

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, March 21, 2022, at 4:07 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with presiding Mayor Pro Tem Julia Eiselt. Council Members present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Matt Newton, Malcolm Graham, Renee Johnson, Gregg Phipps, Victoria Watlington, and Braxton Winston, II.

**ABSENT:** Mayor Vi Lyles.

**Mayor Pro Tem Eiselt** said good evening, everyone. I'd like to call this meeting to order for the March 21st, 2022, Zoning Meeting. Tonight's meeting is being held in accordance with applicable law governing remote meetings with some of our Council Members participating remotely. The requirements of notice access in minutes are met as required by law, and the public in the media are available to view this meeting on the Government Channel, the city's Facebook page, or on the city's YouTube page. Before we do introductions tonight, I just wanted to make a quick announcement. As you can tell, Mayor Lyles is not here tonight because she is with her daughter and son-in-law, and granddaughter as they welcome the newest member to their family. Mercy Mae Young arrived Saturday night at seven pounds, seven ounces. Mayor Lyles is there helping Aisha, her daughter Aisha, and son-in-law Jeffrey. So, we congratulate them and wish them all the best wishes for the new baby. The Mayor is helping out with her five-year-old granddaughter and with her daughter and the new baby.

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### **INVOCATION AND PLEDGE**

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

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

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

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### **INTRODUCTION OF ZONING COMMITTEE**

**Keba Samuel, Vice Chairperson of Charlotte Mecklenburg Planning** said I serve as chair of the Zoning committee and chair of the Planning Commission. The Zoning Committee of the Planning Commission will meet on Tuesday, April 5th, 2022, to deliberate in finalize recommendations on the zoning petitions being heard tonight. That Tuesday, April 5th at 5:30 p.m. meeting will not be a continuation of tonight's public hearing. There will not be an opportunity to hear from the public unless and until a Zoning

Committee member has a question that can best be answered by a member of the public. The public may view that meeting live on the City of Charlotte's Planning Design and Developments YouTube page. Joining us tonight via live stream on the Government Channel or the city's YouTube page are my fellow Zoning Committee members, Commissioners Blumenthal, Serino, Ham, Rhodes, Spencer, and Walton.

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### **DEFERRALS/ WITHDRAWALS**

Motion was made by Councilmember Winston, seconded by Councilmember Newton, and carried unanimously to withdraw Item No. 2, Petitions No. 2021-176 by Anita Thomas; defer a decision on Item No. 3, Petition No. 2021-056 by Urban Trends Real Estate, Inc. to April 18, 2022; a decision on Item No. 4, Petition No. 2021-133 by Drakeford Communities to April 18, 2022; a decision Item No. 5, Petition No. 2021-139 by Boulevard at 1800 Central, LLC to April 18, 2022; a decision on Item No. 6, Petition No. 2021-141 by The Drakeford Company to April 18, 2022; a decision on Item No. 7, Petition No. 2021-197 by Crescent Communities to April 18, 2022; a decision on Item No. 8, Petition No. 2021-199 by Nest Homes Communities, LLC to April 18, 2022; a decision on Item No. 20, Petition No. 2021-188 by Dominion Realty Partners to April 18, 2022; a decision on Item No. 25, Petition No. 2021-188 by Dominion Realty Partners to April 18, 2022; a public hearing on Item No. 28, Petition No. 2021-195 by Steele Creek 1997, LLC; and Item No. 44, Petition No. 2021-219 by Lincoln Property Company to April 18, 2022.

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### **DECISIONS**

**ITEM NO. 9: ORDINANCE NO. 255-Z, PETITION NO. 2021-093 BY STEELE CREEK AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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.**

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 with the Steele Creek Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the

plan recommends single-family residential at up to 6 dwelling units per acre for the majority of the site and office retail for the northwestern corner 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 due to unanticipated development activity in the area, in part driven by the development of the Charlotte Premium Outlet Mall, the Steele Creek Development Response study was conducted in October 2017, with the participation and involvement of property owners, residents, City departments, and Council representatives for the area. The development response study acknowledged that pressure for land use changes warranted an alternative development scenario unanticipated by the area plan which was adopted prior to the outlet mall development. The development response study recommended that mixed-use, moderate to high-intensity development, could be appropriate for this site if the supporting street network and infrastructure would be developed in conjunction

The proposal includes the majority of streets recommended by the study, creating a transportation framework to support the proposed development. Recent rezoning petitions in the area (2016-120, 2017-123, and 2018-155) have already implemented recommendations from the development response study. The petition includes a hospital and healthcare facilities that will serve the larger Berewick and Steele Creek communities. The petition commits to the dedication of land for a public park, an easement for a future greenway, and many transportation improvements that will mitigate the impact of the proposed development. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from residential up to 6 DUA land use and office/retail to mixed-use (office, retail, residential) for the site.

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

1. A conditional note was added that allows for flexibility in the timing of the establishment of a right of way for and construction of the Gable Road Extension.

Motion was made by Councilmember Watlington, seconded by Councilmember Winston, and carried unanimously not to refer back to the Zoning Committee.
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**Councilmember Watlington** said I did just want to point out here that this particular petition does have the support of the Steel Creek Resin Association, namely because it is going to bring with it a good amount of commercial use, and that'll give an opportunity for some more retail space here. I also wanted to point out that as part of the statement of consistency, it does note that the infrastructure would be developed in conjunction so that we can expect to see improvements to our street. One of the active projects that was outlined here in the staff summary as far as transportation goes, is the widening of Steel or NC 160, which is still Creek Road. So, I did just want to provide a little bit of information in regard to that, and thank you, Dave, for connecting me with staff on that piece. So, it

says the portion of the project that will widen NC-1 60 from South Tryon Street to I-45 and we'll front this particular petition is currently scheduled to go into the right of way acquisition in the fiscal year 2024, with construction estimated to begin in the fiscal year 2027. So, wanted to let folks know that that particular portion is Steele Creek is going to be widened in conjunction with the timing on this particular development.

**Councilmember Egleston** said I know that's good news if only it could be faster but thank you.

Motion was made by Councilmember Watlington, seconded by Councilmember Newton, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Steele Creek Area 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 6 dwelling units per acre for the majority of the site and office retail for the northwestern corner 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 due to unanticipated development activity in the area, in part driven by the development of the Charlotte Premium Outlet Mall, the Steele Creek Development Response study was conducted in October 2017, with the participation and involvement of property owners, residents, City departments, and Council representatives for the area. The development response study acknowledged that pressure for land use changes warranted an alternative development scenario unanticipated by the area plan which was adopted prior to the outlet mall development. The development response study recommended that a mixed use, moderate to high intensity development, could be appropriate for this site if the supporting street network and infrastructure would be developed in conjunction. The proposal includes the majority of streets recommended by the study, creating a transportation framework to support the proposed development. Recent rezoning petitions in the area (2016-120, 2017-123 and 2018-155) have already implemented recommendations from the development response study. The petition includes a hospital and healthcare facilities that will serve the larger Berewick and Steele Creek community. The petition commits to dedication of land for a public park, an easement for future greenway, and many transportation improvements that will mitigate the impact of the proposed development. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from residential up to 6 DUA land use and office/retail to mixed-use (office, retail, residential) for the site as modified.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 609-610.

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**ITEM NO. 10: ORDINANCE NO. 256-Z, PETITION NO. 2021-111 BY REGAL OAKS INVESTMENTS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF**

**CHARLOTTE TO AFFECT 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).**

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 with the Eastland Area Plan for a portion of the site and inconsistent with the remainder of the parcel, based on the information from the post-hearing staff analysis and the public hearing, and because the adopted plan recommends single-family/multifamily/office/retail uses for a portion of the site and retail uses on parcel 10326102 fronting Regal Oaks Drive. 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 general land use pattern to the north of the area includes residential developments of complementary density. The adopted policy plan recommends a mixture of uses for the rezoning site, including multi-family. This furthers the Eastland Area Plan's goal to "create a well-balanced mixture of land uses consisting of a full range of housing types". The approval of this petition will revise the adopted future land use as specified by the Eastland Area Plan, from retail uses to residential uses up to 22 DUA for the site.

Motion was made by Councilmember Winston, seconded by Councilmember Newton, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the Eastland Area Plan for a portion of the site and inconsistent with the remainder of the parcel, based on the information from the final staff analysis and the public hearing, and because the adopted plan recommends single-family/multifamily/office/retail uses for a portion of the site, and retail uses on parcel 10326102 fronting Regal Oaks Drive. 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 general land use pattern to the north of the area includes residential developments of complementary density. The adopted policy plan recommends a mixture of uses for the rezoning site, including multi-family. This furthers the Eastland Area Plan's goal to "create a well-balanced mixture of land uses consisting of a full range of housing types". The approval of this petition will revise the adopted future land use as specified by the Eastland Area Plan, from retail uses to residential uses up to 22 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 611-612.

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**ITEM NO. 11: ORDINANCE NO. 257-Z, PETITION NO. 2021-146 BY KINGER HOMES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO**

**AFFECT 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).**

The Zoning Committee voted 6-0 (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 Prosperity Hucks Area Plan (2015) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential uses of no more than 6 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 petition is requesting a slightly higher density of 9.2 DUA. The request is compatible with the surrounding neighborhood uses and provides a good transition and buffer from Mallard Creek Church Road on the south to single-family residential on the north/east. The petition commits to enhancing the pedestrian environment on the site with multiple site design elements. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan, from single-family uses of no more than 6 DUA to multifamily uses of up to 12 DUA for the site.

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

1. Commits to provide a 12-foot multi-use path and 8-foot planting strip along the site's frontage of Mallard Creek Road.

Motion was made by Councilmember Johnson, seconded by Councilmember Winston, and carried unanimously not to send this petition back to the Zoning Committee.
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**Councilmember Johnson** said as you've noted, there have been some changes. The developer worked with the community and is making some concessions. So, some of the concessions that the developer is making and I want to thank them publicly, they're committed to performing necessary work during the construction of the site to fix storm water issues. They're working with the neighboring community and they're committed to providing berm and fencing for improved buffering. They're committed to 2,000 square feet of improved common open space on the site. They're committed to improving foundation planting along the buildings facing Mallard Creek to the 12-foot multi-use path and to recommended road improvements along Mallard Creek from NC-DOT (North Carolina Department of Transportation) and C-DOT (Charlotte Department of Transportation). They've also added parking spaces for visitors by 150 percent. So, I just wanted to thank them again for working with the residents as they're developing in this area. Thank you.

Motion was made by Councilmember Johnson, seconded by Councilmember Winston, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Prosperity Hucks Area Plan (2015) based on the information from the final staff analysis and the public hearing, and because: the plan recommends residential uses of no more than 6 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 petition is requesting a slightly higher density of 9.2 DUA. The request is compatible with the surrounding neighborhood uses and provides a good transition and buffer from Mallard Creek Church Road on the south to single family residential on the north/east. The petition commits to enhancing the pedestrian environment on the site with multiple site design elements. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan, from single family uses of no more than 6 DUA to multifamily uses of up to 12 DUA for the site as modified.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 613-614.

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**ITEM NO. 12: ORDINANCE NO. 258-Z, PETITION NO. 2021-154 BY MATT GALLAGHER AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

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 inconsistent with Southwest District Plan based on the information from the post-hearing staff analysis and the public hearing, and because The plan recommends office use for the site. The plan fails to meet the General Development Policies guidelines for the consideration of residential at up to 12 dwelling units per acre (DUA). However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because while inconsistent with the adopted office land use for the site, the petition is compatible with the surrounding land uses, and recent rezonings in the area allowing for residential development. The proposed middle-density residential development is compatible with existing development patterns in the City Park neighborhood. The site is located within the Old Coliseum mixed-use activity center, as per the Centers, Corridors, and Wedges Growth Framework, which envisions an activity center with a robust mix of uses, including moderate-density residential. The proposed density of 9.68 DUA is slightly higher than what is supported by the General Development Policies but is compatible with the adjacent office and multifamily development.

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. The request for 5 years of vested rights was removed.
2. A conditional note regarding the creation of a Homeowners Association to coordinate roll-out container use for trash and recycling was removed.

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

Motion was made by Councilmember Watlington, seconded by Councilmember Winston, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with Southwest District Plan based on the information from the final staff analysis and the public hearing, and because: the plan recommends office use for the site. The plan fails to meet the General Development Policies guidelines for consideration of residential at up to 12 dwelling units per acre (DUA). However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: while inconsistent with the adopted office land use for the site, the petition is compatible with the surrounding land uses, and recent rezonings in the area allowing for residential development. The proposed middle density residential development is compatible with existing development patterns in the City Park neighborhood. The site is located within the Old Coliseum mixed use activity center, as per the Centers, Corridors and Wedges Growth Framework, which envisions an activity center with a robust mix of uses, including moderate density residential. The proposed density of 9.68 DUA is slightly higher than what is supported by the General Development Policies but is compatible with the adjacent office and multifamily development as modified.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 615-616.

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**ITEM NO. 13: ORDINANCE NO. 259-Z, PETITION NO. 2021-156 BY ELITE TEAM REALTY & PROPERTY MANAGEMENT, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.0 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF WELLINGFORD STREET AND HERSHEY STREET, EAST OF WEST SUGAR CREEK ROAD FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (SINGLE-FAMILY RESIDENTIAL)**



The Zoning Committee voted 6-0 (motion by Ham, seconded by Chirinos) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Northeast District Plan. However, the General Development Policies support the density requested of less than or equal to 12 units per acre based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential up to 4 units per acre and greenway use. The petition proposes up to 20 single-family attached units for a density of 10 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 provides building design standards and limits the building heights to 35 feet, compatible with single-family residential development. Provides an 8 ft wide landscape area along the eastern property line where the development is closest to existing single-family homes. Dedicates or provides a greenway/stormwater easement along the northern property line. Provides additional housing options in the area. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan, from single-family residential up to 3 units per acre and greenway to residential use less than or equal to 12 units per acre.

**Councilmember Johnson** said you all may or may not recall. We heard this in January and the developer voluntarily deferred the meeting in order to have more time to meet with Hidden Valley residents. They did meet with some of the residents because there was concern because this is 20 for-sale townhomes, which might kind of change the neighborhood or there's a fear that it could change the neighborhood. So, the developer has worked with the residents and they've made a lot of concessions and listened to the residents. The one thing that they're going to do specifically that was asked for by the Homeowners Association. Margie Parker, this is one of the things that she was very satisfied with, that the building height will not be more than two stories.

They're also adding a minimum of four visitor parking spaces, eight-foot planning strips, and six feet sidewalks. There's no vehicular access from Wellingford Street. They're conveying a greenway and stormwater easement to Mecklenburg County on the northern property line, there is buffering and screening with evergreen trees to the adjacent single-family parcel. There's stormwater controls and stream delineation reports to ensure proper stormwater measures and prevent flooding, provides additional housing types for the area. It meets several objectives of the 2040 Plan, including ten-minute neighborhoods, and again they've held multiple voluntary meetings with the community. So, this is the type of development that we are pleased to work with, and I'm pleased to work within District 4 that's listening to the residents and making those improvements to the infrastructure and to the district. Thank you. So, for that, I'll be supporting you, thank you.

Motion was made by Councilmember Johnson, seconded by Councilmember Newton, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Northeast District Plan. However, the General Development Policies support the density requested of less than or equal to 12 units per acre based on the information from the final staff analysis and the public hearing, and because: the plan recommends single family residential up to 4 units per acre and greenway use. The petition proposes up to 20 single family attached units for a density of 10 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 provides building design standards and limits the building heights to 35 feet, compatible with single family residential development. Provides an 8 ft wide landscape area along the eastern property line where the development is closest to existing single-family homes. Dedicates or provides a greenway/stormwater easement along the northern property line. Provides additional housing options in the area. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan, from single family residential up to 3 units per acre and greenway to residential use less than or equal to 12 units per acre.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 617-618.

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**ITEM NO. 14: ORDINANCE NO. 260-Z, 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 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 does 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 automotive service station as an allowable use and 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.
2. Removed Automotive Service Station from the development summary and replaced it with Adult Daycare (14,000 SF) per the originally approved entitlements. The Adult Daycare has been shown to be built in Tract 2A as was originally shown.
3. Revised the site plan layout to remove the gas station canopy from Tract 3B and replaced it with a more traditional commercial/retail building and surface parking layout.
4. Updated Development Standard Note 1. E.c – Commercial/Retail Uses in the CC District to note the automotive service station as allowed use in the CC district.
  - a. As the petitioner discussed with the council members, this note is to clarify the broader commercial/retail use heading and tie it to the allowed uses described in the CC section of the UDO.
5. Updated the trip generation to reflect the change from Automotive Service Station to Adult Daycare to align with the plan revisions.

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

**Councilmember Johnson** said this is the petition that we had quite a lively discussion about last month, and I've had a chance to meet with the developer and so has Councilmember Phipps. He's welcome to speak for himself, but I believe that all of the issues have been resolved, and all of the council's questions. So, I will be supporting this today and I want to thank the developer for clarifying those issues and making the changes to the new plans.

Motion was made by Councilmember Johnson, seconded by Councilmember Newton, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent from 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.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 619-620.

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**ITEM NO. 15: ORDINANCE NO. 261-Z, PETITION NO. 172 BY BROWDER GROUP REAL ESTATE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE 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).**

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 Bryant Park Land Use and Streetscape Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends mixed-use (office, retail, light industrial) 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 existing buildings have already been repurposed from industrial uses to retail and office uses. The proposed uses are consistent with the adopted land use for the site. The area has been transitioning from industrial uses to mixed office and retail uses, which is in line with the vision for the area and more compatible with the nearby residential uses. The petition commits to improving the streetscape where substandard or no sidewalk exists, which will enhance pedestrian connectivity in an area that is rapidly transforming into a mixed-use activity center.

Motion was made by Councilmember Watlington, seconded by Councilmember Winston, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the Bryant Park Land Use and Streetscape Plan based on the information from the final staff analysis and the public hearing, and because: the plan recommends mixed-use (office, retail, light industrial) 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 existing buildings have already been repurposed from industrial uses to retail and office uses. The proposed uses are consistent with the adopted land use for the site. The area has been transitioning from industrial uses to mixed office and retail uses, which is in line with the vision for the area and more compatible with the nearby residential uses. The petition commits to improving the streetscape where substandard or no sidewalk exists, which will enhance pedestrian connectivity in an area that is rapidly transforming into a mixed-use activity center.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 621-622.

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**ITEM NO. 16: ORDINANCE NO. 262-Z, PETITION NO. 2021-174 BY BLU SOUTH, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Chirinos) 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 for the majority of the site, while the proposed commercial use on Westinghouse Blvd. is both inconsistent and consistent with the plan for the portion of the site located along Westinghouse Blvd. based on the information from the post-hearing staff analysis and the public hearing, and because the e plan recommends residential use up to 17 units per acre for the majority of the site. The plan recommends office/retail use and residential use up to 17 units per acre for the portion of the northeast of the site along Westinghouse Blvd. 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 for the residential portion of the site is approximately up to 7.5 units per acre. The development provides additional housing and housing types less than a ½ mile walk from the I-485/ South Blvd. transit station. The petition provides buffers adjacent to existing single-family detached homes. The proposed institutional use is compatible

with the proposed and existing residential development. The plan provides an easement to Mecklenburg County Parks and Recreation to County owned parcel to the west for future greenway access. The proposed commercial use is located along a major thoroughfare (Westinghouse Blvd.) and is combined with amenities for the proposed community. The amenity and commercial uses serve as a transition to the residential community to the south. The approval of this petition will revise the adopted future land use as specified by the Sharon & I-485 Transit Station Area Plan for the portion along Westinghouse Blvd. from residential up to 17 units per acre and office/retail to residential/office/retail.

**Councilmember Watlington** said just wanted to briefly lift up some of what I know that staff is already working on, but China Grove Church Road intersects with Westinghouse Boulevard. Want to make sure that whatever road repair is still needed there, especially as we start to get underway with some of the other utilities work here in preparation for development, that those road repairs are taken care of. Other than that, it's fine with us.

Motion was made by Councilmember Watlington, seconded by Councilmember Winston, and carried unanimously to approve 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 for the majority of the site, while the proposed commercial use on Westinghouse Blvd. is both inconsistent and consistent with the plan for the portion of the site located along Westinghouse Blvd. based on the information from the final staff analysis and the public hearing, and because: the plan recommends residential use up to 17 units per acre for the majority of the site. The plan recommends office/retail use and residential use up to 17 units per acre for the portion of the northeast of the site along Westinghouse Blvd. 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 for the residential portion of the site is approximately up to 7.5 units per acre. The development provides additional housing and housing types less than ½ mile walk from the I-485/ South Bv transit station. The petition provides buffers adjacent to existing single family detached homes. The proposed institutional use is compatible with the proposed and existing residential development. The plan provides an easement to Mecklenburg County Parks and Recreation to County owned parcel to the west for future greenway access. The proposed commercial use is located along a major thoroughfare (Westinghouse Blvd.) and is combined with amenities for the proposed community. The amenity and commercial uses serve as a transition to the to residential community to the south. The approval of this petition will revise the adopted future land use as specified by the Sharon & I-485 Transit Station Area Plan for the portion along Westinghouse Blvd. from residential up to 17 units per acre and office/retail to residential/office/retail.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 623-624.

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**ITEM NO. 17: ORDINANCE NO. 263-Z, PETITION NO. 2021-175 BY GREEN STREET LAND CO. LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

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 Rocky River Area Plan for a portion of the site and inconsistent with the remainder of the parcel, based on the information from the post-hearing staff analysis and the public hearing, and because the petition is consistent with the adopted plan's recommendation for residential uses up to 12 dwelling units per acre (DUA) for a portion of the site but inconsistent with the recommendation for residential uses up to 4 DUA for the remainder 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 while parcels along Robinwood Road are inconsistent with the Rocky River Area Plan's recommendation for residential uses up to 4 DUA, the proposal for these development areas (townhome units, a public park, and open space) contribute to the plan's vision to offer "a balanced mix of land uses and housing opportunities that utilize high-quality design principles for new development". The petition also fulfills the area plan's recommendation for a "moderate density increase to allow varying densities near the I-485/Harrisburg Road Interchange". At 11 DUA, the petition is less dense than the recommended maximum density of 12 DUA. The petition commits to enhancing the pedestrian environment, through the construction of a 12-foot multi-use path, two 8-foot planting strips, and a 6-foot sidewalk. The approval of this petition will revise the adopted future land use as specified by the Rocky River Area Plan, from residential uses up to 4 DUA to residential uses up to 12 DUA for a 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. Adds note stating Petitioner would work to provide a pedestrian crossing on Harrisburg Road.
2. Adds note stating existing accessory structure that is part of 5100 Robinwood that encroaches on the site may be either relocated (removed) or may remain in its current location if it is located outside of the required buffer.
3. Modifies note 3h to require the pedestrian crossing on Harrisburg Road to be signalized by way of a Pedestrian Hybrid Beacon and the final location would need to be reviewed and approved by CDOT and NC-DOT during permitting.

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

Motion was made by Councilmember Driggs, seconded by Councilmember Winston to approve to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the Rocky River Area Plan for a portion of the site and inconsistent with the remainder of the parcel, based on the information from the final staff analysis and the public hearing, and because: the petition is consistent with the adopted plan's recommendation for residential uses up to 12 dwelling units per acre (DUA) for a portion of the site but inconsistent with the recommendation for residential uses up to 4 DUA for the remainder 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: while parcels along Robinwood Road are inconsistent with the Rocky River Area Plan's recommendation for residential uses up to 4 DUA, the proposal for these development areas (townhome units, a public park, and open space) contribute to the plan's vision to offer "a balanced mix of land uses and housing opportunities that utilize high-quality design principles for new development". The petition also fulfills the area plan's recommendation for "moderate density increase to allow varying densities near the I-485/Harrisburg Road Interchange". At 11 DUA, the petition is less dense than the recommended maximum density of 12 DUA. The petition commits to enhancing the pedestrian environment, through the construction of a 12-foot multi-use path, two 8-foot planting strips, and a 6-foot sidewalk. The approval of this petition will revise the adopted future land use as specified by the Rocky River Area Plan, from residential uses up to 4 DUA for to residential uses up to 12 DUA for a portion of the site as modified



Motion was made by Councilmember Newton to deny this petition and the following statement of consistency: this petition is found to be consistent with the Rocky River Area Plan for a portion of the site and inconsistent with the remainder of the parcel, based on the information from the final staff analysis and the public hearing, and because: the petition is consistent with the adopted plan's recommendation for residential uses up to 12 dwelling units per acre (DUA) for a portion of the site but inconsistent with the recommendation for residential uses up to 4 DUA for the remainder 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: while parcels along Robinwood Road are inconsistent with the Rocky River Area Plan's recommendation for residential uses up to 4 DUA, the proposal for these development areas (townhome units, a public park, and open space) contribute to the plan's vision to offer "a balanced mix of land uses and housing opportunities that utilize high-quality design principles for new development". The petition also fulfills the area plan's recommendation for "moderate density increase to allow varying densities near the I-485/Harrisburg Road Interchange". At 11 DUA, the petition is less dense than the recommended maximum density of 12 DUA. The petition commits to enhancing the pedestrian environment, through the construction of a 12-foot multi-use path, two 8-foot planting strips, and a 6-foot sidewalk. The approval of this petition will revise the adopted future land use as specified by the Rocky River Area Plan, from residential uses up to 4 DUA for to residential uses up to 12 DUA for a portion of the site as modified.

No second to the motion, motion failed.

Substitute motion was made by Councilmember Ajmera, seconded by Councilmember Egleston to defer approval and adoption of this petition and the following statement of consistency: this petition is found to be consistent with the Rocky River Area Plan for a portion of the site and inconsistent with the remainder of the parcel, based on the information from the final staff analysis and the public hearing, and because: the petition is consistent with the adopted plan's recommendation for residential uses up to 12 dwelling units per acre (DUA) for a portion of the site but inconsistent with the recommendation for residential uses up to 4 DUA for the remainder 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: while parcels along Robinwood Road are inconsistent with the Rocky River Area Plan's recommendation for residential uses up to 4 DUA, the proposal for these development areas (townhome units, a public park, and open space) contribute to the plan's vision to offer "a balanced mix of land uses and housing opportunities that utilize high-quality design principles for new development". The petition also fulfills the area plan's recommendation for "moderate density increase to allow varying densities near the I-485/Harrisburg Road Interchange". At 11 DUA, the petition is less dense than the recommended maximum density of 12 DUA. The petition commits to enhancing the pedestrian environment, through the construction of a 12-foot multi-use path, two 8-foot planting strips, and a 6-foot sidewalk. The approval of this petition will revise the adopted future land use as specified by the Rocky River Area Plan, from residential uses up to 4 DUA for to residential uses up to 12 DUA for a portion of the site as modified.

