

The City Council of the City of Charlotte, North Carolina convened for a Strategy Session on Monday, April 18, 2022, at 5:04 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Julie Eiselt presiding. Council Members present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Malcolm Graham, Renee Johnson, Gregg Phipps, Victoria Watlington, and Braxton Winston, II.

ABSENT: Mayor Vi Lyles.

ABSENT UNTIL NOTED: Councilmember Matt Newton.

Mayor Pro Tem said the April 18th Zoning Meeting. I'd like to call this meeting to order. Tonight's Zoning Meeting is being held in accordance with applicable law governing remote meetings with some Council Members participating remotely. The requirements of notice access in minutes are met as required by law, and the public in the media are able to view this meeting on the Government Channel, the City's Facebook page, or on the City's YouTube page.

Keba Samuel, Chair of the Zoning Committee said good evening, Madam Mayor Pro Tem, members of Council, members of the public. My name is Keba Samuel. I serve as Chair of the Zoning Committee. The Zoning Committee will meet on Tuesday, May 3rd at 5:30 p.m. to deliberate and make recommendations on the petitions being heard tonight. That May 3rd meeting will not be a continuation of tonight's public hearing. There will be no opportunity for public input unless and until a member of the committee has a question that is best addressed by a member of the public. That meeting will stream online via the City of Charlotte Planning, Designing Developments, Facebook, or YouTube page. I will be with you for the entirety of the evening should you have any questions. Thank you, Madam Mayor, Pro Tem.

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INVOCATION AND PLEDGE

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

Mayor Pro Tem said thank you, Mr. Phipps. Wonderful words that that we, the world would be a better place if we all lived by that, thank you.

Councilmember Newton arrived at 5:14 p.m.

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EXPLANATION OF THE ZONING MEETING PROCESS

Mayor Pro Tem explained the Zoning Meeting rules and procedures.

Councilmember Driggs said I just want to point out, that we all received a notice today with today's National Line Worker Appreciation Day. I thought that shouldn't go completely unheeded by us. Our line crews are true first responders who serve customers 24/7 to ensure they have the energy needed to power their lives. We should all appreciate the dedication these critical colleagues have in all types of weather missing events with their families and putting lives in potentially harmful situations. I visited a couple of the locations where they do their work and have always been impressed by their commitment and by their willingness to go out on a freezing cold night and handle high-tension lines. So, I hope you'll join me in expressing our appreciation to our line workers. Thank you, Mayor Pro Tem.

Mayor Pro Tem said thank you, Mr. Driggs, for highlighting the important work of our line workers; I appreciate it. Tonight, in our Zoning Meeting, we have two different types of cases on the agenda, our decisions and our hearings. Our decisions are cases for which a public hearing has previously been held, and there is no further public comment. In our hearings, anyone wishing to speak is asked to see the Clerk before the start of the hearing, and then the staff gives a presentation which does not have a time limit. Following the staff's presentation, the petitioner and those in favor of the hearing get three minutes combined to present their case, unless there are opponents signed up to speak or if the staff is in opposition, the petitioner then gets 10 minutes to present. The opponents also get 10 minutes combined and the petitioner will then get a two-minute rebuttal. If no one is opposed or signed up to speak, the staff will go ahead with their short presentation and then the public hearing is closed and the next public hearing is opened. The petition then goes to the Zoning Committee of Planning Commission for review and recommendations. I will note that if the hearings go long, we do have a tradition of recessing at 10 p.m., in fairness to all of those who have been waiting for their hearings, and sometimes our attention span gets a little bit weak after 10 p.m. So, we do recess and I think at that point Mr. Winston will give a heads up around 9 o'clock if it looks like we're not going to be able to finish. So tonight, we do have some items that have been deferred and no withdrawals, just deferrals. So, we'll go ahead, and I'll read those. Then I would entertain a motion to defer those until it looks like all of them would go to the May 23rd, 2022, Zoning Hearing.

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DEFERRALS/ WITHDRAWALS

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston and carried unanimously to defer: a decision on Item No. 2, Petition No. 2021-133 by Drakeford Communities to May 23, 2022; a decision on Item No. 3, 2021-139 by Boulevard at 1800 Central, LLC to May 23, 2022; a decision on Item No. 4, Petition No. 2021-141 by The Drakeford Company to May 23, 2022; a decision on Item No. 5, Petition No. 2021-188 by Dominion Realty Partners to May 23, 2022; a decision on Item No. 6, Petition No. 2021-197 by Crescent Communities to May 23, 2022; a decision on Item No. 7, Petition No. 2021-199 by Nest Homes Communities, LLC to May 23, 2022; and, a hearing on Item No. 25, Petition No. 2015-0217 by Charlotte Housing Authority to November 21, 2022.

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DECISIONS

ITEM NO. 8: ORDINANCE NO. 281-Z, PETITION NO. 2021-056 BY URBAN TRENDS REAL ESTATE, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.35 ACRES LOCATED ALONG THE NORTH SIDE OF B AVENUE, EAST OF BEATTIES FORD ROAD, AND NORTH OF INTERSTATE 85 FROM R-3 (SINGLE-FAMILY RESIDENTIAL, R-17 MF (MULTI-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

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 Northwest District Plan (1990) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends multi-family land uses. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because this petition fulfills the area plan's recommendation of multi-family land uses. This petition will contribute to the multi-family housing stock in this part of the city. This petition is compatible with the surrounding land uses. The petition is adjacent to an existing multi-family site on the west side of the site with a higher density than what is proposed and thus provides a buffer between the existing higher-density site on the west to the lower-density single-family residential to the east of the site. 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 and adopt the following Statement of Consistency: this petition is found to be consistent with the Northwest District Plan (1990) based on the information from the final staff analysis and the public hearing, and because the plan recommends multi-family land uses. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because this petition fulfills the area plan's recommendation of multi-family land uses. This petition will contribute to the multi-family housing stock in this part of the city. This petition is compatible with the surrounding land uses. The petition is adjacent to an existing multi-family site on the west side of the site with a higher density than what is proposed and thus provides a buffer between the existing higher-density site on the west to the lower-density single-family residential to the east of the site. 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) 713-714.

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ITEM NO. 9: ORDINANCE NO. 282-Z, PETITION NO. 2021-103 BY PROVIDENCE GROUP CAPITAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 5-1 (motion by Spencer, seconded by Blumenthal) to recommend approval of this petition and adopt the statement of consistency: this petition is found to be inconsistent with the Scaleybark Transit Station Area Plan (2008) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office and industrial warehouse, the distribution uses for the site. However, we find this petition to Choose an item. Public interest based on information from the post-hearing staff analysis and the public hearing and because although the petition is inconsistent with the area plan's proposed land use, the application of the TOD-UC zoning district will allow for the subject site to provide TOD (Transit Oriented Development) uses. The rezoning would also accommodate a high level of pedestrian and transit traffic in the area. The approval of this petition will revise the adopted future land use as specified by the Scaleybark Transit Station Area Plan (2008), from office and industrial-warehouse-distribution uses to Transit-oriented development for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Winston, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Scaleybark Transit Station Area Plan (2008) based on the information from the final staff analysis and the public hearing, and because the plan recommends office and industrial warehouse, the distribution uses for the site. However, we find this petition to Choose an item. Public interest based on information from the final staff analysis and the public hearing and because although the petition is inconsistent with the area plan's proposed land use, the application of the TOD-UC zoning district will allow for the subject site to provide TOD uses. The rezoning would also accommodate a high level of pedestrian and transit traffic in the area. The approval of this petition will revise the adopted future land use as specified by the Scaleybark Transit Station Area Plan (2008), from office and industrial-warehouse-distribution uses to Transit-oriented development for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 715-716.

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ITEM NO.10: ORDINANCE NO.283-Z, PETITION NO. 2021-142 BY PDC LAND ACQUISITION, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the statement of consistency: this petition is found to be consistent with the land use recommendation of the Northwest District Plan but inconsistent with the density recommendation based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends multifamily residential for the majority of the site and single-family residential for the remaining portion of the site. The plan recommends a maximum of 8 dwelling units per acre (DUA) for the majority of the site and 4 DUA for the remainder of the site. The petition meets the General Development Policy (GDP) guidelines for the consideration of residential at up to 12 DUA. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because while the proposed residential density exceeds the recommendations of the Northwest District Plan, it is consistent with the residential component of the land use recommendation and compatible with the GDP supported density of up to 12 dwelling units per acre. The proposed development will provide a mix of housing types, allowing for a variety of households to live in the area.

Motion was made by Councilmember Winston, seconded by Councilmember Watlington, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the land use recommendation of the Northwest District Plan but inconsistent with the density recommendation based on the information from the final staff analysis and the public hearing, and because the plan recommends multifamily residential for the majority of the site and single-family residential for the remaining portion of the site. The plan recommends a maximum of 8 dwelling units per acre (DUA) for the majority of the site and 4 DUA for the remainder of the site. The petition meets the General Development Policy (GDP) guidelines for consideration of residential at up to 12 DUA. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because while the proposed residential density exceeds the recommendations of the Northwest District Plan, it is consistent with the residential component of the land use recommendation and compatible with the GDP supported density of up to 12 dwelling units per acre. The proposed development will provide a mix of housing types, allowing for a variety of households to live in the area.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 717-718.

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ITEM NO. 11: ORDINANCE NO. 284-Z, PETITION NO. 2021-150 BY TRIBUTE COMPANIES, INC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 7-0 (motion by Ham, seconded by Welton) to recommend approval of this petition and adopt the statement of consistency: this petition is found to be consistent with the Northeast Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the Plan recommends single family/multi-family/office use with residential density ranging between 4-12 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 limits the number of units to 380 for a density of 10.25 dwelling units per acre. The site is located on a major thoroughfare and provides a new public street network including the extension of Caldwell Road a proposed major thoroughfare. The site is located in an area with recent similar type and density development activity including multi-family and commercial uses to the west at Trevi Village and is in close proximity to the Charlotte Motor Speedway across the Cabarrus County border. The petition commits to dedicate 1.1 acres for a future neighborhood park to Mecklenburg County Parks and Recreation.

Motion was made by Councilmember Winston, seconded by Councilmember Bokhari, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the Northeast Area Plan based on the information from the final staff analysis and the public hearing, and because the Plan recommends single family/multi-family/office use with residential density ranging between 4-12 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 limits the number of units to 380 for a density of 10.25 dwelling units per acre. The site is located on a major thoroughfare and provides a new public street network including the extension of Caldwell Road a proposed major thoroughfare. The site is located in an area with recent similar type and density development activity including multi-family and commercial uses to the west at Trevi Village and is in close proximity to the Charlotte Motor Speedway across the Cabarrus County border. The petition commits to dedicate 1.1 acres for a future neighborhood park to Mecklenburg County Parks and Recreation.

Councilmember Johnson said yes, and I wanted to just add one thing for discussion.

Mayor Pro Tem said oh sure.

Ms. Johnson said thank you, I just wanted to thank the developer for working with the neighborhood. This the petition includes dedication of land for a new park, improvement of the infrastructure, and building of a new public street network. So, these are the types of concessions and standards that we'd like to see in our petitions; specifically in District 4 that I can speak to. So, I just really want to thank the developer for bringing this type of petition to the table. I do support. So yes.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 719-720.

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ITEM NO.12: ORDINANCE NO. 285-Z, PETITION NO. 2021-151 BY LINCOLN HARRIS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 7-0 (motion by Ham, seconded by Welton) to recommend approval of this petition and adopt the statement of consistency: this petition is found to be consistent with the South Park Small Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential/office/retail 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 the petition introduces an additional mix of uses to the Philips Place shopping center. The site is located in a mixed-use activity center according to the Centers Corridors and Wedges Growth Framework Building heights exceeding MUDD's maximum of 120 feet are appropriate for areas within mixed-use activity centers, the building is over 80 ft from the nearest property line in common with residential use and the site does not abut single family use or zoning. Mixed-use activity centers are appropriate for mixed-use designed in a pedestrian-oriented form. The site plan provides a minimum of 16,000 square feet of amenitized urban open space on ground level. The petition commits to construct the South Park Loop on the Philips Place frontage and construct Loop pedestrian crossing improvements at the Fairview Road Cameron Valley Parkway intersection providing significant improvements to pedestrian infrastructure in the area.

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. Addressed outstanding issues from Zoning Committee:
 - 65' max height for the parking deck, optional request for height only applies to the building envelope, added renderings and site cross-section to illustrative building height.
2. Extension of Loop along Allen Tate Frontage. In the alternative, commits to a \$100,000 contribution to Loop if an extension can't be made along Allen Tate frontage that the petitioner does not control.
3. Committed to timing for installing Loop within 12 months of a building permit.
4. Petitioner shall contribute \$100,000 to the City of Charlotte to be used towards Loop improvements within eight months of the approval of the rezoning if a building permit has not been issued (or such issuance is reasonably imminent) for development on the property at that time.

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

Councilmember Bokhari said I just want to say that the last month has been very busy working with the neighborhood, working with the petitioner, working on something that's obviously, as we discussed last time, very, very important to our community and also complicated. I'd just like to say a big thank you to the petitioner and to the neighborhood on both sides. You guys are a case study in working in good faith for the betterment of the broader community while working to address your issues. So, as you've seen by what the changes were, even since the Zoning Committee has met in the last couple of weeks, there has been a lot of concessions made and working in good faith. Just to recap again, just so folks remember, while it is high and there is some material height to it, it is 10 stories, not 20. Again, want to make sure people understand that there is some elements

of design in this with taller floors, taller, taller ceilings. You heard the usable areas of the building do not extend above 200 feet. That additional height is to accommodate architectural elements. Then you also heard the Mayor Pro Tem say that 65 feet is the max height for the parking deck area. This is something that was clarified in that additional optional request only applies to that building envelope.

You also heard about some of the Allen Tate frontage and the committing of \$100,000 if the loop can't be made along that frontage. I got clarity on exactly what that is. Again, it shows that the petitioner is making substantial contributions in the form of community benefits to the loop, which is very important to the neighborhood, to the SPAN (SouthPark Association of Neighborhoods) Organization, and to the broader business community there. They're putting their money where their mouth is in relation to preparing for and anticipating issues that arise. That, I think brings me to that last piece of the timeline was one of the things that we really wanted to make sure this wasn't something that was many years in the future potentially for the community benefit of the loop. The commitment was made by the petitioner to install this within 12 months of a building permit, which is very unique in a situation like this and an aggressive timeline to put a material investment into play, into the works as well as today. A final piece of contributing \$100,000 to the loop as you just heard, if they don't have a building permit granted within six months of the expiration of the zoning appeal period.

So, to recap, you know, this is difficult. It was difficult for community members to look at the height of this, but it was also important for all of us who spent the better part of two years debating intensely the need for height and density on how do we enable a situation where this stuff can happen, but we don't just forget about and brush over the neighbors' concerns? I think we've done just that. We've positioned this where, do the neighbors love the height? Still don't love it, but they are very much in agreement in the conversations I've had, that these community benefits and concessions that have been made since we all last met a month ago are very much appreciated. So, I say thank you to all those folks that were involved.

Motion was made by Councilmember Bokhari, seconded by Councilmember Winston, to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the South Park Small Area Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends residential/office/retail 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 the petition introduces an additional mix of uses to the Philips Place shopping center. The site is located in a mixed-use activity center according to the Centers Corridors and Wedges Growth Framework Building heights exceeding MUDD's maximum of 120 feet are appropriate for areas within mixed-use activity centers, the building is over 80 ft from the nearest property line in common with residential use and the site does not abut single family use or zoning. Mixed-use activity centers are appropriate for mixed-use as modified.

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

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

NAYS: Councilmember Eiselt.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 721-722.

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ITEM NO. 13: ORDINANCE NO. 286-Z, PETITION NO. 2021-186 BY KINGER HOMES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 6-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the statement of consistency: This petition is found to be inconsistent with the Northeast District Plan (1996) recommendation of single-family uses of no more than 4 DUA. The petition is consistent with the General Development Policies (GDP) recommendation for a density of no more than 8 DUA for the site. The plan recommends single-family uses of no more than 4 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because at 7.7 dwelling units per acre, this petition is inconsistent with the area plan's recommended density of 4 dwelling units per acre, but it is consistent with the area plan's recommendation of residential use. The proposed development meets the locational criteria per the General Development Policies (GDP) for the proposed density of up to 8 DUA. The proposed project is generally consistent with the existing development pattern in the area, in particular with the existing townhomes to the southwest of the site. The request is a good opportunity and compatible use for an infill site between an existing residential neighborhood, an institutional use, and nearby multifamily uses. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan, from single-family residential uses of no more than 4 DUA to residential uses of less than 8 DUA for the site.

Councilmember Johnson said this is another one where I really want to thank the petitioner for listening to the community. You may recall last month we had neighborhood opposition. Ms. Cathie Clarkson spoke, and I was able to meet with her and the developer after the Zoning Meeting. Also, with our C-DOT (Charlotte Department of Transportation) Team, Brandon. He was a leader, and he was very, very helpful and working with empty NC-DOT (North Carolina Department of Transportation) to get the approval. We were able to get the position of the streetlight and those changes were made the neighbors

were really listened to and the petitioner worked closely and listened. So, this is a win/win situation and I'm happy and excited to support this petition. Thank you.

Mayor Pro Tem said thank you, Mr. Johnson, for those comments.

Councilmember Phipps said did this one not have significant changes to the original plan?

David Pettine, Planning, Design & Development, said the driveway change was at the Zoning Committee, correct? Yes, the driveway changed to reconfigure, was the Zoning Committee. So, there were no changes after Zoning Committee.

Motion was made by Councilmember Bokhari, seconded by Councilmember Winston, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Northeast District Plan (1996) recommendation of single-family uses of no more than 4 DUA. The petition is consistent with the General Development Policies (GDP) recommendation for a density of no more than 8 DUA for the site. The plan recommends single-family uses of no more than 4 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because at 7.7 dwelling units per acre, this petition is inconsistent with the area plan's recommended density of 4 dwelling units per acre, but it is consistent with the area plan's recommendation of residential use. The proposed development meets the locational criteria per the General Development Policies (GDP) for the proposed density of up to 8 DUA. The proposed project is generally consistent with the existing development pattern in the area, in particular with the existing townhomes to the southwest of the site. The request is a good opportunity and compatible use for an infill site between an existing residential neighborhood, an institutional use, and nearby multifamily uses. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan, from single-family residential uses of no more than 4 DUA to residential uses of less than 8 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 723-724.

ITEM NO. 14: ORDINANCE NO. 287-Z, PETITION NO. 2021-190 BY BLUE HEEL DEVELOPMENT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 6-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the statement of consistency: this petition is found to be consistent with the South District Plan recommendation for single-family

residential use, but inconsistent with the recommended density. However, the proposed density is supported by the General Development Policies based on the information from the post-hearing staff analysis and the public hearing, and because the Plan recommends 3 dwelling units per acre. The proposed density is 5.88 units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the proposed density of 5.88 units per acre is consistent with the density of surrounding residential development of 4.94 to the west, 6.96 to the east, 5.77 to the north, and 5.94 to the south. The proposed attached triplex and quadruplex housing is consistent with the surrounding residential development that contains a mix of attached and detached housing. The conditional plan provides architectural standards for, including but not limited to, exterior building materials, blank walls, front porches and stoops, and garage doors that are compatible with surrounding residential development. The proposal is for an infill parcel located on Wade Ardrey Rd. and adds additional housing options to the area. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single-family up to 3 units per acre to residential up to 6 units per acre for the site.

