2, that's the red portion there to the south. The proposed zoning is for MUDD optional. The adopted future land use basically maintains the office and retail use recommendations that are consistent with the current zoning of the property. The proposal is for up to 95,000 square feet of indoor self-storage and up to 1500 square feet of commercial uses, which would include professional business, general office retail, and sale, which would then exclude convenience stores, and check cashing establishments. Also prohibits outdoor storage and truck rental. It does limit building height to 55 feet and proposes optional provisions which would allow a deviation from MUDD parking and loading requirements for the warehouse uses and it also states that the petitioner shall provide a minimum of 24 parking spaces in one loading space for all uses on the site. Access would be off of East W.T. Harris Boulevard. They propose a 12-foot multiuse path and an eight-foot planning strip along East W.T. Harris Boulevard and then a six-foot sidewalk, which would connect the building and parking area to that multiuse path. It does identify potential tree save and replanning areas as well as open [inaudible] space on the site, and also commits to architectural standards related to building materials.

Access to the storage units, building orientation, facade details, and blank wall limitations. The staff does recommend approval of this petition upon resolution of outstanding issues related to site and building design. It is consistent with the recommendation for office uses and retail uses on both of those parcels. The staff will 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, the Fourstore team is on with me if you have questions. Good overview from Dave. [inaudible] you can see. This is a storage use, no one gets excited about, but I do like to remind you this is used and has no school impact and very, very, very little traffic impact. As you can see from the aerial, no kind of low-density residential, no residential around us. There is some storage across the street, parking behind us, and established drive-through use adjacent to the site. So, we think it is a good location. We will be removing this existing tire station use, and that will go away. It will be replaced by a new modern building. I think as Dave mentioned, we've got some good commitments. No outdoor storage. Prohibitions on those kinds of obnoxious uses that you would not like to see there. No direct entry to the storage units, no truck rentals on the site, and also, some pretty decent architectural commitments. So, the elevation along the frontage there has a good amount of glass. Looks like a contemporary office or retail building, with some ground-level activation. Happy to take questions.

Councilmember Phipps said looks like Albemarle Road and East W.T. Harris Boulevard is becoming quite the submarket here tonight. I understand you said that this particular storage facility is directly across the street from another one.

Mr. Brown said yes. This is kind of the next-generation storage facility, Mr. Phipps. The older facilities that we used to see throughout the city, that were kind of the one level, with the drive-up doors, this is not that. This is the new indoor climate controlled and the fact that there is a storage facility coming here, I think you're right. That shows the activity of the submarket. It means that we're having residents moving in and looking for it. Fourstore is active across the country and the Charlotte market and they kind of follow those rooftops. You're right, this submarket is getting hot. Folks are looking for a storage option, but not necessarily the old roll-up types. You know, this modern conventional heating and cooled, is very secure.

Mr. Phipps said thank you.

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

* * * * *

ITEM NO. 36: HEARING ON PETITION NO. 2021-197 BY CRESCENT COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.91 ACRES LOCATED AT THE

NORTHEAST INTERSECTION OF HEATH COURT AND CENTRAL AVENUE, WEST OF HAWTHORNE LANE, AND EAST OF LOUISE AVENUE FROM MUDD-O PED (MIXED-USE DEVELOPMENT, OPTIONAL, PEDESTRIAN OVERLAY) AND TOD-CC PED (TRANSIT-ORIENTED DEVELOPMENT, COMMUNITY CENTER, PEDESTRIAN OVERLAY) TO TOD-CC-EX PED (TRANSIT-ORIENTED DEVELOPMENT, COMMUNITY CENTER, EXCEPTION, PEDESTRIAN OVERLAY).

Mayor Lyles said declared the hearing open.