**Councilmember Ajmera** said clearly there are a lot of outstanding issues that need to be worked out with the [inaudible] neighborhood. They did send us a letter. They are opposing this. I do want to give the petitioner an opportunity to work out its outstanding issues directly with the neighborhood as well as with District Councilmember Newton. I did message the petitioner and I express my concerns and I share those concerns that Councilmember Newton had sent out in an email around the density. So, I'm hoping at least over the next couple of weeks, this will give us an opportunity to come to a middle ground where we can get the District Council Member, neighborhood, and everyone on board for this rezoning petition. Thank you.

**Councilmember Driggs** said when I look at this and I have a concern just because I think this petition basically aligns with all of the things that we've been saying we want to do in terms of it creates residential development in places already zoned for residential development. It has a medium density of about 11, I believe, and I think the situation has been made complicated by the fact that the neighbors made it known today, having indicated previously that they were actually okay with this, that they weren't okay with it. In my conversations with Mr. Newton, I think he has very valid concerns about this, but a lot of them are actually pretty general in nature, like infrastructure and stuff. These are issues we have citywide and I think we can resolve them on the back of an individual petition. So, I'm just curious to know maybe from the district rep whether another one is

going to change his position on this, because I got the feeling that his attitude about this and Mr. Newton, I'll let you speak, but I had the feeling that his attitude about this was something that was not going to be fixed with tweaks or minor changes to this petition. Frankly, I think this petition is properly submitted and well in the scope of the kind of things that we're trying to accomplish. So, my concern as the governance chair is just that if were to put this aside, say, eventually or even in opposing it, deferring it now, we're sending a really bad message in terms of what it takes in order to create a petition that the council will accept. I'm not sure I've gathered. I've heard things about traffic. I know there's a traffic circle issue, there's a crosswalk issue. The petitioner has actually committed to installing a crosswalk. So, want to know if we defer this, which places a burden on the petitioner, what we think we will change, and what we can accomplish in an extra month. Frankly, I would have been grateful if the neighbors had made their objections known after the hearing clearly enough that weren't in a situation where we heard today suddenly that they don't support it. So, I'm going to oppose the deferral.

**Councilmember Egleston** said I don't disagree with anything Mr. Driggs just said, and I'm not necessarily opposed to petition, but I do think it puts us in a difficult position, having only in the last couple of hours found out about the organization for that area, having a formal opposition to it. Given that most of the conversations we've had about this petition were with a thought or understanding that there were either neutral or positive feelings towards this petition from the neighborhood group out there. So, by sticking on the deferral and support for the deferral simply that I think coming into votes like this, having no information dropped in our lap at the last minute puts us in a position where we potentially end up voting something down just as a knee jerk reaction to the last second information. Then obviously that puts a two-year moratorium on the site. So, for me, if we could come into this a month later with a little more confidence around what we're doing, I think we'd be better off.

**Councilmember Newton** said I do appreciate the comments of my colleagues. I want to make clear that my concern isn't whether we place a burden on the petitioner so much as the burden we could be placed upon the community for the foreseeable future. I want to underscore that word foreseeable because the impacts that will occur in the far east of our city are absolutely foreseeable. That is something that members of the community myself have been saying for, well over four years now. So, it's a bit of a surprise for me that anyone else would be surprised given the objections to this petition in that area. This is something that certainly the cumulative effect is something that we can prevent. There has been conversation during that period of four years plus pertaining to the lack of infrastructure and that's not all. When you talk about this specific area, there is also a lack of jobs and it's a public safety hazard from the standpoint of the lack of connectivity. I'm not just talking about pedestrian connectivity, it's also public transit connectivity making this particular petition almost exclusively and wholly car-centric, which goes against all of the goals. I think that we have talked about and we have codified it in our 2040 Comprehensive Plan. Having said that, I'm against the deferral here, but to Councilmember Driggs is point, I don't know what that will achieve because I don't see how this petition can be rectified given the concerns I have and the foreseeable impacts

it will have in the area in the next five years. It's something that we can continue to kick the can down the road on and continue to approve development after development, but as I mentioned in the email that I sent everyone, all we're doing is placing another stick of dynamite and the ticking time bomb that we will eventually, as a city, have to address. So, those are my comments on this. Once again, not to say that I am against a deferral, but to Mr. Driggs's point, I don't know if it is, and I do suspect it will not accomplish the intended goal. I do ask to reserve some time should the deferral fail to speak to this petition as well.

**Councilmember Winston** said I tend to agree with Mr. Driggs's assessment of the petition. I like the petition. I think it's a good land use decision. However, there's no however there. I also respect my colleague's desire to hear from the community, even though this was coming in at the last minute, its still time left on the clock so you can still be part of the process. I also agree with Mr. Newton. I don't know this deferral if we defer this is going to achieve; I think, in either direction, whether you like this petition or not. So, I'm going to go ahead and follow the district rep to see how this deferral vote goes. I would like to see this push forward. I said given everything I want to follow your lead here, Mr. Newton, on the deferral.

**Councilmember Watlington** said I had a follow-up question. One of the things that I know that Councilmember Newton mentioned previously was that there were already a glut of active projects or projects that had been approved that were waiting to be built. I see here in the staff's transportation summary that it says in an active project. So, I'm hoping, Brandon, that you can shed some light on what's already in the pipeline in the near vicinity.

**Brandon Brezeale, Transportation Engineering Program Manager** said Yeah, we discussed that briefly today. I'm not familiar with any active projects, I'm sure Councilmember Newton remembers. We recently did bike lanes a couple of years ago in Cambridge Commons Drive on the existing pavement, but that was the only project that I'm familiar with. We do have a future thoroughfare alignment of Pence Road to be extended that will connect over to Harrisburg Road. We're getting that kind of reserved via some other developer projects in the area, but that's all I'm familiar with at this time.

Ms. Watlington said that just to be clear, you gave me the transportation projects. Does that include the development projects as far as how many more units are already approved in the pipeline?

Mr. Brezeale said no, that's just CIP (Capital Investment Plan) and state projects, and developer projects.

Ms. Watlington said I'm not sure who I should pose that question to.

Mr. Newton said if I could respond to that.

Ms. Watlington said yeah, I mean unless there's a staff member that can give me the data.

Mr. Newton said that data is out there. I mean, that's the data that has been compiled by staff over the past four years, but at the same time, it's been compiled by [inaudible] themselves. The last time I checked, which was about a year, year and a half ago, there were over 25 developments that had been approved to be built but are yet to be built. I can tell you I live in Cambridge Commons, which is across the street from where this development is being proposed.

The lot across from that small, let me be clear about that, the small strip mall that's there that has five storefronts, that lot is already being cleared for the 285 plus unit development that this council proposed about two years ago. The one where I was on vacation, I flew back to object to. So, that's just one of many. I had kind of I mentioned that in my email. Something I will mention in comments later should I have the opportunity to do that. At the same time, to Brandon's point all of this is coming in thousands of new units that have yet to be built. So, we don't have any current data on their impact, right? We can foresee they're going to be built, but there's nothing to tell us what that impact will be. All we see is what's today. If you have a big glut that is yet to be built in the meantime, well, when that occurs, then the impacts are going to be so much more exponentially larger. I think that's what I'm talking about. We want to avoid particularly to Brandon's point when there aren't any projects in the pipeline to address it today. This Pence Road. So, we're Pence and Harrisburg meet, that's about two and a half miles away from where this development is proposed.

The connector that Brandon was talking about, too, likewise will be at least two miles away. I don't know if that's going to include sidewalks, bike lanes, or streetlights. I can tell you it will do nothing to include sidewalks, bike lanes, and streetlights on Harrisburg itself for that three-mile stretch from Albemarle out to 485. From the standpoint of whether or not this makes sense within our greater goals of the comprehensive plan unless we're okay with people literally taking their lives into their own hands to cross across Harrisburg Road to get to five storefronts, a Wendy's and a gas station and only be able to use public transit in peak AM or PM hours Monday through Friday. Right. So, if you don't work a regular job, well then that's not going to help. Certainly, isn't probably going to go as far as we would want from the standpoint of other amenities like recreational outlets. You're going to have to drive. So, that's just my two cents right there to answer the question.

Ms. Watlington said as a follow-up that we don't have the information as far as what units are available, I'm curious as to what's included in those development petitions as far as what contribution they're going to have because I'm wondering if, to your point, if we're looking at the existing and the entitlement and the proposed zoning and I know that Councilmember Johnson and I at least have said this for quite some time, that if we're only looking at what is without considering the cumulative impact, we may be doing traffic impact studies on the same street that actually has a completely different future state. So,

that's information I would like to see in so much as were able to get a deferral, that would be something I would like to understand a lot better.

Ms. Eiselt said yeah, we've been saying that for every year that I've been on council. It is frustrating.

**Councilmember Phipps** said I travel this stretch of road, I guess. Harrisburg Road, Pence Road, on my way to that recycling center over there. I do see that there's quite a bit of subdivision development there but I would submit but for that development, there would be no sidewalks along Harrisburg Road. I think the development community with each development comes with a considerable amount of infrastructure. So, I hear my colleague basically saying that he doesn't support this petition right now because of a lack of infrastructure, which essentially means that you're asking for a moratorium then until we get the infrastructure. So, I don't know that we can really count on one singular development to solve all the infrastructure problems that we have. I would challenge my colleagues to travel that stretch of road and you will see I mean, I don't know, maybe a couple of three miles worth of sidewalk there. As we discussed in our budget workshop, I think the city has a goal of the city funding at least ten miles of sidewalk each year. I know that I guess Ms. Babson's group is looking into the prospect or trying to determine how much actual developers contribute to our infrastructure apportionment with the development as we are a growing city.

So, I'm not going to support the deferral because I think you realize that it's not going to accomplish what we want to accomplish in this. I really do think that this particular project and I'm familiar with roundabouts, having seen the installation of several roundabouts in the Highland Creek Prosperity Village area, whereas before that area was like inundated with traffic concerns, it was some apprehension about the use of those roundabouts. They've since gravitated and they are used. They've learned how to navigate those roundabouts. So, I don't know that particular accident you were talking about. I don't know if that was a result of some sort of you know, operator error in trying to navigate that. Those roundabouts. Roundabouts have been proven to be a reliable and safe mode and a more efficient mode of circular traffic flow than maybe some of these intersections where signalization is concerned. So, those are my comments and I would look forward to my colleagues supporting this petition and letting it move forward.

Ms. Eiselt said I would like to keep it quick because we do this is really the conversation that should be happening at a hearing, frankly. We have a whole month between hearings and decisions. It's really what we're trying to get away from is having this kind of conversation at the final hour and especially what happened today. As of this morning, the neighborhood, the [inaudible] community, we had information that they supported it. All of a sudden, I don't know why they flipped on that. I appreciate that the petitioner added the willingness to put a signalized crosswalk in, but we really need to get this stuff resolved before the night of the vote.

Ms. Ajmera said I just wanted to give a clarifying fact here. So, [inaudible] was never on board.

Ms. Eiselt said we got an email that they were.

Ms. Ajmera said yeah, that was the petitioner said that but he never got a letter from [inaudible]. I just want to put that out that it was a petitioner who said that neighbor who was on board and I reached out to the neighborhood. They made their decision recently. So, I just want to make sure that what you might hear from the petitioner may not be accurate all the time. Thanks.

Mr. Driggs said there's a message from [inaudible]. yeah, we got a copy of the letter. So, I mean, I'm not I will support it, but I don't think I'm going to the deferral, but I'm not going to change my mind on it, frankly, because I think Mr. Phipps said exactly how I feel that there are some concerns here about infrastructure, but you could talk about every single project we have in this city and express that same concern. We would love to have the sidewalks built first in the lights, but if it takes 25 years to get through all of our sidewalks, we can't put a hold on all of the development before that's done. So, I don't know. I mean, I'd love if the deferral passes, I'd like more information from staff as to whether or not this accelerates the plans for infrastructure in that area if it's tied to the amount of development in the area or not.

Ms. Eiselt said

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

YEAS: Councilmembers Ajmera, Egleston, Eiselt, Johnson, and Watlington.

NAYS: Councilmembers Bokhari, Driggs, Graham, Newton, Phipps, and Councilmember Winston said.

Mr. Driggs said so, now that we are going to vote on it, colleagues, I just want you to understand what it would mean if the Council actually turned this down at this point. I want to remind you that last month, by a vote of 10 to 1, the council approved a development in my district on a road nowhere near public transportation, with a density of 17 units per acre. It's just a fact of life that we have to make a lot of difficult decisions. We cannot do things as much as we would like to that are responsive to all of the concerns of the neighbors. We are working in a constrained environment. You've heard the conversations in our Budget Committee about what the backlog is of infrastructure projects. I can tell you I know for sure that Audrey Kell on which that development took place is not going to see any improvement by NC-DOT for 15 years. In fact, these things generally work out. I've heard this conversation about traffic going back eight years and there are many situations where, yes, the traffic was worse than before, but we're no Atlanta any stretch. So, I just hope that as a group we can do the right thing tonight and approve this. I absolutely do not disagree. With Mr. Newton, the gravity of the problems that he highlights

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are real. [inaudible] we can in our 2040 Plan in our UDO (Unified Development Ordinance) and so on to address them, but it would simply be wrong to turn this down tonight. It's got too many things that are in line with what we want, and I'm just concerned that we also do not identify ourselves, as being completely irrational and unpredictable to developers because job creation and economic growth depend on this being an environment in which people want to do business. So, I appreciate your attention to those things and look forward to the vote.

Mr. Newton said there's a lot going on here that I think should be addressed and at the very least should be lifted up and mentioned. I know this area very well in understanding its current and future. I believe that the approval of this petition would be a mistake and that's why my conscience compels me to not support it. I wanted to address two notions or two things preliminarily. First, the notion that the lack of infrastructure in the thin coat area is a broader issue that can't or possibly shouldn't be addressed by denying a single petition. The infrastructure issues here only exist because we keep approving these petitions. It's quite the contrary. We look at this, I think, from a backward perspective. At some point, I feel like we have to acknowledge that the way we combat the infrastructure issues in areas like [inaudible] that are far away from all of the other amenities that our city provides us, the way we do that in lieu of infrastructure improvements which are as branded I mentioned, neither plan, let alone funded for this area is to stop approving everything that comes in front of us, particularly when it's higher density than is already allowed by right.

The second point here, I have to address the other notion that only commercial growth and I've heard this only commercial growth in an area lacking it such as here in [inaudible] in this particular area, will happen if we approve more residential higher densities that simply is not the case here because residential is already coming in and we know that. If anything, what we need to be doing is preserving areas for those other amenities that are lacking to be able to provide for the multitude of residents who have yet to want to live here. A multitude once again, that despite this petition, it's already coming. A few points here. So, I just wanted to address that upfront. I also wanted to underscore just a few more points.

Ms. Eiselt said all right. Mr. If you've had these comments, though, I think we all have them.

Mr. Newton said the public watching hasn't heard this. I think it's really, really important that people understand the decision we are making tonight, irrespective of all the kind of the emails had, the discussions we've had behind the scenes. I'm asking for full transparency for the sake of the public here. That's why I just wanted to and I'll make it quick, as quick as I possibly can, just run through a couple of more points here. The first is, is that this is a dangerous roundabout. Maybe roundabouts in and of themselves are not inherently dangerous, but when you place it right beside an interstate where there's a gas station where people continually come off that interstate not understanding or even expecting them to be there, they do routinely run through the yield sign there. I've seen



it. I come down and I stop. I don't even yield. I stop because I expect people to not respect the yield. That's what you have to do in this area. We already have upwards of 298 units going in right now. We're talking about a project on the opposite side of the street that is isolated, that is going to be bringing in well over 295 more units and feeding it into that dangerous roundabout. From the standpoint of the crosswalk, it's great that we're now at a point where the petitioner is willing to move forward with a signal crosswalk, something that I think would only make sense if you were to put a crosswalk there, but that's pending approvals that we have no way of knowing will occur. Frankly, we have heard this time and time again in the [inaudible] area that there will be things like sidewalks. We talk a lot about sidewalks. We don't talk about the streetlights. There aren't even streetlights there. So, we hear a lot about, oh, yeah this is in the works. We're planning it, we're talking about it and it never happens. This, in my estimation, is going to be another one of those checkmarks or another one of those items on the list of things that the folks in the [inaudible] area have been told will happen, but unfortunately doesn't because it's frankly, out of all of our control.

To assume that I think once again is a mistake. People in that regard will likely be risking their lives to get from this isolated position across the street to that limited retail. As I was mentioning before, and I think maybe underscoring that point, this is completely car centric. We shouldn't expect people to have to go through that burden of crossing the street or expect that the only retail jobs that they're going to be provided are five storefronts., a Wendy's, and a gas station. Understanding that people are going to have to drive. They're either going to have to drive miles away for any of those amenities or I guess just stay right in and not have the benefit of what the rest of the city has. This development also only has 1.6 parking spaces per unit, even though there are three bedrooms and there are multiple townhomes going in. As I've said before, the highest use of this land is commercial because jobs and commercial retail do not exist in this area. To continue to support developments like this underscore the fact that we are cumulatively creating a larger problem that at some point down the road will have to be by this council and we're kicking the can. I can't in good conscience support that. So, I will be voting no to this petition. Thank you for the opportunity to say those words.

Ms. Eiselt said absolutely and I'll just emphasize that to the public who's listening, normally this would be a conversation we'd have in the hearing. The petitioner would have the opportunity to have a rebuttal, and that's not happening. So, that's why it's uncomfortable to do this on the night of a decision. I will also say to Ms. Ajmera's point that we did receive a copy of a letter from the chair of [inaudible] dated March 3rd that said, Received Thank you. This was to the petitioner. I signed up too late to speak virtually at the council meeting. [inaudible] is not opposing the build for your F Y I. As a matter of fact, were going to comment that we appreciate the partnership and considerations we presented. Let us know how we can be of assistance as you prepare and build. So, with that, the difficulty of this late 12-hour conversation is that the deferral failed. So, we either approve this with the information we had or it is denied and the petitioner is not allowed to come back for two years. So, we just need to keep all of that information, including the information that Mr. Newton shared with us in mind, but we'll go ahead and take a vote.

Ms. Johnson said I was just going to say that Mr. Driggs said, how can developers know or expect what to anticipate from Councilman? What's the common denominator? I think that the district representative has been consistent in his opposition to that, to this development. So, I think that that's one to the working with a district representative also if we heard from the community if they've changed their mind, I certainly think that's appropriate. I think a discussion of the council at any time these petitions, although we see 40 or 50 per night, each single petition impact the neighborhoods greatly. So, I don't think we should rush through the process either. Then the last thing I want to say is we keep saying the impact on infrastructure. One of the ways that we could really make an impact on this is to look at traffic impact studies from a cumulative perspective. We've each said it. Mayor Pro Tem, you said you've been talking about it for years. I mean, is it our decision to change that policy? If we're getting more traffic impact studies and developers will require to make more improvements to traffic mitigation and to the infrastructure, and we might not have so many problems. So, I know I've asked for a cumulative count.

Ms. Watlington talked about it tonight. Mr. Newton talked about it tonight. I think it's proposed in one of the plans of 2040 or UDOS, but that might be a policy that we need to pull out and implement sooner and later. I mean, it just doesn't make any sense with our explosive growth that we are not looking at development on a cumulative basis. What that means for anyone who doesn't know, it takes 2500 units to trigger a traffic study you can have a development with 2499 in one area and then 2499 right next to it, and neither of those would have triggered a traffic study. Meanwhile, the neighborhoods are impacted. So, I think that that's something instead of us talking about and saying woe is me, I wish it was a different way that we act as a council and change the policies because our neighbors and our residents are being impacted negatively. That's all I'll say about that.

Ms. Eiselt said I do agree that that's an important conversation for another time.

Ms. Ajmera said we should not rush into a decision here. When we had Ballantyne rezoning with CMS (Charlotte Mecklenburg Schools), which comes we took almost an hour going through. That was not hearing. That was the decision everyone commented on. I don't think every part of our city deserves the same amount of time and respect. When it comes to the petitioner, the petitioner was given an opportunity to defer. I had specifically asked the petitioner's attorney, Mr. Keith McGrane, to defer this because neighborhoods needed more time to address the concerns. So, they were given an opportunity. So, to say that, oh, this will be delayed two years, there will be strings attached to this site for two years. Well, they need to take that risk. They knew that council was not on board unanimously and they were given an opportunity. So, I just want to highlight that. The third item is clearly the neighborhood sent a letter that they are against it. This is just to provide enough time to neighborhoods and to work with the community. We need to defer it and the deferral motion failed that I had made. So, I would go ahead and deny this because the petitioner knew ahead of time that he did not have my support. Thank you.

Mr. Egleston said I agree with Councilman Ajmera's attempt to defer it. I agree that there are times where these things need to be ironed out at the last minute due to there being no other possible course of action. The frequency with which we bring these things forward and have to spend an hour talking about things that we could have talked about that is maddening. I frankly don't think our unwillingness to defer the petition a month should penalize the petitioner for two years. It's also not an effective way to deny a petition to have a complete change of heart coming forward to us hours before a vote when staff has said this is appropriate in our Zoning Committee that voted unanimously that it's appropriate. So, while I still wish we had allowed for one more month to try to come into this meeting, knowing what the hell were talking about, at this point, I'm inclined to support the petition because I don't think this is how you go about denying a petition. So, I wish we didn't defer, but I'll be. Yes, now, reluctantly.

Mr. Bokhari said a deferral or a denial don't make any sense here, because infrastructure is our responsibility as a municipal government and we consistently deprioritized that, amongst other things, that infrastructure is needed in every single part of this town. So, long story short, unless we're prepared to put a moratorium on all new development, then we need to stop bringing up infrastructure as a reason not to approve petitions like this. That's like 90 percent of the time we talk about what we ultimately need, which is to make this the big investment on our side. So, that's on us, really. There's no reason unless we're going to do it across the entire city and hit the pause button that we keep bringing it up every single month in zoning meetings.

Mr. Graham said again, I'm a little frustrated, too, simply because Monday night is decision night as well with that's when we vote. I got a phone call late this afternoon in reference to this after weeks of kind of going back and forth with the developer and kind of listening from the community based on being an outsider, looking in, i.e., not my district. I think it's important that were consistent throughout the city and the decisions that we make. I think Ed has a point there. Greg is right as well, though. A lot of the infrastructure that's over there is simply because of developments that's occurring. I'm not sure it's hard, which is first the chicken and the egg. Right. But certainly, when staff is looked at this and the Zoning Committee has made a recommendation and it comes before us for a vote and we get a last-minute request, it makes it really tough for council and everyone involved and so reluctant, I'll vote yes as well

Mr. Newton said I just wanted to comment on the difference between our hearings and our decisions. As Councilwoman Ajmera mentioned a moment ago, we have had long discussions when it comes to other decisions that we've made. I think the reason why we do that is because the hearings are meant for us to gather information, for us to ask questions, not necessarily to draw conclusions. The decisions or when we draw our conclusions and that's what we're doing right now. Sometimes that takes a little bit longer, right? I do think it's inappropriate to have this type of conversation when we make our decisions. I also wanted to mention that there is a difference between Harrisburg Road and North Tryon. There are lots of amenities and not to say that North Tryon doesn't need infrastructure improvements or maintenance, but there are already preexisting amenities

there. As our city continues to grow outward towards our boundaries and then go beyond those boundaries [inaudible].

Mr. Driggs said that I'd like to call a question. Mr. Newton, please. You've made your case for a structure that infrastructure does not like all the questions [inaudible].

Mr. Newton said that infrastructure is not exist. So, there is a difference depending upon location.

Mr. Driggs said Okay, colleagues, please know he is holding us hostage.

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

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

NAYS: Councilmembers Ajmera, Johnson, Newton, and Watlington.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 625-626.

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**ITEM NO. 18: ORDINANCE NO. 264-Z, 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).**

The Zoning Committee voted 6-0 (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 Central District Plan (1993) based on the information from the post-hearing staff analysis and the public hearing, and because the plan calls for land uses including industrial, parks/open space, greenways, office/business park, multifamily of no more than 22 DUA and single-family land uses of no more than 4 DUA for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the request would provide more compatible uses to the existing single-family neighborhood to the north and would provide a better transition and buffer between Atando Avenue and I-77. The petition commits to enhancing the pedestrian environment on the site with multiple site design elements. The introduction of 350 new dwelling units will contribute to increased diversity in housing options in this area. The approval of this petition will revise the adopted future land use as specified by the Central District Plan,

from parks/open space, greenways, industrial, office/business parks, multifamily of no more than 22 DUA, and single-family land uses of no more than 4 DUA.

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

1. A conditional note that states, "Petitioner shall reserve an area for a minimum twelve (12) foot wide multi-use path connecting Whittington Street to Julia Avenue, as generally depicted on the Rezoning Plan, to be dedicated to Mecklenburg County upon request for a future greenway trail."

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

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Central District Plan (1993) based on the information from the final staff analysis and the public hearing, and because: the plan calls for land uses including industrial, parks/open space, greenways, office/business park, multifamily of no more than 22 DUA and single-family land uses of no more than 4 DUA for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the request would provide more compatible uses to the existing single-family neighborhood to the north and would provide a better transition and buffer between Atando Avenue and I-77. The petition commits to enhancing the pedestrian environment on the site with multiple site design elements. The introduction of 350 new dwelling units will contribute to increased diversity in housing options in this area. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from parks/open space, greenways, industrial, office/business park, multifamily of no more than 22 DUA and single-family land uses of no more than 4 DUA as modified.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 627-628.