Motion was made by Councilmember Driggs, seconded by Councilmember Winston, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the South District Plan recommendation for single-family residential use, but inconsistent with the recommended density. However, the proposed density is supported by the General Development Policies based on the information from the final staff analysis and the public hearing, and because the Plan recommends 3 dwelling units per acre. The proposed density is 5.88 units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed density of 5.88 units per acre is consistent with the density of surrounding residential development of 4.94 to the west, 6.96 to the east, 5.77 to the north, and 5.94 to the south. The proposed attached triplex and quadruplex housing is consistent with the surrounding residential development that contains a mix of attached and detached housing. The conditional plan provides architectural standards for, including but not limited to, exterior building materials, blank walls, front porches and stoops, and garage doors that are compatible with surrounding residential development. The proposal is for an infill parcel located on Wade Ardrey Rd. and adds additional housing options to the area. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single-family up to 3 units per acre to residential up to 6 units per acre for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 725-726.

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ITEM NO. 15: ORDINANCE NO. 288-Z, PETITION NO. 2021-196 BY THIRD & URBAN AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO

AFFECT 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).

The Zoning Committee voted 6-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the statement of consistency: this petition is found to be consistent with the Bryant Park Land Use and Streetscape Plan for a portion of the site and inconsistent with the Central District Plan for the remaining portion of the site based on the information from the post-hearing staff analysis and the public hearing, and because the Bryant Park Land Use and Streetscape Plan recommend office/retail/light industrial uses for a portion of the site. The Central District Plan recommends industrial uses for a 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 because the proposed land use for the petition parcels south of Tuckaseegee Road is consistent with the Bryant Park Land Use and Streetscape Plan while the proposed land use for parcels north of Tuckaseegee Road is inconsistent with the Central District Plan. The proposed development will adaptively reuse older industrial buildings with a mix of uses, which is more compatible with the surrounding uses and adjacent residential uses than the industrial uses that previously occupied those buildings. The surrounding area is transitioning from industrial uses to office and retail uses, as recommended by the Bryant Park Land Use & Streetscape Plan. The petitioner is committing to the removal of two railroad spurs within the right of way of State Street, and subsequent repaving of the street. The approval of this petition will revise the adopted future land use for the portion of the site north of Tuckaseegee Road as specified by the Central District Plan from industrial land use to mixed-use for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the Bryant Park Land Use and Streetscape Plan for a portion of the site and inconsistent with the Central District Plan for the remaining portion of the site based on the information from the final staff analysis and the public hearing, and because the Bryant Park Land Use and Streetscape Plan recommend office/retail/light industrial uses for a portion of the site. The Central District Plan recommends industrial uses for a 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 land use for the petition parcels south of Tuckaseegee Road is consistent with the Bryant Park Land Use and Streetscape Plan while the proposed land use for parcels north of Tuckaseegee Road is inconsistent with the Central District Plan. The proposed development will adaptively reuse older industrial buildings with a mix of uses, which is more compatible with the surrounding uses and adjacent residential uses than the industrial uses that previously occupied those buildings. The surrounding area is transitioning from industrial uses to office and retail uses, as recommended by the Bryant Park Land Use & Streetscape Plan. The petitioner is committing to the removal of two railroad spurs within the right of way of State Street, and subsequent repaving of the street. The approval of this petition will revise the adopted future land use for the portion of the site north of Tuckaseegee Road as specified by the Central District Plan from industrial land use to mixed-use for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 727-728.

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ITEM NO. 16: ORDINANCE NO. 289-Z, PETITION NO. 2021-202 BY TRADE STREET TOWNHOMES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 6-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the statement of consistency: this petition is found to be inconsistent with the Eastland Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the adopted plan recommends office uses for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because increased residential density at this location is contextually appropriate considering the location's proximity to the proposed Eastland Mall redevelopment, the school, and the abutting multifamily development. The petition furthers the Eastland Area Plan's goal of "supporting strong neighborhoods" by providing

additional housing options but maintaining the general character of the surrounding residential areas. The area plan states that this area “will not be successful without careful attention to design elements” such as vehicular and pedestrian connections. This proposal commits to improving the pedestrian experience along Wilora Lake Road and Hollyfield Drive. The approval of this petition will revise the adopted future land use as specified by the Eastland Area Plan, from office uses to residential uses up to 22 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. Adds note add committing to enhanced landscape screening plantings around the BMP.

Mayor Pro Tem said I don’t know what BMP stands for if staff want to.

David Pettine, Planning, Design & Development said it’s designing some screening and landscaping around the retention pound, that would be fronting the road frontage there. When it’s prominent in front of a project we usually ask for additional screening and they committed to that for us, so.

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

Motion was made by Councilmember Bokhari, seconded by Councilmember Winston, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Eastland Area Plan based on the information from the final staff analysis and the public hearing, and because the adopted plan recommends office uses for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because increased residential density at this location is contextually appropriate considering the location’s proximity to the proposed Eastland Mall redevelopment, the school, and the abutting multifamily development. The petition furthers the Eastland Area Plan’s goal of “supporting strong neighborhoods” by providing additional housing options but maintaining the general character of the surrounding residential areas. The area plan states that this area “will not be successful without careful attention to design elements” such as vehicular and pedestrian connections. This proposal commits to improving the pedestrian experience along Wilora Lake Road and Hollyfield Drive. The approval of this petition will revise the adopted future land use as specified by the Eastland Area Plan, from office uses to residential uses up to 22 DUA for the site as modified.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 729-730.

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ITEM NO. 17: ORDINANCE NO. 731-732, PETITION NO. 2021-206 BY CAMBRIDGE PROPERTIES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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.

The Zoning Committee voted 6-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the statement of consistency: this petition is found to be consistent with the University City Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends a mix of residential, office, and retail uses. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because this petition fulfills the area plan's recommendation for properties in this area to redevelop over time with a mix of residential, office and retail uses at this site. The petition supports the area plan's goal of accommodating higher intensity, mixed uses along a major transit corridor. The petition is consistent with the mix of existing multifamily development in the surrounding context.

Councilmember Johnson said in our notes, that Ms. Samuels had some comments about her support and the removal of the five-year vesting. Mayor Pro Tem said yeah.

Ms. Johnson said has there been any update on that, or can we hear from Ms. Samuels and Mr. Pettine if there's been an update?

Keba Samuel, Chair of the Zoning Committee said I'm not aware of an update. The package that I received does not indicate that vesting-rights have been removed.

David Pettine, Planning, Design & Development said yeah, that's correct. So, the best thing hasn't been removed. The staff did remove our comment to do away with the five-year vesting after discussions with the applicant, and the petitioner felt that it was a bit warranted, given the complexity of the project. There's some different lease arrangements that need to be worked around and so we didn't have as much concern with it after we got a little bit more clarification. So, we did rescind our item as an outstanding issue, and that five-year vesting would remain intact should the petition be approved.

Ms. Johnson said okay.

Mayor Pro Tem said good question. Thank you, Ms. Councilmember Johnson.

Ms. Johnson said I just want to clarify, Ms. Samuels, is that what your concern was? Are you comfortable with the petition? I don't want to say comfortable, but what's your thought now with the petition because I'm not sure if I'm hearing two different things.

Ms. Samuel said thank you for the question, Councilwoman Johnson. I'm not privy to the information that Dave has in terms of communication with the petitioner. So, my hesitancy still exists.

Ms. Johnson said okay, and can you clarify your hesitancy for the rest of the Council?

Ms. Samuels said five-year vested rights is very rare on petitions that we see these days. I don't know of a situation in which we have in the past four years that I've been on the Planning Commission. It is just a bit out of place. Maybe if I had the information that Mr. Pettine has, that position might be a little bit different.

Councilmember Driggs said so, I know from a discussion with the petitioner that in this case if I remember this right. Correct me, Mr. Pettine, there are four quadrants basically to the property and the build-out is expected to take a long time. So, we do have these five-year vested rights from time to time. I think this is an example of when they might be there. The developer basically doesn't want to start in the one quadrant, embark on a plan that will take several years to complete, and not have the assurance that the zoning for this piece will stay in place. So, I intend to support it. Thank you.

Councilmember Phipps said It's my understanding that this is going to be a remake of this entire center. In terms of leases, I understand that Food Lion there has a lease that runs through another 16 years. So, in view of the longevity of that particular lease alone, I would think it would be warranted to have some sort of benefit of this five-year vested rights to be able to consummate and make developments of this property as intended. Thanks.

Councilmember Winston said that's my understanding as well and generally, you know we have tried to reduce our use of five-year vested rights as kind of a fallback, but we will utilize that a tool for larger projects, but again, as we said already may take longer and there's an interest in ensuring that those projects get seen through completion and not end up with half-done project and community. So, I am okay with it in this sense, but in generally it is something we do stay away from.

Mayor Pro Tem said agreed, thank you.

Motion was made by Councilmember Johnson, seconded by Councilmember Winston, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the University City Area Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends a mix of residential, office, and retail uses. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because this petition fulfills the area plan's recommendation for properties in this area to redevelop over time with a mix of residential, office and retail uses at this site. The petition supports the area plan's goal of accommodating higher intensity, mixed uses along a major transit corridor. The petition is consistent with the mix of existing multifamily development in the surrounding context.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 731-732.

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ITEM NO. 18: ORDINANCE NO. 291-Z, PETITION NO. 2021-208 BY HUGH ELDER LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 6-0 (motion by Blumenthal, seconded by Chirinos) to recommend approval of this petition and adopt the statement of consistency: this petition is found to be consistent with the Southwest District Plan (1991) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office uses at this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the site is directly adjacent to existing office land uses and parcels zoned O-1. This rezoning would allow for the vacant site to be developed with uses that are consistent with the proposed land use for this area. The current conditional plan for the site is from a 1998 rezoning which changed the zoning district to B-1SCD and calls for retail and office uses for these parcels, which are compatible uses under the O-1 zoning district. Although the uses under the proposed and existing zoning are comparable, if approved, this rezoning petition would allow for the underutilized site to develop under a zoning district that is in the current Zoning Ordinance rather than B-1SCD which is no longer a district included in the Ordinance.

Motion was made by Councilmember Watlington, seconded by Councilmember Winston, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the Southwest District Plan (1991) based on the information from the final staff analysis and the public hearing, and because the plan recommends office uses at this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the site is directly adjacent to existing office land uses and parcels zoned O-1. This rezoning would allow for the vacant site to be developed with uses that are consistent with the proposed land use for this area. The current conditional plan for the site is from a 1998 rezoning which changed the zoning district to B-1SCD and calls for retail and office uses for these parcels, which are compatible uses under the O-1 zoning district. Although the uses under the proposed and existing zoning are comparable, if approved, this rezoning petition would allow for the underutilized site to develop under a zoning district that is in the current Zoning Ordinance rather than B-1SCD which is no longer a district included in the Ordinance.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 733-734.

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ITEM NO. 19: ORDINANCE NO. 292-Z, PETITION NO 2021-210 BY CARTER ACQUISITIONS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Chirinos) to recommend approval of this petition and adopt the statement of consistency: this petition is found to be inconsistent with the Northeast Area Plan (2000) recommendation of single family, multifamily and office retail uses with a density of no more than 8 DUA. Rationale for Recommendation: At a density of residential uses of up to 12 DUA, this petition is inconsistent with the area plan's recommended density of 8 dwelling units per acre, but it is consistent with the surrounding area development pattern of mixed residential, including single-family and multifamily uses. The increased density is appropriate for this location, being located off North Tryon Street, a major thoroughfare. The proposed project is consistent with the surrounding residential development and increases the diversity of housing types within this area. The petition is sensitive to the existing single-family neighborhood to the west by locating the less dense, townhome buildings as an appropriate transition between the single-family neighborhood to the west and the remaining multifamily buildings on the site. The petition commits to a 75-foot, class C buffer between the development and the existing single-family neighborhood to the west.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be inconsistent with the Northeast Area Plan (2000) recommendation of single family, multifamily and office retail uses with a density of no more than 8 DUA. Rationale for Recommendation: At a density of residential uses of up to 12 DUA, this petition is inconsistent with the area plan's recommended density of 8 dwelling units per acre, but it is consistent with the surrounding areas development pattern of mixed residential, including single family and multifamily uses. The increased density is appropriate for this location, being located off North Tryon Street, a major thoroughfare. The proposed project is consistent with the surrounding residential development and increases the diversity of housing types within this area. The petition is sensitive to the existing single-family neighborhood to the west by locating the less dense, townhome buildings as an appropriate transition between the single-family neighborhood to the west and the remaining multifamily buildings on the site. The petition commits to a 75-foot, class C buffer between the development and the existing single-family neighborhood to the west.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 735-736.

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ITEM NO. 20: ORDINANCE NO. 293-Z, PETITION NO. 2021-214 BY ADAMS PROPERTY GROUP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 5-0 (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 Albemarle Rd/I-485 Interchange Study from post-hearing staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because the petition is inconsistent with the adopted plan recommendation for multi-family uses and consistent with the recommended retail uses. However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because the request is consistent with the context of surrounding land uses found along this portion (east of I-485) of Albemarle Road. The request furthers the area plan's land use goal for a mixture of integrated, appropriately scaled uses at the intersection of Albemarle and Rocky River Roads. The plan states, "the speed of vehicular traffic should be managed through traffic calming measures including the use of such features as street trees, landscaped strips, bicycle lanes or on-street parking". This request proposes a multi-use path, sidewalk, planting strips, and on-street parking. The approval of this petition will revise the adopted future

land use as specified by the Albemarle Rd/I-485 Interchange Study from the current recommended use to the new recommended use for the site.

Motion was made by Councilmember Newton, seconded by Councilmember Driggs, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be inconsistent with the Albemarle Rd/I-485 Interchange Study from final staff analysis based on the information from the final staff analysis and the public hearing, and because the petition is inconsistent with the adopted plan recommendation for multi-family uses and consistent with the recommended retail uses. However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because the request is consistent with the context of surrounding land uses found along this portion (east of I-485) of Albemarle Road. The request furthers the area plan's land use goal for a mixture of integrated, appropriately scaled uses at the intersection of Albemarle and Rocky River Roads. The plan states, "the speed of vehicular traffic should be managed through traffic calming measures including the use of such features as street trees, landscaped strips, bicycle lanes or on-street parking". This request proposes a multi-use path, sidewalk, planting strips, and on-street parking. The approval of this petition will revise the adopted future land use as specified by the Albemarle Rd/I-485 Interchange Study from current recommended use to new recommended use for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 737-738.

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ITEM NO. 21: ORDINANCE NO. 294-Z, PETITION NO. 2021-215 BY LONGBRANCH DEVELOPMENT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 5-0 (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 residential component of the recommendations of the Catawba Area Plan and inconsistent with the other two land use recommendations based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office/retail/residential land 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 the petition is consistent with the residential development in the Mount Holly Road and Mount Holly Huntersville Road corridor. The proposed site plan includes connections to the

Catawba River with amenity areas and access to the river. The petition commits to transportation improvements including new traffic signals at Mount Holly Road & Belmeade Drive and Mount Holly Road & Access B, as well as a 12' multi-use path along the site's Mount Holly Road frontage. The petition proposes to develop "missing middle" housing in the form of single-family attached residential and multifamily residential dwelling units. The approval of this petition will revise the adopted future land use as specified by the Catawba Area Plan, from mixed-use to residential up to 8 dwelling units per acre for the site.

Councilmember Johnson said I wanted to ask Ms. Keba if she can give us an update or on the position from the Zoning Committee. It looks like there might be some concern or if she can just give us an update or summary of the Zoning Committee discussion on this.

Keba Samuel, Chair of the Zoning Committee said thank you for the question, Chairwoman Councilmember Johnson said. I think that the discussion here was more surrounding the feasibility of the petitioner, petitioner's agent, to be able to have to get permission from Duke Energy to build the two proposed boat docks. The request from myself was that if the petitioner was not able to get permission from Duke Energy if they would explore different options with Met County Parks and Rec for something that was more fitting and feasible for that second boat dock, I think that is the one at the south portion of the petition. Then secondly, the community members at Catawba Plantation expressed concern that although this petition, I believe the petitioner is seeking to voluntarily be annexed into the city, there was some confusion amongst those community members as to whether or not their community would also be annexed as a result of this petition being annexed. When I received those inquiries, of course, the answer is no. So, I encouraged those community members that were interested in annexation to reach out to our At-Large Council Members and to their Board of County Commission Rep, Commissioner Powell.

Ms. Johnson said thank you.

David Pettine, Planning, Design & Development, said Mayor Pro Tem, just one item just for housekeeping purposes on this one. It's correct on the online agenda, but the presentation wasn't updated. It should be Longbranch Development rather than DHIC LLC. No change to anything, just the name of the petitioner. Just wanted to update that for clarification. Thank you.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be consistent with the residential component of the recommendations of the Catawba Area Plan and inconsistent with the other two land use recommendations based on the information from the staff analysis and the public hearing, and because the plan recommends office/retail/residential land use. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the analysis and the public hearing, and because the e petition is consistent with the residential development in the Mount Holly Road and Mounty Holly Huntersville Road corridor. The proposed site plan includes connections to the Catawba River with amenity areas and access to the river. The petition commits to transportation improvements including new traffic signals at Mount Holly Road & Belmeade Drive and Mount Holly Road & Access B, as well as a 12' multi-use path along the site's Mount Holly Road frontage. The petition proposes to develop "missing middle" housing in the form of single family attached residential and multifamily residential dwelling units. The approval of this petition will revise the adopted future land use as specified by the Catawba Area Plan, from mixed use to residential up to 8 dwelling units per acre for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 739-740.

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ITEM NO. 22: ORDINANCE NO. 295-Z, PETITION NO. 2021-216 BY DHIC, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 5-0 (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 inconsistent with the Northeast Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the e plan recommends residential uses of no more than 4 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the petition provides a diversity of housing types in an area that is close to amenities and employment centers. The petition provides open space for the community. The approval of this petition will revise the adopted future land use as specified by the Northeast Area Plan, from low-density residential of no more than 4 DUA to multifamily residential uses of up to 8 DUA for this 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. Provides a 100-foot right turn lane on Old Holland Road at the southern intersection.
2. Add a note to the rezoning plan that petitioner will offer to donate a conservation easement to the Catawba Lands Conservancy and to record a conservation easement agreement over 18.33-acre portion of the site plan.

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

Motion was made by Councilmember Winston, seconded by Councilmember Driggs, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be inconsistent with the Northeast Area Plan based on the information from the staff analysis and the public hearing, and because the e plan recommends residential uses of no more than 4 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because the petition provides a diversity of housing types in an area that is close to amenities and employment centers. The petition provides open space for the community. The approval of this petition will revise the adopted future land use as specified by the Northeast Area Plan, from low density residential of no more than 4 DUA to multifamily residential uses of up to 8 DUA for this site as modified.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 741-742.

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ITEM NO. 23: ORDINANCE NO. 296-Z, PETITION NO. 2021-220 BY DEPENDABLE DEVELOPMENT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 5-0 (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 consistent and inconsistent with the Northwest District Plan (1990) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential uses; however, the plan's density recommendation is for up to four 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 although the rezoning if approved would allow for up to 8 DUA, site constraints will limit the maximum development to a density very similar to the surrounding development of R-3 and R-4 areas while maintaining R-8 development standards. The rezoning of this site allows the petitioner greater flexibility in lot width so that the site may be utilized at a density that is similar to the surrounding development despite the utility easements that cross through the site. This petition is consistent with the area plan's single-family land use recommendation. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan (1990), from single-family residential uses up to four DUA to single-family residential uses up to 8 DUA.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be consistent and inconsistent with the Northwest District Plan (1990) based on the information from the staff analysis and the public hearing, and because the plan recommends single family residential uses; however, the plan's density recommendation is for up to four dwelling units per acre (DUA). However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because although the rezoning if approved would allow for up to 8 DUA, site constraints will limit maximum development to a density very similar to the surrounding development of R-3 and R-4 areas while maintaining R-8 development standards. The rezoning of this site allows the petitioner greater flexibility in lot width so that the site may be utilized at a density that is similar to the surrounding development despite the utility easements that cross through the site. This petition is consistent with the area plan's single family land use recommendation. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan (1990), from single family residential uses up to four DUA to single family residential uses up to 8 DUA.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 743-744.