David Pettine, Planning, Design & Development said at the intersection of Central and Hawthorne. As well as down by Heath Court. The current zoning is MUDD-0, as well as TOD-CC. Both have a pedestrian overlay. The proposed zoning would be for TOD-CC-EX. The pedestrian overlay would remain as well. The Plaza-Central Pedscape Plan does recommend residential office and retail, and multifamily greater than 12 DUA. As well as office retail for this site. So, it would be consistent with the application for TOD. We do have both proximity to the existing Gold Line. As well as future Silver Line in this general area. We did have a rezoning as we mention earlier for TOD-CC for the majority of this site. This proposal is to take the entire site, both the area zone TOD-CC, and the area that has the existing building on the corner of Hawthorne and Central. Take all of that to TOD-CC and apply the EX-District and you would essentially be to modify ground floor activation requirements for Heath Court. Which is essentially a paper right-of-way. They would preserve the existing building that's on the corner there of Central and Hawthorne for adaptive reuse. That's the building located at 1111 Central Avenue.

It Would also provide a minimum of 150% of the required public open space. That would typically be applied for the site. It would be a minimum of 7,000 square feet, public open space will include a minimum of 3 amenities and will meet or exceed TOD [inaudible] requirement of 12 feet in both directions. Proposed that the petitioner would not be required to meet the ground floor activation standards for the parking structure adjacent to Heath Court. So, that's really what the EX-provision is, is to modify that standard for the parking garage there on the backside of the Heath Court, to not have that ground floor activation. Essentially that street wouldn't be something that would need to be activated because it's never essentially going to have that kind of traffic along it. So, that's why they're proposing the EX as part of this. It does note that the ground floor of the parking structure along Heath Court would still be treated through architectural means and that the facade would not contain blank walls in excess of 20 feet in all directions.

It does propose transportation improvements, which would include right-of-way dedication, an eight-foot planning strip, and a sidewalk along Central Avenue. Reconstruct the pavement along Heath Court, replacing any non-compliant ADA ramps. As well as a right-of-way abandonment petition to C-DOT for that existing alleyway that runs between Hawthorne and Heath Court. So, the staff does recommend approval of this petition. We do have some outstanding issues related to the transportation and site and building design. As well as technical revisions related to transportation to be resolved. It is consistent with the Plaza Central Pedestrian Ped Scape Plan recommendation and like I said, it's also within about a quarter mile of the Sunnyside Station on the Gold Line

and in close proximity to any future Silver Line stops as well. We will 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. The Crescent team is with me if you have questions. A good overview for Dave. Folks this is just an anomaly. As Dave mentioned, the bulk of the site has already been zoned TOD. The only reason that we're before you really is that the TOD ordinance requires really activated round floors along street frontages. What's interesting here is Heath Court shows up on your maps as a street, but it's not really a street. So, under our strict TOD ordinance, if we were to comply, we would have to build out activated ground floor uses in this area, which will be doomed to fail. That doesn't make sense. So, what we're doing is we're going to the process. So, this is really a win-win. In order to get out of building the ground floor on this dead end, Crescent is offering two things, that I think are a huge boom for the Plaza-Midwood community. One is a commitment to preserve this building on the corner, which we would be bringing into the rezoning.

This is Heath Court. This is what it looks like today. The idea we would have a parking garage here would be entered this way. I think everybody agrees we wouldn't even want to see activated ground floor uses here on this area. This is very much going to serve as a driveway and would have no future of becoming a street. There's a commitment to keep the existing building and Dave mentioned all of the enhancements with the outdoor open space, really focusing that on the corner. Which is a very visible high-profile corner in Plaza-Midwood there at the corner of Central and Hawthorne. We're continuing to work through with the staff, the level of those commitments. This is a real win-win. I don't think it's a big ask to eliminate that Heath Court frontage and a great return for the community. Happy to answer your questions.