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**ITEM NO. 19: ORDINANCE NO. PETITION NO. 2021-181 BY EVOLVE ACQUISITIONS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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 THE SOUTH SIDE OF**

**INTERSTATE 485 FROM BP (BUSINESS PARK) AND R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Ham, seconded by Chirinos) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan (2008) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential, office and/or retail mix, and park/open space, with residential densities of up to 22 DUA permitted as single use. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because this petition n fulfills the area plan's goals of accommodating growth, improving housing choices, and encouraging mixed-use centers. The introduction of up to 336 new dwelling units will contribute to increased diversity in housing options in this area. The petition commits to enhancing the pedestrian environment on the site with multiple site design elements.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the Northlake Area Plan (2008) based on the information from the final staff analysis and the public hearing, and because: the plan recommends residential, office and/or retail mix, and park/open space, with residential densities of up to 22 DUA permitted as a single use. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: this petition n fulfills the area plan's goals of accommodating growth, improving housing choices and encouraging mixed-use centers. The introduction of up to 336 new dwelling units will contribute to increased diversity in housing options in this area. The petition commits to enhancing the pedestrian environment on the site with multiple site design elements.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 629-630.

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**ITEM NO. 21: ORDINANCE NO. 266-Z, PETITION NO. 2021-189 BY BENTLEY PHAM AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

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 Northwest District Plan (1991) based on

the information from the post-hearing staff analysis and the public hearing, and because the plan recommends multi-family 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 a corner lot along a major thoroughfare, making it an ideal location for an increase in allowable density on the currently vacant lot. There are numerous multi-family developments near the site, and the rezoning of this vacant site from R-4 is in alignment with the area's multi-family development along the south side of Tuckaseegee Road. This petition is consistent with the proposed land use for the area.

Motion was made by Councilmember Watlington, seconded by Councilmember Winston, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the Northwest District Plan (1991) based on the information from the final staff analysis and the public hearing, and because: the plan recommends multi-family 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 a corner lot along a major thoroughfare, making it an ideal location for an increase in allowable density on the currently vacant lot. There are numerous multi-family developments near the site; and the rezoning of this vacant site from R-4 is in alignment with the area's multi-family development along the south side of Tuckaseegee Road. This petition is consistent with the proposed land use for the area.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 631-632.

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**ITEM NO. 22: ORDINANCE NO. 267-Z, PETITION NO. 2021-191 BY BENTLEY PHAM AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

The Zoning Committee voted 6-0 (motion by Ham, 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 Central District Plan (1993) and consistent with the General Development Policies based on the information from the post-hearing staff analysis and the public hearing, and because the Central District Plan (1993) recommends single-family residential uses up to 4 dwelling units per acre (DUA) for the site, and the General Development Policies support up to 8 DUA for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the petition

would not allow any greater height allowance permitted under the existing zoning district (40 feet for a residential structure). This request supports the Central District Plan's policy recommendation of promoting "more urban scale infill development..." while only modestly increasing the allowable density on the site from one unit to two units. The subject site is the northern most parcel zoned R-5 on the western side of Glenwood Drive and adjacent to a number of parcels zoned O-2, making it an appropriate site to transition to slightly denser uses. Though this site is in the airport noise overlay, it is near the northern edge of the overlay, around three miles from the edge of the airport; and a small increase in density to the site provides appropriate infill without drastically increasing the overall residential units within the airport noise overlay. The approval of this petition will revise the adopted future land use as specified by the Central District Plan (1993), from single-family residential uses up to 4 DUA to multi-family residential uses up to 8 DUA.

Motion was made by Councilmember Watlington, seconded by Councilmember Winston, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Central District Plan (1993) and consistent with the General Development Policies based on the information from the final staff analysis and the public hearing, and because: the Central District Plan (1993) recommends single family residential uses up to 4 dwelling units per acre (DUA) for the site; and the General Development Policies support up to 8 DUA for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the petition would not allow any greater height allowance permitted under the existing zoning district (40 feet for a residential structure). This request supports the Central District Plan's policy recommendation of promoting "more urban scale infill development..." while only modestly increasing the allowable density on the site from one unit to two units. The subject site is the northern most parcel zoned R-5 on the western side of Glenwood Drive and adjacent to a number of parcels zoned O-2, making it an appropriate site to transition to slightly denser uses. Though this site is in the airport noise overlay, it is near the northern edge of the overlay, around three miles from the edge of the airport; and a small increase in density to the site provides appropriate infill without drastically increasing the overall residential units within the airport noise overlay. The approval of this petition will revise the adopted future land use as specified by the Central District Plan (1993), from single family residential uses up to 4 DUA to multi-family residential uses up to 8 DUA.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 633-634.

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**ITEM NO. 23: ORDINANCE NO. 268-Z, PETITION NO. 2021-193 BY FORK LIFT PRO AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Steele Creek Area Plan for the majority of the site but inconsistent with a small portion of the site based on the information from the post-hearing staff analysis and the public hearing, and the plan n recommends industrial land use for the majority of the site. The plan recommends institutional use for a small portion of 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 the proposed rezoning to I-2(CD) is consistent with the heavy industrial developments in the area and is adjacent to a railroad. The site is located within the Westinghouse Industrial Activity Area, as per the Centers, Corridors, and Wedges Growth Framework. The portion of the site that is inconsistent with the land use recommendations reflects an existing institutional use on the property to the south. The petition is committing to a 100' Class A buffer adjacent to this property. The proposed site plan provides adequate buffers between the industrial uses and adjacent residential developments in conjunction with the reserved right-of-way for the future Carowinds Boulevard extension. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from institutional use to industrial use for the site.

**Councilmember Winston** said I was wondering if staff had any input on why this was deemed not a fiscally responsible petition and in terms of it is not alignment with capital investments that adopt growth strategy to ensure the benefit of public and private sector investments and limit the public cost[inaudible].

**David Pettine, David Pettine, Planning, Design & Development** said it should be an end rather than an ex. It should just be not applicable rather than access just oversight on our part.

Mr. Winston said okay, thank you.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the Steele Creek Area Plan for the majority of the site but inconsistent with a small portion of the site based on the information from the final staff analysis and the public hearing, and because: the plan recommends industrial land use for the majority of the site. The plan recommends institutional use for a small portion of the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the proposed rezoning to I-2(CD) is consistent with the heavy industrial developments in the area and is adjacent to a railroad. The site is located within the Westinghouse Industrial Activity Area, as per the Centers, Corridors and Wedges Growth Framework. The portion of the site that is inconsistent with the land use recommendations reflects an existing institutional use on the property to the south. The petition is committing to a 100' Class A buffer adjacent to this property. The proposed site plan provides adequate buffers between the industrial uses and adjacent residential developments in conjunction with the reserved right-of-way for the future Carowinds Boulevard extension. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from institutional use to industrial use for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 635-636.

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**ITEM NO. 24: ORDINANCE NO. 269-Z, PETITION NO. 2021-194 BY FOURSTORE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

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 East District Plan based on the information from the post-hearing staff analysis and the public hearing, and because the petition consistent with the East District Plan's (1990) recommendation for office uses on parcel 10917106 and retail uses on parcel 10917116. 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 proposal for mixed non-residential uses is complementary to the existing character at Albemarle Road and East W.T. Harris Boulevard (retail, office, etc.). The site is located directly across the street from existing self-storage uses. By meeting existing ordinance requirements, prohibiting outdoor storage and truck rental, limiting building height to 55 feet, and through the provision of a 12-foot multiuse path and 8-foot planting strip this petition accomplishes the East District Plan's goal for a "livable and attractive community having a distinct identity."

**Councilmember Newton** said I received a phone call from a joining property owner on my way in this evening for our meeting regarding their desire to have this petition deferred. I just wanted to comment on that, and I don't know if anyone else had also spoken with that adjoining property owner. I told the individual I spoke to that I would be in contact with the petitioner who has worked for many months to put this petition together. It was conveyed to me by the petitioner that deferring this would place a burden upon them. I just wanted to mention that in case the person that I spoke to earlier is watching, to let them know the difficult position I'm in. I do respect their opinion. I want to see adjoining property owners get along. At the same time. I just feel like it would be unfair to this petitioner to move forward on deferral and it puts me in a tough spot with a late notice.

Motion was made by Councilmember Newton, seconded by Councilmember Winston, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the East District Plan based on the information from the final staff analysis and the public hearing, and because the petition consistent with the East District Plan's (1990) recommendation for office uses on parcel 10917106 and retail uses on parcel 10917116. 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 proposal for mixed non-residential uses is complementary to the existing character at Albemarle Road and East W.T. Harris Boulevard (retail, office, etc.). The site is located directly across the street from existing self-storage uses. By meeting existing ordinance requirements, prohibiting outdoor storage and truck rental, limiting building height to 55 feet, and through the provision of a 12-foot multi use path and 8-foot planting strip this petition accomplishes the East District Plan's goal for a "livable and attractive community having a distinct identity."

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 637-638.

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**ITEM NO. 25: PETITION NO. 2021-200 BY TRADE STREET TOWNHOMES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

The Zoning Committee voted 5-1 (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 East District Plan based on the information from the post-hearing staff analysis and the public hearing, and because the petition consistent with the East District Plan's (1990) recommendation for office uses on parcel 10917106 and retail uses on parcel 10917116. 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 proposal for mixed non-residential uses is complementary to the existing character at Albemarle Road and East W.T. Harris Boulevard (retail, office, etc.). The site is located directly across the street from existing self-storage uses. By meeting existing ordinance requirements, prohibiting outdoor storage and truck rental, limiting building height to 55 feet, and through the provision of a 12-foot multi-use path and 8-foot planting strip this petition accomplishes the East District Plan's goal for a "livable and attractive community having a distinct identity."

**Councilmember Graham** said Councilmember Winston gave me a call and want me to take another look at this petition and I review my notes. It's literally three acres in the middle of an existing neighborhood. Certainly, the commissioner, Chairwoman of the Planning Commission, had some a minority opinion on this as well in reference to connectivity issues, etc., but it's something I did look at again. Mr. Councilmember Winston said. Actually, I went to the site. I was not familiar with the number when you called earlier and this is the site, it is it's not perfect in terms of a zoning request, but it does fit in with the approval of the Planning Commission as well as the staff. For an issue like this, I thought there would be a lot more neighborhood concerns based on the locality of the project and there were nothing notable based on the neighborhood meetings and my records, so I'm going to vote to approve it.

**Councilmember Winston** said I just would like to ask Mr. Pettine, in terms of how it lines up with our Charlotte Future 2040 Comprehensive Plan goals, is this within our packets, still accurate?

**David Pettine, David Pettine, Planning, Design & Development** said yeah, we would discuss a little bit earlier about goal number five, and goal number seven shown is not applicable. I think if went back and reviewed this I would actually mark that as not the goal rather than not being applicable. So, five and seven I would say we could mark with an X rather than with an N/A that shows now in the packets. So, I would say goals five and seven would actually be not met as a part of this particular goal seven with the loss of tree canopy that would result with this project. That certainly should be an X rather than a N/A really if there wasn't tree canopy there and weren't losing much and we might be getting minimal back, you could mark that as maybe not applicable, but in this case, I think both of those would likely be an X in another review of that.

Mr. Winston said thank you. So, colleagues and the public, for the public what I'm referring to is when we adopted the Comprehensive 2040 Plan that was policy and we don't have the regulatory vehicles yet that guide our land use decisions, but what staff has started to do has started to measure our potential land use decisions to those ten goals. Even before Mr. Pettine made that comment, this petition did not meet three of our ten goals. So, our goal of a ten-minute neighborhood, our goal for housing access for all, and our goal of retaining our identity and charm. What he has just said now is that in this petition he would add two more Xs. So, to goal number five, safe and equitable mobility. Actually, a third X would not meet the goals for goal six for healthy, safe, and active communities. Goals

seven integrated natural and built environments. So, what you see is that this does not meet one, two, three, six 60 percent of our policy goals that is stated in our adopted Comprehensive 2040 Plan. It does meet one goal for neighborhood diversity and inclusion, which is I.E. There is some affordable housing in here, but we know that again, we don't want to be trapped by the guise of building affordable housing just to build it and build it bad and make conditions worse. Basically, what this is, this is a petition that we have created a policy to guide us from making poor decisions, from putting affordable housing in development, period, in bad situations. This creates a cul-de-sac in the middle of a neighborhood. It cuts communities off. It makes people that live in affordable housing, more cut off from services and amenities in that neighborhood. I don't think this is an appropriate land use decision.

The status quo is better than what is being proposed. However, again, since this information was given at the last minute, perhaps I would suggest I would make a substitute motion to defer this petition to give the petitioner a chance to recalibrate and see if he can come back and come back with a petition and the land use decision that is more in line with the council's adopted policy. Again, I think if we make this land use decision, it will be counter-active to our stated policy goals. So, again, I make that motion to defer this petition

Motion was made by Councilmember Graham, seconded by Councilmember Newton, and carried unanimously to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the East District Plan based on the information from the final staff analysis and the public hearing, and because the petition consistent with the East District Plan's (1990) recommendation for office uses on parcel 10917106 and retail uses on parcel 10917116. 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 proposal for mixed non-residential uses is complementary to the existing character at Albemarle Road and East W.T. Harris Boulevard (retail, office, etc.). The site is located directly across the street from existing self-storage uses. By meeting existing ordinance requirements, prohibiting outdoor storage and truck rental, limiting building height to 55 feet, and through the provision of a 12-foot multi use path and 8-foot planting strip this petition accomplishes the East District Plan's goal for a "livable and attractive community having a distinct identity."

Motion was made by Councilmember Winston, seconded by Councilmember Watlington, and to defer this petition that is found to be consistent with the East District Plan based on the information from the final staff analysis and the public hearing, and because the petition consistent with the East District Plan's (1990) recommendation for office uses on parcel 10917106 and retail uses on parcel 10917116. 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 proposal for mixed non-residential uses is complementary to the existing character at Albemarle Road and East W.T. Harris Boulevard (retail, office, etc.). The site is located directly across the street from existing self-storage uses. By meeting existing ordinance requirements, prohibiting outdoor storage and truck rental, limiting building height to 55 feet, and through the provision of a 12-foot multi use path and 8-foot planting strip this petition accomplishes the East District Plan's goal for a "livable and attractive community having a distinct identity."

**Councilmember Egleston** said I would simply ask the district rep to share his opinion on the deferral before we vote.

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

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

NAY: Councilmembers Bokhari and Driggs.

**Substitute motion passed.**

**Councilmember Phipps** said I mean, I look at these, the schedules in the back to in terms of how these petitions meet our purported goals for the 2040 plan and some of them give me heartburn. Because even now with the hearings that we are about to undertake we have several hundred units of housing that's going to be debated in such and you know, one of the goals on this schedule is whether or not you have a housing access for all. In a lot of instances, I don't know that any of these hearings that we are about to undertake has all of them on market rate or whatever. So, I don't know. I mean, I know this is a guide. I mean, is this meant right now to be a policy or is this what we are moving towards my understanding is that we still have elements of this 2040 plan is still in process. So, to try to make it something that's enforceable to the extent that we are, I'm wondering how appropriate is that. So, that's my comment on it.

Mr. Pettine said I didn't know if it was a comment or question. If it's a question I think it's applicable to use them in evaluating the land use decisions that are made and applying them. You know, I think where the gap lies is how they're applied more on the regulatory scale from development standards and requirements for projects and how they be designed. As far as policy and how a project aligns with the implementation of those, I

think it's it does have some merit to look at those and weigh them against what the petition is bringing to the table because those are adaptive policies and we can use them in evaluating our land use decisions. I think we'll still have more tools that will be implemented for us over the next few months with hopefully the adoption of the policy map next week in the effective date for that. Then of course the UDO. I think in this interim step, those checklists were intended to be that kind of additional guide to saying how are we stacking up against the goals of the comp plan and where we see gaps how can we address a project to try and close those? So, I think it's more than reasonable to take a look at those goals and, the checkmarks and axes that we provide and use them for guidance in this decision-making process.

**Councilmember Bokhari** said I just say and the reason I voted no on that is, is not to say that maybe there is better things that could have been done in that petition, but we spent the better part of a year fighting and arguing and debating over the document that now we're looking at. Those were the exact things we said, which were we don't necessarily know that these are actually going to work when the rubber meets the road. If we start saying, well, this can't work today because it doesn't meet the need of community benefit agreements. We don't know how those work, right? So, the reason why we started putting those checks in here wasn't to see the quality of the current petitions in relation to the comp plan. It was for us to start seeing real examples of which maybe the comp plan didn't make a ton of sense. So, I think it is a very bad precedent for us to start using that as a reason that we send things back or decline things when literally the whole premise around it is we know exactly how a lot of that stuff is ultimately going to work until we get through the UDO.

**Councilmember Eiselt** said I think they're all valid points. We haven't really had this come up before where we're really basing it on this. I do think there's going to be times when we look at something like, and I appreciate you bringing this up, Mr. Winston, because there really is only one checkmark that says, yes, it does tie into this, but I think we all feel like when we're talking about affordable housing, we've stated a value that we want to make sure we're not approving affordable housing at the expense of people's health and well-being, especially for people that have been you know, we've built affordable housing and industrial areas or where air quality is bad or near highways. So, sometimes I think there's going to be more weight given to these than others when it really pertains to the reason we're building in the first place. It's not perfect. It's an art form right now a little bit, but I do appreciate your bringing this up would you have the votes to defer so that hopefully the developer can go back and take a look at it?

Mr. Graham said yeah, just my final comment and I think Mr. Bokhari and Greg are right, both of them. That's the conversation I wanted to have with my colleagues as well as staff in terms of when the rules apply. Right. I think that's a conversation that we need to have off-camera to make sure that as we move forward, we're consistent in the scoring, right? We all know what standards we're using. So, that's why I voted for the deferral. I think it's a fair debate, something that I would love to get more information from Dave and talk to Bokhari and Greg and certainly Councilmember Winston and interim until next month. I

think that's a discussion we all need to have to make sure that we're all looking at these things the same way.

**Councilmember Watlington** said I'm also very interested in that discussion because as I understand it, to staff's point, when we voted this in, the policy became policy, right? So, I would hope that particularly for those who voted for the elements of the plan, we're able to draw a line in the sand say, this is what we voted in the policy, this is what expecting going forward. Certainly, to your point, from a regulatory standpoint, we're not in the weeds yet, but I think we established the values and we're doing an awful lot of work to get the regulations to match the values. So, if we're saying anything other than we're going to align to adopt a policy, I think that we need to really consider what's in the policy if we don't feel like we can own up to it. So, I look forward to those discussions as well.

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**ITEM NO. 26: ORDINANCE NO. 270-Z, PETITION NO. NO. 2021-203 BY LAND GROWTH, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent and inconsistent with the Independence Boulevard Area Plan (2011) based on the information from the post-hearing staff analysis and the public hearing, and because the plan n recommends retails uses for a portion of the site, and the plan recommends TOD – Employment uses for a portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the parcel proposed to be rezoned to the B-2 zoning district from the existing B-2(CD) zoning district is consistent with the land use recommendation for the plan and is directly adjacent to other areas zoned B-2. The small portions of two parcels that the petitioners are requesting to rezone to I-1 have existing land uses that are consistent with the light industrial zoning district. The application of the B-2 and I-1 zoning districts is appropriate for this area given the surrounding context of car dealerships, industrial areas, offices, and large shopping centers. This corridor, and in particular the western side of Independence Boulevard, does not have existing residential or pedestrian-oriented development that would otherwise be incongruent with this petition. The approval of this petition will revise the adopted future land use as specified by the Independence Boulevard Area Plan (2011), from transit-oriented development – employment to light industrial uses for a portion of the site.



Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent and inconsistent with the Independence Boulevard Area Plan (2011) based on the information from the final staff analysis and the public hearing, and because the plan recommends retail uses for a portion of the site; and the plan recommends TOD – Employment uses for a portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the parcel proposed to be rezoned to the B-2 zoning district from the existing B-2(CD) zoning district is consistent with the land use recommendation for the plan and is directly adjacent to other areas zoned B-2. The small portions of two parcels that the petitioners are requesting to rezone to I-1 have existing land uses that are consistent with the light industrial zoning district. The application of the B-2 and I-1 zoning districts is appropriate for this area given the surrounding context of car dealerships, industrial areas, offices, and large shopping centers. This corridor, and in particular the western side of Independence Boulevard, does not have existing residential or pedestrian-oriented development that would otherwise be incongruent with this petition. The approval of this petition will revise the adopted future land use as specified by the Independence Boulevard Area Plan (2011), from transit oriented development – employment to light industrial uses for a portion of the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 639-640.

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**ITEM NO. 27: ORDINANCE NO. 271-Z, PETITION NO. 2021-205 BY CITY OF CHARLOTTE AVIATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Chirinos) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent and inconsistent 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 light industrial uses for a majority of the site, and the plan recommends greenway uses for a small portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the site is located within a mile of the Charlotte Douglas International Airport and within the airport noise overlay, which is

compatible with industrial zoning. The vast majority of the site is in alignment with the proposed future land use. Most of the parcels directly adjacent to the site are zoned I-1 and are largely vacant. The other zoning districts bordering the petition's parcels include B-2 (general business) and O-1 (office). This petition is in an area that has experienced an ongoing shift to industrial zoning and land uses. The approval of this petition will revise the adopted future land use as specified by the Central District Plan (1993), from greenway uses for a portion of the site to light industrial uses.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent and inconsistent with the Central District Plan (1993) based on the information from the final staff analysis and the public hearing, and because the plan recommends light industrial uses for a majority of the site; and the plan recommends greenway uses for a small portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the site is located within a mile of the Charlotte Douglas International Airport and within the airport noise overlay, which is compatible with industrial zoning. The vast majority of the site is in alignment with the proposed future land use. Most of the parcels directly adjacent to the site are zoned I-1 and are largely vacant. The other zoning districts bordering the petition's parcels include B-2 (general business) and O-1 (office). This petition is in an area that has experienced an ongoing shift to industrial zoning and land uses. The approval of this petition will revise the adopted future land use as specified by the Central District Plan (1993), from greenway uses for a portion of the site to light industrial uses.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 641-642.

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## HEARINGS

**ITEM NO. 29: HEARING ON PETITION NO. 2021-103 BY PROVIDENCE GROUP CAPITAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.25 ACRES LOCATED ON THE NORTH SIDE OF BLAIRHILL ROAD, SOUTH OF CLANTON ROAD, AND WEST OF SOUTH TRYON STREET FROM I-1 (LIGHT INDUSTRIAL) TO TOD-UC(CD) (TRANSIT-ORIENTED DEVELOPMENT - URBAN CENTER, CONDITIONAL).**

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

**David Pettine, David Pettine, Planning, Design & Development** said two and a quarter acre on Clanton Road and South Tryon. The zoning is i-1. The proposed zoning is TOD-UC, with some site conditions being proposed. The adopted future land uses from the

Scaly Bark Transit Station area plan recommends office and industrial warehouse distribution mainly based off a lot of the existing zoning and land uses that are out there. You may remember this when we had a hearing on this item not too long ago, staff had some concerns about just general TOD-UC, given the building height requirements of up to 300 feet. So, staff and the petitioner work together to come to a proposal for just one site condition that would be approved should this rezoning get approved by Council. That would be to cap the building height at 225 feet. That would be less than the 300 feet TOD-UC by-right would allow and the staff is comfortable with that. It does support the petition at this point. Again, the staff does recommend approval of this petition. So, while it is conditional, it's just that one site condition that would cap the building height at 225 feet. Well, I'd be happy to take any questions following the petitioner's presentation. Thank you.

**Newton left the meeting at 6:01 p.m.**

**Keith MacVean, 100 North Tryon Street** said with Moore. Van Allen assisting Providence Group Capital. As you mentioned, James Cole with the Providence Group Capital is online and available to answer questions. I think Dave has covered the site very well. Zoned I-1. We have modified the petition from what we originally presented in October to a TOD Urban Center conditional which will limit the allowable building height to 225 feet. All the other provisions of the TOD district will be adhered to and complied with. As Dave mentioned, currently used for commercial uses next to station 43. It is an area that's transitioning from these older auto-oriented uses to transit-oriented development.

So, it just gives you an idea of the little station location recommendations. It is within a half mile of Scaly Bark in a corridor. The marketplace has shown that transit-supported development south of New Bern is now very viable. There's been a number of rezonings in this area since we originally filed this petition. I think the council has actually approved at least two or three other TOD rezonings in the immediate area. So, transit, surrounding areas, an excellent location for transport development. We did convert it to a conditional plan. We are limiting the height to 225 feet. We will allow the continued growth of transit-supportive use in the area while also creating a more appropriate transition by limiting the height to 225 feet. We're happy to answer questions. Thank you.

**Councilmember Winston** said I'm just grateful to the petitioner and staff and the district rep for putting in work on this. You know, at one point in time, staff was opposed to this rezoning for the right reasons, for good reasons. So, I'm grateful for the work that was put in here. I look forward to voting on this.

Mr. Pettine said Can I ask one item of housekeeping? On the next petition, I did receive a message from the petitioner's agent. They're unable to get in and present for this item, and they were wondering if we could table it until even later in the meeting. I would suggest we maybe just move it to the last item so that way they have time to get get in and get set up to discuss and answer any questions. So, if we could accommodate that

that, would I think, be appreciated on their part, but that was the item that I just wanted to bring up on this next one.

**Councilmember Eiselt** said for item number 30.

Mr. Pettine said yes, 2021 142.

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

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**ITEM NO. 31: HEARING ON PETITION NO. 2021-150 BY TRIBUTE COMPANIES, INC FOR A CHANGE IN ZONING FOR APPROXIMATELY 37.14 ACRES LOCATED ON THE SOUTHEAST SIDE OF NORTH TRYON STREET, EAST OF INTERSTATE 485, AND NORTH OF UNIVERSITY CITY BOULEVARD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

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

**David Pettine, David Pettine, Planning, Design & Development** said just over 37 acres on North Tryon Street, just there, the Cabarrus County line. It's currently zoned R-3. The proposed zoning is R-12 multifamily conditional and the adopted future land use from the Northeast Area Plan does recommend single-family and multifamily and office use for the site and the density between 4 to 12 units per acre. This petition is proposing up to 380 multifamily units in 18 buildings. It does provide access from North Tryon Street, and there'll be a new internal network constructed as a part of this project. Primarily access from Caldwell Road Extension, extending from North Tryon into Cabarrus County as well. It does provide a number of street stubs and two adjacent large parcels for future interconnectivity. Buffers have been established, a 50-foot buffer and reduce for the fence by 25 percent, as well as a stream buffer on the western property line does provide a 12-foot multi-use path, an eight-foot planning strip along North Tryon, as well as Caldwell Road Extension and six-foot sidewalks and eight-foot planning on all internal public streets. Does have some infrastructure or transportation improvements like a left over at North Tryon Street and U-turn bulbs at Hudspeth Road. Architectural standards have been provided within the project, as well as a minimum of 0.5-acre amenity area, which would include things like a pool, clubhouse, picnic tables, benches, landscaping, etc., and also dedicates and conveys a 1.1-acre area near the intersection of North Tryon and the proposed Caldwell Road Extension to Mecklenburg County Parks and Rec for a future neighborhood park. The staff does recommend approval of this petition. We do have some outstanding issues related to transportation to work through. It is consistent with that area plan recommendation for multifamily between 4 to 12 units per acre. This comes in at about 10.25. So, again, the staff does recommend and be happy to take questions following the petitioner's presentation. Thank you.