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ITEM NO. 24: ORDINANCE NO. 297-Z, PETITION NO. 2021-227 BY GRAHAM PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 5-0 (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 consistent and inconsistent with the South District Plan (1993) based on the

information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family uses for the site; however, the plan's density recommendation is for up to three 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 this petition allows for a slight increase in density on a site that is currently being underutilized given the existing development of one single-family home on a lot that is more than three acres. The site is located along Old Providence Road, just a quarter mile from Providence Road, a state-maintained major thoroughfare where a number of more moderately dense residential developments have been constructed or are in development. Being located along Old Providence Road, so near the intersection with Providence Road makes this an appropriate site for a transition into the lower-density single-family developments along Old Providence Road. This petition is consistent with the area plan's single-family land use recommendation. The approval of this petition will revise the adopted future land use as specified by the South District Plan (1993), from single-family residential uses up to 3 DUA to single-family residential uses up to 4 DUA for the site.

Motion was made by Councilmember Driggs, seconded by Councilmember Winston, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be consistent and inconsistent with the South District Plan (1993) based on the information from the analysis and the public hearing, and because the plan recommends single family uses for the site; however, the plan's density recommendation is for up to three dwelling units per acre (DUA). However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because this petition allows for a slight increase in density on a site that is currently being underutilized given the existing development of one single family home on a lot that is more than three acres. The site is located along Old Providence Road, just a quarter mile from Providence Road, a state-maintained major thoroughfare where a number of more moderately dense residential developments have been constructed or are in development. Being located along Old Providence Road, so near the intersection with Providence Road makes this an appropriate site for a transition into the lower density single family developments along Old Providence Road. This petition is consistent with the area plan's single family land use recommendation. The approval of this petition will revise the adopted future land use as specified by the South District Plan (1993), from single family residential uses up to 3 DUA to single family residential uses up to 4 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 745-746.

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ITEM NO. 24B: ORDINANCE NO. 298-Z, 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 inconsistent with the Thomasboro/Hoskins Small Area Plan's (2002) proposed density of 5 dwelling units per acre, but it is consistent with the area plan's proposal of residential use based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential up to 5 dwelling units per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the proposed site plan is consistent with the residential land use recommendation for the site and only slightly higher in the density of 5.6 dwelling units per acre from the recommended 5 dwelling units per acre. The proposed development for duplexes is compatible with the surrounding single-family neighborhood and consistent with the overall vision for the area. The proposed site plan provides an internal street with a sidewalk and on-street parking for the development. The approval of this petition will revise the adopted future land use as specified by the Thomasboro/Hosking Small Area Plan, from current single-family up to 5 DUA to residential up to 6 DUA for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs to adopt and approve the following Statement of Consistency: this petition is found to be inconsistent with the Thomasboro/Hoskins Small Area Plan's (2002) proposed density of 5 dwelling units per acre, but it is consistent with the area plan's proposal of residential use based on the information from the final staff analysis and the public hearing, and because the plan recommends single family residential up to 5 dwelling units per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed site plan is consistent with the residential land use recommendation for the site and only slightly higher in density of 5.6 dwelling units per acre from the recommended 5 dwelling units per acre. The proposed development for duplexes is compatible with the surrounding single-family neighborhood, and consistent with the overall vision for the area. The proposed site plan provides an internal street with sidewalk and on-street parking for the development. The approval of this petition will revise the adopted future land use as specified by the Thomasboro/Hosking Small Area Plan, from current single family up to 5 DUA to residential up to 6 DUA for the site.

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

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

NAYS: Councilmember Winston.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 747-748.

* * * * *

HEARINGS

Mayor Pro Tem said I will turn it over at this point to Mr. Winston to start the hearings.

Councilmember Winston said one question for you and Ms. Hagler-Gray, do we need to make a motion to excuse the Mayor Pro Tem or are you sticking around?

Mayor Pro Tem said no, I'm not going to be able to. I can probably get through one hearing.

Terrie Hagler-Gray, Senior Assistant Attorney said you'll just let us know when you are leaving, Mayor Pro Tem.

Mayor Pro Tem said yes because we don't take a vote on these, so.

ITEM NO. 26: HEARING ON PETITION NO. 2021-233 BY HOPPER COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.52 ACRES LOCATED ON THE SOUTH SIDE OF ENDAHVEN LANE AND WEST SIDE OF ELM LANE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Councilmember Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2021-233, that's about six and a half acres on Elm Lane Endhaven just on the north side of I-485. The current zoning is R-3, and the proposed zoning is R-12 multifamily conditional. The adopted future land use is from the South District Plan that recommended up to three dwelling units per acre. Given the date of the plan, we do run general development policies, and that did come in and qualify for up to eight dwelling units per acre. The petition, as proposed, is for up to 52 single-family attached dwelling units. That comes in at 7.98 units per acre, which is just below that GDP (General Development Policies) recommendation of eight. It does limit the maximum building height to 40 feet, which is our standard residential building height in the zoning districts, in the art districts. It does provide architectural design standards for exterior building materials, roofs, pitched roofs, and covered front stoops and blank walls. Also, each unit would have a garage and commit to a minimum of 15 visitor parking spaces throughout the site.

Units may include a rooftop terrace, except for some of those that face the western property line where you've got residences behind them. It does provide a buffer that's greater than the 30-foot width requirement and they come in with a 37-and-a-half-foot wide buffer and a six-foot fence along that western property line shown in green. It does commit to a central green and amenity space of at least 4,000 square feet, and then also constructs an eight-foot-wide planning strip and a six-foot-wide sidewalk along Endhaven Lane. The recently constructed planning strip and sidewalk on Elm Lane and the 45 bridge would remain in place and also installs a westbound turn lane going left on Endhaven at the site's vehicular access point.

As mentioned, the staff does recommend approval. We do have some outstanding issues related to environment, site and building design, and technical provisions related to site building design to work through. As mentioned it's inconsistent with the South District Plan, but it is consistent with the GDP for up to eight dwelling units per acre and we'll be happy to take any questions following presentation from the petitioner and community. Thank you.

Councilmember Winston said thank you, Mr. Pettine. We have four speakers; Clay McCullough, Bart Harper, Nick Bushon, and John Carmichael, who is in the room. Assuming that you will take care of all four of those.

John Carmichael, 101 North Tryon Street said I will, thank you.
Mr. Winston said 10 minutes, Mr. Carmichael.

Mr. Carmichael said thank you, Councilmember Winston said, members of the City Council, and the Zoning Committee. I'm John Carmichael. With me tonight is Clay McCullough of Harper Communities, and Nick Bushon of Design Resources Group should be online.

As Mr. Pettine stated, the site contains just over six and a half acres. It's located on the south side of Endhaven Lane; basically, at the intersection of Endhaven Lane and Elm Lane. I-45 is immediately to the south of the site, as you can see. This is just an aerial photograph of the site; it's outlined in Green. That's a zoomed-in aerial photograph of the site.

This is the zoning map. The site is currently zoned R-3. The petitioners requesting that the site be resumed from the R-3e Zoning District to the R-12 MF (CD) (multi-family residential, conditional) Zoning District to allow up to 52 single-family townhome dwelling units on the site. As Mr. Pettine indicated, the density is just under eight units an acre. The GDP supports it up to eight units an acre. This is the rezoning plan. The site will be accessed from in Endhaven Lane. There will be a westbound left turn lane installed by the petitioner on Endhaven Lane, at the access point into the site. The individual dwelling units will be accessing the internal private streets. Each dwelling unit would have a garage and there would be a minimum of 15 visitor parking spaces on the site. The Petitioner would install an eight-foot planning strip and a six-foot sidewalk along the site's frontage

on Endhaven Lane. That, coupled with the new bridge on Elm Lane over I-45, will enable residents to walk from this site to Stonecrest: the commercial uses at Stonecrest. There would be a 50-foot rear yard established along the western boundary of the site next to the Berwick community. Within that 50-foot rear yard would be a 37-and-a-half-foot wide Class-C buffer with a six-foot-tall wooden privacy fence.

A portion of the site's trees says very would also be located within that 37-and-a-half-foot buffer. At the request of the Berwick HOA (Homeowner Association) Board, the petitioner is committing that that six-foot tall wooden screen fence would be located a minimum of 20 feet from the western boundary line of the site. There would be a community green. As Mr. Pettine stated. Architectural standards are part of the rezoning plan. The maximum building height would be 40 feet. We have met several times with representatives of the adjacent neighborhood and we've been working with the HOA Board and the President, Mr. Todd Zullo. As a result of those conversations, the petitioners made some additional commitments that I'd like to share with you tonight.

One was to pay for the installation of a speed bump on Endhaven Lane between the entrance to Berwick and Elm Lane, if approved, by C-DOT (Charlotte Department of Transportation). I will say that we talked about that with Mr. Zullo before I read the pre-hearing staff analysis, and apparently, C-DOTs looked at that and determined that a speed bump cannot be installed between Berwick and Elm, but we would like to work on behalf of Mr. Zullo and the board and the residents of Berwick. If there is something we can do between Megwood, which is to the left, to the west of the site, and Elm Lane along our frontage in an effort to provide some sort of traffic calming. We'd love the opportunity to talk with C-DOT about that.

The second commitment, there's a brick wall on the parcel located at the intersection of Megwood Drive and Endhaven Lane, it's right beside the site and has about a six-foot-tall brick wall located on a portion of that lot. The HOA Board has asked the petitioner to extend that brick wall along the northern boundary of that parcel, which the northern boundary is next to Endhaven Lane, and connect that brick wall to the six-foot-tall wooden privacy fence and the buffer. The petitioners agreed to do that, subject to the three conditions. I'm sure you will understand those conditions when I share those with you.

One is that we have to get the consent of that property owner because it would involve the removal of some trees and shrubs and we need to get a temporary construction easement from that property owner. I don't think that wall is in the right of way, but to the extent that any portion would be in the right way, a condition would be getting an encroachment agreement from C-DOT. Then another condition is that the extension of the brick wall will not require the relocation of any utilities.

Finally, the extension of that brick wall was permitted under the applicable ordinances. Then the third thing that we worked with the board on was, and I previously mentioned, that the fence would be a minimum of 20 feet from that western boundary line. We appreciate all the time that the residents of the community and the Board, Mr. Zullo, have provided to us to discuss this matter with them. We Appreciate the staff's favorable

recommendation, and we'll work this week to resolve the outstanding issues. Then once again, we'd appreciate any opportunity to have a conversation with C-DOT about what, if anything, can be done along the frontage to provide traffic calming on Endhaven Lane. We're happy to answer any questions you may have.

Mr. Winston said thank you, Mr. Carmichael. You have more time. Does anybody on your team want to say anything?

Mr. Carmichael said that's it.

Mr. Winston said all right, thank you. We do have opposition, Micah Cohen. Mr. Cohen, thank you for joining us. So, you have 10 minutes once you get to the podium. Thank you.

Micah Cohen, 10609 Megwood Drive said thank you very much. As a resident of the neighborhood under discussion, I do appreciate the opportunity to speak here. I appreciate the attention that Harper has given to our community. We've met many times and they're very friendly. I don't want to speak now about the loss of privacy, or the loss of a small natural wildlife area, or questions of water runoff, or the introduction of light, noise, and trash pollution that will all be a result of this proposed development.

I would like to speak only to the issue of traffic on the small connector road Endhaven Lane into which this development plans to feed. You can't see it here, but there are approximately 525 homes in the existing neighborhoods that currently feed directly on Endhaven Lane. According to standard road planning approximation; this alone would be over a thousand cars accessing Endhaven from these homes daily.

Plus, there are two massive apartment complexes with over 1,500 units adding approximately 1,500 more cars, two hotels, and two soon-to-be three schools with hundreds of children, and their parents walking and driving to school. All adding traffic to this small two-lane connector road. Endhaven Lane, it's less than a mile long. Standard Road planning approximation would consider this to be about 3,000 cars each, making multiple trips per day. Tens of thousands of cars are traveling on Endhaven every day and this doesn't include waves of school buses twice a day delivery vehicles maintenance vehicles and importantly, emergency vehicles. Even in normal times, the residents of my neighborhood, which are right to the west, we already have trouble exiting our neighborhood between four and seven because of school and work traffic backed up at the traffic light just beyond where this new development plans to connect to Endhaven Lane.

This new development, as he just mentioned, would be 52 units, each with the ability to park four cars, which is up to 200 more cars and exponentially more trips. It will have only one entrance and exit onto the already crowded Endhaven Lane. Very close to an existing traffic light where cars already stack up. This plan with all these cars seems thoughtless at best and a recipe for small road gridlock at worst. On behalf of my neighbors, I ask that the Zoning Committee truly consider the impact of so much more traffic on this small local

road, upon which we all rely. I appreciate you listening to me today. I appreciate Harper and their attention to, and I have copies of my notes if you need them.

Mr. Winston said if you would like to share your notes with Council, you can definitely give a copy to the Clerk and she will ensure that it gets to all of us.

Mr. Cohen said Okay. Thank you.

Mr. Winston said Mr. Carmichael, you have 2 minutes for rebuttal if you choose to use it.

In rebuttal, Mr. Carmichael said thank you, Councilmember Winston said. No real rebuttal other than to say we certainly understand his concerns. This development would generate about 355 trips, according to C-DOT. The development under the current zoning would generate about 230. There is a lot of development that's planned to go on the far west end of Endhaven Lane. We certainly acknowledge that. Once again, not to beat this to death, but we'd love to work with C-DOT on any sort of traffic calming that could be done along the site's frontage on Endhaven Lane and we're happy to answer any questions.

Mr. Winston said thank you, Mr. Carmichael. Now, we'll start with our Council questions and discussion. I do have a question for C-DOT. I mean, those seem to be both petitioners and a community desire to see some traffic calming there. I understood that a traditional speed bump is inappropriate, I would imagine it has something to do with emergency vehicles. Have we explored those not speed bumps, but those spread speed calmers, I don't even know the official name of it this time, that accommodate emergency vehicles?

Brandon Brezeale, Transportation Engineering Program Manager said that's a great question. I think you're referring to the speed cushions that we've been putting down in some places around the city. It's my understanding that it's due to the proximity of this development to Elm Lane is why we can't implement traffic calming. There are traffic calming measures at multiple places along Endhaven once you go to the west of this development, but it's my understanding that our safety group has not approved traffic calming due to the proximity to Elm Lane and it needs to be 600 minimum distance from an intersection. I'm definitely receptive to circling back with them and see if we can find some kind of alternate solution here or, you know, any kind of way we can get around something else that will address the speeds here.

Mr. Winston said thank you. I would appreciate that. I do have a follow-up question to Mr. Carmichael and your team. Separate from speed bumps or speed cushions, have you explored or is it possibility to do anything with the design of the entrance that acts as a traffic calming, I don't know, item? I know that there's plenty of innovative things that are going on around design.

Mr. Carmichael said we have not. I don't know if Mr. Bushon is on. The design just meets the city's driveway standards, and they are putting in the left turn lane That was, I guess,

a request to C-DOT to do so and that's one thing that they're implementing, but I don't know if Mr. Bushon is on or not. He's supposed to be, but.

Nick Bushon, 2459 Wilkinson Boulevard said good afternoon. This is Nick Bushon from Design Resource Group. Yeah, we analyze driveway locations connecting to an Endhaven across the frontage, and really we had to factor in existing topography and the location shown is the current high point, and we need to maintain sight distance. So, that was something we analyzed right on the front end from a design perspective and really were limited. The location shown is the best location to factor in site distance, which is a safety measure that needs to be maintained during permitting.

Councilmember Driggs said so, Endhaven is a big problem. Endhaven was a cul-de-sac until not that long ago. Recently, there was a traffic light installed at Elm and Endhaven. That particular location right near the end of Endhaven does present a challenge. I mentioned this to residents when we were talking about it having a speed bump so close to light was not something that was likely to work. I think we can continue to look at this. I have asked C-DOT as well to consider lighting on Endhaven because it's also a very dark street and with all those schools and things, I think we need to pay more attention to Endhaven. So far there are advantages to this petition related to the sidewalk and the way it wraps around and connects with the bridge and so on. So, I think this is basically a good plan and we have questions, bigger questions that we need to address about Endhaven and the efficiency of that road. So, we'll keep working on that. Thank you.

Councilmember Johnson said the resident mentioned quite a lot of development, and I wanted to know, it sounds like there's a cumulative effect, and I keep talking about the cumulative effect. I wanted to know if the resident if he's still at the podium and if he can kind of repeat what you said. You mentioned like a thousand new trips or something and you mentioned schools. If you could just speak to that again and then I'd like to ask Mr. Pettine, if we can get a cumulative report that surrounds this petition, such as the one we had in District 4, maybe the approved development in the last two years within maybe a two-mile radius or something, so that we Council can really start to see what's going on around these petitions. We can't be expected to remember everything that, you know, that we see each month. So, we can really start having an idea of how these developments are pieced together. You know, the residents, when they talk about this, the lack of infrastructure and the traffic and the cumulative effect, you know, I know that's something I've been asking for a long time. So, if we could see this, I mean, I would ask my colleagues if we could ask that zoning be included in the zoning petition, the same way that the UDO (Unified Development Ordinance) goals are included. So, I just think that our residents are really feeling the weight of all of this development, and it would really, really help us to be able to connect these dots. So, if the resident can speak again and just repeat what he said as far as all of the development in this area, I'd like to be able to capture that, please.

Mr. Cohen said I really appreciate that very much. Endhaven Lane is less than a mile long and there are two massive apartment complexes. There are two hotels. There are two soon to be three schools. There are hundreds of children walking on the street and parents picking up and driving their kids every day. There are 525 homes in the neighborhoods that feed directly and only on to Endhaven Lane; this little mile is less than a mile. There's something that I did some research on, something called a standard road planning approximation, which is a certain amount of cars per unit and a certain amount of trips per day. I don't need that kind of stuff to know that from like 4 to 7, we have trouble getting on to Endhaven Lane because traffic stacks up behind that light and it stacks up all the way west of Berwick. So, I would just ask, like I said, I appreciate everybody understanding this cumulative effect, and I know that the developer understands this too, but this is a real problem on this tiny little connector street with all this development. So, I appreciate that very much. Thank you.

Ms. Johnson said so, Mr. Winston if I can just speak to C-DOT? I've worked with C-DOT.

Mr. Pettine said that's just what I was about to say.

Ms. Johnson said [inaudible] in traffic or TIS (traffic impact study) wasn't required. It was something else that we asked the developer for. It's not the actual traffic information report, but if there's something, if we can just get some more information regarding, this petition and with all due respect to the district rep, we, we do rely on his knowledge, but this, you know, one-mile street that just sounded like a lot of roads around this area. So, I hope we pay, and I know that we pay attention to all of the development, but this sounded extreme. So, I'd like some information on this development. Again, I asked my colleagues if we could continue to ask the Zoning for a cumulative report until we change that policy, If that's something that we could get, I think that that would really help us to manage the growth and take a step back and make sure our residents know that we hear them. Thank you.