Councilmember Winston said yeah, the concern that I would have is coming in and out of Heath Court. Not totally sure what is going to be developed here, because it's TOD. Well, I guess they do have a site plan. Being that you're saying it's going to be a garage going up there and an entrance in and out of Heath Court, I'm really thinking about coming in and out on Central Avenue. That's already a high-traffic corner. That left turn lane onto Hawthorne gets backed up. I think if we don't think about kind of managing traffic, coming in and out of there, we could have some problems and it could be quite dangerous. So, just wondering what we're thinking about there and if there's anything that we could do. I think it would be better if it was safer if the traffic was going in and out on Hawthorne Lane, but I know like you said, there's not much there right now, and it's already problematic with the traffic coming in and out serving those eating and drinking establishments, so.

Mr. Brown said right. Well, so again, the TOD is already established. I am showing you a little more because we are coming in from the EX-zoning, Mr. Councilmember Winston said. There is also an access off of Hawthorne Lane shown here that is planned. So, that will give you the ability to circulate through. So, I think that's a positive. I don't want you to think that the only access is off of Heath.

Mr. Winston said yeah, yeah, I'm very familiar with this parcel. With the entrance, but I still do contend that right now it's a problem [inaudible] and on Central Avenue. If there's increased volume, it's going to be even more dangerous. I don't know what we can do, but it's a concern of mine.

Councilmember Egleston said there's a lot of great stuff going on with this project. I'm generally supportive well, I'm very supportive. One question for Mr. Pettine. We had previously been seeing in our assessments of these in the staff analysis stuff, the dates on buildings, on things like this. I haven't been seeing those as often lately. Previously it would say, the site is currently developed with a mixed-use building, built in 1954 or whatever the case was. I would love to start seeing those again. I don't know how that sort of fell off if it did. If it was intentional or not. Colin, do you know when the green-colored brick building was built?

Mr. Brown said I don't off the top of my head. I'm sure someone on our team does. I would be happy to follow up with that information for you.

Mr. Egleston said it's a really cool building and the preservation of it I think is a huge win here. I would be curious to know, and you can follow up with me afterward on the age of that building but depending on the age of the building and it does have some historic significance, I would be curious to know what the interest level might be on either some historic designation and or a preservation easement on it. Which I think would be extra wins if possible, but I can get that from you later.

Mr. Brown said the preliminary answer is 1954.

Mr. Egleston said sounds about right. So, yeah if you would just follow up with me on what interest might exist for some sort of additional protections long term for the building. I'm greatly appreciative of the petitioners and what they're doing over there and namely saving this building. Mr. Pettine, if we can get that additional piece of information on the petition as you're able, I would appreciate it.

Mr. Pettine said will do, thank you.

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

* * * * *

ITEM NO. 37: HEARING ON PETITION NO. 2021-199 BY NEST HOMES COMMUNITIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.23 ACRES LOCATED ON THE SOUTH SIDE OF NORTH DAVIDSON STREET, NORTHWEST OF YADKIN AVENUE, AND EAST OF MATHESON AVENUE FROM R-

5 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles said declared the hearing open.

David Pettine, Planning, Design & Development said .23 acres on North Davidson Street, just northwest of Atkin Avenue, east of Matheson. It is currently zoned R-5 and the proposed zoning is UR-2 conditional. The adopted future land use and the 36th Street Station Plan recommend single-family uses of up to five DUA for the site. This proposal is for up to six sale single-family attached dwelling units. Access via a private alley. It limits the building height to 40 feet. It proposes a 10-foot Class C buffer along the property line. That abuts the R-5 zoning. It does provide architectural details related to preferred building materials, front stoop, blank wall expanses, and enhanced frontage requirements for the corner and end units that face North Davidson Street.

A very similar project to two that we have seen just adjacent to this to the south. So, it continues with a similar development pattern for some infill along North Davidson. The staff does recommend approval of this petition upon resolution of outstanding issues related to transportation and site and building design. It is inconsistent with the transit Station Area Plan recommendation for single-family uses of up to five DUA. However again, the staff does feel like we have seen a consistent development pattern and infill adjacent to some of these sites that are very similar in context and are recommending approval. We will be happy to take any questions you may have following the petitioner's presentation. Thank you.