**Collin Brown, 1420 East 7th Street** said on behalf of Petitioner. Thanks, Dave, for the overview. This does remind me Councilmember Newton was earlier in the meeting on a different item, making a distinction between that particular development and some developments along 29 in this area put to the Cabarrus County and I did a bad job of clipping this area, but if you could this parking lot here is Charlotte Motor Speedway. So, you can see this is literally on the county line. This is a good example of some of these developments we're seeing in Mecklenburg County where actually the traffic is probably going to Concord, Cabarrus. Concord mills is around the corner. So, this is an example where we're building some that'll be relying on other people's infrastructure. So, just wanted to make that point about the location. Good overview from Dave. on all the key points. I would show you just a rendering of the site that we put together. Again, 350 units. One of the big commitments coming through this rezoning is the dedication of a new street, a major street connection that will be provided, providing another into the county, and a lot of things that are going on over there.

We talked about the improvements, the park dedication, something that we talk about consistently up here. Councilmember Johnson frequently in addition to traffic talks about school impacts and so did want to recognize a little bit of a link discussion here. The site we're talking about tonight has a star on it. The site outlined in blue is another development that this developer is working on and we are working in conjunction with CMS (Charlotte Mecklenburg Schools) to provide potentially a new school on that site that will be coming to you soon. We'll be filing this week. We did think that was relevant. A new school in that area could provide some relief for the schools that serve this site. So, this development team from Tribute is working on it and we hope to bring that partnership with CMS and potentially county parks to fruition and answer any questions if you have them.

**Councilmember Johnson** said thank you for the presentation, Collin. I wanted to know, has there been any comments from the community or are you hearing anything from the community about the development?

Mr. Brown said we had a few attendees at the community meeting, I think just interested in what was going on. I'm not aware of any opposition. That doesn't mean it's not out there, but it has not been communicated to us at this time.

Motion was made by Councilmember Winston, seconded by Councilmember Johnson, and carried unanimously to close the hearing.
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**ITEM NO. 32: HEARING ON PETITION NO. 2021-151 BY LINCOLN HARRIS FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.65 ACRES LOCATED ON THE SOUTH SIDE OF FAIRVIEW ROAD AND EAST SIDE OF CAMERON VALLEY PARKWAY, WEST OF COLONY ROAD FROM MUDD-O (MIXED-USE**

**DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).**

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

**David Pettine, Planning** said is 3.65 acres. It's off Fairview Road, east of Cameron Valley, west of Colony Road, and Phillips Place. The current zoning is MUD O and the proposed zoning is to do a site planning amendment for that MUD optional approval that was granted for the Phillips Place Project. The South Park Small Area Plan does recommend residential office and retail mixed-use. The proposal for this project would be to allow up to 250 square feet of office use and up to 20,000 square feet of retail EDEE (eating/drinking/ entertainment establishment) personal services or other commercial uses. We do have prohibitions on things like car washes, automobiles, service stations, and EDEEs with accessory drive-throughs. It does propose a 1 to 1 conversion rate of the unused office space to go to retail use and a 500 square foot two one-room conversion rate for unused office space to lodging. It does request an optional provision to allow a maximum building height of 250 feet.

It does provide architectural standards for exterior building materials, screening for multilevel parking structures, step backs, and standards for articulation and transparency, provides access via private streets connecting back to Fairview, and does provide transportation improvements, including extending and constructing turn lanes at Fairview Road and Colony. It provides a bus shelter on Fairview Road and does commit to the construction of the South Park loop along the portion of Phillips Place frontage. Also constructs loop intersection improvements at Cameron Valley Drive and Fairview Road by adding accessible ramps and commits to a minimum of 7,000 square feet of forecourt or urban open space and a minimum of 9,000 square feet of amenities to urban open space. The staff does recommend approval of this petition. We do have some outstanding issues and tech revisions related to site and building design. It is consistent with the South Park small area plan recommendation for residential office and retail use and we'll be happy to take any questions following the petitioner's presentation. Thank you.

**Collin Brown, 1420 East 7th Street** said Joining me on the line tonight, Johnny Harris is with us as well as Jim Williams from LS3P. Good overview by Dave. Just to kind of orient everyone to the site. Of course, the South Park area, which the first family has really been a pioneer of developing this, which has been their family's land for years. So, really very, I don't know, the group is more invested in the success of South Park. As we talk about areas of the city they're either growing or dying. So, it is important that we continue to have new investment in the South Park area and Phillips Place is kind of a microcosm for that. You may or may not know. Phillips Place is one of the first real mixed-use developments that occurred in Charlotte, where we have a cool ground floor retail with residential on top of that. We have a hotel at the end. It was a real pioneer. Mr. Harris tells the story that when they came to build this in Charlotte, the ordinance at that time did not accommodate it. So, they had to work with Fred Bryant, the planning director at that time, and the staff team to develop an ordinance that would accommodate them.

Phillip's Place has been tremendously successful, was really a model for mixed-use development for years, but it's got some age on it and so it is important to the Lincoln Harris team that they continue to invest in the site so this can evolve and continue to be a strong amenity for the area. As you may know, there's several things we've worked on over the years to update the place, but with modern a place that people want to be, one of the challenges we're facing now, many of you know that movie theaters were challenge prior to COVID (mild to severe respiratory infection caused by the coronavirus. COVID was the dagger for theaters. So, what we have now is a very large user at the end of Philip's Place that needs to become something else.

So, the Lincoln Terrace team has been working for years to just get what is the good fit here? We were before you a year or two ago with a rezoning to accommodate the restoration hardware, which I think has really revitalized and reinvigorated the area and this project, which is at the end of Phillip's Place, Mr. Harris is calling the Terminus. So, the question is now what will happen in a book it here when the theater goes away, what will that be replaced with? So, as Dave mentioned, we're still looking at the old South Park Area Plan, which calls for a mixture of uses here. We're also looking a little bit ahead of the 2040 plan, but as Dave mentioned, this proposal would replace the old theater. The theater would go away. A portion of that existing parking deck would remain. The new development would consist of an office building with retail beneath. There are some speakers in opposition tonight. I think the crux of that opposition is the height of the building. The proposal that you'll see is for 250 feet as Dave mentioned, and I'll show you again, we've overlaid an aerial on the site. So, this would be what this development would look like with theater replaced. We do have some height on it. We do think this is an appropriate location. I'll show you in a moment a map of South Park and what is around us. We talked about the park. The geographic area is actually not that large. We have the mall in the middle and then kind of everything around is on the edge, surrounded by neighborhoods. This is one of the rare parcels that abut no single-family residential. So, behind us, multifamily here is a Duke Power substation. Then we have some townhomes beyond that, Phillip's Place apartments in this location. So, we do as we talk about growth in the area, there are only if you look at our 2040 plan, we only have so many areas that are identified for growth that are development centers. South Park is one of those.

So, we think it's important and we kind of made a commitment over the years not to expand the geographic commercial area of South Park. So, we said we need to limit that. So, it's not negatively impacting the neighborhoods, but if we limit where it can grow, there's the only way if it can't grow out, the only way to grow is up. So, we do need some flexibility going forward for height so that we can continue to attract quality tenants and the center can evolve. As we talked with staff when we started this conversation, the original 2040 plan had this site designated as a regional activity center. As well as the rest of the commercial area of South Park, that is consistent till about a month ago. I think the current draft calls it a community center, but we certainly think this area should be a regional activity center was designated that on the first draft and we think it is certainly appropriate. The Regional Activity Center allows heights of up to 250 feet if bonus provisions are met. So, that's kind of what we use as our benchmark. We said, okay if

this is going to be a Regional Activity Center, which is what it was designated when we started this process that allowed 250 feet of height. The staff says yeah, but you'd have to have bonuses to get there. So, they asked us to look at the ordinance and see what similar things that ordinance is not in place yet, but to see what we could do to provide community benefits that would justify additional height. So, the Lincoln Harris team has done that. I think Mr. Harris has been very supportive of the loop and is committed to this site. If you remember the zoning plan, only a tiny bit of it touches [inaudible] road. So, our zoning boundary here is in red. This is the only Fairview Road frontage, however, and we continue working with the folks at span.

I think this would indicate their top priority is bringing the loop trail to fruition. So, as part of this rezoning of Lincoln Harris team has committed to and installation of the loop trail for the entirety of the Phillip's Place frontage. In addition to that, the idea is that we have some things on the property that attract people to use the loop and to come to Phillip's place. So, we have commitments to additional open space amenities areas in the forecourt along the loop. If you drive out there, you know there's a Duke Power easement. So, we can't build things in that, but it is an area where we can provide some amenities so people using the loop have other things to do. Besides that, we would love them to come to Phillip's place and spend money. There would be things for them to do without having to come and use the retail establishments.

As Dave mentioned also improvements to intersections and crosswalks. So, folks as we're building density in South Park, that is the idea that this is an area where you can live, work and play. So, giving people better and more convenient opportunities to connect with our without having to get in the car. Also enhanced architecture and that's important. We're talking about 250 feet of height and somebody said oh that's 20 stories. In this case, I'll show you the drawing in a moment

The building is only planned to be ten stories. However, Mr. Harris has a flourish for architecture, and that's one of the reasons needs height. This is not when you see some of the other buildings in South Park they max out their height and they put a flat roof on it. I think Mr. Harris's vision for this site is to have more of a signature building. So, I'll show you the renderings in a moment. You'll see a lot of that height is just for kind of enhanced and Jim Williams would be upset if I was butchering this with calling it a topper but some architectural amenities to really provide some attractiveness. This is overlaying it on the site. Show you again, the height of the structure in this location and being one of the areas that border no single-family zoning. There are some townhomes located in this area. We've talked about it with those townhome owners. I think they are supportive of bringing some new things to Phillips place and are really concerned about how are going to get there.

This is an example rendering looking over the restoration hardware, again new building here is shown at about ten stories, with wisdom, and architectural details on the top. Some of these floors are larger than usual to add some really exciting ground floor retail, and also some taller floor-to-ceiling heights on the upper levels because this would be a very



premium building. This is a look, if you were interior to Phillip's Place where you're looking now, you would see the old movie theater, but this is the look of the Terminus building and this is what I'm showing are some of these commitments to enhanced open space. That is something that is built into our rezoning plan. Part of the justification for a higher building height is to provide some public amenities that people can come and enjoy, even if they're not paying customers of some of the restaurants or other amenities on-site night. Look at the building additions to building height when you have tall buildings we also talk about lighting and so I know we'll hear some maybe different opinions from the neighbors saying, oh, gosh we don't want an eyesore

I personally think that well-designed buildings are not eyesores. I know that some people pay a premium to have a view of our uptown buildings. So, the goal here would be to bring some of the same design to South Park. So, we have the skyline that we're proud of there too, and hopefully, some people enjoy looking at it. I mentioned the loop. I think you all are familiar with that. This is certainly a high priority of span. They have been in our ear about this and so one of the commitments to justify the height that we're talking about is to go ahead and build out all of the frontage of Phillip's Place frontage, which is no small expense, but we think that will be a real amenity to this site and to the area. Just 30 seconds left. So, I will pause there. Mr. Harrison if I have misstated feel free to jump in.

**Rob Aulebach, 3013 Mountainbrook Road** said I'm the Vice President of SPAN (SouthPark Association of Neighborhoods) and also a neighbor in Mountain Brook. First, we like to say we appreciate the transparency that Lincoln Harris has had throughout this process, especially in the re-imagining for the eastern portion of Phillips Place and their support of the loop. The one issue that the neighbors have expressed to us in the concerning and Collin mentioned is the height, that 250 feet. The property was rezoned in 2017. In that time there was agreed upon to increase the maximum height from 60 feet to 120 feet. At that time, it was also in line with the small area plan for South Park. Furthermore, when you do look at the new UDO, that Collin spoke to, as it is today, the place type designated Phillips Place as the community center, which recommends a maximum height of 120 feet consistent with a small area plan, which is maybe a 5 to 6 story building. The shear height of the new rezoning is actually twice the size of any existing, but it also will make the building 30 percent higher than any building in South Park. Also making it also the tallest building larger than both Capital One and Capital two towers, which also have tops on them as well, nearing the 180-190-foot range.

Overall, South Park high rise development group is mostly into the center, but what I would call it, maybe the core building heights is that practice is provided a balance for continuing commercial development, which we are in favor of while maintaining the residential character and the architectural integrity of South Park overall. Think of it as sort of grading down as it gets to the single-family into the residential areas. Lastly, also say there is nothing on the east side of Sharon Road along Fairview that is more than really six stories today. So, the proposed store building at 1011 or whatever is many stories is quite a bit larger than anything here. So, we understand that element of density

will get larger and more dense in South Park as time goes on, but we would ask the petitioner to greatly consider capping the height at 190 feet. I'll note that you just earlier in the evening here, capped at a TOD rezoning at 225 feet, and it was allowed at 300. So, if something of this nature is well within your realm, it is a best practice, as we say, see for it. We'll look forward to further dialog and appreciate the time this evening.

**Alicia Powers, 3535 Kylemore Court** said I agree and will second the points made by Mr. Aulebach in terms of the height of the building. I am a resident of one of those townhouses to which Mr. Brown referred. While there is a Duke Energy plot between us and the proposed redevelopment site, the townhomes are directly beyond the Duke Energy property. I would just add a couple of things. First, it just changes the entire nature to think of the building of 250 feet just changes the entire nature of the area, at least this area of South Park. Secondly, I am extremely concerned about the blasting that's going to be necessary in terms of developing the building. How long is it going to last? What steps are going to be taken to protect the homes within close range from damage due to the blasting? What recourse do homeowners have for the damage to their homes caused by the blasting? I imagine for a building of the size that they are requesting that quite a bit of blasting will occur. That's it for me. Thank you.

Mr. Brown said we have good relationships with all the folks at Span. This has been an ongoing conversation and we expect to continue. I'll point out this is the 2040 plan. When we started the process were a couple of months ago at least our site was designated as a regional activity center, which allows heights up to 250 feet. The stuff around us was the lowest density. The final draft for some reason. Now this quadrant, which includes the Sharon development here in Phillips Place, has some reason the recommendation is for it to be downgraded from a Regional Activity Center to the Community Activity center, which we certainly do not agree with. We'll take that up with the 2040 plan team, but we think the regional activity designation should be restored here. There's no reason for just this one part of commercial South Park to not have that designation. When it does that will set the height at 250 feet. So, we don't think we're setting a new precedent. As we talk about South Park, the edge here is the mall. If you look at everything else that is not the mall is virtually on the edge. This would be one of the few developments that has no direct adjacent to single-family. So, we think that is why the height here is justified. We will continue having conversations with neighbors. I don't know the answer on blasting, but I will find that out and we will circle back. Thank you for having us.

**Councilmember Phipps** said I guess you seem to infer that the switch from the designation of a regional activity center to an I guess, a community activity center, I guess it puts this petition at odds with our draft map currently being vented, right. So, here we are on the cusp, I think our vote is imminent almost by the end of this month on our map. So, you saying then that you would be seeking an exception to something that we could be potentially about to be approved and with this map that you would need an exception to the current designation so, listed? Is that correct?

Mr. Brown said well, I want to be careful, that map has not been adopted. The Unified Development Ordinance has not been adopted for operating under the current ordinance. I guess my credit, I did not know that the classification had been changed from regional activity until Span pointed it out to me. We certainly think the map should be modified so this is a regional activity center. Either way, the zoning will be to you before the UDO is adopted. So, we're dealing with a MUD zoning district, Mr. Phipps, but as so many using our current districts. We're really trying really customize them so, they're similar to the new district. So, that's what we've tried to do. We're using the MUD district gives the height the new district would allow and to provide community benefits similar to the bonus options and the new ordinance.

**Alyson Craig, Deputy Director of Planning, Zoning & Development Department** said Councilmember Phipps, if I clarify really quick, if you go back to the map and the same thing for you, Mr. Brown, go back to the policy map. The green squares indicate that there is a correction modification for that to go back to your regional activity center.

Mr. Phipps said oh, so if that was the case, then it allows for this expanded height option.

Ms. Craig said but this petition is going before the policy map adoption and so before the effective date. So, it will be held under the zoning request that's before you. So, not part of the policy map, but I just wanted to clarify that.

Mr. Phipps said thank you. I have another question. With respect to the loop, was this identified in the South Park ULI study as a potential place maker to enhance South Park's identity?

Mr. Brown said I would refer that answer to staff or frankly, the Span folks. They had been really the drivers of the loop. So, I'll defer to the staff. It is here on the map showing the designated Phillips Place. I think the thinking is this would be a destination and one of the reasons that the Lincoln Harris team is supportive and has added commitments that need to really provide some enhancements.

Mr. Phipps said I don't know if the district rep might even know

**Councilmember Bokhari** said yes. Mr. Phipps is very, very, very, very, very, very important and the ULI study was the starting point that have us down that path. I'll make some final comments that kind of give a little context to that, but yes, you're absolutely right.

**Councilmember Winston** said as somebody who has to drive that strip on Fairview multiple times a day during the week, that commitment to that frontage improvement is a pretty significant investment. I think it obviously, depending on what we see in the design, I think that's going to make quite a difference in the character for the better potentially. You know, I'm making a strong assumption there that frontage improvement. I mean, it's going to be a significant stretch of the path that is going to be invested.

**Councilmember Ajmera** said this is a great project, but it provides amenities to nearby residents. However, I am concerned about the height that one of the speakers had raised as an issue. So, when we're looking at the height, I guess I'm trying to figure out how does it look of towering over other residential? Can we zoom in and see how would it look from other developers nearby?

Mr. Brown said I don't have this. I've got a slide from Fairview. I'll say it first towering over, there is no single-family or townhomes adjacent to the site. There are townhomes in this area, which I do not think they would tower over. They may be able to see them, but they would not be towering over them.

**Alicia Powers, 3535 Kylemore Court** said I think they would tower over our townhomes. I'm just going to say that.

**Councilmember Eiselt** said actually, Ms. Powers, we can only have you speak if a councilmember asks you a question.

Ms. Ajmera said okay. So, Ms. Powers, could you tell me specifically your concern around height? Are you concerned about it towering over your home?

Ms. Powers said yes and the other homes in the area.

Ms. Ajmera said could you show me in the map where is Ms. Power's home here in this?

Mr. Brown said sorry. Let me try to find the best map. I don't know exactly. I believe maybe this is Kyle Moore. This would be here. This is that townhome development. Here is the Duke Power substation. Here are the Phillips Place Apartments. Here's the parking deck, here is where the new building is.

Ms. Eiselt said can I put the question a different way? What's the distance to the closest single-family house?

Mr. Brown said that's a great question. If you give me 40 seconds.

Ms. Eiselt said what neighborhood are you in, Ms. Powers?

Ms. Powers said it's called Waterford. You know, the reason I got one of these notices is because I'm within 300 feet of the proposed area to be rezoned. I think it would be helpful to the council if perhaps we could get a rendering of how it would look from our decks which face the building.

Ms. Eiselt said are you able to do that, Mr. Brown, get a rendering?

Mr. Brown said we are. We have LS3P on the line. They looked at some renderings. It is about from property line to property line. It may be 350 feet from the building. Brittney,

just a quick measure. It looks like about 500 feet, but we will get a follow-up exhibit to your [inaudible] rendering.

Ms. Ajmera said I think Madam Mayor, Pro Tem, that would be very helpful. That could be part of our final report, but that's the only concern that I have. I understand that from the side, on the other side, there is RH Charlotte as a furniture place and rooftop restaurant. So, that may not be an issue over there. I think on the other side, residents are bringing up valid concerns that we need to address. So, I look forward to getting a follow-up report from you, Mr. Brown. Thank you.

Ms. Eiselt said I do have a question. Mr. Brown, when was the plan put together for the signature building?

Mr. Brown said we filed our rezoning application with Mayor Pro Tem probably late last summer. So, it was we'd seen the new maps if that's why you're asking that question.

Ms. Eiselt said but you've been working on it for a while.

Mr. Brown said yes.

Ms. Eiselt said okay. So, is it fair to say that you actually start working on it before COVID?

Mr. Brown said oh, I don't know about that. I mean, on the design, I mean, I think certainly people have been I mean, the [inaudible], their team has been puzzling over what to do with theater even prior to COVID. I don't know about the specific design of this building.

Ms. Eiselt said Okay, and the reason I ask is I know that we can't dictate how the land is used, but I just have to put it out there and say I'm sorry to see theater go away. We're seeing all of our movie theaters go away. When I think about we used to live in the area, my kids would go to movies there. There's just so little for children and teenagers to do anymore. You know, the mall doesn't want them there and they can't eat and drink. I suppose they can eat, but there's just you know, I think it's been kind of an iconic location in the area for young families and another form of entertainment. Our activity centers do say in there that we want entertainment and entertainment isn't just drinking and eating. So, I'm personally just really sorry to see that go away. I can understand what COVID did wished that there was a downsized movie theater option here. I'm curious what fans thought about that, Mr. Aulebach. Was there any regret that that's going away?

Mr. Aulebach said I would say some residents are not, but it's also the understanding that Phillips Place needs to reimagine itself as time's going on. Our age was part of that, and this is just another piece. So, we understand that you know, things would change. So, unfortunately, I too like to go to the movies, but I've learned to adapt to Netflix that works for me.

Mr. Brown said and to that point, to Councilman Eiselt so that you know, when we did the restoration hardware zoning, at that time we amended the zoning to allow the more full-service bistro, food and drink movies. Lincoln Harris was really committed to keeping theater there. We took the rezoning to have fewer, bigger theaters with food and drink. So, prior to COVID, that was the hope, but we even rezoned it to accommodate it. That just did not work out.

Ms. Eiselt said sure, no I understand. I just had to I put that out there. I, too, will be taking a look a little bit more closely at the visual of the height of the building, these would be the area single-family homes, because it does feel pretty big compared to what's in the area.

Mr. Bokhari said one, on a macro level, any time we have an opportunity to see an example that is part of a broader context of two years of effort we've been going through, it's important to o highlight it. In the plan, I think this is a perfect example. We have been credibly aggressive and progressive on single-family zoning and quadplexes, and we know that the amount that actually puts a dent in the density we truly need is minimal, right? I think it just goes to show we've been pretty conservative on the much larger commercial, much larger multifamily, tall, dense buildings in where we've allowed and we didn't push the envelope whatsoever in there. I just wanted to make that side note is another case where that's where we're going to make the biggest dent in the density, in the units in the office spaces that we actually need. For this particular rezoning and case, I'll start by saying no one's more sad than me to see theaters go away. That's like my hobby. I love it. I talked to Colin about it, but the point is this no one was sad than me to see Blockbuster and Hollywood videos go away.

Those are just things that ultimately when the market no longer supports them, we can try to subsidize them into existence still, or we have to embrace the reality. That reality, I think, gives the broader context of what's at stake for this rezoning. The future of South Park is not guaranteed by any means right now. The capital investments that we put into infrastructure has not been acceptable over the last decade. Congestion is terrible. Anyone who's driven through there understands all of that and what we do right now is going to dictate the future success or failure of South Park in my opinion. That's why we're putting so much effort into it on so many different fronts. So, on one side of this coin, the Harris family has a proven track record. We exist in South Park and in what it looks like because of the investments they made and the risks they took, We're grateful for that. Once again, they're willing to put their money where their mouth is. I mean, it is what it is. That's how South Park ultimately is going to move to the next level here. I think as we look at a regional activity center and look at the importance of the loop, we've mentioned it several times, whether it's [inaudible] Park, that's the heartbeat, the backlot trail that runs and connects us to the cross Charlotte trail or the loop, which is 3.2 miles or so of a circle that is going to bring South Park really to what I believe to our next connectivity. We're not going to solve traffic by widening all these roads. We're going to figure out ways to get people around in more dense environments. I think this is really critical as we think about the future of South Park that we think about the density we're going to need and

the connectivity, the loop, and really if you think about that loop in the same context of Charleston in the historic downtown area that everyone loves to visit and walk around the relatively the same size. So, we are approaching right now the ability to create a regional activity center. So, I don't know where we are in that mapping and tracking process, but that is something that if it touches any part of that loop, I would think there's no other scenario to consider other than that because that is the future that we're tracking towards. I'll also side mentioned that many of us have looked for creative and innovative, bold design fountainhead kind of stuff.

I love what I see there and I really appreciate the extra effort that's been putting it in with there. On the other side of the coin, we can't just muscle our way through this whole thing and do it at the expense of those who have invested in property, who live there, and who are neighbors. So, I will say, while I am very, very interested in this coming to fruition because this is how we will ultimately save the future and create the new identity of South Park. Mr. Aulebach, your points on the height are well-taken. Ms. Powers, especially the points she made on the construction period. We know very well how that is. So, the rezoning process works. We now have a month to huddle up, to have conversations, and to make sure that we can hopefully find the best of both worlds here. So, I look forward to that work.

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

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

**Ashley Kaufman**, [ashleykclt@gmail.com](mailto:ashleykclt@gmail.com)

**Elizabeth McGregor**, [EBMcGregor@outlook.com](mailto:EBMcGregor@outlook.com)

**Rob Aulebach**, [robaulebach@gmail.com](mailto:robaulebach@gmail.com)

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**ITEM NO. 33: HEARING ON PETITION NO. 2021-186 BY KINGER HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.84 ACRES LOCATED AT THE INTERSECTION OF MALLARD CREEK ROAD AND GOVERNOR HUNT ROAD, WEST OF DAVID TAYLOR DRIVE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

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

**David Pettine, David Pettine, Planning, Design & Development** said 2.84 acres on Mallard Creek Road, just across from Governor Hunt Road. The current zoning is R-3.