Mr. Pettine said yep, and we can coordinate with C-DOT and other departments on getting that information together for this one. Thank you. Thank you very much for doing this. Danny, other questions.

Mr. Cohen said thank you very much for doing that.

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

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

Micah Cohen, 10609 Megwood Drive

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ITEM NO. 27: HEARING ON PETITION NO. 2021-079 BY PIEDMONT CAPITAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.88 ACRES LOCATED ON THE NORTH SIDE OF NORTH WENDOVER ROAD, WEST OF MONROE ROAD, AND EAST OF RANDOLPH ROAD FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO NS AND B-2 (CD) (NEIGHBORHOOD SERVICES) AND (GENERAL BUSINESS, CONDITIONAL).

Councilmen Winston declared the hearing open.

David Pettine, Planning, Design & Development said thank you, 2021-079. It's 7.88 acres North Wendover Road. The current zoning of the property is B1 conditional and the proposed zoning is NS as well as B2 conditional. The adaptive future land use from the Independence Boulevard Area Plan does call for retail land uses for the site, so the request for both those districts would be consistent. The proposal itself allows for uses in the NS District for an existing shopping center. It does allow for 3500 square feet of limited-service EDEE (eating/drinking/ entertainment establishment) drive-through and then 500 square feet of outdoor seating area. That would be for a portion of an existing retail building and then also would create a new out parcel with a proposed 4000 square foot EDEE with drive-through and 750 square foot outdoor area. Also, construct new internal pedestrian sidewalks from those EDEE uses to North Wendover Road. Also, proposed new parking areas in the rear of the main building. It proposes the installation of a traffic signal at Beal Street and Wendover Road, and also a 12-foot-wide multi-use path along that frontage on Wendover as well. It does specify proposed exterior building materials like minimum percent of masonry material, minimum transparency, limit the expanse of blank walls, and new buildings will present a front or side façade to public streets. Also, it illustrates a five-foot-wide planning area with evergreen shrubs along a portion of the property line. If we can stay on the slide one moment kindly, just to give folks some reference.

This is the shopping center on Wendover with, I believe, a Food Line with EDEE with a drive-through on the left, was an existing credit union. Beal Street, some of you are familiar with this area, lots of kind of in and out movement from the post office there and folks going back and forth between those two intersections. So, a proposed traffic signal there is certainly, I think, something that would be a welcome addition for folks that are going along that corridor. If you've been in that area, you certainly would be aware of that as well, but just to give everybody a little bit of context on this shopping center. As mentioned, the staff does recommend approval of this petition. We do have some outstanding issues related to the environment and site-building designed to be resolved. As I mentioned, it is consistent with the Independence Boulevard Area Plan and we'll be happy to take any questions following Mr. Brown's presentation. Thank you.

Collin Brown, 1420 East 7th Street said good evening, Councilmember Winston, Councilmembers. Colin Brown on behalf of Petitioner's team. I'm going to speak quickly

since we only have 3 minutes. Good overview by Dave. This is the old Food Lion Shopping Center. Certainly, I think could use some love and some reinvestment. The development team engaged with leadership in the Grier Heights community over a year ago to, you know, put this on their radar and get feedback. The number one concern we heard from the neighborhood was the importance of maintaining that grocery store; the Food Lion grocery store that is there. They are coming up on the end of the lease and I think one thing, the Food Lion wants to see some reinvestment in that center. So, that's really the driver here. As Dave mentioned, the real addition is a new drive-through here along Wendover, but that investment from that tenant will allow the entire center to be upgraded. The development team hopes to keep all tenants that want to remain. As Dave mentioned, there's an existing drive-through for the State Employees Credit Union. That business is leading; they're building a new building around the corner so they're vacating and we would use that opportunity to insert a new business there with a drive-through. Just to be transparent these are not zoning commitments, but that people like to know, The potential tenants that we are talking about in the end cap, where this credit union is, could be a Starbucks. The large restaurant out front there on Wendover could be a Chick-fil-A and then the inline tenant we hope to add, would be a Goodwill.

I mentioned that these are, you know, Chick-fil-A can generate significant traffic and we've been talking for a while with C-DOT about improvements. What was important to the neighborhood was keeping a couple of those key retailers, especially the grocery, and adding tenants that could provide good jobs with benefits in the area, attainable jobs. So, even though I want to be clear, this is not a commit, these tenants are not a commitment of our rezoning, but this is who this zoning would accommodate; approximately 150 plus jobs. This investment would stabilize the center. It's not a scrape that you see sometimes where new development comes in, takes everything down, and comes in with a totally new gentrified center. I know these uses, a couple of them on here, maybe the definition some gentry uses, but blending that in with the existing grocery store and we hope a Goodwill will provide a good tenant mix, allow this to be a sustainable development that will continue to serve a larger part of the area as well as the neighborhood from a retail perspective and hopefully an employment perspective.

Happy to answer any questions you may have. I have the development team as well as our engineer on with me.

Mr. Winston said thank you, Mr. Brown. I think we could all use a little love and reinvestment at some point in time. I do have a question. Would that Chick-fil-A be a Chick-fil-A that replaces the one basically around the corner in Cotswold, or would that be an additional one in the area?

Mr. Brown said I don't want to speak on Chick-fil-A's behalf, but it's funny, Mr. Winston, as we talk about this, it's almost like schools. My understanding is this would be a relief for Chick-Fil-A. So, I do not believe it would replace Cotswold, but we do think it would take some traffic from there.

Mr. Winston said I definitely would have some concerns about the backup of Chick-fil-A into Wendover Road. That could be concerning. So, I really don't know how to deal with that from a land use perspective right now for a potential resident, but it's something I would like to keep our eyes on.

Mr. Brown said I think you'd follow up with C-DOT on that. This is one of the benefits of the center is there is enough area of queuing to get them off the street and C-DOT has paid close attention to other improvements that will make that function that way.

Councilmember Egleston said thank you, Mr. Brown. I was going to say what was just said, which is that this parking lot is actually where we stage all the cars for the Grier Heights parades that take place. So, it does have some room there and hopefully, with the sort of comprehensive rehab of this center, they can think comprehensively about how to accommodate that queuing. I do like the investment here and the grocery store there is critical because it does serve communities that otherwise would not be served with a full-service grocery store. So, I'm glad to see that this is not a teardown, that this is a reinvestment, and in a corridor where we do need more jobs, we do need more services and amenities. I think this can be a good addition to that stretch of Wendover.

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

Councilmember Phipps said Mr. Brown, you indicated that as a result of refurbishing the center that would be available for tenants who would want to remain. Do we have any indication that the Food Lion would still want to serve as the anchor tenant of that center?

Mr. Brown said Yeah, I want to be careful. I don't want to speak out of turn. Our understanding is they are looking for some investment stabilization in that area and then hopefully willing to stay. William Hodges, If you're on and have a different or better answer, I welcome you to chime in.

William Hodges said [inaudible] this evening. So, there is a little over two years remaining in the lease. It is not an ideal performing store for them, but with this investment, they have given us an indication that they would intend to stay at the [inaudible] corresponding with the improvements that we made, which we do foresee make the case.

Mr. Winston said you know, Mr. Phipps, thank you for that question, because that would be a concern of mine. I know that one of the priorities that we have is around food deserts and as we know, right around the corner on Cotswold, we have one of those spots where we're having the supermarket wars between Publix, Harris Teeter, and others. I would not want any type of collateral damage to create a new food desert in a place like Greer Heights, to make more fresh food, more inaccessible. So, I hope that's something that the petitioner, Mr. Egleston, and I'm happy to talk about over this next month to see if there's anything that we can do to ensure that a negative effect does not occur.

Mr. Egleston said Mr. Driggs appears to have stepped away.

Mr. Winston said no vote.

Ms. Johnson said Mr. Winston, point of order.

Mr. Winston said yes, Miss Johnson.

Ms. Johnson said you mentioned Mr. Driggs was a no-vote because he stepped away.

Mr. Winston said he's not a no. He's a yes vote?

Ms. Johnson said no. There's no vote counted, correct?

Mr. Winston said hold on. Just answer your specific question, and I'll have Ms. Hagler-Gray answer it.

Terrie Hagler-Gray, Senior Assistant Attorney said It appears that he is still connected but has stepped away therefore he's still part of the meeting. So, that would be a yes vote.

Mr. Winston said thank you very much.

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ITEM NO. 28: HEARING ON PETITION NO. 2021-119 BY PROFILE HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 30.16 ACRES LOCATED ON THE SOUTHWEST SIDE OF FREEDOM DRIVE, EAST OF TODDVILLE ROAD, AND NORTH OF TUCKASEEGEE ROAD FROM R-3 LLWPA (SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA), INST LLWPA (INSTITUTIONAL, LOWER LAKE WYLIE PROTECTED AREA), AND MX-2 (INNOV) LLWPA (MIXED-USE - INNOVATIVE, LOWER TO MX-2 (INNOV) LLWPA (MIXED-USE - INNOVATIVE, LOWER LAKE WYLIE PROTECTED AREA), MX-2 (INNOV) LLWPA SPA (MIXED-USE - INNOVATIVE, LOWER LAKE WYLIE PROTECTED AREA, SITE PLAN AMENDMENT) LAKE WYLIE PROTECTED AREA).

Mayor Pro Tem declared the hearing open.

David Pettine, Planning, Design & Development said thank you, 2021-119; just over 30 acres, 31 acres on Freedom Drive between Toddville Road and Allenbrook Drive. It's currently zoned R-3, Institutional, and MX2. All carry the Lower Lake Wylie Protected Area Overlay, and then the proposed zoning is for MX2, innovative, and MX2, innovative site plan amendment. Still maintaining that Lower Lake Wylie Protected Area Overlay. The Northwest District Plan adopted in 1990 does recommend residential up to eight dwelling units per acre. Single-family up to four dwelling units per acre, as well as a greenway, are used for the site.

The proposed development with this petition would allow for the development of up to 146 single-family attached dwelling units that would come in at a density of 4.63 units per acre. Limit building height to 48 feet. It does request the following innovative provisions. There will be a 14-foot setback from the existing or proposed back of the curb, a six-foot side and rear yard, and then a minimum sublet area of 1200 square feet, along with a width of 22 feet. It does commit to several transportation improvements, including an installation of an eight-foot planning strip and six-foot sidewalk along all public street frontages, public street connections to Burke Drive, Pinebrook Drive, Woodford Lane, and Leaf Tree Drive, as well as the construction of 88 curb ramps at the intersection of Toddville Road and Leaf Tree Drive, construction of a left turn lane on northbound Freedom Drive at Woodford Lane. It also commits to architectural details, including specified building materials, covered entry ways, blank wall limitations, and porches and stoops on all corner units facing the public street. Also commits to providing 3.12 acres of open space with landscaping, seating, and lighting.

The staff does recommend approval of this petition upon resolution of technical revisions related to site building design. It is consistent for a portion of the site that recommends up to eight DUA (Dwelling Units per Acre). However, it is inconsistent with another portion of the site. It only recommends up to four DUA and is inconsistent with those institutional land use recommendations. The petition overall is consistent with the GDP for up to six dwelling units per acre and we'll be happy to take any questions following the petitioners. Thank you.

Bridget Grant, 100 North Tryon Street said good evening, members of Council, members of the Zoning Committee. Bridget Grant, Land-Use Consultant with Moore of Van Allen and I'm pleased to be here with Tom Small, with Profile Homes, and John Holcomb with Kimberly Horne. As always, Dave did a great job with his presentation. So, I'm not, these nights can be pretty long. I'm not going to go into a lot of detail. As you mentioned, our request is generally consistent with the adopted land-use policy. We're proposing 146 residential units and it changes from being a townhome product that was originally surface parked under the original rezoning to a townhome development with individual garages, most of which are rear-loaded.

The plan extends multiple street networks throughout the area, provides architectural commitments, and is a continuation of a phased development. I think color renderings are always a little easier to read, so this really depicts the existing buildings are shown in light gray or white, and you can see where on the color portion, the slide, we're adding those additional buildings, a combination of principally rear loaded units with some frontloaded towards the northern side of the site.

We are pleased to have the staff support and will be able to address any of those outstanding issues by the time we submit later this week and we're happy to answer any questions.

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

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ITEM NO. 29: HEARING ON PETITION NO. 2021-125 BY RED SEA PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 133.09 ACRES LOCATED ON THE SOUTH SIDE OF UNIVERSITY CITY BOULEVARD, NORTHEAST OF INTERSTATE 85, AND EAST OF BACK CREEK CHURCH ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL), R-4 (SINGLE-FAMILY RESIDENTIAL, AND B-D (DISTRIBUTIVE BUSINESS) TO MX-2 INNOV (MIXED-USE - INNOVATIVE) WITH 5-YEAR VESTED RIGHTS.

Councilmember Winston declared the hearing open.

David Pettine, Planning, Design & Development said thank you, 2021-125. It's 133 acres located on the south side of University City Boulevard, just on the northeast of Interstate 45. It's currently zoned R3, R4, and BD. The proposed zoning is for MX2, innovative, as well as requesting for five-year vested rights. The adopted future land use from the Rocky River Road Area Plan does recommend utility greenway, and warehouse/distribution uses on the site. The proposal itself is to develop 184 single-family attached alley loading units and 397 single-family detached lots. It will be broken up into three different phases.

Phase 1A, 1B, and 2. Phase 1A would have 217 single-family lots and 88 townhomes, 1B, 26 single-family lots, and then Phase 2, 154 single-family lots and 96 townhomes. It does include a bridge between those phases and 1A and 1B. You can see that down there in that area. Where the green dash line is, there's a purple connection there that denotes the bridge connection. It does have several transportation improvements, including new street connectivity and extensions, a multi-use path extension along Caldwell Park Road to the county-owned parcel. As well as a no-build area for a potential sound barrier along I-45. As well as adjustments to turning lanes at several intersections and new signals at two intersections, three striping's, and construction of pedestrian facilities.

We do have architectural standards proposed relating to porches and stoops, architectural details for corner and end units, blank walls, etc. Also installs a 50-foot-wide buffer along portions of the site's property line with a berm or opaque fence along the railroad way to the right-of-way and along that I-485 frontage, and tall fencing with no gates on the common open space area between the proposed berm and the railroad right-of-way. It does dedicate a greenway area on the south side of Back Creek, which you can see in that dotted green line MCPR dedication. That would extend the existing greenway to the right of way of I-45 and a greenway access easement to connect to Abercromby

Street to the greenway would be provided as well, along with a minimum of two-and-a-half-acre amenity area and proposed trail network throughout the site.

The staff does recommend approval of this petition upon resolution of outstanding issues related to transportation, environment, and site building design. It is inconsistent with those recommendations and the Rocky River Road Area Plan. However, just to continue development in this area, a lot of that land use recommendation, particularly for the warehousing and distribution is more related to some of the BD existing zoning that's out there.

The staff does feel this is an appropriate transition from those recommendations and that greenway connection that's recommended does provide a little bit of consistency as well with that area planning recommendation. So, we'll be happy to take any questions following the petitioner's presentation. Thank you.

Collin Brown, 1420 East 7th Street said thank you, because I only have 3 minutes I will speak quickly. I'll kind of skip through our introductions. Colin Brown, on behalf of the petitioner plan. I appreciate Dave's thoroughness in going through our slides as we have very limited time. I would point out this is on the very periphery. This is about as far as you can get. So, our property here abuts Cabarrus County on the edge. This is Harrisburg beyond us. What's interesting, this is 133 acres, a very large development, and, Brent and I were speaking, is very low density. So, we're less than four and a half units per acre and this is the first rezoning that I can recall that we've handled that has this many single-family homes. Most of the new developments that we're seeing in areas like this, as you know, are from townhomes. So, what's interesting is this is almost 400 single-family lots. It does have some townhomes, really providing some diverse housing choices out here. Here's a colored version of the plan so you can really see how much green space there is on the site. Here's a network as Dave mentioned, we're having some connectivity to some greenways that are planned showing an internal trail system and then a larger view to show you how this development integrates into Caldwell Park. The park which is actually being planned. The road Dave mentioned, is being extended through that area to our site.

Our secondary access point will be here to the south. So, I think the good positives. I think multiple housing types. Everyone knows that we have a high demand for housing and this is new housing, single-family and towns at a very relatively low density, street connections that I mentioned. Dave reviewed several of the significant transportation improvements that will be made. We're happy to be able to provide multi-use paths in terms of our development extending into Caldwell Park and the county-owned parkland. So, that is going to be just a fantastic amenity for residents here in that county park that's on the way. Greenway dedication, we mentioned amenities throughout and commitments to heightened architectural standards. I think we're short on time. I have the rest of our development team on if you have questions.

Mr. Winston said thank you very much, Mr. Brown. I do have one question for the petitioner and for the staff. I see that we do have five-year vested rights. I understand that this is a large area to be developed, but it seems like a pretty straightforward development to the petitioner and to the staff. Well, petitioner-wise, what is the need for vested rights? To the staff, is this something that meets our standards?

Mr. Brown said yeah, I thought about that at the conversation you had earlier this evening. We think this is an example of one that can, you know, this is over 500 units. It will take several years for this to develop out. We are committing to a conditional plan with certain improvements. So, what we don't want is to get two years in, have new changes in ordinance, and then we cannot build out the design we have here. So, I certainly think it's appropriate. I hope the staff will, but I'll let them speak for themselves.

Mr. Pettine said thank you, yeah, we haven't made a straightforward request to have it removed at this point. I think we'd still like to learn a little bit more about some of the timing. It does seem like a project with multiple phases over a pretty long build-out time frame might warrant that, particularly with some pending changes and adoptions and some ordinances for us. Yeah, we'll wait to talk to them, learn a little bit more, and then make a request accordingly if we need to see any adjustments to it.

Councilmember Phipps said I'd just like to congratulate the petition on his patience, and I know this project went through many hurdles and a land assemblage of acreage to get to this point. The property lies adjacent to the eventual high-speed rail project that would run from, I guess, Atlanta to points north. This represents a huge location of a lot of residences for people that might be interested in homeownership. So, I look forward to that and hopefully, we can get this over the finish line here next month, thanks.

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

Councilmember Johnson said I wanted to ask Dave about the vested rights. We did have the discussion earlier and, you know, we were told that this is kind of few and far between, yet here we are again. So, I wanted to know what that would include; vested rights. We are in a transitional stage, you know, in the city, and we're adopting new policies and UDO, and I mean the 2040 Plan. So, what rights would be protected with these five-year vested rights?

Secondly, I wanted to confirm that these are for sale units. Can we confirm that these are for sale single-family homes?

Mr. Brown said these do not have a for-sale-only restriction. They're being platted. What you've seen a lot in the market lately and we've seen is a new single-family for rent, which are typically not platted on individual lots. So, with this rezoning, these are all individually platted with the feed going with them. I don't know that I'm familiar with a single-for-sale

restriction on those and I know that's something we talked with the development team and you are about. I don't know if that's developed further if Mike Fess is on and has better and has a better answer, let me know. We can see from our plan that these are platted as individual lots.

Ms. Johnson said okay, so they're individual lots, but there's nothing in the plan and the petition that restricts them to for sale.

Mr. Brown said Yeah, so this doesn't look like a lot of the single-family for rent that we're seeing are platted, you can tell by looking at them that that's what they're intended to do. This does get into a little bit of concern about restrictions on alienation. So, if you sell a single-family home to a buyer and that person buys it and there's a concern, are we restricting them from renting their single-family home in the future? Typically, that is handled through lenders, which will have an overall cap on how many can be rented, but this is being platted as a typical single-family home development.