Mark Caspar, 2923 South Tryon Street said excellent job of getting an overview of the site. As mentioned, you're looking to just infill here, with some additional townhomes similar to the adjacent two lots. As you can see, kind of to the southwest there, are two additional townhome developments, this will be six townhomes for sale. As you can see, we have a centralized alley. We did have a successful public meeting. Then we actually also met with the Noda Neighborhood Association. Their comments were they wanted to see a balcony fronting the road to be similar to homes in the area which we obliged. Other was they wanted to see a more consistent sidewalk and that has to do with the way we're showing it now, tying into the adjacent properties and the petitioners willing to work with those property owners to provide a more consistent frontage as part of our development. They also were wanting screening from the adjacent properties. For each of the units on the back there, the staircase actually will screen from the residential units to the rear. So last slide here, I will let gray pick up the conversation. Again, this just shows how our side is fitting in with the adjacent properties.

Gray Stout, 447 Merwick Circle said my goal as an architect was to create a sense of place at this site. Therefore, the center-oriented street creates a pedestrian courtyard space that's also shared with vehicles getting to the individual townhouse units. So, these units are a little more rectangular-ish square-ish in plan than the typical narrow and deep townhouse. I felt like this would create a very unique place to live in the north Davidson

area. Also, the open space requirements for each unit are accomplished through [inaudible] decks. Thank you.

Councilmember Egleston said I have a question for Mr. Pettine on this one and some others, where we typically in our [inaudible] staff analysis have photos of the existing condition. There's no photo here. Again, some of the things that we have sort of been able to count on in these, seem to be slipping. Also, wanted to call attention to that one, too. The petition, itself, is simple. So, motion to close.

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

* * * * *

ITEM NO. 38: HEARING ON PETITION NO. 2021-200 BY TRADE STREET TOWNHOMES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.21 ACRES LOCATED ON THE EAST SIDE OF WILDWOOD AVENUE, NORTH OF SOUTH HOSKINS ROAD, AND WEST OF ROZZELLES FERRY ROAD FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles said declared the hearing open.

David Pettine, Planning, Design & Development said 3.2 acres on Wildwood Avenue just north of South Hoskins Road and west of Rozzelles Ferry Road. It's currently zoned R-5 the proposed zoning is R-8 multifamily conditional. Adopted future land use recommends single-family uses of up to five DUA for the site in the surrounding area. The proposal for this petition would propose up to 18 dwelling units, and duplexes on nine lots with a density of 5.6 dwelling units per acre. So, just slightly above that recommendation and land use plan. It does limit building height to 40 feet. Provides an eight-foot planting strip and six-foot sidewalk along Wildwood Avenue, as well as the internal street. Access would be from Wildwood Avenue into the site. Provides walkways to connect all residential entrances to sidewalks and also provides architectural details for the buildings and structures contained within the project.

Staff does recommend approval of this petition upon resolution of outstanding issues and technical revision related to the site design. The petition is inconsistent with the residential density of five dwelling units per acre but it is consistent with the overall residential use. Again, this comes in at 5.6. So, just slightly above that recommendation found in the small area plan. With that, staff be happy to take any questions following he and the degreaser's presentation. Thank you.

Russell Fergusson, 933 Louise Avenue said it's a pleasure to present this project. We can go to the next slide. Dave covered it. This is a very unique site. There is one parcel

connected that connects to Wildwood Avenue. Adjacent to that is an existing right-of-way that needs to be widened to meet the standards. If you look at this, it's clear in these situations, it's always important to kind of be thoughtful. We worked with staff on the outset to make sure that this is an acceptable fit that allows us to reach some of the city's broader goals of adding housing units in an appropriate way in the location it's going without dwarfing and overshadowing what's next. What we end up landing on was the addition of a public road with access with sidewalks with on-street parking, which was a concern in making sure there's parking sure that there is enough parking in addition to exceeding code requirements for duplexes. So, it gets up to 18 residential units in the form of nine duplexes and another missing scale development. It's an improvement on the existing right-of-way to the public road with sidewalks and street trees and connecting them to the neighborhood. This is not a gated community or closed-off situation. The intention is for it to become integrated into the community. There's a commitment for tree save areas. There's ample planting area committed to on the site plan.