The proposed zoning is R-8 multifamily conditional. The adopted future land use is the Northwest District Plan. It does recommend single-family at no more than four DUA (Dwelling Units per Acre) given the age of the plan and its district plan, we do apply the general development policies. Those support densities of up to 12 to 17 dwelling units per acre. The proposal for this petition is for up to 22 townhome units. It does commit to the construction of a concrete median along Mallard Creek Road. That would restrict the site driveway to right in and right out. It does dedicate 50 feet of right-of-way from the road's center line. Also provides a minimum of 150 feet of full-width storage for the Mallard Creek left turn lane at Governor Hunt Road. It does provide each unit having a two-car garage, also a cat's and ADA-compliant bus waiting pad along the road frontage. It's not a complaint bus waiting pad. It is compliant that would be constructed along Mallard Creek. Does Commit to a 24-foot Class C buffer along residential homes that are adjacent. Also, walkways connecting all residential entrances to sidewalks along public and private streets, as well as architectural standards, including things like preferred building materials, raised residential entrances, garage door set back, porch and stoops, and corner units, as well as pitched roofs.

As mentioned, the staff does recommend approval of this petition upon resolution of outstanding issues related to transportation, as well as site building design. It's inconsistent with the district plan recommendation but consistent with the general development policies that recommend that up to 8 DUA. This comes in at 7.7. So, again, it is consistent with GDP (Gross Domestic Product) and we'll be happy to take questions following presentations by the petitioners and the public. Thank you.

**Travis Gingras, 1189 Daybrook Drive** said Paul will not actually be on the call today. He's currently held up in another meeting. So, I'll be handling it from here once again thank you, Mayor. Pro Tem and Dave for that for that intro. My name is Travis. I'm the civil engineer representing this petition here. As Dave stated, the site is located along Mallard Creek Road across from the Governor Hunt intersection. As mentioned as well, we are proposing 22 single-family attached homes. We're providing the existing trees saved to our southern and eastern boundaries as well. We're providing a 24-foot planted buffer to our northern property line as well. Our entrance will be located furthest from the Governor Hunt intersection as preferred by NC-DOT. We've had several discussions with the community members, city staff, and NC-DOT. In the essence of timing, I would like to discuss the main discussion points for both the city and community members, which are traffic, U-turn maneuvers, building height, and community enhancements. Road improvements that Governor Hunt includes to improve signals the addition of crosswalks and addition turn lanes and pavement resurfacing in order to further control the traffic in this area. These improvements will be made by others during the university Research Park project, but our online to be scheduled and coordinated probably prior to us completing the development. So, our site right now is currently located across from the Governor Hunt intersection and we worked with NC-DOT to show that we have the necessary spacing to provide U-turn maneuvers safely. NC-DOT has directed us to locate the access drive furthest from the intersection and to install a concrete median through our road frontage and to the silver Birch entrance. As you'll note, we have shown those



U-turn maneuvers and we're using an F-150 truck to model that maneuver. That maneuver can be safely taken and stay within the right of way.

You will know that there is 1.4 feet of crossover from that edge of the pavement. Now, the edge of the pavement is not the end of the road. There's still another two and a half feet of curb and gutter. So, we can safely make that maneuver now hitting any curb and staying within the road. This is just a blown-up of that U-turn maneuver. As well we've looked at sight distance and we have adequate sight distance throughout this location to make that turn. We provide a site distance. There's an excess of over 550 feet and that would be the requirement for an intersection sight distance, making the [inaudible]. There were questions on building heights. We have shown this relationship with the existing topography and then they proposed the topography. As well. You'll notice that the heights are similar in nature. We are also committed to providing a 24-foot planted buffer with privacy fencing. This buffer will not be reduced due to the privacy fencing.

The buffer will be planted with large maturing evergreen trees for enhanced screening. The community enhancements again will include fencing a 12-foot multi-use path, CATS (Charlotte Area Transit Center) bus stop in front of the site, and enhanced landscaping. In conclusion, we have heard the concerns of the community, the city, and DOT. We have shared plan improvements for the area, have Verified safe U-turn maneuvers can be made, and provided an alternative solution to the community. We have shared that building heights to be similar and have shown additional site improvements. Thank you all for your time and I'll be happy to answer any questions.

**Cathie Clarkson, 3001 Silver Birch Drive** said actually, I am going to speak for all of you just to save time. We have just unified what we have to say. I do represent all the speakers today. We also have about 15 others watching tonight at least. So, thank you very much for listening to our concerns. I also just want to take one second and just tell you that at least for us, we've had some challenges around communications and frustrations, which I will detail at the end. Just give some grace to understanding why community members maybe don't come until decision day. It's likely, not intentional. It may be that they just didn't have communication to know that they needed to be at the public hearing or when the public hearing was. We, by the grace of God, got here in time. So, I just wanted to let you know, so some of these pictures are not going to be as wonderful as our petitioner, but I was able to put this together very quickly. I want to just show you a couple of things before I get started, and then I'll point out what my PowerPoint is about. Let me just start by saying that I appreciate you all. Thank you, Mayor and council members, for the opportunity for us to express our opposition to this land use decision before you. My name is Cathy Clarkson and I am one of the residents present tonight. Again, I'm representing those who are willing to speak within the Mallard Trace neighborhood. It abuts this rezoning. Ideally, it would be our preference for this not to be developed and to remain undeveloped or a single-family site, but we realize the city is growing and that the development of this parcel is inevitable. Our opposition is primarily only to the infrastructure land design For this project.

The neighborhood is accepting of the multifamily development part of the project, just not in its current form. The project needs to improve the road design. The project, as it is, lacks design and infrastructure standards. While I hear some council members argument for learning to live with the challenges of congestion and infrastructure as issues of the price of progress I was on earlier when we're talking about the Harris Road Project Agenda 18. We're coming to you trying to bring a solution that is forward-thinking to take advantage of existing infrastructure and to build that out further, to maintain a road that was built decades ago. Anticipating the growth that would be built upon it. We have been residents I have been a resident of this corner of this road for over 20 years and watched how the wisdom that went into widening Mallard Creek Road over 20 years ago, long before we moved here, has sustained the development that has gone into it largely. So, I just wanted to go forward and say that the wisdom of building infrastructure out in future anticipation of growth, is an example of that. The University area has been an example of that. So, we're coming to you with an idea and a solution to continue that, not to do things in a knee-jerk reaction in terms of development by development without a cumulative view or a view with growth in mind.

So, that's what we're here to do today. We want to make sure that we're bringing our wisdom and insight as residents here, who know better the traffic flow and how something will impact this road than those of us who travel it every day. So, that's why we're here. Again, I'll address some of the issues around scheduling and how that has been a challenge going forward. So, now I just want to bring to you the key issues for our community. Again, it's the placement of that driveway. Yes, the petitioner has been in dialog with us about this and as you saw they drew up a U-turn image for us. I just want to bring a little more insight to that for you.

The key issue for the community is the placement of the driveway, the development being a right in and right out will disrupt the flow of Mallard Creek by the increase of U-turns in the middle of Mallard Creek, allowing a development that will increase U-turns on a major artery is a poor design standard. In addition to allowing the U-turns into the neighborhood which he showed you and I'll argue a couple of other points in a minute, it also will force those neighbors who need to go the other direction on Mallard Creek to come down. They're going to have to dart across two lanes of traffic and B is where that entrance, that driveway is currently. So, they'll have to dart across two lanes of traffic to get into that turn lane at the Centene entrance where they will hold up traffic, trying to turn into Centene to do a U-turn. So, two U-turns to turn left and they'll do another U-turn maybe, yes, but the green arrow maybe not. Maybe just holding up traffic to be able to do a U-turn to go back towards Concord Mills or 85, which is our closest 85 north intersection at Mallard Creek Church, or 2 to 485, which is where we access 485 off a prosperity Church. So, that B is where the current driveway is located. A, If you'll look where I've got a there across from the URP entrance there is where we would propose extending the light access and not only for this development, but it could be a shared drive to Bright Horizons, which is a daycare on the abutting property next door. So, I just wanted you to see where we're requesting that the driveway be relocated. We realize that the developer does not want to place the driveway at that stoplight. Our understanding is that the NC-DOT told them

that if they were not going to place the driveway at the stoplight, they should move it as far away from the light as possible and make it right in or right out. There may also be some questions around sewer issues and drainage. All of which could be overcome if we consider the long-term view here. However, the intersection of Mallard Creek in Governor Hunt will be the main entrance for Centene. Creating U-turns at this intersection will create problems. We are requesting that the driveway be relocated to the light. We also asked for your help in finding out what the actual traffic impact will be for us with the addition of Centene's team coming to University Research Park. I've had difficulty finding that information. We did request, with the help of Councilwoman Johnson, a notification of what the cumulative trips added in this area within a two-mile radius have been recent.

We know that approved there have been about 10,000 pending there, another 9,000 trips. On that list, which I have gone through one by one, I have not seen some of the developments that are actually in URP and that does not include Centene's trips, interestingly enough. Wells Fargo has just gone back to work at CIC's location. That has always impacted our traffic and that signal. We are not yet to pre-COVID levels, even with CIC, as they were bringing the 3,000 or 4,000 back fully by next week. Land use decision. The decision before you is a condition land use request. There are questions that are being asked by adding these conditions, is the proper land use decision because of the driveway placement, and how does this impact traffic for Mallard Creek? This isn't the proper land use decision.

The developer cannot relocate the driveway to the light and the property should be developed by-right. We realize that a by-right development may still produce a driveway in the same location, but developing the property by-right will have less density, causing fewer residents, delivery drivers, visitors pulling U-turns in the middle of Mallard Creek, etc. The infrastructure development besides the primary concern of the driveway location, and there are also concerns on the infrastructure, the development. The development is being built with private roads. I'm seeing a trend with that and the concern there is the maintenance and the HOA (Homeowner Association) ability to actually have enough money to repave and to do those things. We know of a development in Ballantyne with a very high HOA, a high end of all brick townhome development and they're having difficulty finding the millions of dollars necessary to repave those roads. So, that's a concern.

Inadequate parking is a huge concern, but right now the overall structure within the development does meet city standards. So, they're totally within the city standards with that, but we do have a few concerns about that. We believe that granting conditional permission for this property isn't the correct land use decision. Then again, I just kind of want to remind you again about the communication issue. I don't know what information has been given to you, but in December, we got a notification by mail a few days, about four days before a meeting in January, over the holidays. I disregarded that zoning letter as applying to us because I had only seen a zoning sign in front of Culver Park. I assumed that meeting was about the Culver Park development. Therefore, because we were going to be out of town for a family funeral, actually I did not make it my aim to at that zoning meeting. It was after I returned from two funerals that I saw a sign down below us. I did a

U-turn. I wrote down the number. I came back and I checked. I realized it was four here. I thought, Oh my goodness. When I went to the site and it said there had been no meeting because there were no notes. I called the number and found out that a meeting had been held. It was the meeting I got a notice about. Then I had the zoning person. David checked for me when the sign went up, it turned out the sign went up nearly two weeks after the meeting had been held. So, I had no reason to understand that there had been a meeting. So, the petitioner was awesome. I called them in and requested that the zoning team reach out to us. They did help us organize a second meeting because there was nobody in attendance at the first meeting and they had wrong information for the HOA. So, no information had gotten to them by mail either.

**Councilmember Newton is online virtually at 7:00 p.m.**

**Councilmember Bokhari left the meeting virtually at 7:07 p.m.**

**Councilmember Eiselt** said I Just want to address a couple of things you've said before we go to council questions, but A, I'm really sorry about that miscommunication. By all means, I'm glad that the developer was willing to sit down and talk to you. Secondly, you do have this time now, I know you didn't get all your comments in right now. Please reach out to council members with your concerns, email call. You know, the sooner you can do that, the more we can have those conversations. I know planning has made some changes to make the zoning process easier from a communication standpoint and I appreciate you giving that feedback because I know that they want to know that when that happens. So, do share with all of us any other comments that you have, appreciate it.

Mr. Gingras said as far as the intersection goes, because I feel like a lot of the angst has been just due to traffic here. I totally understand. We talked to DOT and actually, when were first putting together this concept plan. We showed DOT two locations. One at that A, where Cathy had pointed out, and then as well at the current location today. Adding another leg to that intersection what that would do is would have some negative impacts just for Mallard Creek in itself. We would be putting all that traffic from Centene and just that whole research park going there.

Then with an added fourth leg on there, all of your queuing times are going to be much longer on our Mallard Creek Road, which is going to cause further back up throughout Mallard Creek. As well, generally, DOT is what they require as they would require us a matching cross-section for the side that we would be needing to put in our driveway and we would have to match that with Governor Hunt. That is just something that we can do. Then let alone lastly is cost. Cost is a big thing for putting that intersection, you know creating our drive that intersection. We've tried to come up with some solutions to combat the U-turn maneuvers that would be in front of Silver Birch by extending that median and everything like that. We understand that's not a favorable solution either. So, our hands are tied a little bit with one, this being an NC-DOT road and taking the direction that they

are telling us and then just two, this is a small site. It's 22 units so passing any kind of costs like that to the end users is just my thought just not great either.

**Councilmember Ajmera** said Ms. Clarkson summarized all her concerns really well and did a pretty good job. Like a pro. So, I certainly appreciate the time that you have used very effectively organizing your neighbors and bringing the concerns in front of the council. I think this is a great model and I hope other neighbors follow your lead on that. I think Ms. Clarkson does bring up a valid point around infrastructure, and I hope that they continue to work with the petitioner to come to a consensus on what can be done before the adoption, before the final vote next month. Thank you.

**Councilmember Winston** said right, yes, I agree with Ms. Ajmera and I think the council and the staff, what I'm really caught on is the point about the driveway being near the light and making one single intersection. Again, as we're thinking about moving from a more car-centric city to something that is A, either more pedestrian centric or reduces the fatality of our car-centric infrastructure. You know we need to okay designs and investments that don't make traffic patterns more complex and more dangerous. I'm not necessarily sure if I can say that making an assumption a bit of having these multiple kinds of places, cars are moving in and out across traffic. That makes traffic patterns more complex and harder on drivers, harder on pedestrians.

It makes accidents more likely than not when you do have that single entry point, that single intersection, there's more reliability, more you can have a more I'm forgetting the word, you can more predictive pattern of traffic and you can see how if you don't do that development after development, you're just adding and adding and adding hazards. So, honestly, to the petitioner's point, we have to think about that. If we're going to say this land isn't developable, if we have to make a more common-sense entrance way, then we have to think about it. Is changing the land use and approving a project. Should we make things potentially more dangerous because it costs less? I think what we're saying is, no as we're having these conversations around transportation and as we're looking at how we analyze our land use decisions around the Comprehensive 2040 Plan, I think that's a pretty direct ask to take a look at for a condition here. I'm certainly for it here on first blush. I think this is a policy question as well. At least a philosophy question about how when we look at road infrastructure and what we'll approve.

So, hopefully, I don't know how you deal with this, Ms. Craig, in terms of looking at these types of issues, but I think it's something I mentioned on Blue Homes rezoning that we just approved tonight. It was very much smaller over there by China Grove Church Road, and it was going into a cul-de-sac that had two businesses on it. It's the same kind of principle. I think we need some guidance. So, we're not making these decisions ad hoc and but it's very relevant. Thank you.

**Councilmember Phipps** said I'm struggling with how this driveway situation is and I think I'm going to need a one-on-one to get a better grasp picture because it's kind of confusing looking up there. I know the petitioner said they used a 150 to test that U-turn. I've made

several U-turns with my Dodge Dakota and look-in. Now, what is the speed limit for this stretch of Mallard Creek? Is it 35 or 45? it's a state-maintained major thoroughfare with a lot of different facilities there. Further up, you got Mallet Creek Elementary there. When school gets ready that out, it's a steady stream, a line of cars up that way trying to pick up students. Then you got the daycare, you got to the entrance to the Research Park not only for Centene, but the rest of the corporate headquarters is in that part. Also, the petition mentioned the construction of a concrete median. I'm trying to remember is anywhere else on Mallet Creek along that stretch where there is a concrete median because I know that further up towards W.T. Harris, it was a lot of road construction and enhancements are done, and that's the road network up there. I don't recall a concrete median up there, but I could be wrong. Does anyone know the answer to that?

**Brandon Brezeale, Transportation Engineering Program Manager** said yes, I do. There is actually. I think it's right at the prosperity intersection. There's some concrete work for less left turn lines.

Ms. Clarkson said very little. The big median that they put in was between medical if I can. This Cathy again, is between Medical Plaza and Harris. They added one so you can't easily or safely turn left into a turning lane if you're leaving Medical Plaza and then there is a little median yes between Bojangles and Prosperity and then they poured a little one at [inaudible], like at the gas station because that school there. There's a little itty-bitty median that again, isn't really a safer solution in my opinion, because you can't safely harbor and the turning lane. So, I felt like the solution everybody wants to do is just pour cement and the middle of the road.

Mr. Phipps said I'm not as comfortable with this design as already been mentioned by several of you and I'll be interested in getting together with D-DOT just to get their opinion on why this is a good location for it. Other than the traffic signal that's existing understand that the cost element there might be prohibitive or probably is prohibitive for such a small, slightly dense identified site right there. Forty-five miles an hour with all those facilities and they're trying to do a U-turn that's on a heavily traveled road. It gives me some heartburn and some concern. So, I do think I mean something I'm not comfortable with this particular project with the driveway being there right now. So, I have to get some assurance, some comfort by the time we vote on this to be able to support it.

**Councilmember Egleston** said the safest bet in Vegas today would have been great sense, maybe some response to that F-150 reference. I would have won that bet. I would like to hear C-DOT talk a little bit more about their feelings about that. Immediately before we even heard from the opponents of the petition, the thing that came to mind for me was why in the world would you not have the entrance and exit at Governor Hunt? It's a signalized intersection there. So, I'd like to C-DOT speak a little bit more about how preferable that would be to the arrangement that's demonstrated here on this graphic. Mr. Brezeale said in terms of putting a driveway location there, it's definitely our preference to always line up driveways and intersections immediately across from each other. Since this is a state facility, this is one where NC-DOT made that direction to move

the driveway away from that intersection and that fourth leg. C-DOT is not opposed to the driveway being at the fourth leg. Kind of the state's concerns are that the site doesn't generate enough trips and it would add additional phases to the signal that would cause more queuing, it would cause delay at that signal as well as worsen congestion in the area. So, that's kind of the immediate basis for that. We can evaluate it to see this site's not from our standards not generating many trips. There's 21,000 trips today on Mallard Creek Road and this has given 120 new trips. So, we can look at this internally and see know just how big of a capacity impact this has to it. Then we can confer with our partners at the state and see if there's any wiggle room on that requirement that they made.

Mr. Egleston said help me then because I thought I heard a couple of different things over the different speakers. At one point I thought I heard something to the effect of NC-DOT had indicated that if not at the intersection of Hunt, then they'd prefer to see it where it's now shown. That led me to believe that they would like to see it be amenable to location B on this slide we're looking at. Is that correct? Did they indicate that they did not prefer to see it at location A?

Mr. Brezeale said here was a lot of DOTs being thrown around and not a lot of distinguishing of the NC-DOT versus C-DOT. So, it's my understanding from the staff at CDOT that NC-DOT made that ask in the beginning that it needs to be as far away from that fourth leg of the intersection. The petitioner on if they want to respond as well.

Mr. Gingras said yeah, correct. I had drawn up two different plans. One shows the location furthest from the intersection and then another showing at the intersection. NC-DOT directed me to find that access furthest from the Governor Hunt intersection.

Mr. Egleston said okay. I mean, I'm not going to attempt to imply that I know more than people who do traffic and engineering for their livelihood. I mean, it just kind of immediately struck me looking at this. It seems like a logical place. I can appreciate that there's not a ton of literature that's being generated here, but I would imagine that in general, the volume on Mallard Creek in this area is increasing and that it might be headed towards the type of volume that would benefit from having a light here. So, to me, that's the one red flag on this that I see. I'm certainly not opposed to the good density of the project, but just yeah, I would really like to explore a little bit more the opportunity that to create that intersection at [inaudible]. That's all. Thank you.

**Councilmember Johnson** said this is an interesting petition because the first decision of the night was actually King Holmes, and I thank them for listening to the residents and making that concession. So, I know that they have been willing to work with residents in the past. So, I hope we can continue that momentum. I spoke with Ms. Clarkson and thank you. You did you know, you did a great job, is very organized. I'm glad that she and her neighbors were able to participate tonight. I also have a meeting scheduled with Brandon. Is that Brandon in the room tonight?

Mr. Brezeale said yes

mmm

Ms. Johnson said we got an email, a really telling email about the trips in this area within two miles of this petition. Are we able to share that on the screen? I sent it to Dave and Denada. Can we share the rest of the council that information, Dave or Denada? Thank you so much. So, this is kind of what we're talking about earlier as far as cumulative trips. If you look at the last two years, there have been over 20,000 total approved or pending or approved trips within two miles of that petition, but only maybe two or three would have triggered a traffic study when potentially there could have been ten or at least nine traffic studies. So, this is what's happening in our neighborhoods that there's so much development, but very little infrastructure being required. So, I would be opposed to any petitions that are requiring U-turns or Mallard Creek or we know have this much growth in the area. It's not being considered or mitigated. I would also want to ask Dave what we're looking at in this graph is this include -the right development?

Mr. Brezeale said no, this is Brandon. That's all rezoning is only.

Ms. Johnson said so, I just think all of us as council members can take a look at this graph. This is what's going on in our city. We can't bury our heads anymore and we have to consider this. Again, this is in two miles. There's 20,000 trips and know that it takes 25,00 trips to trigger a traffic study. So, if you look at that or if the public looks at that, there's been very few traffic studies that have been done. This doesn't even include by-right development. I know we have down Mallard Creek towards Concord Mills there's an industrial petition and I don't think that's on there if I recall. That was multiple trips, you know a million square footage I think of development. So, I thank you Ms. Clarkson for presenting and this is why we should push if it's NC-DOT or developers or cumulative. We don't do impact fees here in Charlotte, but there are impacts on our neighborhoods. So, I don't think that we can safely consider this petition without a light at an intersection. Thank you.

Ms. Eiselt said I agree with my colleagues. I think this just feels like a really dangerous proposition to have people coming out on a 45-mile-an-hour road and have to do U-turns. So, I hope that we can go back to the drawing board on this one a little bit.

Mr. Phipps said it's just a question for I C-DOT in as much as we don't have NC-DOT here, but, given the amount of residential, commercial, and institutional usage along this corridor, what would be the trigger for lowering the 45-mile-an-hour speed limit to something less?

Mr. Brezeale said that's something that probably is best suited to be responded to by the state traffic engineer with NC-DOT because they make those judgment calls. A lot of it centers around moving cars rapidly through their corridors because that's kind of their goal.

Ms. Eiselt said still moving as fast as possible.



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

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**ITEM NO. 40: HEARING ON PETITION NO. 2021-210 BY CARTER ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 25.17 ACRES LOCATED ON THE SOUTH SIDE OF MOREHEAD ROAD, NORTH OF NORTH TRYON STREET, AND EAST OF SALOME CHURCH ROAD FROM O-1 (CD) (OFFICE, CONDITIONAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

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

**David Pettine, David Pettine, Planning, Design & Development** said it's just over 25 acres on the south side of Morehead Road, north of North Tryon Street, east of Siloam Church. The current zoning is O-1 conditional, and the proposed zoning is for R-12 multifamily conditional. Adaptive future Land use in the Northeast Area Plan recommends single-family multifamily and office with a density of no more than 8 DUA, and the proposal is for up to 276 apartments and up to 24 townhomes that would total 300 units. The maximum height for the townhomes be 40 and the maximum height for the apartment buildings would be 48 feet. We do have construction of left and right turn lanes being proposed on Morehead at Floyd Smith Office Park Drive.

Also constructs a reduced conflict intersection at t North Tryon Street and Floyd Smith. Office Park Drive. It commits to a 12-foot multi-use map along Morehead and also An eight-foot planning strip and an eight-foot sidewalk along both sides of the new proposed Floyd Smith Office Park Drive. That would be the Connector road between Morehead and Tryon. It does provide eight for planning strip and a five-foot sidewalk on both sides of the connection to Weaver Glen Place and also provides open space amenities with things like a swimming pool, clubhouse, dog parks, etc., and also commits to architectural standards for things like [inaudible] residential entrances, pitched roofs, garage door setbacks and prohibited building materials. The staff does recommend approval of this petition upon resolution of outstanding issues related to transportation. It is inconsistent with the Northeast Area Plan. It does come in around 12 DUA. Again, plan recommends up to eight. However, the staff does feel that the transition provided some single-family attached to them. The more dense apartments on just to, I guess the east or north of the single-family does provide a reasonable transition along with that connectivity between Morehead and Tryon, giving some interconnectedness between those two roadways there. So, again, staff does recommend approval and we'll be happy to take questions following petitions from the petitioner as well as the public. Thank You.

**Ty Shaffer, 101 North Tryon Street** said we represent Carter Acquisitions. Jack Murphy and Brady [inaudible] is here on behalf of Carter, they're happy to answer any questions. We also have Wayne Robinson and David Linder with [inaudible]. They're the engineers

in the project and they're here to answer any questions you have as well. We're please staff recommends approval. Fully anticipate being able to address the outstanding issues or minor transportation note changes, and we will do that in connection with the resubmit. The petitioner has met with the Homeowners Association for the adjacent single-family neighborhood and also held a community meeting. I expect those conversations to continue in the coming weeks, but there was some pretty consistent feedback on one component of the plan that we'll talk about in a little more detail.

The site is approximately 25 acres. It's in the ETJ (Extraterritorial Jurisdiction) right at the Mecklenburg Pierce County line. This is an aerial. The site is currently undeveloped. You can see that there is an office development immediately adjacent to the parcel. Floyd Smith Office Park Drive is the road that stubs into this site coming from North Try n Street. You'll see also there's a stub Street, too. We'll talk about this in a little more detail shortly. Coming out of the adjacent neighborhood into the site. That's Weaver Glen Place. The request is this site be rezoned from O-1 conditional to R-12 conditionals. It would permit the development of a residential community with up to 24 townhomes and up to 276 apartments.