Ms. Johnson said thank you.

Terrie Hagler-Gray, Senior Assistant Attorney said Councilmember Johnson, with respect to vested rights, the simplest way I can answer is that once a plan is approved, specifically a CD Plan that has site-specific conditions, once that is approved, statutorily the development is protected and may develop under what was approved for two years. Even if there's a change to the ordinances that apply. Then if the Council chooses to extend that to five years, then the developer is protected and may complete the plan as approved, even if there's a change to the applicable ordinances during that period.

Ms. Johnson said okay, Thank you. I'll meet with you or with the City Attorney. I think we need to really know how that will impact, you know, the city because this is the second time we've seen it tonight. It may be very prudent, but I'd like more information about it from the City Attorney.

Mr. Brown said I'll give an example of why that's important in the case. If you see this development, there are two connections in and out of this development. One is at Caldwell Park and another if you see, to the south. A road snakes across a creek there. We have a few homes, and it connects to a neighborhood. It was very, very important to the city staff that we have two ways in and out of this neighborhood. We've committed to that in this plan. We're building based on our regulations under our current ordinance. In this case, we know we can build that. It's possible that if this rezoning is approved, we've committed to two ways and out. It is possible that we have new ordinances that restrict how we can cross that creek in the future. Let's say two years expired, but we don't have an additional year. You can conceive where the new regulations would no longer allow us to cross the creek.

However, we have a zoning plan that requires the connection across the creek, and that's the challenge that we get into when we approve a conditional plan and then not allowed

enough time to develop under this. So, that's an example of showing you the quandary that we could be in that pops out to me by looking at this. Thank you and happy to discuss this further.

Ms. Johnson said okay and I understand that, but we are in a transitional period in the city. The fact that I'm seeing two of these tonight, I don't recall seeing this many in the whole time I've been on Council. So, I just want to make sure that we understand and are doing what's best for the residents because when ordinances are changed, they're changed for a reason. So, I just want more information on that. Thank you.

Mr. Winston said Thank you, Ms. Johnson and I do think you bring up a good point. We don't pass many that have vested rights. We are asked at times and they usually get taken away. Ms. Craig and Mr. Pettine, I think we should take note of the vested rights issue even after we get out of this transition time after we pass the UDO. We have made it very clear that all of our planning processes are living documents. So, that says that there is real possibilities for things to change quickly or in the methodical fashion that is being laid out on a one-to-five-year basis. So, I think we do need to deal with the policy issue of vested rights, especially given future contexts, because we don't want this to be an issue that holds things up or that we have to deal with on every single petition. So, we're not hearing or seeing any more desire for questions or comments.

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ITEM NO. 30: HEARING ON PETITION NO. 2021-168 BY STATION WEST, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.83 ACRES LOCATED ON THE SOUTHEASTERN CORNER OF THE INTERSECTION OF BERRYHILL ROAD AND STATE STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL).

Mayor Pro Tem declared the hearing open.

David Pettine, Planning, Design & Development said thank you, 2021-168. It's 3.8 acres on Berryhill Road with the intersection of State Street. It's currently zoned I2 and the proposed zoning is MUD optional. The adopted future landers from the Central District Plan does recommend industrial land uses for this site and the general surrounding area. The proposal itself to allow all uses permitted in the MUDD District with the exception of things like active adult retirement communities, adult establishments, auction sales, auction houses, automotive service stations, boarding houses, commercial rooming houses, hotels and motels, post office, telephone booths, transit stations, or are part of those lists, telephone booth is a restricted use. Request that the following optional provisions for this petition to allow parking maneuvering areas between the buildings and the Berryhill Road setback. Also, to allow modified sidewalk and planning strip width configuration along Berryhill Road as well as State Street due to some existing site. Also, utilize a table to calculate cumulative trip gen for the site, which would be updated and added to the cover sheet of the permitting site for each project within this rezoning area.

When those proposed cumulative trips exceed that 2,500 threshold, we would then have them perform a traffic impact study and or propose some alternative transportation improvements in lieu of that TIS. Those, of course, would all be subject to the approval of C-DOT.

It also allows for building additions while limiting building height to 40 feet. It does provide a minimum of 10,000 square feet of the pedestrian plaza or amenitized open space and states that all new lighting, excluding decorative lighting, would be for cut-off type. The staff does recommend approval of this petition upon resolution of outstanding issues related to land use. As mentioned, it is inconsistent with that industrial land use recommendation, but very much in line with what we've seen with even some recent petitions over the last month or two and ongoing redevelopment in this area and adaptive reuse. So, the staff again does recommend approval. I'd be happy to take any questions following the petitioner's presentation. Thank you.

David Murray, 1901 Roxborough Road said good evening, Councilmembers. David Murray, Attorney with are with Murray Law Firm actually now here in Charlotte, representing the petitioner. Thank you for your time this evening. I agree with the staff's presentation for the Station West rezoning. This project is an adaptive reuse. The buildings already exist. The primary visual change on this site is for the pedestrian plaza that is currently under construction. This project is almost already fully built out under I2 zoning, but it fits better under a MUDD, optional zoning. Basically, this whole area of being an asphalt plant adjacent to us is going to MUDD-O. The outstanding issues are relatively minor, and we should have those resolved shortly. I'm happy to answer any questions you may have. Thank you.

Councilmember Phipps said so, is this a phased adaptive reuse project?

Mr. Murray said no if you go out there today, most of the uses that we're going to have on this site already exist. There's already a coffee shop, there's some office space for all real estate construction. There's a dessert restaurant. Basically, I2 zoning wasn't really ever envisioned for a mixed-use type development, although it allows it. So, it makes it difficult when you're doing different parking calculations or square footage calculations. So, under MUDD, everybody's counted the same. All the uses are kind of the same, and so it makes it a little bit easier when you have tenants going in and out. Let's say you have an office space that switches over to a dessert shop. Those are the same under MUDD. Whereas, under I2, the design standards might be different and so that's the purpose of doing the MUDD, optional. As we sit here today, you can actually go out there and get a cup of coffee at the coffee shop that is going to remain there after this rezoning, or any of the uses that are there will remain after the rezoning.

So, for a visual perspective, not much is actually really going to change, but the uses are much more in line with the MUDD use as opposed to an industrial zoning.

Mr. Phipps said so our staff analysis makes mention of a cumulative table that will be used to calculate trip generation and because this doesn't require a traffic impact study

right now, it could in the future. So, I'm trying to figure out how does a post-traffic impact study, assuming that this is approved, how does this work? I guess that's a question for C-DOT or Mr. Pettine. I'm trying to figure out how you make the petitioner be bound by the results of a traffic impact study that's done after approval of the petition.

Brandon Brezeale, Transportation Engineering Program Manager said yeah, thank you. That's a great question. So, essentially, we wanted to put that development table in there so that we're not exposed because under the MUDD-O, you know, it can trigger a lot more aggressive uses that'll trigger a ton of trips. So, with what they currently have permitted, that's the 1895 trips with the uses that are there today. So, that doesn't trigger the traffic study. However, if they update those users and they modify that spacing, need to come in for permitting, that's whenever we're able to then have them give us the trip gen updated and then we can trigger a traffic study if it's needed. So, whenever they're coming through the permitting phase, which typically under MUDD-O, we can't require a traffic study right now with a by-right permit, but having this conditional note with this rezoning, kind of leaves us less exposed with that.

Mr. Murray said Councilmember Phipps, we're also limiting a lot of the intensive uses because the intention here to be, you know, small office space, kind of flex office space with some, you know, coffee shops, some of those type are uses. I think like C-DOT said, really would come in through a permit process if the whole thing was to change over, but that's not the intent is for all these uses to change over.

Councilmember Winston said I just have a follow-up to that. Thank you for the question, Mr. Phipps. Once the trips are being generated because of the use of that parcel, the trips are being generated. So, you can't put the genie back in the bottle. So, what would be the point of that traffic study and what would the claw back be if it would go over a certain amount?

Mr. Brezeale said so yeah, with this area being as densely developed and urbanized as it is, that's why we also put that language in that note or alternative transportation improvements. So, if we didn't end up requiring the traffic study, we say a traffic study, it might be more of like a multimodal analysis where we can make sure that we're getting bicyclists and pedestrians to and from bus stops or the greenway that's going in next to Savona Mills or the Gold Line, things of that nature.

Mr. Winston said I guess what I'm saying is what would be our leverage to ensure that whatever improvements need to be made, it would be actually made because once this rezoning goes through and the development is done and those trips are generated, I've heard mention of the permitting process, but what does that actually mean?

Mr. Brezeale said so, there's a table that they're going to include on their plans, and with that table it'll say essentially what they were permitted with based on the land use and the intensity. Then whenever they come in for the permit set, you know if they change the space, then they'll have to say what the new land use and intensity is and that'll have trips

associated with it. So, whenever that delta is increased by that 2500, that's whenever we would trigger them doing the traffic study.

Mr. Pettine said and yeah, I was going to say I think part of the, the challenge with these areas is a lot of the projects that we're seeing, even the rezoning process, I think we had one approved last month, one approved earlier this evening, and then we have this one go into hearing and they're all in that same general area. A lot of them are already in permitting or have gotten permits. What the holdup is for them is the parking ratios Mr. Murray had stated. So, part of the, I think, strategy that C-DOT's working with is to try to kind of understand we've got some uses that are already permitted and we don't want to necessarily, you know, penalize them for something that they've already got going on and kind of meet them where they are now, but no long term that, you know, should those intensities continue to creep up and we've got another, you know, use coming in or another three or four uses coming in online and those trips start to really go beyond what we're already looking at today and recognize and already issued permits for, then that's when we look at are there multimodal improvements, are there going to be street improvements that we can build off of?

So, it's kind of meeting them where they are now, but planning for additional adaptive reuse and giving ourselves a little bit of that safety valve long term.

Councilmember Driggs said I just want to say I haven't actually heard the answer to the question yet. If in the future, it turns out that the traffic study is triggered, do we have any power to act on the findings of the traffic study and limit what happens? Can we use the permitting process, for example, to constrain what happens or are we just making observations? I mean, some of the other things you talked about are things that we might do, but what control do we have over what development takes place there, as the result of a traffic study that's done later?

Mr. Pettine said so we would have the permitting process, correct. Yeah, we would have the permitting process to fall back on in those situations. That's exactly why we've geared the note to that process because we know we're not going to capture it right now. We've got that option to handle it in the permitting process, similar to what we do with TOD by right projects. If they trigger that threshold under a TOD Zoning District, then we move forward at that point in permitting with the traffic study. That project kind of sits until those improvements are identified and made and committed to. Then permits are issued to move forward with construction. So, we do have that as the alternative to doing it now, the note that's captured in this rezoning would allow it to then happen in the permitting process.

Mr. Driggs said so we could deny a permit if the outcome of the traffic study is not what we intended, is that right?

Mr. Pettine said yeah. The permit wouldn't get issued until the study was approved and those improvements are incorporated into the project accordingly.

Mr. Driggs said so, Mr. Winston, I think that's the answer.

Mr. Pettine said yeah and I apologize. We took too long to get to that answer but that is correct. The permitting process would be used in that instance.

Mr. Driggs said thank you.

Councilmember Johnson said so, this ties into what I was talking about cumulative effects. I appreciate C-DOT's strategy or proactive approach in looking at this, but they're looking at the cumulative impact of the permit to the development just in this petition. We should talk about this offline, but this is what our voters can hear us talk about and ask your Council Members to make changes to the policies. So, we know that this is 1,825 trips, and it may possibly go over 2,500 trips, which triggers the traffic study. So, is it possible that because we know that this is a possibility, we should look at maybe certain types of development or really incorporate this process in and replicate it? There's just something there that Brandon is doing in being strategic in this petition, we need to replicate this for our policy. So, why wait until it goes through permitting? I know what, can we get a report on all of the development surrounding this petition within two miles in the past two years? Can we have that report as a follow-up, Mr. Pettine, because we know this is a large petition, and this is probably going to be larger, as you suspect? So, why don't we as Council Members, take a cumulative look at this area? Yeah. Then can we have that as a follow-up along with the other one that I asked about?

Mr. Winston said yeah, we, got the cumulative one on the trip generation in District 7 and I'm looking at the staff. We think we can work on something for Ms. Johnson getting the affirmative. Again, I think this is a good policy question that was brought up by Mr. Phipps in terms of, I don't think I've ever seen this table or I don't remember dealing with the table like this, but as it relates to traffic generation and future improvements, again, I don't know if this is something that we're dealing with in the UDO implementation, but it seems like a potential loophole situation. I'd love to, I guess, get a follow-up on it at some point in time during the UDO process.

Ms. Johnson said, and cumulative approach is something been saying for a long time. So, what it looks like in this petition, there's a cumulative table specifically for this petition. So, we that it's possible or we're on the fringes of it. So, what I would say is whatever this approach is, if we can look at this and not just looking at the cumulative trips from within this petition, because that's what this says. Can we take that tool and use it for the cumulative impact throughout the whole area?

Mr. Winston said yes, ma'am.

Ms. Johnson said I guess would ask also, Mr. Pettine, right now the policy is that one development must trigger 2,500 trips in order for them to be required to do a traffic study. Is that state law or is that city policy?

Mr. Brezeale said it's city policy?

Mr. Winston said well, I think we can definitely glean from that list that you requested, Ms. Johnson. I would also say I pay attention to the Zoning Commissioner's notes. There's always of there is often concern about the MUDD Districts by certain planning commissioners and in their uses and the inability to regulate certain parts of the use, including trip generation. Again, I think this is something that we should certainly pay attention to in the UDO implementation of new zoning districts.

Ms. Johnson, were you complete or did you want to [inaudible]

Ms. Johnson said well, yeah, I mean, this is such a huge issue to me even with the one example that I had in my district last month or the month before, the petition itself didn't trigger a traffic study, but when we did a cumulative report, they were like 10,000 trips. So, I mean, I think this is just a way for us to manage the growth. Again, I think this is something that we know now it's a city policy. It's in our jurisdiction, the 11 of us, you know, like I've heard you say, Mr. Winston before, you know, help is not coming as us. The buck stops here.

So, I just think that this is something that I hope we can really take a look at a cumulative approach in managing development in the city, a cumulative approach to the traffic information study requirements, and then that way, perhaps there will be more improvements required from the developers to the infrastructure. So, if somehow that the staff can a look at how that policy would look if there's going to be, you know, how that's going to work but we just really have to do something. Our residents hear this constantly, but every Zoning Meeting is like we put our heads in the sand and have to approve these because of the current policies. So again, I just can't say it enough. Thank you.

Mr. Winston said yes, well, you're right. We definitely don't have to. We can all choose. It's our prerogative, the 11 of us, to vote how we wish. I think you brought up some good points and think we have taken some notes in here to follow up from a policy perspective so we can apply those policies to our land use decisions through those lenses to make those affirmative or denial votes.

Mr. Phipps said I guess I'll take a contrarian view on this particular petition as it relates to the cumulative effect, because in my mind, this effect, this petitioner recognizes that within his project he has the potential to reach 2,500 trips. So, this is not like looking at ancillary petitions around unrelated, you know, apart from this. I mean, I don't see it as looking at it from a cumulative impact in that regard. I just think that this is within this development, he's already had 1,895 or something when he recognizes that within his project that it could go up to 250, not taking into consideration on unrelated ancillary petitions or growth that might be surrounding his particular project.

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

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ITEM NO. 31: HEARING ON PETITION NO. 2021-195 BY STEELE CREEK 1997, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 60.65 ACRES LOCATED IN THE NORTHEASTERN QUADRANT OF THE INTERCHANGE OF INTERSTATE 485 AND ARROWOOD ROAD FROM MUDD-O AIR (MIXED-USE DEVELOPMENT, OPTIONAL, AIRPORT NOISE OVERLAY) TO MUDD-O AIR SPA (MIXED-SE DEVELOPMENT, OPTIONAL, AIRPORT NOISE OVERLAY, SITE PLAN AMENDMENT).

Mayor Pro Tem declared the hearing open.

David Pettine, Planning, Design & Development said thank you, 2021-195. It is 60.65 acres just located on West of Arrowood Road and on the northeastern quadrant of the interchange with I-485. The current zoning is MUDD-O AIR. That's the airport noise overlay. Then the proposed zoning is for MUDD-O AIR, Site Plan amendment. As Well as I1 conditional on maintaining that airport noise overlay. Steele Creek Area Plan adopted in 2012, recommends mixed use for residential office retail land uses for the site. That was amended by a Rezoning Petition 2018-121, which initially established the mix of uses on this site and the plan that's being proposed for the amendment this evening. Previously approved site plan for this Petition 2018-121. That was a total of 264.93 acres that broke things into two zoning districts: I1, conditional, and MUDD-O. Both with the airport noise overlay. The MUDD-O portion was labeled as Development Area E. That's what's being considered this evening for a site plan amendment. That would request to rezone Development Area E to an I1, conditional with up to 25,000 square feet of office repair, maintenance, warehouse, showroom assembly, and sales uses. It would also allow for an additional 10,000 square feet of commercial uses that would bring the total to 83,000 square feet of those uses and they would be in Development Areas A and B.

This proposal also would request an additional 150 residential dwelling units that would then bring the total up to 420 in Development Area C. As mentioned, the staff does recommend approval of this petition upon resolution of outstanding issues related to land use and the environment. It is consistent with the mixed residential office retail uses on the site, but inconsistent for that area that's proposed to be industrial. There was an original traffic study performed on this petition back in 2018. That was updated and amended as part of this petition to capture some of those new uses and additional square footage. So, we did make sure we were on top of any of those for this particular petition, and with that, I'll be happy to take any questions following the petitioner's presentation. Thank you.

Mr. Winston said thank you very much. There are five people to speak for three, but I believe either Mr. Jeff Brown or Bridgette Grant would be collaborating on that. Ms. Grant?

Bridget Grant, 100 N Tryon Street said yes, it's me. Thanks, everyone. Good evening, members of Council, members of the Zoning Committee. Again, Bridget Grant, Land Use Consultant with Moore and Van Allen. Pleased to be here with my colleague, Jeff Brown, as well as representing Chris Thomas with Childress Klein, Randy Goddard, our traffic engineer, and Sean Tilley with Land Design. Well, Dave did a great job on his presentation and as you mentioned, we're requesting a site plan amendment for a portion of the site that was approved in 2018. If I were able to get my slides to advance, I would show you that work has already commenced on the site. Here you can see that the site work has already begun on the site. This is the 2018-121 site plan that shows that the site was proposed for that mix of uses and our changes are limited to this area right in here. It's the yellow area that's highlighted showing where we're going to add that additional 150 multi-family units. The additional 10,000 square feet of office and the 25,000 square feet of additional office, assembly cells, and light industrial type uses. As Dave mentioned, we did do a traffic study to confirm that additional improvements were not needed. The plan is largely consistent with the newly adopted 2040 Policy Plan, and with that, we're happy to answer any questions.

Councilmember Phipps said how many drive-through facilities are proposed for this particular project?

Ms. Grant said Mr. Phipps, there are no drive-throughs proposed as part of the site plan amendment.

Mr. Phipps said oh, okay. So, I thought I read somewhere where maybe these other drive-throughs are proposed in other development areas of the project.

Ms. Grant said on the previous rezoning, we're not changing their drive-throughs from permitted in some of the other development areas, but we're not requesting any more.

Mr. Phipps said thank you.

Councilmember Driggs said I'm just interested, we're talking about additional units as a result of the change, and I'm not sure if I'm not seeing it here, but do we have how many units there are in total or what the original position was and the change and therefore what the new situation will be?