Showing 20 feet of existing trees to be kept or planted in that area. The orientation of the development is designed to make it so that we have, I think the average is around 100, 120 feet for the building footprints than any other existing house, which was an important factor that we looked at. It's a little bit more of an efficient use of the area. It's three and a half acres on a trap. As Dave mentioned, it is a very small increase from the recommended area plan goal, up to 5.6 units an acre. There's a [inaudible] lot of pedestrian-oriented design conditions. There's also a lot of stormwater improvements going on, on this project to help with an ongoing problem in the community. We're committing above and beyond the requirements of the code as part of the condition. So, we're still working with stormwater to exactly hem out the detail on that. A little bit of an overview here. This is not too dense or too large. We had a really great community meeting where there were concerns about the potential for this to be blight or for it to be too gentrifying. I hope a lot of folks came away from this knowing your speaking against it. This is kind of a Goldie Lox project. It wasn't too big. It's not too small, not too hot or cold. It's about the right size or it is a little bit larger than the existing homes but not so much larger than it is disproportionately out of place we hope, if approved by the Council, this will benefit the entire neighborhood.

Councilmember Winston said I must say, I do have concerns about the creation of a cul-de-sac in between. I would be interested to hear, Mr. Ferguson, how you think this plan connects the communities as opposed to cutting it off. That's something you mentioned because looking at the drawing, we immediately yells out to me that this is housing that is not going to be integrated with the housing around it. So yeah. Just can you talk to me a little bit more about how you plan on doing that?

Mr. Fergusson said yes, sir. I think it's, as I started with. It's a unique site. There is one right-of-way access to it. If we can scroll back to my second slide. The streets are not connected in this area in a block format. So, it's a little bit tougher to make that sort of connectivity. The street design, because it is being built and shown as you see drawn to public road standards. You know, that requires a turnaround space and the 90-degree

turn inside of it. I do hear your concerns over that. I think the problem at the end of the day is if you have three acres and please disregard the 3.11 here, I think it's 3.2 acres. With this much acreage in this location where it is reasonable to add additional housing units, the only other way to access this lot, you know, would be over existing single-family housing. So, that was the hope trying to strike to find a way to add duplexes to keep the distances, to keep planting areas, and to do our best to make this unique site workable we talked to the neighbors, and we found some connection on that.

Mr. Winston said yeah. I would just, you know, I don't like cul-de-sacs and I shouldn't say that. You know, I don't know if I have ever seen a petition quite like this that puts an internal cul-de-sac between, you know, two sides of single-family housing when we have, you know, really gone a long way to make policy that connects communities as opposed to creating hard boundaries. This is a conversation to have in the community. Every piece of land that technically can be developed doesn't necessarily have to be developed and connect development makes situations worse versus better. I don't know. Looking at this, that's the question I'm asking myself right now.

Mayor Lyles said I agree with Mr. Winston and Mr. Ferguson. It's kind of an odd way to build around. It's actually three-sided single-family housing if you go over to Sampson Street over there and the way it looks. It's like landlocked sometimes, you know, and it's just you found someone to be able to get that street back there, but it's a cul-de-sac. It's just very, very odd and I agree on cul-de-sacs. We've tried to eliminate and connect streets and I wonder if the problem is you know, do you get someone on Blackman Steet or something like that to create something? It's an odd way to look at it.