This is the site plan. I just want to point out two kinds of buckets of features here and what's proposed. The first deals with the build-out of the street network. So, the plan does call for taking that stub of Floyd Smith Office Park drive on the right of your screen and building it out straight across to Morehead Road, and in connection with that the plan also calls for taking the Weaver Glen place stub out of the adjacent single-family neighborhood and connecting it to Floyd Smith Office Park Drive.

The consistent feedback we heard in meeting with the association and also during the community meeting was concern among the neighborhood about that street connection, and concern about whether that would have caused an increase in traffic coming out of this development through their neighborhood. Candidly, all things being equal, the petitioner would prefer not to make that connection. We would be more than happy to try to accommodate the concerns from the neighbors. That is a subdivision ordinance requirement. So, the plan does call for that. One change that has been made, is if the alignment of the drives out of the site looks a little odd. The first version of the plan did call for a four-way intersection to the drive out of the site would line up directly across from Weaver Glen Place in response to some of the comments we heard from the neighbors, went back to talk subdivision C-DOT about moving that drive away. So, that weren't creating any incentive for folks to exit the site immediately and to go through the neighborhood. So, that explains why that alignment is currently shown. Another point Dave hit on this is the petitioner has taken steps to try to create separation between the multifamily component here and the single-family development that's adjacent and done through a couple of things. One is the preservation of a 75-foot buffer along the southern line, which exceeds ordinance requirements and then the location of both the right of way for Floyd Smith Office Park Drive and then the townhome units immediately following that to try to kind of modify that transition. If we could jump ahead, shows a section of what that separation looks like. So, moving from left to right, from the lots in the single-family

development, we have a buffer with right of way and then further transition with the two-story townhome units followed by internal street and parking before you get to the multifamily component of this. So, we do think that the site plan efficiently tries to manage that transition in a way that respects the adjacent single-family development.

Dave hit on the offsite transportation improvements. So, I won't touch on that, but I'll stop for now. I'm happy to hear what others have to say and then to take any questions from the council. Thank you.

**Nazim Mohamed, 124 Weavers Glenn Place** said the notice was at 5:00. So, Yeah, I don't know what happened there. First, I appreciate the opportunity and thank you again, council and Mr. Schaffer. Those were really informative presentations. I was not actually at the HOA meeting that you referred to. So, a lot of this information is still a little bit it's good to know that that you're considering the neighbors and the separation and all of that stuff there. I did initially oppose or I do oppose the petition mainly for some of the things that you alluded to, which is I'm actually the resident and the property owner of the property on Weaver's Glenn Place that is literally right next to that kind of entrance exit, like into the single-family neighborhood. So, if there was a particular resident that would be the most impacted, I think it would be myself. I really am concerned because that was the space, the privacy, the fact that that is a little bit of a kind of drive off or a like a dead end type of road that that's there right now. It's frequently a place where my children play. The kids in the children of my neighbors play. It's a safe place in addition to our backyard because there's usually no cars that go into that area. So, kids are always riding their bikes there.

The concern with the petition here, with the development of such a large community, with only those three kinds of I guess, proposed entryways and exits, is that it would just increase the amount of vehicle traffic and quite a bit. So, there's obviously a safety concern there. The other main opposition that I have is really the privacy aspect of the single-family neighborhood where there were down. So, again, I wasn't aware of the landscape buffer that you're showing on screen here. I can bring that point up because there is apartment development that's currently being built, I guess, to the west side of our neighborhood. I'm not sure how that zoning what happened in that process, but really that the kind of the borderline between the multifamily development as well as between that and our neighborhood is really like maybe like 50 feet or something like that. There's really no privacy there, right? So, so that was obviously a big concern of mine. I'm not sure if there's any other it doesn't sound like anybody else from my neighborhood has volunteered to kind of speak up. I just know from having conversations with my neighbors, several of them also have expressed concerns, I'm sure, at the meeting as well, as well as you know, in the in the next door app, that the concern would be the amount of vehicle traffic. So, I appreciate again like the consideration of not having that Weaver's Glenn you know be a point of entry right into the development. I think that would be a huge perhaps like a good compromise for the housing community.

The other concern that I just want to mention. This is a comment that was expressed to me, to my neighbor directly opposite of me is that with the recent completion of two, I wish I had a map of the area, but I didn't come. I apologize for not being as well prepared as I should have been, but within the past 3 to 4 years there is also two multi-family apartment-use developments that that is immediately to the west of it. Of course, there was there's this petition to build another one on the east side of our neighborhood. In addition, even in today's you know, rezoning hearing, there was also a proposal for a mixed-use apartment complex directly opposite North Tryon as well. So, really it feels as though this once kind of quiet, secluded neighborhood that we all kind of love and have grown to has really started being literally surrounded right by apartments and development. So, there's a question of property value and how that would affect that as well. Yes, but I think I was able to express my concerns and I think that's it for my side. Thank you.

Mr. Shaffer said I completely hear the concern on Weaver Glenn Place, and I think it's worth reiterating we're the petitioner did have the option to remove that connection, given the concerns we've heard from the neighbors, they would do that tomorrow. As it is a subdivision ordinance requirement, our hands are tied. Our understanding is that no matter what development would take place on this site, the expectation would be that that connection would be built out to build out the network and hopefully deal with traffic concerns by dispersing car trips. So, happy to take any questions that you all have.

**Councilmember Winston** said it is a priority of this council and the city of Charlotte as we kind of are looking at future development strategies, that we are creating neighborhoods that are connected and interconnected. So, I don't think I would propose or be of the mindset that we would not make that connection, but to C-DOT and Ms. Craig, this and the previous petition are great examples of something that I brought up in TAP (Transportation Action Plan), and I think our previous strategy session when we had council questions and priorities around the UDO. These are great examples for our need for policy guidance for the development of neighborhood streets versus roads that are meant to move people and goods at higher speeds. I think in all of this, the neighborhood streets that are represented here, we do want slower-moving traffic, right? So, that they are safer so that children can play and you know, these are roads can be walked, whether it's in the multifamily portion of this or the single-family or townhome portion portions of this. So, overall, I think, again, this one and the one with the U-turn, it's a good example of how we think of it from a policy standpoint, how do we keep traffic moving safely at fast speeds or faster speeds versus slower ones? So, the one concern I would have here, if you can go back to the slide that has the site plan is that adjacent kind of splitting up that intersection. So, on Weaver Glen that deemphasizes going through. I can see that this is a this one for instance is different than offsetting it from that signalized intersection because we would want traffic to move slower on these roads. But is de-emphasizing a synonym for making that a more dangerous turn, therefore, less likely for the driver to take it? Because I don't think we want to create that in our neighborhoods. Right. I don't think we want to make things more dangerous to deemphasize. How do we kind of measure that?

**Brandon Brezeale, Transportation Engineering Program Manager** said this goes back and I know we're currently looking at updating it with the UDO, but our driveway access manual, and to your point, it's not really the same condition as the other one. Again, we would prefer to line up driveways and intersections where possible, but in the instance that it's not happening, we do have some rules that kind govern what we would require. With this one being a local street that's a little more low volume, and low speeds along it in comparison to Mallard Creek Road that was in the last petition, we have a little more comfort with left turns coming out of these driveways and it not posing as great of a safety concern, especially with 170-foot spacing that we have here between these. We would also during the permitting phase, we would have the engineer look at sight distance and make sure that there's adequate sight distance, both from a horizontal and vertical standpoint as well, to make sure that there's not any other blind spots that might be present that would lead to some safety concerns.

Councilmember Phipps said Is the site currently being used as a campground for raceway events right now?

Mr. Pettine said I believe that's what it was entitled for. I'm not sure if that's what it's being used for. I don't know if the petitioner or petitioner's agent can communicate that, but I believe that was part of the existing entitlements was overflow parking and campground for the raceway.

Mr. Phipps said could you share briefly what of the open space amenities that you have on the site?

Mr. Pettine said there's two kinds of two rectangular white open spaces. It's the one on the right of the screen. So, that's the primary amenity section for the project. So, that larger rectangular building that you'll see right when you come in the right entrance, that's the clubhouse leasing center, fitness center, we've got an outdoor courtyard that's covered that. What kind of expand onto a nice pool the residents can use? And that's kind of our primary amenities center. We also have a dog park and dog wash that's towards the rear of the site. In the top right-hand corner, you'll see there's a there's a pond there but right in front of that is a dog run. Then we'll have some secondary amenity locations, one of which is the other kind of white open space rectangle that's between the two buildings on the left side of the screen as well as in between each of the townhome kind of clusters where we have either grassy courtyard areas or grilling stations that I guess I failed to mention at the main clubhouse. We have grilling stations as well. So, for some residents that are trying to make dinner, they may not want to walk all the way to the main clubhouse. So, There's kind of some secondary and tertiary amenity spaces surrounding the site. Then we've also got the multi-use trail along Morehead and the kind of sidewalks all along Floyd Smith Office Park Drive for people to walk, dogs to go for a jog, exercise, etc.

**Denada Jackson, Office of Constituent Services** said what I think we can do if you go back to the map and you point for the folks in the studio if you can do a close-up of where

he's pointing to that's the best way I think they going to be able to illustrate this right now. That'll help the folks online and the folks here.

Mr. Brezeale said this is the clubhouse; the main entrance is right here. So, this is where the leasing office would be located, where the property management offices would be. That's where the fitness center be. This club room has kind of a co-working element, the pool, and obviously an outdoor patio. That's kind of this general area, a club here where I'm pointing. So, that is the pool area and outdoor amenities, then I can't even reach that one, but kind of up top, that's the dog run, dog park area with a former maintenance shed as well as a dog spa. Then kind of these open areas here in here would be grassy courtyard areas that ultimately will probably program a couple of additional grilling stations in those areas as well. That's really the best way to describe the site amenities-wise.

Mr. Phipps said thank you. I got one final question. Are there any plans to voluntarily annex the site into the city limits?

Mr. Brezeale said not as of right now.

Mr. Phipps said thank you.

Mr. Pettine said Councilmember Phipps, just answer your earlier question. It was originally entitled for that, but in 2004, there was an administrative amendment to remove the temporary event parking as a use for the site and just stick with the officers.

Motion was made by Councilmember Winston, seconded by Councilmember Watlington, and carried unanimously to close the hearing.
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**ITEM NO. 34: HEARING ON PETITION NO. 2021-190 BY BLUE HEEL DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.76 ACRES LOCATED ON THE NORTH SIDE OF WADE ARDREY ROAD, SOUTH OF ARDREY KELL ROAD, AND EAST OF MARVIN ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (CD) (SINGLE-FAMILY RESIDENTIAL, CONDITIONAL).**

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

**David Pettine, David Pettine, Planning, Design & Development** said 4.76 acres as mentioned on Wade Ardrey Road, the property is currently zoned R-3. The proposed zoning is for R-8 conditional. The South District plan does recommend single-family residential less than or equal to three dwelling units per acre. However, this is a GDP-eligible property. We did run those and the petition does meet the general development policies for consideration of up to eight dwelling units per acre. The proposal is for a single-family subdivision with a total of 29 dwelling units. Those would be spread between

both triplex and quadruplex buildings. The max number of units per building would be four. There are architectural standards incorporated into the project. As well as access via a new public street from Wade Ardrey Road.

That would be through a subdivision ordinance required connection to Garden View Drive. So, that would give some of that interconnectivity. Does commit that each unit will have a two-car garage and allow for two side-by-side vehicles, which would provide a total of four spaces per unit, and also commits to providing additional landscaping with the exception of tree save areas along the perimeter of the site, at a rate of six trees and 20 shrubs per 100 linear feet. As mentioned, the staff does recommend approval of this petition. We do have some outstanding issues and technical revisions related to the site and building design and transportation to work through. It's consistent with the district plan for single residential use. Also consistent with the general development policies. That's policies that support the 6.09 units being requested and we'll be happy to take any questions following the petitioner's presentation. Thank you.

**Matt Gallagher, 19003 Ruffner Drive** said with Blue Hill Development. Jay Banks, my engineer, is available online if there's any technical questions. Really not to be pandering. Thank you for coming back. I appreciate that. Not to be pandering, but this was a case where we have such a weird, shaped parcel with some that we have to abide by. Garden Ridge to the right or to the east. Audrey Crest to the south, a storm pond inlet that is already in the far southeastern corner and a weird shape. So, we reached out to staff early and often. So, to give credit to Josh Weaver and Jason Prescott, they answered a lot of questions early on to be able to navigate through this potential development. So, in that, we've actually come to this stage, which is probably iteration 11, because when we had reached out to staff and found out that we could be embraced at our eight, we tried to make our rate work as only every good developer will try and do. We were unsuccessful. It was just such a tough shape that we whittle it down to 33 to 31 to 30. What you see is 29 and after Brandon and I talked is going to 28, because NC-DOT does not like the length of our driveway, our first driveway here in the southwest corner. So, will be moving to 28. We've modified that, which takes us to 5.88. Really this was a great exercise in a collective genius where there wasn't one individual right answer, but we feel like the collective staff. The community actually sent a letter a month or so ago opposing it. We've worked with the community next door; they've since sent an email that I forwarded to Mr. Driggs and John Kinley with our rezoning effort. They say they no longer oppose us and are actually in favor of it because we had conversations with them to assuage some of their concerns. So, that's a little bit of the history and I will take questions.

**Councilmember Driggs** said it's not really a question. I appreciate the fact that given the list of items that the neighbors and the HOA had expressed concerns about, we've reached the point of being in agreement with them. So, I will just touch base with them again and make sure that we're all set, but otherwise, Matt, appreciate what you did and that we got the issue of the site sorted out as well.

**Councilmember Winston** said I just said it is exciting to see different housing types coming to District Seven. So, Mr. Driggs is doing a good job down there.

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

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**ITEM NO. 35: HEARING ON PETITION NO. 2021-196 BY THIRD & URBAN FOR A CHANGE IN ZONING FOR APPROXIMATELY 21.51 ACRES OF CONTIGUOUS AND NON-CONTIGUOUS PARCELS GENERALLY ADJACENT TO BERRYHILL ROAD, TUCKASEEGEE ROAD, GESCO STREET, AND JAY STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

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

**David Pettine, David Pettine, Planning, Design & Development** said 21 and a half acres on Tuckaseegee. Also, on Gesco Street, Berry Hill Road, and straddling Jay Street. So, multiple properties within this rezoning petition. All are, I believe, currently zoned I-2, yep. All are going to MUDD optional. The adopted future land use from the Bryant Park Land Use and Streetscape Plan does recommend office retail industrial. For the portion of the site along Jay Street of the rezoning petition and then all of the properties that are north of Tuckaseegee Road are recommended for industrial uses. That's from the Central District Plan that was adopted in 1993. So, we do have two different plans going on in this area as well. The proposal overall is to allow adaptive reuse of the existing buildings in this area along Thrift Road and Tuckaseegee. allows a maximum of 430,000 square feet of nonresidential uses and will consist of approximately 350,000 square feet of existing buildings and 80,000 square feet of new buildings and or building expansions. There would be a maximum of 68,000 square feet for retail, personal service, and or EDEEs uses.

The remainder of that square footage would be office and similar uses. Prohibits things like car washes, automobile service stations, and EDEEs with drive-throughs. It does limit building height to 55 feet for those properties at front of Berryhill Road and then 80 feet for the remainder of the properties within this rezoning petition. It does request some optional provisions which would allow parking maneuvering between the buildings and, the streets for those existing parking and adaptive reuse buildings where that is already in place. It also newly constructed buildings and parking areas shall not have any parking between the building and the street and also commits to the removal of two railroad spurs and repaving within the road right away on State Street. That would be the area that says new parking area. I think those are the site conditions that we've got spelled out for you. Staff does recommend approval of this petition. We do have some outstanding issues of transportation and site-building design to work through. As mentioned, it's consistent with the Bryant Park Land Use and Streetscape Plan recommendations. That's mainly the



area south of Tuckaseegee. It is inconsistent with those parcels that are recommended for industrial for the Central District Plan. Those were the properties on the north side of Tuckaseegee, but overall, adaptive reuse is what we've seen quite a bit of in this area. This petition continues to further that and allow some flexibility for that to continue to happen. So, the staff again, does recommend approval, and be happy to take any questions following the petitioner's presentation. Thank you.

**Collin Brown, 1420 East 7th Street** said on behalf of Third and Urban. Hank Farmer, is on with me if you have questions. Great overview from Dave. The properties are surrounded by a lot of neighborhoods that are experiencing pretty rapid change. Wesley Heights, Cedarville, Enderly. One of the positive things about this plan, as they mentioned, is just really to allow the adaptive reuse of existing buildings. So, those areas are seeing a lot of change, a lot of new buildings. Every time that we do deal over there, the neighbors want to know what better way to get some amenities for us so that we can walk to things. This is just a map showing all the things that are happening over there. Lulus [inaudible] Coffee. They have been established for a while, but some new things coming online. Third and Urban specializes in adaptive reuses.

So, of everything we've talked about all the buildings. The idea is that these existing buildings remain and are refreshed. Jay Street 929 here is already completed. Here's another These are currently zoned industrial. The industrial zoning district is not friendly for conversions to things like restaurants. Also, our modern districts don't allow things like parking between the building and the street. So, sometimes we need creative settings like this to preserve some of these old buildings and refresh them. So, again, this is conceptual looks. Some of these are completed, and some are underway. Currently [inaudible] heavy industrial. This is just to allow us to transition a little more. Only one new building you can see here, a small one. This could be the only new building footprint we're proposing. The rest of the changes are to accommodate these adaptive reuses so we can continue using some of these old buildings, maintain some of the character's look and feel, but get some new uses in there that are neighborhood friendly. Happy to answer questions.

**Councilmember Eiselt** said I do have one question, and maybe this is for staff. I'll speak really slowly till they get back. Dave, I have a question. Sorry. I'm just wondering if this is kind of like I mean, having three parcels that aren't contiguous done at one time, is this kind of like what we did in the Gold District?

Mr. Pettine said we've had a few in my tenure here, just been a few years. So, there may have been some that predate me, but we've had a few. It's not something we see often, but it is uncommon. I also say it's not always preferred, but when you see them all coming in for the same general purpose to adaptively reuse and take some flexibility back to get these outcomes that they're looking to do. A lot of it really has to do with parking in this area. We just saw, I think earlier this evening, Browder Group had a petition approved that was going to MUDD optional as well for a lot of the same and those were kind of spread out along Thrift Road also. So, I think we're just the different ownership groups

that have some of these buildings realize that they need some flexibility to keep these adaptive reuse projects going. So, they're just bringing them in at the same, even though they're not contiguous.

Ms. Eiselt said okay because when we did the Gold District a few years ago, the idea was kind of to have those industrial buildings be able to be used for restaurants and small shops that for whom it be really expensive to go through rezoning one at a time Collin, maybe you know the answer to that. Is this sort of that idea that we're trying to create this sort of feel amongst all of those buildings there and it'll make it easier for small businesses to go in there?

Mr. Brown said that's exactly right and not just these buildings, but some of the others in this area have been adaptively reused. Also, it's just with the old zoning districts, we can't accommodate a coffee shop. We can't accommodate restaurants. So, this will be creative office space, but really creating some amenities for those employees and the neighbors.

Ms. Eiselt said okay. Yeah, I like that idea. Thank you.

**Councilmember Egleston** said just quick kudos to Third and Urban. Those renderings look awesome and I hope that the final adaptive reuse work there ends up looking like the renderings do. I love seeing all the adaptive reuse projects that are going on along that corridor and in other parts of our city. So, I hope more people will bring us more projects like this Thank you.

Councilmember Phipps said on outstanding issues, on the transportation, there's a note that says that the petitioner will commit to the full removal of two existing river crossings. Are those crossings closed already?

Mr. Brown said they are. They're not used, but they are uncomfortable for cars to cross them. Up here by State Street where you see these two railroad crossings where [inaudible] sliver of hours and Brandon feel free to weigh in if I missed something on that. But yes I think just moving to make that a more comfortable [inaudible].

**Brandon Brezeale, Transportation Engineering Program Manager** said nope you got it. Yes, the two on State Street are currently not being used by the rail company. We've got an opportunity to eliminate those that pose a barrier and not just cars. It is very uncomfortable and unsafe for bikes to cross that as well, so.

Motion was made by Councilmember Winston, seconded by Councilmember Driggs, and carried unanimously to close the hearing.
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**ITEM NO. 36: HEARING ON PETITION NO. 2021-201 BY BLUE AZALEA FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.15 ACRES LOCATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF WEDDINGTON AVENUE AND BASCOM STREET, EAST OF EAST 7TH STREET FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

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

**David Pettine, Planning** said just over an acre Weddington Av. and Bascom Street just off of East 7th Street. The current zoning is R-5, and the proposed zoning is UR-2. As you can see we're surrounded by some R-22 as well as some MUD conditional across the street there for some higher density zoning just in the area. As mentioned, this is for a UR-2 zoning district. The Elizabeth Area Plan does recommend residential uses up to no more than five do you for this site. The proposal is for up to 18 townhome units spread out through four buildings. Looking at providing an eight-foot planning strip, and an eight-foot sidewalk along both Weddington and Bascom. Guest parking spaces would be provided within the site as well. Architectural details would include exterior building materials. Residential entrances if they were within 15 feet of the site will be raised from average grade at a minimum of 24 inches.

Walkways would be provided to connect all residential entrances to the sidewalks all along public and private streets. Pitched roofs of provide would be symmetrically sloped in no less than a 512 pitch, except the roofs or porches and attached sheds may be no less than a 212 pitch unless there is a flat roof architectural style that would be employed for the buildings, which is also an option. All corner end units that face a public street would provide public blank wall provisions. That would limit the maximum blank wall expansion to ten feet on all building levels. Staff does recommend approval of this petition upon resolution of outstanding issues related to transportation and some technical provisions related to site design. While it is inconsistent with that recommendation in the Elizabeth Area Plan, it does seem to meet just a general infill project. We do have some higher density zoning around it and all around this property is also recommended for, I think up to 12 DUA in the Elizabeth Area Plan as well. So, seems to be a reasonable project for some infill in this area and the staff does recommend approval, be happy, and take questions following the petitioner's presentation. Thank you.

**Walter Fields, 4667 Webbs Chapel Church Road** said This is Joe [inaudible]. He is Blue Azalea. We are working on another infill project. We started this project many, many moons ago and I've had a number of meetings with the community. It's a little bit of a chronology of where we are up to this point. This is a site that's at the intersection of Bascom and the old portion of Weddington that's now been dead-ended and no longer connects to Monroe Road. It just functions as a local street. Right across the street is the sawmill. So, that gives you a little landmark to go by.

This is our site plan looking straight down from above. We were able to draw the landscaping in here where it's hard to see on just a regular black line drawing, private

street services, and 18 units. There's an area in the back on the left as you look at the screen that shows two dumpsters. We are required by your ordinances to show those on this plan. However, the trash collection will be done, by the private contractor, and that will actually be used for some additional guest parking. We got a number of comments from the community. We've met with them numerous times and gotten comments from the Elizabeth Community Association's Architectural Committee. We've made additional commitments and changes to the plan based on some of those comments including putting the stormwater management and water quality facilities underground, putting all the HVAC units on the roof of the building, making some additional improvements along the streetscape at the city's request for eight-foot sidewalks, not six but an eight-foot sidewalk, an eight-foot planning strip on both streets and again, the single access point on the Bascom.

This is a close-up of the notes that we've added to the plan, both based on staff comments and based on comments from the community. Many of these sound the same that some of the ones you've heard tonight, but we added some additional ones, specifically at the request of the Elizabeth Community Association, and we met with them and went over this presentation just this past Wednesday night. We're still fine-tuning some issues with them. We do have a couple of notes regarding transportation. I have actually had a conversation with C-DOT about some inconsistencies in those notes, but we will resolve all of that before it gets back to you next month. Let Joe see if he wants to make any summary comments.

Unknown said good summary, thank you.

Mr. Fields said we'll take any questions that you might have.

**Councilmember Eiselt** said that where the dumpsters are, how does a truck get in and out? I think you indicated maybe the other side of that is going to be guest parking.

Mr. Fields said go bet go back one place or two? That turnaround accommodates a full-sized trans truck. It would also accommodate a fire truck, even though we're not required to have it based on the length of the street. These units are all sprinkled anyway. Your trash ordinance requires, and we get a comment for every zoning case that we have to show these on the plan because they figure if we don't show them, then don't have to do it. Under some circumstances, it would be appropriate and it would be done. Here, we were required to show them, but we will not actually put them there because a private trash contractor, will come up our internal private street, and people will roll their trash out from their garages to the street. It'll be picked up so that to enter that tee area in the back actually can just be additional guest parking because we know that always comes up in conversations with the community. I wanted to explain that because it's very confusing sometimes when you see that, but we have a note on our plan that commits that we're going to have that done with a private contractor and that we will not actually have dumpsters in that location or anywhere on the site.

**Councilmember Egleston** said where would the dumpsters go?

Mr. Fields said there won't be any dumpsters. It'll be just like your house.

Ms. Eiselt said where would those go?

Mr. Fields said all of these units have two-car garages.

Ms. Eiselt said so you have to keep it in the garage.

Mr. Fields said people would keep it in their garage.

Councilmember Egleston said I have a separate question for staff, which is, is it a best practice for us to be asking people to put things on drawings that want to be there when they're committing to doing a different? That's a bit rhetorical, but maybe something for a follow-up because I wonder if there are other things like that at all. I can imagine what that does creates confusion for people who are looking at these plans. That notwithstanding. Thank you, Mr. Fields, you and I had spoken via email today. I wish some of the I think the word you used was further refined with the neighborhood. I know there are still some things, particularly around design elements on this project. The use here and the density here, in my opinion, is appropriate and I will support it on that basis. I do wish that there had been the opportunity for some of those design questions to be answered so that though there are no speakers in opposition tonight, the Elizabeth [inaudible] Association is not currently in support of this project. I think they ultimately can be and likely will be, but I know they have questions that have yet to be answered. I wish we could have gotten that done and had them here voicing their support tonight, but certainly, we'll expect a follow-up on the work that's been done to try to seek their support now and the decision. That's it and if there's no other questions, I'll make a motion to close.