Mr. Pettine said yeah, we have an additional 150 residential dwellings that brought the total up to 420 units. Ms. Grant, Is that correct?

Ms. Grant said It's correct.

Mr. Pettine said thank you.

Mr. Driggs said right, plus the additional office space? Was there office space there before?

mmm

Ms. Grant said there was. We increased it by 10,000 up to 83. So, we were at 73,000 on the first petition.

Mr. Driggs said so, could I just ask offline, could I get the comparison, please? Just let us know what this looks like after we approved this instead of just the increment. Thank you.

Ms. Grant said absolutely, yes.

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

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ITEM NO. 32: HEARING ON PETITION NO. 2021-204 BY WILLIAM J. WOLKOFF FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.85 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF WEST W.T. HARRIS BOULEVARD AND HENDRY ROAD, WEST OF OLD STATESVILLE ROAD FROM I-2 (GENERAL INDUSTRIAL) TO I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL).

Mayor Pro Tem declared the hearing open.

David Pettine, Planning, Design & Development said 2020-120, it's 46.85 acres on Hendry Road, just off of Harris Boulevard. It's currently zoned as mentioned I2 and the proposed zoning is for I1, conditional. The adopted future land use, North Lake Area Plan does recommend industrial warehouse and distribution land uses at this site. So, this petition request would be consistent with that. The petition itself is requesting up to 18,000 square feet to a showroom building with an outdoor sales lot. It would allow up to a 13,650-square-foot service and repair building, limit building height to 40 feet, and also provide a greenway and stormwater easement to Mecklenburg County. You can see that in that dotted green line where it says greenway and stormwater easement.

As mentioned, the staff does recommend approval of this petition. It has some outstanding issues related to transportation and site design to work through. It is consistent with the North Lake Area Plan recommendation for industrial uses, and we'll be happy to take any questions following the petitioner's presentation. Thank you.

Sean Coldren, 3525 Whitehall Park Drive said at the location of the requested rezoning is on the southeast corner of West W.T. Harris and Hendry. The site has an existing building and parking lot which will remain on-site, and the rest of the parcel currently is undeveloped, which is why our proposed project will be. The current zoning, as previously mentioned, is to general industrial, and all surrounding parcels are also zoned I2. The requested zoning is I1, conditional which will allow the use of automotive sales and repairs, including tractor trucks and accompanying trailer units. The more specific proposed use of this site is for a new Airstream Dealer and Service Center, and only a

portion of the site as noted in red in the image will be rezoned to I1. The remaining portion with the existing building will remain I2.

The parcel is not highlighted, but the proposed project is consistent with the North Lake Area Plan and I'm available to answer any questions. I apologize for this slide. It is actually the old site plan. The original site plan that the City Staff presented originally is the current plan.

Councilmember Phipps said yes, I was wondering, is it your intention to use the entirety of this site in your project? You see C1 or whatever.

Mr. Coldren said no, the portion of the property that has an existing building and parking lot will remain as is and it will remain I2. The undeveloped portion of the property will be rezoned to I1, conditional or a proposed project.

Mr. Phipps said okay. So, apart from the building, then this other part, this entire site will be used?

Mr. Coldren said a large portion of it, yes. There will be a tree save area as required by the ordinance and as previously mentioned, Mecklenburg County has requested that the greenway and storm easement along the eastern side.

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

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ITEM NO. 33: HEARING ON PETITION NO. 2021-207 BY MONIFA HENDRICKSON-WOODSIDE FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.7 ACRES LOCATED ON THE SOUTHEASTERN CORNER OF THE INTERSECTION OF INDEPENDENCE BOULEVARD AND PAUL BUCK BOULEVARD FROM B-2 (GENERAL BUSINESS) TO MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL).

Councilmember Winston declared the hearing open.

David Pettine, Planning, Design & Development said just for another matter of housekeeping on this one, we did have Ms. Hendrickson as the listed applicant or petitioner on this. It's actually a petition by the Charlotte Regional Visitor Authority and let me just confirm that. So, it would be a petition for CRV. We'll update that on materials on our end, but just wanted to note that for the minutes. The petition itself 2021-207, it's about 3.7 acres located on the southeastern corner of the intersection of Independence Boulevard and Paul Buck, as mentioned. Most of us know this is Oven Auditorium.

The existing zoning is B2. The proposed zoning would be MUDD, optional, and adopted future land use does recommend institutional uses, which would be basically these city-owned properties there around Ovens and Bojangles Coliseum. The proposal with this petition is really to just add on-site signage that would exceed the ordinance standards. The existing building and all the site conditions are to remain. Essentially all that we would see is the addition of a new monument sign up there at the front on Independence Boulevard outlined in red and yellow, and then additions of two new pole signs as noted on the site plan. One, towards that back into the parking lot, and then one in the middle right as you're walking towards the auditorium. The monument sign in front of ovens along Independence would be a total area of 450 square feet per side and up to 20 feet in height. Two side electronic signs would be integrated into it, measuring 275 square feet per side. So, essentially, just an update to the technology, and a little bit of a larger size for the site itself. The pole signs would be a total of 30 square feet per side and up to 10 feet in height. They would each have a two-sided electronic sign integrated into it, measuring 29 square feet per side.

The optional provisions would be for an exemption from the building and site requirements that would conflict with the as-built conditions as they relate to MUDD. They would also be for parking and loading standards and screening. It does commit to obtaining a permanent NC-DOT outdoor advertising unit prior to construction as Independence is an NC-DOT-maintained road.

So again, essentially this is an upgrade to the existing sign. We all are probably familiar with the existing marquee along with Independence. This would take that to a new updated electronic sign along with those pole signs that are provided for additional information, wayfinding other things for activities that are going on, on the site as well as future activities. The staff does recommend approval of this petition. It is just some outstanding issues related to site building designed to work through. It is consistent with those institutional land use recommendations for the Independence Boulevard Area Plan, and we'll be happy to take any questions that you may have.

Councilmember Eggleston said I understand the desire for and need for more modern signage, electronic signage here. I think the renderings I've seen look nice and I have heard that there is a commitment for the historic sign that has been there and is so well recognized to be relocated site. If that commitment to relocating the site that's there now on site is in the petition, I scanned through and didn't see it, but I would like to see that commitment written in the notes of the petition, and I'd like it to include relocated to another prominent or visible spot-on site. I'd like that sign to continue in use in addition to these electronic signs because I think that's one of a handful of things that people maybe most recognize about the Bojangles Coliseum and the Ovens Auditorium complex. So, I'm comfortable with it if that note is added.

Mr. Winston said we have a motion that's properly seconded and the staff has taken note. I would just mention Mr. Eggleston, There is somebody in the room that is also paying

attention to your question, but they have not signed up to speak for or against it. So, I don't believe that we can [inaudible].

Mr. Egleston said no response was necessary as long as they captured that.

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

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ITEM NO. 34: HEARING ON PETITION NO. 2021-209 BY COASTAL ACQUISITION ENTITY, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.99 ACRES LOCATED AT THE SOUTHEASTERN CORNER OF THE INTERSECTION OF STEELE CREEK ROAD AND RIGSBY ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES).

Councilmember Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2021-209, just under an acre on Steel Creek Road and Rigsby Road. It is zoned R3 and the proposed zoning is NS-Neighborhood Services. The adopted future land use from the Steel Creek Area plan does recommend the residential up to six dwelling units per acre. The plan also has a recommendation that consideration would be given to a mixture of residential office and retail uses along Steel Creek Road. We did also perform the Steel Creek Development Response Study in 2017. That evaluated the changing development patterns in the area and recommended moderate to low-intensity mixed-use development for this site and the surrounding area.

While it wasn't adopted by the City Council, it did include the participation of area property owners, residents as well as City Council district reps for the area. As most of us may recall, we did recently approve a large mixed-use development in this area with office retail hospital use as residential within the general area of Rigsby Road and Steel Creek Road. This would continue to be part of that ongoing mixed-use development, even though this is a standalone project, it does integrate itself into that larger ongoing mixed-use development on this side of Steel Creek Road. The proposal itself is for all uses permitted in the NS Zoning District. It does propose a 4,000-square-foot commercial building with an accessory drive-through lane. Access would be from Rigsby Road with cross access to the parcels to the east and south. It commits to the construction of a right-turn lane on Steel Creek Road at Rigsby. It also requires a drive-through queuing analysis for the a.m. and peak m. hours to be submitted to C-DOT during that permitting phase, a 12-foot multi-use path along Steel Creek Road and eight for planning strip, an eight-foot sidewalk would be constructed along Rigsby Road, it provides screening of the drive-through lane along Steel Creek, which would include a three-foot wall and architectural standards related to minimum transparency, blank wall limitations and a minimum building

height of 20 feet are incorporated into the project. It does indicate that all lighting would be fully cut off, excluding landscape and decorative lighting on the site.

As mentioned, the staff does recommend approval of this petition upon resolution of outstanding issues related to transportation. While it is inconsistent with the Steel Creek Area Plan, an initial recommendation for residential with the ongoing redevelopment and the development response study staff did feel like this was a reasonable transition to make from that residential land use recommendation that was initially adopted. So, we will be happy to take any questions following petitioner's presentation. Thank you.

David Murray, 1901 Roxborough Road said It's David Murray. I think I was signed up on this one again. I'm again, an Attorney at Murray Law Firm here in Charlotte representing the petitioner. Thank you for your time this evening. I agree with the staff's presentation for this rezoning. This is going to be primarily for a Dunkin Donuts location. The project is in line with other recent developments that's taken place near the outlets. During our site plan revision meeting with NC-DOT and C-DOT, we were advised that the residential properties around us may be included in an upcoming rezoning. So, when we revised our site plan, we requested to make a connection. It appears the dead end to end to a residential house, but that is because of the idea of a future development for probably NS-related that will be coming apparently pretty soon. We've also been working with the gas station owner that's zoned NS, next door to us to build a new connection to the gas station location.

So, the idea here is although we're at a corner, there will be connectivity to the other developments that are around us. There is NS to the south. As you're looking at the residential right now, all the property zoned to, the south of the residential is already zoned NS. So, NS Zoning is all around this area. We have put in improvements at the turn lane. I've been talking with NC-DOT because there's a major DOT project that's going to take place on, Steel Creek Road in this area also. So, we've been coordinating with them. The outstanding issues are relatively minor so we should have those all resolved and I'm happy to answer any questions you have. Thank you.

Mr. Phipps said I had a question for the staff. I know back when Steel Creek Plan was developed back in 2012, I think. I was on the Planning Commission then; and worked long and hard on it, but this Steel Creek Development Response Study, has this essentially replaced the 2012 Steele Creek Area Plan? So, just specific to this particular petition.

Mr. Pettine said it didn't replace the area plan as it wasn't formally adopted by Council, but It was an effort that was done, as mentioned, with area property owners and residents and the City Council District Rep. It was essentially a study of this general area on Steel Creek Road and 45 around the outlets. Once those came online, I think folks knew that was going to lead to some pretty significant land use changes and so the planning department, along with those area residents and property owners and business owners, worked with the District Rep to do a development response that did provide us some

additional guidance for land use. Again, it wasn't formally adopted, so we can't base our rationale off of it, but we certainly can use it as a little bit of a guide for us to understand what some of those anticipated changes were in this area.

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

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

Renae and David Jarrell 13420 Rigsby Road

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ITEM NO. 35: HEARING ON PETITION NO. 2021-219 BY LINCOLN PROPERTY COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.65 ACRES LOCATED ON THE SOUTH SIDE OF KENILWORTH AVENUE, WEST SIDE OF HARDING PLACE, AND EAST SIDE OF EAST MOREHEAD STREET FROM MUDD-O PED (MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT, PEDESTRIAN OVERLAY) TO MUDD-O SPA PED (MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT PEDESTRIAN OVERLAY).

Councilmember Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2021-219, 2.65 acres. Morehead and Kenilworth and Harding Place. It is currently zoned to MUDD-O, Pedestrian Overlay and the proposed zoning is for MUDD-O Site Plan Amendment, Pedestrian Overlay as well. Midtown Morehead Cherry Area Plan from 2012 does recommend residential office and retail uses for this site. The proposal itself is essentially a site plan amendment to increase the number of allowed dwelling units from 380 to 388. That would just be a density increase from the 143 to 147 units per acre. The main change is really to some of the plan notes that would allow for that ground floor commercial space to have the option to be converted into those residential units, totaling no more than eight. That is a provision that we see in quite a few more recent site plans where we do have conversion rights and other requests to possibly take some of that nonresidential square footage and convert it to residential units at a certain ratio.

This petition back when it was approved, I think in 2014 did not include that. So, this site plan amendment, like I said, is to come back and add a conditional note to still provide the option to take those ground floor retail spaces and convert those, like I said, into a no more than eight additional residential units. As mentioned, the staff does recommend approval of this petition. We do have some outstanding issues related to land use to work through, but it is consistent with the Midtown Morehead Cherry Area Plan

recommendation, and we'll be happy to take questions following both presentations by the petitioner and members of the community. Thank you.

Collin Brown, 1420 East 7th Street said Colin Brown on behalf of the petitioner. Dave gave a good overview. Some of you may recall, I think back in 2015 or so, my team handled the original rezoning of this property. At that time there are a couple of interesting things going on in the area. Here's the site with the star on it, so we may recall directly diagonal to the site where now there's an [inaudible] apartment building. Prior to that, there had been a proposed rezoning on that corner for a Walgreens with a drive-through. Council denied that petition and that the site developed apartments. That was kind of timing it with our development here, looking with the star. So, some of the thinking as we were going through that process is, gosh, this site might be a good location for that Walgreens that wanted to go over there. So, as we went through the rezoning process, worked with the Dilworth Community Association, and community stakeholders, and one of the commitments of that rezoning is this corner that you're looking at would be, I think, 14 or 15,000 square feet of retail space. That is how it was approved. That is how it was built. So, you're looking that now is a photo of the corner. It's going to look very similar to the rezoning plan that was proposed. The issue, of course, is this space was built out for retail or office tenants and here we are, you know, almost eight years later and the space is still vacant.

It has been on the market. There has not been a tenant with interest that is a good fit for the building. So, I think [inaudible] desire who managed the building. As you know, there is a great demand in Charlotte for housing. This is a phenomenal neighborhood. So, folks are beating down the door for places to live, but not necessarily places to have office or retail uses, so.

As Dave mentioned, this is the current site plan. You can see that corner there on the bottom left. It is actually allowed to accommodate a drive-through. If a drive-through for a financial institution or a pharmacy. So, even that that drive-through uses, we've not been able to fill the space. So, this request is pretty simple. I know we've got opposition, and we'll hear from them, but it is very simple. This space right now, this 14,000 square feet can only be office or retail uses. The zoning proposal essentially to change one note and allow it to be for residential uses and by our count, it looks like about eight residential units could be put in that location. So, the development team would like to have the flexibility to do that. There are still working to market the space for commercial uses. It has been built out that way. Makes sense, a commercial user would be preferable, but if no one comes, we'd like the ability to put something in there. The last thing the development team wants is to continue to have a dead kind of vacant corner. So, this would just give the optionality to convert that space into residential uses. We're not giving it up or saying commercial uses could never go there, but we could do residential uses instead. So again, very, I think, simple request. I know there's opposition to let us hear from the other speakers and then we'll follow-up.

Catherine Allen, 1328A Harding Place said I am Catherine Allen and I have lived in the Dilworth neighborhood and specifically on Harding Place for about three years now since I moved to Charlotte. I love this neighborhood, so I have lived actually in two different buildings in the neighborhood. So, I do want to encourage you that this neighborhood really does need and want retail space. I think there's a huge reason why so many of these apartment complexes are bringing in local food trucks or coffee trucks to please their tenants and to give them quick, convenient options so that they can be in walking distance. So, there are four huge apartment buildings right here on this corner as well as the hospital. There's nowhere to go. So, there's no grocery store or quick store that we could all use and that is the only space available. So, it would just be so convenient and wonderful to continue to have that space as a retail space. I think that everyone that I know who have lived in this area with would be all about having a retail space here. I just would ask that you would consider the tenants. I think that this opportunity is only a room for growth. Thank you.

Curt Sowers, 1333 Harding Place said thanks for that information and thanks for letting me speak. I'd like to let you know that I bought the house in 1999, and at the time they were all little cottages, and it was a great neighborhood then. There's been a lot of positive changes and it's a great neighborhood now. We can walk on the greenway. I have hundreds of people that are clients of mine that I speak wit. So, imagine my excitement when we were talking about what might be coming to these big buildings with the inconveniences of our [inaudible] that we had to live through while they were being built, but that the excitement of having, you know, a brand-new neighborhood and things that we could go to out run the inconveniences of losing our power or Internet or having the roads blocked, everything that we lived through with that.

So, anyway, the people were always positive about a coffee shop or a drugstore sandwich shop, a restaurant, some place that we might be able to pick up lunch or pick up something on our way home. You know, it would really be an asset to the neighborhood to accommodate something, and a drive-through drugstore, that would be wonderful. Maybe the price is too high. I don't know, but I know the apartments are priced too high and they still rent. Anyway, in conclusion, imagine my disappointment when I found out they did want to put more apartments rather than something that, you know, would benefit all of the neighbors that live there.

Bob Penny, 1328 Harding Place said well, thank you for allowing me and the other neighborhood representative to speak tonight regarding this rezoning petition. My name is Bob Penney. My wife and I have for 30 years owned property and run a business adjacent to the land in question. The reason we and our neighbors are here tonight is that we believe the requested rezoning is not in the best interest of the neighborhood and definitely not in the best interests of the city. First, let me give you some history.

As Colin Brown said, this project spans more than ten years, and for each of those ten years, its developer has been at odds with our neighborhood. This request follows that same pattern. In 2012, more than 75% of property owners adjacent to this development

petitioned the city not to approve the project. Still, the project was approved in December 2013.

What happened? Well, in May 2013, as Mr. Brown said, the community was pushing against this massive 380-unit apartment building. Then the developer announced that they had a drug store that would occupy much of the first floor of the building, and that was indeed a game changer. The neighborhood became for the first time interested in seeing this massive building put together, but when Colin Brown presented to the City Council on December 16th, 2013, the minutes show that he reported that just two days before the plan was do, the prospective tenant had changed his mind and had dropped out. Fortunately, Mr. Brown reported, the developer still had a different perspective tenant and that they could still commit to the same 15,000 square feet of retail space to satisfy the concerns of the neighborhood. The building was in fact approved that night, December 16th, 2013. It is that 15,000 square feet that the developer committed to that night that they are now asking to be released from. Much has happened in the nine years since that approval. Mr. Brown, the same attorney who you've heard from tonight, appealed to the adjacent property owners one by one in 2014 that we each allow the developer to install soil nails into our properties, promising that they would do much to speed up the construction process and would not damage our land at all.

My wife and I and each of our neighbors ended up cooperating with them, in part because all signed a contract promising that there would be a pre-construction and a post-construction inspection and the developer committed in writing that they would cover the cost of any damage. There was not simply some damage. There was extensive damage. In fact, every time we saw dangerous activities going on that the developer was conducting, we would call them, and every time the developer would say they would not intervene. When the construction finally ended, we asked for the post-construction assessment that was promised and their consultants documented more than in my building alone, more than \$100,000 worth of damage that was done by the construction.