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

* * * * *

ITEM NO. 39: HEARING ON PETITION NO. 2021-203 BY LAND GROWTH, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.80 ACRES LOCATED ON THE NORTH AND SOUTH SIDE OF CROWNPOINT EXECUTIVE DRIVE, WEST OF INDEPENDENCE BOULEVARD, AND SOUTH OF SARDIS ROAD FROM B-2 (CD) (GENERAL BUSINESS, CONDITIONAL) AND B-D (DISTRIBUTIVE BUSINESS) TO B-2 (GENERAL BUSINESS) AND I-1 (LIGHT INDUSTRIAL).

Mayor Lyles said declared the hearing open.

David Pettine, Planning, Design & Development said 2021-203, it's 2.8 acres on Crown Point Executive Drive along Independence Boulevard. It's currently zoned B-D and B-2 conditional. The proposed is B-2 and I-1 conventional. The Independence Boulevard area plan recommends retail on a portion of the site, as well as transit oriented development employment, uses on another portion of the site. That was mainly due to

potential transit going down Independence Boulevard. That plan has certainly changed over time. Again, this is a conventional petition. So, the staff does recommend approval. There is no outstanding issues. It is consistent with the recommendation of retail uses on a portion of the site and then inconsistent with the recommendation for TOD employment uses on the remaining portion of the site. Again, the staff does recommend approval and I will be happy to take any questions following the petitioner's presentation. Thank you.

Keith MacVean, 100 North Tryon Street said with Moore Van Allen representing Land Growth LLC. We do have a quick PowerPoint presentation. Rick Parker, with Land Growth, is online and available to answer questions. Land growth, LLC is actually the real estate arm of Tim Keffer Automobile Dealerships. As Dave mentioned two different zoning categories here consolidating into two different ones to create a unified zoning for the 2.8 acres. Land growth and Jim Keffer own the adjoining parcels and the consolidation of those zonings will allow the petitioner to create a unified development. As Dave mentioned, part of the land use recommendation here is retail and TOD. That TOD was based on when the Silver Line alignment was actually on Independence. That has now shifted to Monroe Road along the station that's more than a mile away. So, the rationale for TOD has gone away at this point. So, the 2040 Policy Map does recommend commercial uses to the site. We believe this zoning is consistent with that. I would be glad to answer your questions.

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

* * * * *

ITEM NO. 40: HEARING ON PETITION NO. 2021-203 BY CITY OF CHARLOTTE AVIATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.70 ACRES LOCATED ON THE NORTH SIDE OF DENVER AVENUE, WEST OF ALLEGHANY STREET, AND SOUTH OF SCOTT FUTRELL DRIVE FROM B-D AIR (DISTRIBUTIVE BUSINESS, AIRPORT NOISE OVERLAY) AND R-22 MF AIR (MULTI-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY) TO I-1 AIR (LIGHT INDUSTRIAL, AIRPORT NOISE OVERLAY).

Mayor Lyles said declared the hearing open.

David Pettine, Planning, Design & Development said 2021-205 is 5.7 acres. It's multiple parcels along Denver Avenue. The existing zoning, as mentioned is BD, which is distributed business, and R-22. That's the orange portion, which is multifamily. Both have the airport noise overlay. The proposed zoning is to bring those parcels in under the I-1 district. Also, with the airport noise overlay as well. Adapted future land use from the Central District Plan recommends office and industrial, light industrial as well as greenway uses for this site. This is a conventional petition so there are no outstanding issues. The staff does recommend approval. The petition is consistent with the Central District Plan

for those office industrial and light industrial use for the majority of the site. It is inconsistent with that small portion of recommendations for greenway uses. Again, overall, the staff does recommend approval of the petition. It's located within a mile of Charlotte-Douglas International Airport and within that noise overlay which is compatible with the industrial zoning being requested. So, we'll be happy to take any questions you may have and follow any presentation by the petitioners. Thank you.


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

* * * * *

ADJOURNMENT

Mayor Lyles said I want to thank everyone for the time that they spent this evening and having all of these in front of us and getting them accomplished. So, appreciate everything.

The meeting was adjourned at 9:24 p.m.


Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 4 Hours, 21 Minutes
Minutes Completed: March 20, 2023