Mr. Fields said if I might, thank you very much, Councilmember Egleston. We have been in communication. We continue to be in communication with the ECA and their architectural committee. Of the 18 or 20 comments gave us, I think we incorporated about half of them or maybe more, and some of them were redundant. So, many of the architectural details they ask us to do, have already been added to the plan. We were just down to a few nuances and I think that's something we can easily resolve before this gets back to you, possibly even before it gets to the Zoning Committee.

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

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**ITEM NO. 37: HEARING ON PETITION NO. 2021-202 BY TRADE STREET TOWNHOMES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.47 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF WILORA LAKE ROAD AND HOLLYFIELD DRIVE, EAST OF CENTRAL AVENUE FROM O-1 (CD) (OFFICE, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

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

**David Pettine, Planning** said .47 acres on the Lower Lake and Hollyfield Drive. Current zoning is office conditional, proposed zoning is UR-2 conditional. The adoptive future land use from the Eastland Area Plan does recommend office uses for this site. You can see surrounded primarily by multi-family uses as well as single-family multifamily office retail just a catty-corner to the west. This proposal is for up to ten single-family attached dwelling units in two buildings. That comes out to about 21.28 dwelling units per acre. Caps building height at 40 feet proposes vehicular and pedestrian access to the site from Wilora Lake Road. It does note that usable porches and stoops would be the predominant feature of the building design and be located on the front and or side of the building. Those would be the areas that front Hollyfield Drive. Now all corners and units that face a public or private street would have a porch or stoop that would wrap a portion of the front and side unit or would limit the maximum blank wall expanse to 15 feet on all building levels. Also, we have provisions for an eight-foot planning strip and an eight-foot sidewalk along Wilora Lake Road and Hollyfield Drive.

The staff does recommend approval of this petition upon resolution of outstanding issues related to transportation and site and building design. While it is inconsistent with the Eastland Area Plan, it is consistent with predominantly the proposed uses around it. We also had some infill townhomes just proposed on that area, like I had mentioned, a catty-corner to the southwest. So, it would be consistent with the recommended overall development pattern. That office uses, likely a holdover recommendation from the existing entitlements, but staff does feel that the proposed townhome infill is an inappropriate project in this area and we do like to recommend approval. I'll be happy to take questions following the petitioner's presentation. Thank you.

**Russell Fergusson, 933 Louise Avenue** said the land use fans out there. I am Russell Fergusson, the agent for the petitioner on this petition, and Dave covered a lot of the details on this project, and why it fits. It's changing over from a residential building that's entitled to be a house to urban residential zoning to allow for a middle-density townhome development. Just to go on context, the house is not being used right now. I think you can kind of see from this slide and some later pictures that the changes in the area have sort of gone past what this house is and it would be appropriate for townhomes to be replacing it and a much more efficient use of this land. We're doing a lot of improvements. There are some newer sidewalks that are curbside to the left there, as were Charlotte East. One of the newer CMS schools is. To the right is the Hollyfield sidewalk. Those would be improved eight-foot standards.

Just a little black-and-white overview. To get a better context, Dave's slide showed a pretty well institutional use multifamily pending townhome developments catty-corner, and just to the left of this image is the Eastland area and the projects that are coming on that [inaudible] from that. Back to the site plan. The site plan includes a lot of conditions. I won't list them all again. Dave went through all, but there are design conditions here in addition to that, you have to code to make it applicable and a good fit for the neighborhood. It's a missing middle or a middle-density scale development. I think this is a really good opportunity in this spot and its context to be able to go from what was a former residential unit to ten units in an area that can house more density and has a lot of walkable retail and has a lot more coming online. So, the same thing goes with the pedestrian improvements. So, it'll kind of blend in and fit into the neighborhood, and one other thing I'd be remiss not to mention, we are also including a condition where we are going to work with the neighbors on a four-way stop for this intersection. It's a note that was included and approved by you all in a prior rezoning catty-corner. Right now, if anybody is listening, that can help change it. We agree with the neighborhood in terms of it being a four-way stop sign intersection there with Wilora Lake and [inaudible]. We understand that they have been working on it for some time and we'll be rejoining them in that effort. I'm happy to answer any of your questions and thank you and hopefully give a minute back to the [inaudible].

**Mayor Pro Tem Eiselt** said I'm assuming that you're speaking on behalf of Corey Hendrick as well.

Mr. Fergusson said yes, that's it.

Ms. Eiselt said thank you.

**Councilmember Newton** said yes thank you and thank you for that presentation, Mr. Fergusson. My only question and I'm very much in support of a four-way stop as well. So, whatever I can do to help to make that happen, I'm looking forward to working together on that. I just want to ask a quick question. This might have been addressed. I can't remember, but it might have been addressed in the community meeting. Why we are with this petition, why the connection is to Wilora Lake rather than Hollyfields? There have been some issues with traffic backup during the morning and early afternoon hours or the pick-up and drop-off or I suppose maybe other way around the drop-off and pick-up of students at the elementary school there. Just wanted to add to quickly ask that question about the connection to a Wilora Lake there rather than Hollyfield.

Mr. Fergusson said yeah. You know I think it's a lot and in the shape and size of the lot, it doesn't really allow for many options coming in from Hollyfield. Also, as you will recall, there's a bit of a decline as Hollyfield goes down, and some changes to what the lay of the land through there that would make that more challenging. It's also necessary on the right side of the site plan to have stormwater management components in place on that side of the lot.

**Councilmember Phipps** said yes to a question for the petitioner. Briefly, what are your plans to bring sewer service to this site?

**Kory Hedrick, 933 Louise Avenue** said we have been in coordination with Charlotte Water, either we would do it personally or we have the option to do a shared project with Charlotte Water, which would allow us to extend the sewer to Wilora Lake and Hollyfield which is where we would need it to extend. So, we have been in contact with Charlotte Water, and that was one of the first due diligence items we did on the site. So, I hope that answers your question.

Mr. Phipps said if you did it in conjunction with Charlotte Water, then I guess you would have to get on a schedule because I imagine they have projects in the queue, project scheduled trying to figure out how would that work in terms of your schedule for something like that.

Mr. Hedrick said You are correct and I think that is why they allow you the option to do it yourself, which we'd be more than willing to do as a part of the development of this parcel.

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

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**ITEM NO. 38: HEARING ON PETITION NO. 2021-206 BY CAMBRIDGE PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.5 ACRES LOCATED ON THE WEST SIDE OF NORTH TRYON STREET, EAST OF INTERSTATE 85 AND SOUTH OF WEST MALLARD CREEK CHURCH ROAD FROM CC (COMMERCIAL CENTER) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL) WITH 5-YEAR VESTED RIGHTS.**

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

**David Pettine, Planning** said four and a half acres. It's on the west side of North Tryon, east of Interstate 85, and south of West Mallard Creek Church Road. The current zoning is CC (commercial center). The proposed zoning is four MUD conditional. They are requesting five-year vested rights with the project as well. Adoptive future land use from the University City Area Plan does recommend a mix of residential office and retail for the site. This proposal is to take part of the existing shopping center that's out there and do some redevelopment and allow up to 305 multifamily uses with structured parking and accessory uses for residential amenities. It does allow up to 5100 square feet of retail and office uses. Height would be limited to 85 feet. Does provide an eight-foot sidewalk and planting strip on both sides is the new private access drive and primary entrance road. Provides covered bike parking that would exceed the zoning ordinance requirement. It



does provide open space and amenities, including a fitness center, clubhouse, swimming pool, and dog park.

Also proposes a greenway connection to Barton Creek Greenway there, just the top left of your screen. Also commits to architectural details with things like preferred building materials, building facade modulations in excess of 120 feet in length, and also articulated architectural facade features and blank wall expanse limitations. Staff does recommend approval of this petition upon resolution of outstanding issues related to transportation and land use. It is consistent with the University City Area plan and again, we do recommend approval. I'll be happy to take questions following the petitioner's presentation. Thank you.

**Jay Priester, 831 East Morehead Street** said with Cambridge Properties. The staff did a great job of giving an overview of this project. I do have a presentation I'll be quick to go through because I think it's important to note how we're kind of a multi-phase redevelopment opportunity. So, this is part of a 15.9-acre development that our company developed over 25 years ago. It's lived its life span of the time of being a suburban shopping center to what it is today with the changes with the University of Charlotte as well as the light rail coming through. So, we have a plan for four rezoning districts. So, we call it District 1, which is what's before us this evening, and that is what Dave just went through. Future phases will be Districts 2, 3, and 4 to follow. So, We have an opportunity here to begin the transition of the redevelopment of this shopping center.

So, this is the existing site plan today. So, this was a former Kohl's, which is an 86,000-square-foot big box that we will be demolishing. The existing shop shown to the left of the screen as well as the existing food line will remain. They have an existing lease term left, so that is part of the reason of the multi-district phase development. So, this shows some of the infrastructure that we're putting in today. So, this is all planned out. So, this will get redeveloped over time. So, what we'll be doing as a part of the phase one development is reconstructing the entry road off of US Highway 29, as well as the internal access road that fronts these apartments and retail.

This is a zoomed-in of the proposed development. Of course, we have a structured parking garage as a part of this. So, it will be self-contained and this four-and-a-half acre zoning. We do have the open space all served by this individual site, but we also are taking up all the infrastructure for future development opportunities with districts two, three, and four. Be happy to answer any questions. I do want to also mention we have University City Partners' support for this project as well as UNC-Charlotte's and had no attendees to our neighborhood meeting. Thank you.

**Councilmember Winston** said my question or concern is around five-year vested rights. The project looks great, and land use looks great, but I know we usually leave the five-year vested, rights for a larger-scale proposal. I mean, I could even see it if we were doing the full rezoning of all four of those districts. Even then, this one seems potentially smaller than we would be comfortable with. So, Mr. Pettine.

Mr. Pettine said yeah, we did list that as an outstanding item for that to be removed. That's typically like you said, we request those for larger projects. The one that we had in Steele Creek earlier certainly I think warranted five of your vested rights. We did ask for this one to be removed. So, we look forward to having a response on that through the process. They may want to answer as well. They may want to answer as well.

Mr. Winston said Do you have any comment on that.

Mr. Priester said sure, the reason for the request here is, we developed this center 25 years ago. We're long-term owners. Part of this has been a very difficult process to work with existing tenants. So, we do have Food Lion there. There for 15 additional years and they do have some control over the development timeline of this first phase. We're hopeful of getting through this within two years or less, but it is just a little bit of an insurance policy so we're not back here in front of the council having this discussion again. I do think there is some that we can further discuss with staff. I mean, Dave, correct me if I'm wrong, but I believe the zoning rights expire after two years without that five-year vesting. So, two years right now with the backlog of development and the review process just is not frankly, that long for this business. Again, coming from a long-term real estate owner of 25 years. I do think it's something that we can continue with staff and have a resolution before the decision.

Mr. Winston said let's try to work through that. Thank you.

**Councilmember Phipps** said yeah, I had a lot of questions about this petition until you describe what it is and I was surprised in our notebook, there's no mention of the four districts here. I mean, from looking at this book. I thought were just doing this one this Khol's demolition. So, I'm glad to see that this represents a total remake of the center. I don't see where this was described as such in our notebook. I was wondering why.

Mr. Pettine said yeah. I mean, we knew there was some ongoing redevelopment that would occur, but we also were aware that it's going to be phased in all we can present is what's being proposed in front of us, which is just this project and this part of it being redeveloped. Overall, yeah, were aware that there was going to be ongoing of the site long term, but right now this is the only true project and item we've got sitting in front of us.

Mr. Phipps said this was very helpful because glad to see that that is in a multiple phase. It's just going to be done over time. Otherwise, I thought were going to have to form a [inaudible] with that apartment complex. [inaudible] parking in front of it I mean, it was just looking kind of weird. So, I'm glad to see that this is going to occur. Thanks.

Motion was made by Councilmember Phipps, seconded by Councilmember Eiselt, and carried unanimously to close the hearing.
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**ITEM NO. 39: HEARING ON PETITION NO. 2021-208 BY HUGH ELDER FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.94 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF NATIONS FORD ROAD AND FOREST POINT BOULEVARD, NORTH OF WEST ARROWOOD ROAD FROM B-1 SCD (BUSINESS, SHOPPING CENTER DISTRICT) TO O-1 (OFFICE).**

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

**David Pettine, Planning** said it's just under three acres at the corner of Nations Ford and Forest Point Boulevard. That's currently zoned B-1 SCD, which is a business shopping center. The proposed zoning is O-1 office conventional. The adoptive future land use is from Southwest District Plan and that recommends office uses at the site. So, this petition would be consistent with those adopted land use goals. The staff does recommend an approved petition. There are no outstanding issues. It's a conventional petition, so no conditions of approval that are being proposed. It is consistent, like I say, with the Southwest District Plan and we'll be happy to take any questions following the petitioner's presentation.

**Brian Rossi, 5500 New Albany Road** said I'll keep it short and sweet, no presentation. I'm just the agent acting on behalf of the owner. Hugh Elder, Samaritan's Purse. So, I'm here to answer any questions as needed.

**Councilmember Winston** said I just say, obviously, this is a conventional one, but I think this might be one of the ones that Mr. Phipps was referring to in terms of heartburn around the comprehensive 2040 matrix. It has four axes around policy goals, and I don't know if that has a relation to the conventional and we can't really tell what's going on. Yes, something that maybe we need to think about. Like how do we use this? Thank you. Do you want to say anything?

**Mayor Pro Tem Eiselt** said no, no. I think it's something that we're we'll talk about offline and come back next month to discuss because it kind of looks like this is just more of the same of what's already there, which we might think about how we consider these different goals when we're doing something like that expanding warehouse.

Motion was made by Councilmember Winston, seconded by Councilmember Eiselt, and carried unanimously to close the hearing.
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**ITEM NO. 41: HEARING ON PETITION NO. 2021-214 BY ADAMS PROPERTY GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.95 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF ROCKY RIVER ROAD AND WOODLAND BEAVER**

**ROAD, NORTH OF ALBEMARLE ROAD FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**  
**Mayor Pro Tem Eiselt** declared the hearing open.

**David Pettine, Planning** said it's 1.95 acres on Rocky River Church Road and Woodland Beaver just off Albemarle Road. The current zoning is B-1 conditional. The proposed zoning is MUD optional. The Adoptive Future land use from the Albemarle Road for R 485 interchange study recommends multifamily and retail uses for this site. The proposal is for up to 110,000 square feet within the climate-controlled building for a self-storage facility, which includes a minimum of 3,000 square feet of other non-residential uses as allowed in MUD. It does prohibit things like convenience stores, cashing establishments, residential uses, and uses with accessory drive-thru windows.

It limits building height to 55 feet and also limits the total number of principal buildings to be developed on the site to just one. Optional provisions have been proposed which would allow screen vehicular circulation between the proposed building and Rocky River Church Road. That would be through a four-foot masonry wall. Also allows the non-storage related uses required to be provided along the ground floor of the building that would be located along Woodland Beaver Road. It does approve Woodland Beaver with the on-street parking and also installs an eight-foot planning strip and eight-foot sidewalk along that road. Then a 12-foot multi-use path, and an eight-foot planning strip along Rocky River Church Road. It provides a 90-foot landscaped setback and trees save area along Rocky River Church Road as well and provides details for preferred building materials for the structure on site. The staff does recommend approval of this petition. No outstanding issues. It's inconsistent with the multifamily use recommendation for this site, but consistent with the plan's recommendation for retail uses overall. Again, the staff does recommend approval and be happy to take any questions following the presentation. Thank you

**Keith MacVean, 100 North Tryon Street** said with Moore Van Allen assisting Adam's Property Group. With me, in the room, tonight is Jack Copeland with the Adam's Property Group, as well as Dan Blackmon with Stimulant Associates. They're the civil landscape architect for the site. Adam's Property Group is a developer of commercial retail and self-storage facilities in the southeast. They're based in Charleston, South Carolina. These are some examples of other climate-controlled storage facilities that the Adam's Property Group has done. Dave covered this, the location. The current zoning, which is B-1 CD, does allow a variety of commercial uses retail, personal service uses, bank restaurants, as well as multifamily. Land use wise, Dave mentioned retail and multifamily. The recommended land for the site. This is our proposed site plan rendered site plan. As Dave mentioned, one single building is climate control storage. There are two retail commercials and uses along with Beaver Road. The building will front Woodland Beaver Road. Woodland Beaver Road will be improved with eight-foot sidewalks and eight-foot planning strips. There's some additional urban open space along that area. There is a landscape setback along Rocky River Road. We will be modifying the site plan slightly to

indicate that that area can also be used for stormwater detention water quality, as that's what the stormwater department has required us to do.

Then just again, parking and maneuvering for the control storage to the rear. There will be some on-street parking along Woodland Beaver to support the additional office and retail tenants that are being proposed and there is a 56-foot Class B buffer located between this site and the adjoining multifamily. Be happy to answer any questions.

**Councilmember Winston** said staff, this is a question for staff. Do we consider self-storage retail?

Mr. Pettine said I would say there's probably some conversation on whether it's classified as retail or warehousing. I think overall traditionally it's classified more as warehousing, but this does have some retail uses that are proposed along with it within those 3000 square feet outside of the 110 for self-storage. So, it's one of those kinds of ongoing debates that I think you probably hear good arguments from all sides. I think traditionally we've classified it as warehousing. That retail component they've got is, I think one of the things we've considered as part of the overall project.

Mr. Winston said yeah, I have I have an issue with that and of course, I mean this seems like the petition is going with existing policy. If this is how we've been looking at it, perhaps, I don't know. I have an issue with this. This seems like a loophole, right? Because yeah, sure, you could put packing and ship and sell some boxes there or whatever it may be, create a space, but I don't know. This doesn't seem like retail at all. Good use of language, but I think we need to look at that as a loophole. We need to close up. Thank you.

Mr. MacVean said I'm happy to respond there.

Mr. Winston said I'm sure you would like to respond.

Mr. MacVean said no, thank you. Councilmember Winston, I mean, one of the things I think that we've found and the city has also found with climate control storage facilities that used to be I-1 uses and located in I-1 districts but their true customer is single-family residential and folks living in nearby neighborhoods and locating them in places like this where other commercial uses just make sense. It's a shorter trip. People are able to visit their facilities more often than they need to versus driving long distances. It's an amenity to residential communities. I think Mr. Copeland would probably add to that. In a location like this that has other commercial uses, this sort of fits in, and the building is architecturally treated to blend in with the other commercial uses quality materials glass, and windows to make it look not like a big warehouse, but more like a commercial use. So, it's a use of supports residential, so it likes to be near residential uses.

Mr. Winston said I think you're actually giving me more ammo and digging the hole a little deeper. So, definitely want to consider self-storage as an amenity for living. It's an issue I think you know that we have to look at from a land use perspective here. Thank you.

Mayor Pro Tem Eiselt said yeah, I was going to ask about the proximity to those neighborhoods. It just doesn't.

Mr. MacVean said I mean, we're not close, but we're closer than industrial zoning would be. So, there are multifamily to the rear, and to the front is actually a couple of fast food restaurants and a car wash. Across Rocky River Road is the new public shopping center that was approved last month. Then we have further away is the Cresswind neighborhood, an additional residential neighborhood. So, in proximity, not necessarily close, but in proximity to residential versus what typically would be located in an industrial area, which would be miles from this location.

Mr. Winston said thank you.

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

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**ITEM NO. 42: HEARING ON PETITION NO. 2021-215 BY DHIC, LLC & REVENTURE PARK INVESTMENTS NORTH, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 102 ACRES LOCATED NORTH OF MOUNT HOLLY ROAD AND EAST OF THE CATAWBA RIVER FROM CC LWCA (COMMERCIAL CENTER, LAKE WYLIE CRITICAL AREA) AND I-2 LWCA (LIGHT INDUSTRIAL, LAKE WYLIE CRITICAL AREA) TO MX-2 INNOV LWCA (MIXED-USE, INNOVATIVE, LAKE WYLIE CRITICAL AREA).**

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

**David Pettine, Planning** said approximately 102 acres off of Mount Holly Road, The existing zoning is CC and both have the Lake Wylie Critical Area and Light Industrial Lake Wylie critical area, CC, and some I-1. Like I said both have that Lake Wylie critical area overlay. The proposed zoning is for MX-2 innovative and it would also maintain that Lake Wylie critical area overlay as well. The adoptive future land use from the Catawba Area Plan, which was in 2010 does recommend residential office and retail land uses for this site. The proposal is for up to 810 units of various types, that will include apartments, townhomes, duplexes, and single-family detached. They would be either for sale or for rent. Overall, the DUA is 7.94. Development area A would allow for all unit types with a max height of 62 feet. The development area B would be a single-family attached, which is a townhome product. Which would max out at 48 feet in height. It does request innovative provisions to accommodate some unique single-family detached products in this project. That would be things like no minimum lot size or minimum frontage along streets. Side or rear yards also maintain a minimum of ten-foot building separation. Transportation improvements would include things like a street network of both public and private streets build to C-DOT standards. Connections to existing street stubs and

constructions and stubs for future connections. It does commit to improvements at existing intersections. A 12-foot multi-use path along Mount Holly Road, an eight-foot planning strip, and a six-foot sidewalk along the internal street networks.

It does propose architecture and urban design standards for massing and height requirements and usable porches, stoops, facade treatments, etc. Provides a Class C buffer between Area B and the existing single-family homes. Also sets aside 10 percent of the site is open space and commits to dedicate and convey two acres to Mecklenburg County Parks and Rec. It also proposes community boat docks with trails providing access from the development areas down the Catawba River. The staff does recommend approval of this petition upon resolution of some outstanding issues related to transportation, environment, and site building design. It is consistent with the residential component of the mixed-use recommendation found in the Catawba area plan. However, it is inconsistent with the office and retail part of the recommendation. So, the plan would be revised to just reflect the residential recommendation for eight dwelling units per acre for the overall site should this petition be approved. So, with that, we'll be happy to take any questions following the petitioner's presentation. Thank you.

**Keith MacVean, 100 North Tryon Street** said with Moore Van Allen. Actually, the petitioner is Longbranch Development. DHI originally filed, but Longbranch Development is actually the current petitioner for the site. As you mentioned Ben Graves and Brett [inaudible] with Longbranch Development are online and are available to answer questions. Nick Bouchon is the civil site engineer with Design Resource Group and Randy Goddard, is a traffic engineer. There was a traffic study conducted for this site. Long Branch Development LLC is a multifamily residential community developer based in Spartanburg, South Carolina. As Dave mentioned, it's a 102-acre site currently zoned commercial center. The property is actually also part of a brownfield which is part of the reason that the majority has remained undeveloped at this time. Part of what was associated with the industrial use across Mount Holly Road.

As Dave mentioned, I've zoned I-CC and I-1 currently vacant and annexed to innovative. The existing zoning did allow, it was approved in 2005 and did allow the site to be developed with up to 335,000 square feet of commercial and up to about 800 units. About 600 of those units can be developed on this portion of the site as well as a portion of that of those 335,000 square feet. This is the previous approval for it. Going to a residential community of different varieties of residential types of units will actually be reducing total trips from the site. Land use wise, Dave has covered the proposed land uses. This is our proposed plan. As you can see, the plan proposes to do townhouses at the rear of the site abutting the Catawba River Plantation. So, there's a firm commitment at the form of the residential community abutting the single-family. To the northeast would be townhomes. Then the cottages and multifamily allowed uses would be oriented toward Mount Holly Road. As Dave mentioned, there is a two-acre portion of the site that will be dedicated along the river to Mecklenburg County as it uses a public park. There will be additional open space amenities within each development area, as well as 10 percent of

the overall site, will also be set aside as common open space and improved for the community. Overall, there's 37 acres is actually set aside as open space.

Tree save slides, open space. This just again, a little more details on buffers. There is a buffer between the townhomes and the residential to the north. They have mentioned the streetscape improvements. There is a network of roads being built, and public streets that will connect to the existing river, the Catawba River Plantation. We did do a traffic impact study, as I mentioned, and there will be two new traffic signals on Mount Holly at the main entrance, as well as the existing Bell mead. They'll also be additional turn lanes at Mount Holly and Mount Holly Huntersville Road, as well as Mount Holly Huntersville Road and one of the adjacent neighborhood streets that access Mount Holly Huntersville.

Some examples of the type of residential communities Long Branch does would be sort of what the kind of the type of residential communities, and residential structures that also would be built here. These are some of the cottages and townhomes to all units on the next slide, when you get to it, that are also the type of units that Long Branch would be proposed to build. Be happy to answer any questions. We will be addressing the staff's comments in the revised plan that goes in this week.

**Councilmember Winston** said this was great. Can you comment at all on the commitments from Mecklenburg County about that park and the timetable for development and funded or anything like that?

Mr. MacVean said with a good question and a conversation, the petitioner also had with the county park staff about the petition and would like to be able to partner with the county parks to build their residential community as well as the park at the same time. We'll continue to do that. County Parks and Recreation was not able to give us a timeframe as to when they would develop the two acres. They are trying to develop, I'm not going to get the name right, but a series of parks along the river that would be accessible to folks in kayaks or boats that would be actually using the river. So, this was important to them and the developer was happy to contribute the land and we'll look for opportunities to partner. In terms of time frame, the county does not have a timeframe that we're aware of at this time.

Mr. Winston said thank you.

Councilmember Phipps said I can appreciate that the county. I was sort of struck by the fact that you're talking two acres for a public park. I mean, two acres. I mean, I thought they needed more acres than that. Seems like that would be instead of a public park, that would be like a pocket park or a neighborhood park.

Mr. MacVean said It would be, it is that. It's meant to be just like the petition on Robin Wood, which is an acre of land. We've seen the county start to request smaller pieces of property for smaller neighborhood parks. The idea here would be this park, it's a waterway park. There would not necessarily be parking associated with it. It'd be a small number of



amenities really focused on folks that are using the river for recreation. So, it's not about size. It's about the number and frequency of the smaller parks. They originally did ask for slightly more, but again, two acres was easy to accommodate and willing to be accommodated by the petitioner and I think meets the needs of what the county's looking for.

Mr. Phipps said I can appreciate this presentation here because I was wondering I mean and looking at it I can tell now that it is a highly amenitized water feature, upscale type development.

Mr. MacVean said it will be.