So, what happened then? Well, the developer's written response was literally, quote, If you don't like it, sue us. We were forced to do so. So, four years later, their attorney still will settle the case. Yet, two weeks ago, when I asked to speak to Mr. Rose, about this petition, he wrote me back that he would talk to me, but Colin Brown had urged him not to do so. Why? Because we have an outstanding lawsuit against them. The one that they refused to settle. This is the same group now being asked to be released from their promise to provide retail tenants for the neighborhood. That's how they got the building. So, the petitioners would argue that they are simply requesting, as Mr. Brown has said, expanded uses for their space, that they want commercial retail and residential use. That is disingenuous. They plan to build eight new apartments in the space they committed would be retail. The petitioner would also argue that they've tried and have been able to lease it as a retail space. That too, is disingenuous. One of my tenants, my own tenants, who rent 1700 square feet from me for a salon, went to their leasing agent asking for 3500 square feet because she could double her space. She was told they would not subdivide.

She also was told that the price, the raw, unaltered square footage price was \$36, a square foot, which we understand is significantly above market rate.

My conclusion is they're not really interested in renting this. The plan is to turn it into residential apartments. What We're asking, is that the petition be put on hold for at least two years now that the pandemic is over, and conditions for retail are changing. If they can't find anyone who's interested in the space, the neighborhood can. We believe the city can. We believe there are lots of options for the retail space. We're not saying that cannot be turned into, but the time is not now to abandon that commitment to retail space. We're simply asking the petitioner to be held to the agreement they made to the neighborhood and they made to the city when the city granted them permission to construct this huge building in 2013. Thank you.

Mr. Winston said thank you very much to our constituents who spoke in opposition.

Mr. Brown said that was a lot of background color that Dr. Penny has provided. I would like to be clear. I am not the developer's attorney in the litigation and I'm not the attorney that advised him not to speak with Mr. Penny. I'm aware of that, in that there is ongoing litigation between Dr. Penny and the general contractor on development. I just reiterate, as Mr. Penny stated in our zoning, we committed to provide 14,000 square feet of commercial space. That I done. It was built. This is not as if, you know, we came back a year after the rezoning and tried to change the game. This building has been there for probably eight years empty. Certainly, the developer, this is not a devious plan to build this more expensive space in order to get eight more units, eight years later. So, I understand that there are some ongoing discussions between the parties about some litigation, and I don't know that that's unreasonable, the request to give it a little more time. I'll certainly talk to our clients about that in the intervening period and we will circle back. Happy to answer your questions if you have them.

Councilmember Egleston said my first question is for Mr. Pettine. We keep using the word retail, but an office use would be allowable in this space under the previous rezoning language. Is that correct?

Mr. Pettine said I believe it would. Yeah. I can take a quick look again at the site plan, but I do think it would allow for retail office spaces. I'll confirm and get back to you in momentarily.

Mr. Egleston said okay. That's my assumption as well, simply based on the fact that I live in a neighborhood where we have many of these apartment complexes from the last ten years where retail was built into the bottom and or retail office was built and the bottom and I can say there are still a number of them that have vacant spaces all these years later. So, whether or not the price is too high, it's not for me to determine. I do know that there's been some difficulty in some areas like Plaza Midwood, like Dilworth in leasing some of these. I guess my question for and I'll address Dr. Penny because he's the person amongst this group of members that I've been communicating with. Most of the ones that

I have seen rented in at least in my neck of the woods over here in Plaza Midwood, have ended up being more things along the lines of an architecture firm, a doctor's office, or an urgent care lawyer's office, an interior design firm. Those are the kinds of things that the apartment complexes that are walking distance from where I live have ended up filling those spaces with. While arguably those are more useful to me as a neighbor than simply having those spaces filled with another neighbor. I guess my question Dr. Penny, is if those ended up being the uses and again, just anecdotally they seem like more likely outcomes than maybe some of the ones that would be viewed as more useful to neighbors if you assumed that it was going to go more in that direction, would that still be your strong preference to see that outcome, that it be an interior design that would be a lawyer's office and urgent care, things of that nature?

Dr. Penny said as I understand it, Larken there would be no zoning petition to do that. No rezoning petition. They have the ability to do that now. Is that correct?

Mr. Egleston said correct, yes sir. Would the neighbors still view those kinds of uses as substantially preferable to the conversion to residential?

Dr. Penny said I think the overriding principle is that we feel like this is a change in what was promised to us. They were granted the opportunity to build a building that was so dramatically different than what originally was proposed and a big a big part of that was we're not going to just have 380 apartments. We're going to have retail space and commercial space. As a landlord myself, I don't think someone should specify to finally what you can put in there. This is a dramatic change and they were granted approval to do one thing. Now they're saying we changed our mind.

Mr. Egleston said right. So, I totally appreciate the frustration on the change. I just want to be realistic about what can go in there because I have not found again, this is anecdotal, but I have not found the tenants that have occupied those spaces that are walkable to me to be particularly useful to me on a day-to-day basis. While, you know, if they were things like a deli or a bagel shop, a dry cleaner or barber shop, I would find them to be highly useful and I'd better talk to them. What I've ended up with in Plaza Midwood has probably not been what was desired. Similar to the conversation you all had when you said, "This is what we want, we want this space that's retail and office." So, again I just want to be open or very transparent about what I think more likely outcomes are if we hold them to this previously committed office retail space. Again, it sounds like that might still be preferable to the neighbors, then the conversion to residential. I think it's worth acknowledging and I want to make sure we're all on the same page, that it doesn't necessarily mean it's going to be a "traditional retail use" because oftentimes we found that not to be the case.

Dr. Penny said I think that's very fair, Larken.

Mr. Egleston said Mr. Brown, I mean if we were to grant this next month or sometime thereafter, would they just immediately begin the conversion, whatever upfront that

required, or have there been any active discussions with anybody still working trying to rent this? Can you speak to if you think and maybe this isn't your place either, but can you speak to if you think that the per square foot cost that they are offering or the willingness or lack thereof to subdivide is maybe part for the course in that area?

Mr. Brown said I see Richard [inaudible] is on, but his connection may be fading. I would let him answer but if not, I'll try. There are, believe it or not, after all of this time now, some ongoing discussions with a commercial user. So, we are hopeful that comes to fruition. However, in our conversation and Richard, feel free to dive in if you're able, what we don't want, you know, we spent almost a year getting to this point. If those fall through, we just don't want to be sitting here a year or two later with vacant space on the corner. So, we'd like the flexibility. Our hope is that the commercial, we're able to find a commercial tenant that fits. It looks like Richard's struggling with his signal, sorry.

Mr. Eggleston said the one thing I'll add and then I see some other folks of questions, so I'll pass the baton. The one thing I'll add before we go to other questions is simply, Mr. Brown, I think it might be worth considering before this comes back to the Council if there is a possibility to meet in the middle somewhere and say a portion of this because we do have a housing need in this community. You know, eight units or four units of two units is not going to make a big dent in it, but it doesn't hurt it either. I do understand the neighbor's desire to maintain hope for some retail and service-oriented uses there. So, I would ask that one of the conversations you had with your client be is there the opportunity to ask for part of this space to be allowed for conversion to residential and part of it to remain committed as a retail office commercial use, which would then, you know, continue to incentivize the developer to pursue those sorts of tenants. So that's all for now, Mr. Winston. Thank you.

Mr. Brown said will do.

Councilmember Winston said Mr. Pettine did have an answer to one of your questions, so I'll let him answer.

Mr. Pettine said yeah, this was for Councilmember Eggleston. The previous site plan was approved for up to 25,000 square feet of commercial uses that may serve the general public. That shall include retail, general office, medical, grocery store, financial institution, pharmacy, and restaurant uses. No more than 15,000 square feet of the allowable commercial square footage may be devoted to retail uses, except in the case of a grocery store that could be up to 25,000 square feet. So, you're correct. It would allow general office and medical office uses, as well as a financial institution and pharmacy.

Mr. Eggleston said thank you.

Mr. Winston said before we get to Mr. Driggs, you know, I did hear Mr. Brown respond to Mr. Penny, and so that, you know, there could be the possibility of pushing this back. You know, obviously, I'm a big fan of ground-floor retail, but that usually works in areas where

there's high pedestrian traffic, and where this development is, there isn't much pedestrian traffic. There is Midtown that's about a mile away on a greenway, but you wouldn't really pass this place, at least that corner if you're coming out of that residential building. There are things that are happening up and down Moorhead, right. We have the Pearl District, the Innovation District, and other developments going on up and down Moorhead.

So perhaps we could take a broader look at what Moorhead is looking like in terms of ground-floor retail and future pedestrian traffic. Maybe that's just an idea, especially given the petitioner's potential consideration for a long look at this thing.

Councilmember Driggs said I just wanted to say to the protesters here that I can certainly feel your pain and frustration. Given the history that we just heard. On the other hand, without any prejudgment on my part, I'll look at this and make my decision late, but we are constrained in terms of the dimensions of the decision we can make. So, this is a land use decision, which means that we cannot kind of reach a conclusion about the good faith, conduct or otherwise, of the petitioner. What strikes me is that the deal that was done in 2013, I think this was actually my first Council meeting. I did include uses other than just the kind of retail that you'd like to see there. So, even if you construe that as a promise, which is not exactly the way I would interpret it, but I understand that that was the conversation that went on then, but the outcome did not specify the exact kind of use that you would like to see there. Now. We're not really in a position to impose that. We can't say it's got to be a coffee shop or it's got to be this and I agree with the observation that maybe the foot traffic wasn't good there or the parking didn't work and it's really just not a suitable retail location.

So just as we consider this for the next month, bear in mind that we have certain, I'll call them constraints. There are certain things that we can think about when we decide whether or not to allow this. There are some of the issues you cited that unfortunately cannot carry too much weight in our decision. I'm available to anybody that would like to talk to me about it. I'm sure that it will be handled very capably by Mr. Eggleston. Those are just a couple of observations as I think about it. Thank you.

Councilmember Ajmera said my question was already asked by Mr. Eggleston in terms of working with Bob, and see if there is a middle ground here, Mr. Brown. I know you are making a good-faith attempt here, a lot of right-in-market condition has changed now that COVID is behind us and I see that retail is improving all over the city. I have seen restaurants that were shut down, many retail shops that were shut down, and now we are seeing business back up again. So, I wonder considering the market conditions that is improving, what does the retail scene would look like for at least the next six months, a year or two, or three years down the road? I understand some of this rezoning petition work is done a year in advance, six months. I know it takes six months for you to just to get to the hearing. I get it. So, this was probably filed during a time where retailers were really struggling. I get that. So, I think Bob made some really good points that we got to explore. So, I would like to hear from you, Mr. Brown, and Petitioner, in a follow-up report

as to what we can do to address some of the concerns that the residents are bringing up. Thank you.

Councilmember Phipps said Mr. Pettine, do we have any examples where there has been a transition from previously approved ground floor retail to something else, in any of the petitions that we've discussed around the dais over these many years?

Mr. Pettine said I'm sure there's some. Yeah, I can't think of any off the top of my head and we have such a volume of them, but I know that we've probably had a few where we've converted some existing spaces from nonresidential to residential. I think as I mentioned, we have a lot of active petitions and current petitions that were recently approved that have conversion rights that would do that without needing to come back for a rezoning. So, it's already somewhat built into the project from the get-go just to anticipate that potential need and change. I can try to look out and see if there have been a few that were specific that had it already approved and then came back to ask for some of that transition or conversion after the fact. Certainly, something I'd have to provide you outside of this meeting, either in a follow-up email to everybody or a follow-up report at our next meeting.

Mr. Phipps said thank you. I look forward to it. One of my main concerns is that I know we have a couple of parking decks along the Blue Line Extension that's got ground-floor retail. I would hate to see those things transition from ground-floor retail to additional parking. So, thank you.

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

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ITEM NO. 36: HEARING ON PETITION NO. 2021-222 BY GERALD KIDD FOR A CHANGE IN ZONING FOR APPROXIMATELY 21.16 ACRES BOUND BY THE WEST SIDE OF BEATTIES FORD ROAD, SOUTH SIDE OF COWBOY LANE, AND NORTH SIDE OF KIDD LANE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Councilmember Winston declared the hearing open.

David Pettine, Planning, Design & Development said 222, it is approximately 21.16 acres on Beatties Ford and Kidd Lane, as well as Cowboy Lane. The current zoning is R-3, and the proposed zoning is R-8 MF, conditional. The adopted future land use, this slide doesn't have it listed out, but it is the Northwest District Plan. That does have a recommendation of single-family uses up to four dwelling units per acre. Now, this petition does meet general development policy criteria for over six dwelling units per acre.

The proposal itself would be for up to 123 single-family attached townhome units and limits the maximum building height to 40 feet. It would provide right-of-way for the future Fred D. Alexander Road Extension. That's the wide swath of land on the north side just along Cowboy Lane. Access would be from Beatties Ford Road and Kidd Lane. It does provide for right and left turn lanes into the site along Beatties Ford, as well as installing an eight-foot planning and 12-foot multi-use path along that frontage on Beatties Ford as well, a two-car garage would be provided for each unit with an additional two spaces within the driveway area. It does commit to a 50-foot Class C Buffer, where the site abuts existing residential areas and does include architectural standards related to the raised entrances, pitched roof, corner-end unit architectural details, and expanse of blank walls and garage doors. Just a note on the future Fred D. Alexander Extension, that road is shown in that location.

The actual location that's on the adopted transportation map is a little bit, I think, further south on the site. So, while that's being proposed in a new location, just for everybody's understanding that realignment or adjusted alignment would have to go through a whole separate map with our Regional Transportation Group. So, that's a process that would be done outside of the rezoning process, but they would be providing that right-of-way. They just currently proposing in an area that would have to be approved through a separate process as well, but that, Fred D. Alexander Extension would still be part of the project. The staff does recommend approval of the petition. We do have some outstanding issues from transportation, environment, and site design to be resolved. While it's with the Northwest District Plan for road density recommendation of up to 40 DUA, it does meet the general development policies for consideration of over six dwelling units per acre, and with that, we will take any questions you may have following the petitioner's presentation and presentation from members of the community. Thank you.

Rad Schneider, 7007 East Pleasant Valley Road, Independence, OHIO said Councilman Winston and the rest of Council, my name is Rad Schneider, and I'm the Director of Acquisitions for Redwood USA, LLC. I was here back in January for a public hearing on Rocky River Road. I'll try to go through this kind of quickly because you might remember a lot of the company information. So, Redwood is a Developer and Property Management Company of single-story apartment rental neighborhoods. So, everything we do is two bedrooms, two baths with an attached two car garage. We have over 100 neighborhoods spanning across eight states. To this point, we have never sold the neighborhood and we have no intention to. We currently have 500 employees plus and counting. The majority of that is going to be in the field; your service technicians, your leasing professional. We do have over 100 in our corporate headquarters, which is located in Independence, Ohio, which is just south of downtown Cleveland.

Take a look at our market presence there. Were mostly throughout the Midwest. We started in the southeast of Greenville, South Carolina, and then worked our way into the Charlotte MSA. Within Charlotte, we've got four properties either under construction or under contract, including the one we're discussing this evening, along with sites throughout Concord, Kannapolis, Statesville, Troutman, Lake, and Wylie Exide.

Some key facts about us is we have almost 14,000 apartment homes. We typically do about 2000 every year. We closed on 2300 last year. We're trying to close on about 2800 this year. So, it's a big year plan for us. We are market rate, so we're not age-restricted or anything like that. With that said, we do tend to attract empty nesters with 70% of our current portfolio being empty nesters. As a result of that, we typically don't get as many school-age children per apartment home compared to like a single-family development. Of course, we have a background in credit checks and that's usually an important thing for the neighborhoods. We discuss that throughout the neighborhood meetings. Some of the important things about our property management that we take pride in are ranked second nationally in the power rankings by multifamily executives.

Again, we always have on-site Neighborhood Managers and Service Technicians, often on working hours. We also have 24-hour service availability in case something happens in the off hours that they can call. We do things like power washing all of our buildings throughout the neighborhood every 2 to 3 years. We do, you know, stormwater maintenance gutters every spring, concrete inspections, and also we paint every unit at every turn. So, after somebody moves out and before somebody moves in, all of the walls get repainted. As a testament to that, our oldest property in Olmstead Township, Ohio, which was built in the early 2000s, actually has our highest rents on a square footage basis.

So, you can take a look at our exteriors again, everything, two bedrooms, two bath, detached, two car garage, typically 4 to 6 units of building. I believe in the city of Charlotte; we can't go above six anyway. We do extensive landscaping and really more of an emphasis on green space. We don't do amenities like pools and clubhouses and things of that nature. Take a look at our interiors. Big emphasis on open floor plans. It's great for natural lighting. Floor plans start at 1300 net rentable feet about, you know, stainless steel appliances, LTV flooring throughout with the exception of the bedrooms and granite countertops as well. A couple of examples are floor plans. The Forest Wood is the most common, typically 60% or so of the units in a neighborhood as Forest Wood. The Cape Wood is the largest unit and there's the fewest of those.

That's basically that's just the Forest Wood, but we put a sunroom on the side. Willow Wood is the second most popular. It's a little bit more, even more, open space. You can see an image of it on the left there. You can see how the living space in the kitchen kind of really blends together there. We've got hundreds of years of experience across our Executive Management Team and Leadership Team between Acquisitions, Construction, Development, Finance, and Operations. We actually have an in-house construction management company called Redwood Construction. So, between Land Development, Property Management, and Construction, we are a vertically integrated company. Now, the site 7221 Beatties Ford Road is, as David said, we're looking at doing about 26 acres, current zoning from R-3, looking to go to R-8 MF. There is the road alignment issue that we're still currently working through. It's currently basically running through the middle of the site. It's been there for a while. It's the reserve corridor essentially for a future boulevard and so in order to accommodate the development, we would have to move that

to the north. We just can't have it obviously running through the middle of a site plan. So, that is why I requested a rezoning contingent upon that, which is a separate process that will be run through C-DOT. So, we're looking at 123 proposed apartment homes at just under five apartment homes per acre. So, this is on the lower density development, similar to single-family. There is an existing pond on-site and wetlands that were deemed non-jurisdictional. So, we can work to repurpose that and that is the goal. That is why we have a drawing that way. We'll have to do some modifications to the existing pond to get it to city requirements, but we've done that before. So, you know, we like to repurpose those ponds if we can.

There's only two points of access along Kidd and Beatties Ford along with the appropriate road improvements as well as required by the city and NC-DOT. So, with that, that's pretty much that's a presentation on my end and I'm happy to take any questions.

Missy Parker, 4001 Cowboy Lane said hi, my name is Missy Parker and unfortunately, I was not prepared for this meeting because of the letter that came this weekend. So, I was on vacation, opened it up when I got home at 4:30, this afternoon, and rushed down here to be here for this meeting. So, excuse my presentation. I am a lifelong resident of Mecklenburg County. I am here to ask you to reconsider this based on many things. Many of those are the quality of life in this area is juristically changing fast. I heard Ms. Johnson say something that really resonated with me, the cumulous of fact. Right now, we have approved, when you come out of Cowboy Lane you have approved one housing development with over 100 houses. Behind me and surrounding Cowboy Lane, over to Miranda Road, you have approved over 300 rental properties. He is asking for 123 rental properties.

I understand the need for homes, but we need some single-family homes for sale also in this area. The commute of Cowboy Lane coming out on Beatties Ford Road is unreasonable at this point and the houses over across from Cowboy Lane are not built yet. They are in process. This is not built yet and the 300 plus has not been built yet and we already cannot get out of our private driveways. Cowboy Lane, Kidd Lane, McClure; we are not getting out of our properties now. The subdivisions that are coming in are taking our quality of life. Things that we've worked hard. I plan to retire there and now this is being taken from me because he is planning on moving this road from where it was when I built my home and bought my home, that road was over in the middle of that road. I bought my home based on that. Now, because they want a subdivision there, they want to push that four-lane road on top of Cowboy Lane to all of us who have lived here our whole lives.