Mr. Phipps said that probably wouldn't lend itself to a different access point for people to be able to take advantage of it. You know, So, I was struck by the fact that it's 810 units, and before I saw all of this, now I can see why I guess it wasn't any kind of attempt data to have at least one or two units to be something that somebody could possibly afford. I can see now that right by the Catawba River boat slips and things and I'm just glad you were able to give me some conceptual renderings that I could appreciate.

Mr. MacVean said yes sir.

Mr. Phipps said it didn't have that meet one of those goals and objectives. But this one I was talking about earlier when you look at all of the petitions that we've had hearings on tonight and I mean this 810, but we have several others that have other residential components to them. Really, I hadn't come across one yet that fulfilled that access to access for all features on our 2040 planning goals. So, that's what's kind of struck me when you look at this matrix in the back. What we're trying to do in terms of different things that, I think that we need to probably talk about what our expectations are on a go-forward basis when you have something like that. So, Thank you. That's all I have. Oh, yeah. One thing note says states that all these units, all 810 of these units may be either rented or sold. So, what we're supposed to guess on what we're talking about?

Mr. MacVean said I know Dave has asked us to remove that note, and we will. I think we didn't want to create confusion. They will be offered for rent initially. It's a rental community, but they're set up, especially the townhomes or potentially the cottages that at some point in the future be sold, but we will remove the note. No problem.

**Councilmember Watlington** said I was just going to comment as a follow-up to what Councilmember Phipps said. I think that to your point, even our rezonings come in and don't necessarily speak to the things that we want. So, when we talk about if we're going to approve rezonings, I think is time that we get these kinds of amenities. I think when it comes to expectations, I would expect that if you want a rezoning that's outside the norm of what we've already said it should be. So, it should probably be worth our while, right? Because we know from a market standpoint that if builders don't need a rezoning, there's no reason for them unless they've got some mission-based component to meet some of these. So, I think to I think Councilmember Newton, who's kind of speaking to that earlier,

is that this is our opportunity to plan our city the way we want to. So, I definitely think that we should leverage that rather than saying, well, then we'll have to just have a moratorium well, not a moratorium because there's plenty of by-right development that's happening already. But when we do have an opportunity to weigh in, how do we can we make it count?

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

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**ITEM NO. 43: HEARING ON PETITION NO. 2021-216 BY DHIC, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 41.26 ACRES LOCATED ON THE WEST SIDE OF OLD HOLLAND ROAD, EAST OF INTERSTATE 85, AND NORTH OF MOREHEAD ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

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

**David Pettine, Planning** said 41.26 acres off Old Holland Road, just east of I-85 and north of Morehead. It's currently zoned R-3 and the proposed zoning is for R-8 MF conditional. The adoptive future land use from the Northeast Area Plan recommends residential uses at no more than four DUA for the site. The proposal is for 198 multifamily units and 50 duplexes. Access would be from Old Holland Road and Lapis Lane. It provides public access easements over and across the two private streets within the site. Does provide a northbound left turn lane with 150 feet of storage on Old Holland, commits to a 12-foot multi-use path along the sides frontage on Old Holland as well, and provides eight full planning strips and an eight-foot sidewalk along private streets that have public access easements, commits to a .15 acre public pocket park with a public access easement and provides swimming pool and clubhouse, limits maximum height for duplex units to 35 feet and the maximum height of multifamily units to 50 feet, commits to architectural details for the duplexes and then also for the multifamily units.

Those have to do with preferred building materials, building, massing, etc. So, as mentioned, the staff does not approval of this petition in its current form. It's mainly the multifamily component, not so much the density itself, but just the form and style of the buildings. We just don't have a current policy that really would support multifamily in this area. We'd prefer to see maybe some smaller unit townhomes or a continuation of some of those duplex units that are proposed throughout the site versus a multifamily building type in this area. So, the staff does not approval, as mentioned in its current form. We'll continue to work with the petitioner throughout the process, but we'll be happy to take any questions you may have following their presentation. Thank you.

**John Carmichael, 101 North Tryon Street** said I'm happy to be here on behalf of the petitioner. With me tonight are Elam Hall, the petitioner. Elam is in the audience. Thomas

[inaudible] Design Research Group is online, and I believe David [inaudible] is online as well, and they're happy to answer your questions. It's nice to be here in person by the way. The site content was a little odd coming into the building first time in two years. So, the site contains approximately 41 acres.

As Dave Pettine mentioned, it's located on the west side of Old Holland Road, right at the Mecklenburg County, Cabarrus County line, and I-85 is to the west of the site, as you can. This is an aerial photograph of the site that also depicts adjacent and nearby uses. The site is outlined in yellow here and identified on the slide. Then you can see to the north, immediately to the north of the site in Concord is an existing multi-family development. Then a little further north into Concord are commercial uses such as the Great Wolf Lodge, BJ's Wholesale Club, At Home, Home Goods store, and Harley-Davidson. Then there are numerous restaurants and other commercials here along Bruton Smith Boulevard. Also, Concord Mills is located northwest of the site and then to the west of the site across I-85 is the recently approved 2.5 million square foot warehouse distribution logistics office and Manufacturing Park. So, there are employment, retail, and service uses in the vicinity of the site.

Of the sites currently zoned R-3 and the request is, as Dave said, to rezone the site to R-8 MFCD to accommodate up to 50 duplex-style dwelling units and up to 198 multifamily dwelling units for a total of 248 dwelling units. The overall density would be six units per acre. This is a site plan that shows the portion of the site that would be developed. The portion that would be developed is about 20 acres plus or minus. Once again, the City of Concord is located to the north of the site and there's an existing multifamily development immediately to the north of the site as you can see. There is a portion of this proposed residential community that would be located in the city of Concord. This portion here, it's about two and a half acres. That portion of the site would contain up to 18 duplex-style dwelling units. The City of Concord just annexed this portion of the site for about two weeks. So, what is proposed here once again on the Mecklenburg County portion of the site is up to 198 multi-family dwelling units and up to 50 duplex-style dwelling units. Access to the site would be from Old Holland Road. There'd be a left turn lane into the site from Old Holland Road, and then there would be two connections through the city of Concord into the site. So, that would be good interconnectivity between the site and the City of Concord.

The petitioner purposefully located the cottage-style dwelling units along Old Holland Road. The multifamily portion. The multifamily buildings are located to the west of the site and along the northern boundary of the site, once again adjacent to the existing multifamily and the commercial uses that are located to the north of the site and the City of Concord. A 12-foot-wide multi-use path would be installed along the site's frontage on Old Holland Road. Sidewalks would be located along eight-foot planning strips and eight-foot sidewalks along the private streets within the site, the private streets would have a public access easement. There would be an amenity area within the site that would contain, at a minimum, a clubhouse and a swimming pool. There would be a small pocket

park at the intersection of the two private streets, which is about right here. Architectural standards are a part of the plan.

The standards include a prohibition on the use of vinyl siding, and there would be a 50-foot Class C buffer along the perimeter of the site. This site plan is also part of the petitioner's rezoning plan that shows the entire 41 acres. As you can see, once again, the developed portion of the site would be to the north. Then everything south of that portion of the site that would be developed would be located in open space and trees save. We understand that the planning staff is not recommending approval of this rezoning in its current form, as we understand that the plan says the recommendation is not based on the overall density, which is six units an acre, but rather the multifamily building component or the multifamily form of this proposal. We understand that there's no policy in place to allow the planning staff to consider the uses located across the county line from the site in Concord. When considering this rezoning proposal in the multifamily building form, the petitioner in designing the proposed community made sure not to exceed six units per acre. Once again, the multifamily buildings would be located on the northernmost portion of the site next to the City of Concord.

The southern portion of the site is furthest away from Concord and those commercial uses would be open space and tree save. We respectfully submit that the proposed multifamily building form is appropriate for the site in view of the density, the locations of the multifamily buildings, the adjacent and nearby uses, the open space provided on the land, and the buffers. We're happy to answer your questions. Once again, Mr. Hall is here, and Mr. Happappuro and Mr. Niekamp are online and we appreciate your consideration, as always, and we'll work with the planning staff on the outstanding issues. Thank you.

**Councilmember Winston** said I'm a little confused as to one, why R-8 multifamily was chosen. Is there not a different zoning district that would allow this is that why the staff is opposing this right now, that the type of multifamily that they want to put doesn't fit this particular zoning district?

Mr. Pettine said It's not necessarily the zoning district. It's just the context of the multifamily buildings. We don't have a strong policy to support multifamily, that building type in this area. You know, we've had some on the other side of the interstate where we do have bus service and a little bit more info on infrastructure that's more appropriate for multifamily apartment-style buildings. In this case, we didn't have any land use policy that really pointed to something that would support apartments, but we could maybe consider, like I said, lower building types like duplexes or some lower four-unit, three-unit townhomes or quads or tries, but multifamily buildings were just things that didn't fit into the policy structure that we had for this area right now.

Mr. Winston said maybe I have to get something offline because I'm not totally understanding. What are we saying that the types of buildings that they want to build don't fit into any of our zoning districts

Mr. Pettine said no, just into the general policy that's for this area is for residential up to 40 DUA. They're proposing 6 DUA which again we don't see as a huge increase, but we don't really have any strong stance to say that apartment-type buildings are appropriate in this area where there's really no other development type other than what's going on the Cabarrus County side. Outside of that, there is an almost completely undeveloped with a lack of bus service and other things that we would be more supportive of for apartment-style projects versus something that was either duplexes or something similar to that.

Mr. Winston said okay, thank you.

**Councilmember Johnson** said I wanted to know how close is this in proximity to item number 40? This question is for Dave.

Mr. Pettine said let's see. I'm not sure how far it will be, let me see if I can measure. [inaudible]. It's probably that's about a mile. Context is a bit different with what we've got on that connection point back to U.S. 29 and that providing a little bit more appropriate infrastructure infill along with some of that single-family that's already there. You know, I think that's what we looked at as a little bit of a difference between that petition and this petition. They are within about a mile of one another as the crow flies.

Ms. Johnson said okay. So, this is just another example of what we're talking about tonight. So, I think it's 1500, 15 trips for this development, which wouldn't trigger a traffic study, but then there are 1645 trips for the other one. So, if you add those two together, it's going to have quite an impact on the neighborhood, but yet neither of these developments triggers a traffic impact study. So, this is what's happening to our residents. As the city, we have to take a look at our policies. We just can't keep justifying that it's not that big of an impact, but we can see it and we have two petitions tonight a mile apart. Another thing is the schools this says this has a net zero impact on the schools. Both these have 33 and 38 students increase. That's two classrooms. So, I just want to continue to bring this to the attention of my colleagues. This is just not fair to the residents. We keep ignoring the impacts because it's not meet our policy or benchmark. I just wanted to point that out. These are a mile apart. I think we need to pay attention to that. Do you have any comment on that, Mr. Pettine?

Mr. Pettine said as far as the transportation item or the school?

Ms. Johnson said to do both as far as the impact of the growth or the need to measure cumulative growth versus a silo approach.

Mr. Pettine said I mean, I think from a transportation standpoint, I'd defer to C-DOT and how they evaluate some of those. A lot of this is also the NC-DOT area. So, I think there are probably a couple of different agencies that would give you some better feedback on that. Certainly, any time you can look at things overall, that's going to give you the full bit of information. As far as the schools go, looks like it could allow 63 students if developed by right and then 33 under this project. So, I see what you're saying on that front. It's even

there's less proposed under the you know, zoning that's being proposed this evening. It's still 33 new students because there's nothing out there right now. So, I think that's also just some communication that we can have with the school district and say we might need to think about how we communicate some of those differences because if it had already had a single-family project on it, I can see where it would be a reduction, but vacant land is still going to generate some type of students that aren't out there currently. So, really it's still an increase of 33 students, as you mentioned. So, I think that's maybe something we can work with our partners at CMS to see if we can maybe get that information clarified or conveyed in a little bit of a different manner.

Ms. Johnson said that would be great. So, I think that would apply to both of them since like you said, it's an empty lane. I know that from a policy perspective, you all are looking at that. We as Council members are here to represent the residents. These are the impact on the residents. This is what we keep hearing from our residents. So, I just think that these are great examples. These are illustrations today of what's going on and the changes that we can make to improve the infrastructure in the city. Thank you.

**Councilmember Driggs** said this is an interesting case because you have a total of 40 acres or whatever it is that all the development is occurring on less than half of the [inaudible] area and that's how you arrive at a DUA of six. I think the staff's concern is that the actual buildings are more consistent with a 12 to 15 type of DUA. My question is, is the remainder of the land developable in the future or not? Is this wetland or floodplain or is there some reason why this will never be developed?

Mr. Carmichael said under this rezoning, it would be limited that you could not develop it. You'd have to go through the reasoning process again; a portion of the site is developable. I'm not sure what that portion is. Mr. Happappuro is online and maybe Thomas you could answer that for Councilmember Driggs as well. Councilmember Driggs, the rezoning, if approved, would relegate that remaining portion of the site to open space and tree save.

Mr. Driggs said no, I understand that, that would be the decision that we made this time.

Mr. Carmichael said correct.

Mr. Driggs said the point is, there's nothing that says that in the future we couldn't have a petition to develop the other area. If that's possible, we should probably look at this in the context of how it could be subdivided and then a new petition submitted later. Unless it is a floodplain or wetlands and therefore there is no possibility that it gets to develop in the future.

**Thomas Happappuro, 2459 Wilkinson Boulevard** said there are certainly streams and wetlands in those areas that make that undevelopable. Also, it doesn't really have road access. So, It's not really available for development. We were working on that earlier with the Park's department, trying to find them a place because they wanted some amount of park in here as well. So, on the plus side, like even though that's not developable this

helps to aid our tree canopy preservation goals as well. So, this is land that can't be developed as part of this project that's being tied to it and is a de facto preservation of tree canopy for the long term.

Mr. Driggs said okay. As long as they say it doesn't then come up in the future. We're looking at the river district. We're looking at some pretty tough cocoa because the actual what you're planning to put on the area that you are actually building on is not a DUA six-type development. It's more dense and that's not necessarily a bad thing. I remember the question was for the staff. You said we don't have policies that support this. Do we have policies that specifically oppose this? I mean, is there some reason, according to policy, you should not approve this or is it just that it's not expressly contemplated?

Mr. Pettine said I think it's more of the latter of your statement. It's just policy-wise. We didn't see any real strong pull from anything that we had that would support a multifamily project in this area where, like I said, it's mainly undeveloped. Old Holland is not the type of road that exits the transportation or bus infrastructure like we see on the other side of Mallard Creek. So, we felt it was a little bit more intense than this area probably would be able to support. Certainly, understand what's going on in the other side of the county line with this project that is similar to this and will connect to this and certainly understand where that perspective comes from. From our standpoint, it's more just a lack of policy.

Mr. Driggs said I think there's some big pros and cons here. I look forward to learning more about it. Thank you.

**Councilmember Phipps** said that given that this site, I mean, it's right there adjacent to a major regional activity center at Concord Mills area. So, you have all those amenities there. You got jobs there; you got apartment complexes. So, I really do think that it defies logic. to me that apartments right here would not be something that staff could support. I think to Mr. Driggs's point the fact that we don't have a policy right now to address it is more a reflection on, I guess, our internal policies than what it would do for this particular site. So, I would wonder in view of what this shows us, do we have anything within our current 2040 plan, UDO process that would address areas like this on a go-forward basis?

Mr. Pettine said the 2040 plan, the draft map shows this area as a Neighborhood -1 and that would also not accommodate this type of product type and project. We may consider some of those areas that are N-1 to look at something that may be more indicative of an N-2 type of project which would be similar to the outcome that is proposed at this petition. This area likely wouldn't meet some of those criteria. Again, due to that lack of transportation infrastructure. On our side, most of this area is still recommended for N-1 aside from some existing manufacturing land use recommendations for some things that are existing. Like I said on Morehead Road. So, this area would probably still be some of that lower-density Neighborhood-1 style development, which is not consistent with what the project is in front of us here. If there were some different things like some bus service and some other areas of activity further down on Siloam Church that were on our side that we could consider as part of our land use process, then I think that may be a little bit

of a different conversation, but right now that's what we're looking at from a policy map also. Again, that's just a draft. Hope to be adopted next week, but that's what it looks like there is all-in-one in this area.

Mr. Phipps said I know that Concord has a bus service that goes out to Concord Mills and it also comes into the city at the J.W. Clay traffic station stop. So, I wouldn't think it would be out of the scope of reason that bus service could be more or less constructed out there to accommodate this site. I mean, I wouldn't, I have no doubt that probably could be something that would, and as much as Great Wolf Lodge is right over the road there, I mean, they go there. So, I don't know. I'm not convinced.

Mr. Pettine said I think part of our general concern, too, is if that pattern continues and we see that on continuation of multifamily development on Old Holland that area, that we may not have the ability to accommodate of that just from an infrastructure and transit standpoint. So, I think that's part of the where staff was looking at this one as well. So, yeah, certainly, like I said, understand that it's kind of a mirror of what's going on next door. But we're also looking further down as this property goes south and down towards Siloam Church and all of that, just what kind land use patterns we're going to set on that whole area. So, I think that was something we looked at on a little bit more of a macro level also.

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

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**ITEM NO. 45: HEARING ON PETITION NO. 2021-220 BY DEPENDABLE DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 18.72 ACRES LOCATED ON THE SOUTH SIDE OF BEAGLE CLUB ROAD, EAST OF RIVERSIDE DRIVE, AND WEST OF MT. HOLY-HUNTERSVILLE ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (SINGLE-FAMILY RESIDENTIAL).**

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

**David Pettine, Planning** said 18.72 acres down off Beagle Club Road. Also connects down to Aubrey Wood Drive and that subdivision just to the south. It's currently zoned R-3. The proposed zoning is R-8 conventional. The Northwest District Plan recommends single-family up to 4 DUA. We did speak with the petitioner and potential developer on this one. Just to get an idea they're asking for that R-8. Obviously, the area plan does recommend four. There are some significant site constraints that would limit a lot of the developable area on this. So, were comfortable with the R-8 conventional. It is still a single-family district. I think the only allotment may be for duplexes, which would also be consistent with future place-type mapping as well. So, again the staff does recommend approval. It is conventional, so there are no outstanding issues or conditions to consider.



It's consistent with the recommendation for single-family uses and inconsistent with the density recommendation. Again, the staff was comfortable with the R-8 conventional on this one, given some of the site constraints that need to be worked through. Now with that will, turn it over to the petitioner to take any questions following their conversation. Thank you.

**Eddie Moore, 3430 Toringdon Way** said I'm with McAdam's on behalf of the of the petitioner. The hour is late, I do not have any slides, but I just have a little bit of additional info to provide you. In addition to what Dave is offered. It's still on the existing site and complexes, and we do have some vehicular access challenges. Approximately 7.7 of the 18.7 acres will be developed by the petitioner. These and the conference includes a stream that splits the site. The strain runs east to west, and there are a total of 200 feet of stream buffers along this particular creek that runs into the Catawba River and on the east and west sides of the site there, Duke Energy, a right of ways with approximately 58 percent of the site will remain as open space tree save areas. The northern half of the site will be undeveloped due to the creek itself. The line is not going to build a bridge to access the northern piece, but we are proposing two points of connectivity to the east and the west of the sites. So, with that, the proposed layout yields 45 lots and this comes out to a density of about two and a half dwellings per acre. The proposed lot sizes will be very similar to those contiguous in the Catawba River Catawba Village Plantation. We did hold a community meeting back in the middle part of February and one neighboring property owner attended the meeting. We had a great discussion and they seemed in favor of the rezoning and we'll be glad to answer any questions that you may have. Thank you.

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

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**ITEM NO. 46: HEARING ON PETITION NO. 2021-227 BY GRAHAM PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.02 ACRES LOCATED ON THE WEST SIDE OF OLD PROVIDENCE ROD, EAST OF PROVIDENCE LANE WEST, AND NORTH OF REA ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (SINGLE-FAMILY RESIDENTIAL).**

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

**David Pettine, Planning** said three acres just about on Old Providence Road. Currently zoned R-3, the proposed zoning is R-4 conventional. The adoptive future land use from the southwest District plan recommends single-family residential up to three DUA for the site. So, it's inconsistent, but that transition from R-3 to R-4 is pretty negligible and staff didn't have any real concern with that going to a conventional district. It's about as straightforward of rezoning as we see on these third Mondays of the month. So, the staff does recommend approval of this petition. There are no outstanding issues, no conditions

to consider and we'll be happy to take any questions following the petitioner's presentation. Thank you.

**Vagn Hansen, 400 Clarice Avenue** said with Benchmark. I'm assisting the petitioner with the rezoning. Mr. Charles Graham is online as well, representing Graham Partners. I think Mr. Pettine covered all the relevant facts of a petition and we're happy to let his presentation stand without any additional presentation from us, and we'll be happy to answer any questions that the Council has about petition now. Thank you.

**Councilmember Driggs** said I just wanted to tell Von and Mr. Graham, I'm sorry if you've been here all evening and that we don't have more to discuss, but that's actually good news. So, I would like to move to close.

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

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

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**ITEM NO. 30: HEARING ON PETITION NO. 2021-142 BY PDC LAND ACQUISITION, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 36.23 ACRES LOCATED NORTH OF OLD MOORES CHAPEL ROAD, SOUTH OF MOUNT HOLLY ROAD, AND EAST OF I-485 FROM MX-2 (MIXED-USE), R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL), NS (NEIGHBORHOOD SERVICES).**

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

**David Pettine, Planning** said 36.23 acres of Old Moores Chapel Road just adjacent to I-45 Interstate. It's currently zoned as mentioned MX-2 and R-4, the proposed zoning is to go to R-12 MF, as well as a smaller area for neighborhood services or NS. The adoptive future land use in the Northwest District Plan does recommend multifamily up to eight dwelling units per acre for a portion of the site, and then single-family up to four units per acre for the remaining portion. That's the area in yellow. As you get closer to Old Moores Chapel Road. The proposal itself is for the possibility for up to 268 multifamily residential units and 136 single-family attached.

That comes out to a density of 11.2 DUA. It would be a maximum of 404 units in total. Also proposes 2750 square feet of commercial uses, with up to 9000 square feet of accessory outdoor dining, and prohibits things like automotive service stations, convenience stores, gasoline sales, car washes, and automobile drive-thru windows. It does propose transportation improvements, which would include the following traffic

signal installed at Moores Chapel Road and Kendal Drive, a directional crossover at Moores Chapel Road and Old Moores Chapel Road, an eight-foot planning strip, and an eight-foot sidewalk along a public road one. Old Moore's Chapel Road, Ryan Station Road, and Ryan Station extension. So, all of those would get that eight-foot planting strip and eight-foot sidewalk treatment. Also, street connections to the adjacent Creedmoor Hills and villages of Creedmoor neighborhoods, and also architecture standards, which would include a 48-foot height max, building environment enhancements along public streets to include things like porches and stoops and six-unit limitations on single-family attached buildings, and then commercial building facade enhancements for that area in the NS zoning district that's proposed.

The staff does recommend approval of this petition. Has some outstanding issues related to transportation and site and building design to work through. It is consistent with the multifamily recommendation for the majority of the site. However, it does exceed that eight DUA recommendation and it comes in it just like I said, about 11.2. However, the staff does feel like it is an appropriate area. We do have some existing entitlements that I believe in this area were for single-family attached as well as some similar densities for this. So, we're really trading some types in this area. Some of the townhomes moved north of this site. So, we're coming back with a proposal that we're seeing here for some apartments and townhomes on this portion of the site, along with those commercial uses. So, like I said, the staff does recommend approval. We'd be happy to take questions following Mr. Pennell's presentation. Thank you.

**Paul Pennell, 1213 W. Morehead** said thank you for my earlier request for an accommodation for all schedule wizardry there to push me to the end to accommodate scheduling conflict earlier. I'm Paul Pennell with Urban Design Partners here representing PDC Land Acquisitions LLC. It's a quick development out of Atlanta, Georgia on this petition 2020 1142. I will keep this relatively brief. Dave seemed to cover pretty much everything. If we could maybe jump to slide three, just go to the next slide right there. Thank you very much. This is a portion of a site that was previously rezoned back in 2005. As David previously mentioned, this was rezoned MX for townhomes. The site to the north 2019-045. We had rezoned for townhomes or basically flip-flopping uses for what was previously multifamily there for multifamily and townhomes for this particular location.

This is the townhome development that's currently almost approved just to the north of this site. Just to provide some context of what's going in directly adjacent to this petition. This is the existing zoning petition which we currently have. Again, this is requesting a combination of R-12 MF and NS uses. I'll dig into those NS uses and what they are and how we're incorporating those here in just a bit. But again, it's 136 townhomes, 268 multifamily units and then 2750 square feet of NS uses. With this rendering, I'd like to focus a little bit on the NS uses, which are shown in the corner of the site directly adjacent to the dead end, the existing dead end of Ryan Station Road. At that end, we're requesting a portion of the site to be zoned NS for a neighborhood dog park. With all of the interesting development that's going in on the side of town, we wanted to incorporate some type of

neighborhood watering hole, neighborhood uses that everyone could use, not just these residents, these future residents.

So, we also are directly adjacent to a lot of open spaces well. So, we wanted to incorporate something where folks with dogs could go grab a beer and then go on a hike. So, we've incorporated hiking trails throughout the park, throughout the development. Also, there is a historical railroad separating this petition to the townhomes plan east of here that I was just previously referencing. So, there be an opportunity to take your dog, going to get a beer if you so choose. Do a lap, go back, get another beer, and maybe a slower lap after that.

We have been working with the Northwest Community Alliance on this petition as well as on what offsite road improvements could go in along Moore's Chapel Road. We're happy to say along Kendall Drive, as David previously said, that we had coordinated a few options and we finally arrived at one that would include a traffic signal at the intersection of Moore's Chapel Road and Kendall Drive, as well as channelization of turn lanes at the intersection of Little Moores Chapel, Moores Chapel, and Walden Roads. We think this is going to greatly improve the traffic flow along Moores Chapel for the existing residents in this part of town.

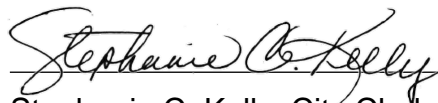
Motion was made by Councilmember Driggs, seconded by Councilmember Eiselt, and carried unanimously to close the hearing.

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## ADJOURNMENT

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

The meeting was adjourned at 9:49 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 5 Hours, 42 Minutes  
Minutes Completed: April 28, 2023