I'm asking for help. I've reached out to different departments. I've reached out because of this road. The Proposal got pushed out. So, we did not have a proposal or speak about it, but Cowboy Lane and the area of people right here, we are getting overran by subdivisions with rental homes because family housing of farms have been sold. Which is the greater part of North Meck area. A lot of farmland. Families are dying out and all the properties are being sold for subdivisions. The things that are going to affect us is the

cars, car pollution, noise pollution, taking down all of the trees, and everything that is being bulldozed down right in front of us, right behind us, and now right beside us. There's trees in here that probably would go on the historical society. We have Oak Trees bigger than you guys have ever seen in your life. Our emergency times are low. With the development of the piece behind us, we are exhibiting a lot of shooting and things in there that are random because the houses have all been abandoned. Our return times on Police or Fire or anything is very low now. So, now you are going to add in another 800 homes, two cars per home, 1600 cars. With one mile down Miranda Road, your adding in another 250 houses and that's within a mile of Miranda Road and this subdivision and the other two that have been approved.

So, I'm just asking you to please consider the people that live there. We need someone to speak up for us. We need help and right now we're getting bulldozed. I want someone to look out for us and I want someone to help us and I want someone to speak to me about this and I want to not get letters the day I come home on vacation and have to stand up here and do this. No one on Cowboy Lane received the letter at all. So, my frantic rush down here, I tried calling residents on Cowboy and Kidd Lane. No one else even got the letter. So, I got a letter dated March 31st sometime this weekend. I just see that as not a great opportunity to allow us to speak. So, at the very least this needs to be pushed out and allow the members of this area to have a say so that you can hear us. More houses is not necessarily always better. Maybe single-family homes are not a bad thing. Not everything needs to be a rental. Allow people to purchase and own their homes and have some ownership and have some pride in their homes. Just like we do that already living on Cowboy Lane. Thank you.

In rebuttal Mr. Schneider said first of all, I'll just say I you know, I understand the road alignments, you know, for my discussion, you know, with the family who owns this property, it's been an issue within the neighborhood for a while. You know, it does impact the value of their land too, which is why it's a delicate balance of figuring out, you know, how we can get this to work. It's also why I wanted to structure the rezoning request this way because I'm understanding it's a delicate issue. I wanted to have the rezoning dependent on a separate process through C-DOT because through C-DOT they have their own public outreach where people can speak either out for or against it.

So, I also told the family who owns this property, I wasn't going to go through and move the road unless I knew I could get my rezoning because it didn't make any sense to, you know, move the road and make an impact. On the neighborhood, if I was not able to get a favorable rezoning decision. So, I did really try hard to structure this so that really the risk is on us, Redwood. I mean, we're the ones that have spent, you know, close to six figures on this so far to get it to this point. At the end of the day, if we can't get the road moved, we lose out. Even if it's a favorable rezoning the city can hang on to the current placement of the road and just move forward with that. So, I do want, you know, Council in the neighborhood to understand that you know, we're doing our best with a difficult situation. So, thank you.

Councilmember Graham said has the neighborhood meeting been held, yet?

Councilmember Winston said yes, there seems to have been a community meeting with nine people in attendance. Does the staff or the petitioner have any feedback?

Mr. Graham said yeah, can I get some feedback based on those nine that attended the meeting and I'm looking through my notes quickly. If someone could just kind of give me an update on the community meeting and how that went? Just curious.

Mr. Pettine said yeah, we have in our file that it was held on Thursday, February 17th. I'll let the petitioner speak to what was covered and what the conversation was, but there were one, two, three, four, five, six, seven, eight, and nine attendees listed. Again, that was February 17th, but I'll defer to the petitioner for any other details.

Mr. Schneider said yeah, Rad here. So yes, we did hold a neighborhood meeting, you know, went over fairly well. Most of the concerns were related to the road improvements and what type of road improvements there would be. We didn't have a full answer on that at the time just because we were still waiting on the first round of the staff comments to come back, but most of the people that asked the questions about road improvements were on the other side of Kidd Lane from us because I guess their property lines extend slightly into that road. So, they were concerned about how that was going to impact their property line, which we were able to respond with the road improvements are going to occur on our half of the road. So, they shouldn't have to worry about us, you know, having to go ask permission to dig up their front yard, put to put curb and gutter in. So, that was the primary concern. There wasn't too much on the on-the-road alignment specifically at that meeting.

Mr. Graham said yeah, the young lady who just recently spoke, was she in attendance?

Mr. Winston said Ms. Parker is shaking her head no. Would you like to respond to Mr. Graham and Ms. Parker?

Ms. Parker said sir, I was not informed of the meeting and I did not attend the meeting. I can honestly say no one on Cowboy Lane knows about this meeting either. So, this may have been Kidd Lane, which is the other side of it.

Mr. Graham said I think I was out there visiting with the petitioner back in February. I think I was there on Beatties Ford Road. I think I know exactly that road that you're talking about.

Ms. Parker said ours is a private driveway.

Mr. Graham said it's a private driveway, for sure. I was there earlier in the year. Okay. Thank you, Mr. Winston.

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

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ITEM NO. 37: HEARING ON PETITION NO. 2021-226 BY AREP GALLOWAY, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.02 ACRES LOCATED ON THE SOUTH SIDE OF GALLOWAY ROAD, EAST OF CLAUDE FREEMAN DRIVE, AND NORTH OF WEST MALLARD CREEK CHURCH ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Councilmember Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-26, eight acres on Galloway Road. It is currently zoned R-3 and the proposed zoning is for UR-2, conditional. The adopted future land use from the Northeast Area Plan recommends residential four DUA, general development policies. Provides policy guidance for up to six dwelling units per acre. This petition proposes up to 48 townhome units that would limit building height to 48 feet. Vehicular access would come off Galloway Road. We do have eight visitor parking spaces that are being proposed to be provided. Also, a 12-foot multi-use path connecting Arbor Vista Drive to the proposed public street that's down at the south end of the project where there is no development proposed. Just that multi-use path and trees save area. It does provide an eight-foot planning strip and an eight-foot sidewalk along the Galloway Road frontage as well as landscaped buffers along the property line, neighboring-single family, and residential homes.

Each townhome unit will also have a garage and architectural standards have been worked into the petition as well. The staff does recommend an approval petition. We do have some outstanding issues related to transportation to be resolved. While it's inconsistent with the Northeast Area Plan recommendation of up to four DUA, it does meet the general development policies for up to six dwelling units per acre. Again, the staff does recommend approval and be happy to take questions following both presentations. Thank you.

Bridget Grant, 100 North Tryon Street said good evening, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore and Van Allen. Pleased to be here today. It's actually Cameron Fox of [inaudible] Western Bulls with W.K. Dixon. Given we have some opposition, I'm going to give a little longer presentation. As Dave mentioned, this is just over an eight-acre site located on Galloway Road. As you can see, there are a number of zoning districts in the area, a range of densities that have already been developed.

If we're looking ahead at the 2040 Place Time Map recommendation and also consistent with the existing land use plan, it supports N1 uses which is also attached to single-family

developments. We were consistent with four of the 2040 Comp Plan Policies. When you look at things at a high level, we're changing the zoning from R-3 to the UR-2 CD. Again, that density is just under six dwelling units an acre.

We're proposing up to 48 single-family attached residential units and we have a combination of maintaining trees, replanting along the boundary as well as architectural commitments to the quality to be developed on the site. The max height that's consistent with surrounding residential. We're also including an amenity trail based off some of the existing conditions on the site and have a pretty generous amount of open space. At this point in time approximately 39 percent of the site is maintained as open space. So, this is a rendered version of the current plan that was filed with the staff. As you can see, there's extensive tree save and open space at the back of the site with a healthy, mature tree canopy that we're proposing to keep and amenitized with some existing trails. Since that submittal, we've continued to work with the adjacent neighbors and the Claybrooke Community to address their concerns and have made some of the following changes.

So, we've limited the height of, the units along the Claybrooke side of the site to a maximum of two stories. We've increased our rear yard from 40 feet up to 55 feet, hoping to address some of their concerns. We've also agreed to put in a minimum five-foot vinyl privacy fence along this privacy edge. So, the last thing I'd like to mention about working with the residents, they also mentioned that they have some concerns on the overall site design and why all of the units were pushed toward the front of the site rather than spreading the density throughout the site.

So just quickly, it's essentially a clustering of units to the front of the site to provide that large, cohesive, and protected natural area to the back of the site to stay out of some of those buffers. If we were to spread those units further to the left, it would require a significant creek crossing. You can see that happening in the area and ultimately it would become cost prohibitive. The number of units we have on the site due to the nature of the crossing and then are required connection to Arbor Vista, we essentially would only get a handful of the units that would actually move to the left. So, given that condition, we thought it was more relevant and important for us to save that open space and tree save.

So that said, we are optimistic that our attempts to respond to the neighborhood concerns through the height limitations on the portion of the site closest to their homes, by increasing that buffer size an additional 15 feet and the offer of the fence will hopefully garner some of the community support as we continue to work through this process. With that, I'm happy to answer any questions after the other side has an opportunity to speak.

Marek Syska, 1731 Sanridge Wind Lane said thank you for having me and appreciate Bridget and her team. We have worked with them. Two of her team came to the neighborhood. Several of us walked through the property and talked about our concerns and they have addressed some of them by lowering the height of the of units was critical because many of the properties on our neighborhood are below the property that's proposed to be developed. So, having three-story townhomes looking down into the

properties was unacceptable. They've increased the distance, which is great. They've promised a fence. We've addressed drainage. We have a couple of homes that have some drainage issues and they committed to working with us as they develop it. They certainly can't promise to make it better, but they certainly won't make it worse. So, I do appreciate that. In the end of the day, though, we have a beautiful, very private, single-family home neighborhood and there's a single-family home neighborhood on the other side of the property. Our ultimate desire would be to have nice single-family homes on this piece of property and it would flow so much better with the surrounding area.

I think it would be great for everybody's property values. Were the rezoning petition to go through, then we have to address the density. Well, the density, it meets the requirement of the letter of the law, I would say of six units per acre. If you take, you know, eight acres and 48 units, you can do the math, but the units are all built on half of the property. So, we're really talking about a density of almost 12 units per acre. So, I did talk to Bridgett about that and she explained, yeah, there's some parts of the property that aren't buildable. It could drive the cost of having to put a road in. So, the other alternative is if it were to get approved, have fewer units, and then that way they would all be so close. They could be spread out, but you wouldn't be able to put 48 units. Of course, that then affects the business case of [inaudible]. So, you know, we're willing to have these discussions, but our ultimate desire is a single-family home or if it does get rezoned to have fewer units in that area. So, there's less intrusion into our backyards by seeing people's homes and seeing people on their decks or in their backyards. So, that's what I have to say. Thank you for hearing me out.

In rebuttal Ms. Grant said just quickly, I want to thank the residents of Claybrooke for the time that they gave us. We do think that their input helped us ultimately develop a better plan. While we did push the density towards the front, toward Galloway, I'm bringing the slide back up to just show, it is not very often that we get to preserve 39 percent of a site with mature tree canopy and put it a place where there's tree save rather than individual homeowners backyards, where we all know that tree canopy doesn't tend to stay. So, with that, I'm happy to answer any Council questions.

Councilmember Johnson said I just wanted to ask the developer, is there a way to [inaudible] this amount of tree save and also have more concessions for the residents? I know that the whole single-family. I know that you know, that's not your proposal, but can you speak to what he said about lowering the density for the units? Can you just talk to me a little bit about that, Bridget?

Ms. Grant said again, thank you for your question. So again, we're aligned with the density of the six dwelling units per acre, that's supported by the General Development Policies and by the future development plans. For us, it was a matter of if we the density, it's not a feasible project, it's a business decision. Taking it to again, the single-family option really did have a dramatic impact on the overall site plan and our ability to keep and maintain that tree save as well as having to culvert over a creek that's in that area and provide connectivity to Arbor Vista. So, we had a chance to work with the neighbors. We

took a long list and we took our comments and went back and I described it as a pushing and pulling. We did a lot of work to shift things around as much as possible so we could really decrease those heights, increase those buffers, and get the fence. I believe it's over 800 feet of five-foot privacy fence along that line. We were, again, optimistic that that was a good-faith effort for us to come to a common space.

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

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ITEM NO. 38: HEARING ON PETITION NO. 2021-230 BY PROVIDENCE GROUP CAPITAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.40 ACRES LOCATED ON THE EAST SIDE OF SOUTH TRYON STREET, NORTH OF REMOUNT ROAD, AND SOUTH OF DUNAVANT STREET FROM TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT - URBAN CENTER).

Councilmember Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2021-230, its just 0.4 acres located on South Tryon Street, just north of Remount Road. The current zoning is TOD-NC. The proposed zoning is for TOD-UC. New Bern Station Area Plan does recommend transit-oriented development mixed for this site so the petition would be consistent. The NC to UC is primarily based on the addition of a new stop, I believe just on the backside of Rampart. I think this is close enough within that area. The petitioner could certainly jump in and correct when they do their presentation, but I believe that's the trend that we've seen on Tryon and we'll see that with this parcel as well. The staff does recommend approval of this petition. It's a conventional TOD petition, so no conditions or site plans to speak of. No outstanding issues. As mentioned, it's consistent with the New Bern Station Area Plan and we'll be happy to take any questions following Mr. MacVean's presentation.

Keith MacVean, 100 North Tryon Street said good evening, Councilmember Winston, members of Council members of the Zoning Committee. Keith MacVean with Moore and Van Allen. Jeff Brown of our firm and I are assisting Province Group Capital with this rezoning petition. Dave has done a good job explaining the circumstances of the site where it is. As Dave mentioned, we are within a half-mile walk of the future Rampart Station, which is on just to the north of the site, just a little bit over a half-mile from the existing Scaley Bark Station. So that's how the site qualifies through the TOD Urban Center. It's a distance to that future station at Rampart.

As Dave mentioned, consistent with the New Bern Station Area Plan recommendation from a transit-supported district. There's already a good amount of transit-urban TOD Urban Center Zoning around us, and the proposal would be consistent with that. That

was a district that's already established on parcels. JQ Freeman with Province Group Capital is also on the line. We're happy to answer questions.

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

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ITEM NO. 39: HEARING ON PETITION NO. 2021-231 BY EMORY INVESTMENT CORPORATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.45 ACRES LOCATED AT THE INTERSECTION OF PIERSON DRIVE AND CHIPPENDALE ROAD, EAST OF MONROE ROAD FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-6 (SINGLE-FAMILY RESIDENTIAL).

Councilmember Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2021-231, is just under a half-acre. It's 0.45 on the inner section of Pierson and Chippendale Road and the existing zoning is R-5 and the proposed zoning is for conventional R-6 District. The adopted future land use does recommend single-family uses up to five DUA for the site. The staff does recommend approval of the petition. It's conventional, so again no site plans or conditions to consider and no outstanding issues to be resolved. I may as well mention that it's consistent with single-family uses, but at that R-6 versus R-5, it's just slightly above what that recommended density is. I believe that's due to just some lot configurations and a desire to subdivide the property and that R-6 District gives a little bit more flexibility with the lot size and configuration on that corner of Chippendale and Pierson. Certainly, the petitioner can answer some of those questions. Again, this is a conventional petition. So, all uses in R-6, which is primarily all residential would be permitted. We will be happy to take any questions following Mr. Pridemore's presentation. Thank you.

Brandon Pridemore, 1186 Stonecrest Boulevard Tega Cay, South Carolina said Council members and Zoning Committee members. Thank you for your patience tonight; it has been a long night. Don't really have too much more to add. What we wanted to say was the client Emory Investment is simply looking to create two single-family opportunities there. As you can see on the corner of Pierson Drive there, the lot is a little bit oversized, but under the R-5 Zoning District, we don't quite meet the density requirement. We meet the lot-width requirement. So, we will be very consistent with what's been developing. The R-6 will allow us to build the site by that lot. So, we're here to answer any questions you might have

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

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ITEM NO. 40: HEARING ON PETITION NO. 2021-236 BY RJS PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.83 ACRES LOCATED ON THE SOUTH SIDE OF ROUNDTREE ROAD AND NORTH SIDE OF MINUET LANE, WEST OF OLD PINEVILLE ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT-ORIENTED DEVELOPMENT - COMMUNITY CENTER).

Councilmember Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2021-236, it's 1.83 acres on Roundtree Road. It also has some frontage down on Minuet Lane, just off of Old Pineville Road. That's currently zoned I2 and the proposal zoning is for TOD-CC. You can see we just had a recently approved TOD-CC. I think over the last couple of months that one just on the north side of Roundtree was approved. We also have a pending petition just at the end of Roundtree that was deferred this evening for a decision, but certainly seeing some transition begin to occur in this area to more transit-oriented and supportive uses. This would be a continuation of what we're seeing in this area.

The Woodlawn Transit Station Area Plan does recommend an office industrial warehouse on the site, but again, the location is within a half-mile walk of the Woodlawn Station, and so it is applicable for the TOD-CC District at this time. The staff does recommend approval of this petition and we'll be happy to take any questions following presentation by Grant and Mr. Sweeney.

Mr. Winston said if anyone has ever tried to park in Plaza Midwood, they know what this location is. It's a toll lot.

Bridget Grant, 100 North Tryon Street said Bridgette Grant, land use consultant with Moore and Van Allen. Pleased to be here tonight representing RJS with Bob Sweeney. Dave did a phenomenal job on the presentation, and I think we're all familiar with this area and all the transition that's taken place off of Roundtree between 77 and Old Pineville Road. I'm happy to answer any questions.

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

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ITEM NO. 41: HEARING ON PETITION NO. 2021-239 BY DRAKEFORD COMMUNITIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.34 ACRES LOCATED ON THE WEST SIDE OF EAST W.T. HARRIS BOULEVARD, NORTH SIDE OF DISTRICT DRIVE, AND EAST SIDE OF SHORTHORN STREET FROM O-1 (CD) (OFFICE, CONDITIONAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Mr. Winston declared the hearing open.

David Pettine, Planning, Design & Development said our last petition of the evening. 2021-239 is 9.3 acres on Shorthorn and District Drive, as well as East W.T. Harris Boulevard. It is currently zoned O-1, conditional. The proposed zoning is for R-12 MF multifamily residential conditional. The future land use from the Newell Small Area Plan does recommend office uses for the site. That was due to the rezoning that converted that property to those office uses. I can't remember the exact year that was but back maybe 2003. The 2021-239 proposal is for up to 98 alley-loaded single-family detached dwelling units at a density of about 10.5 units per acre. It does limit building heights to 40 feet for specific buildings A, B, C, D, and NO, and then 48 feet for all other buildings. It does propose two access points on Shorthorn Street and an eight-foot sidewalk and eight-foot planning along both District Drive and Shorthorn.

It does propose a combination of the following exterior building materials; brick, natural stone, stucco, cemental siding, and then vinyl and other materials would have to be approved by the Planning Director, usable porches, when provided, would be covered and be at least three feet deep. It does limit detached dwelling units to a maximum of six per building or fewer when they front a public street, 50-foot Class C Buffer along the north property line. It could be reduced by 25 percent with a fence and then a 50-foot Class A Buffer along the property line parallel to Shorthorn Street. That could also be reduced by 25 percent with a fence and does identify a 100-foot post-construction buffer and an isolated wetland on the site and also identifies possible tree save areas and water quality areas located throughout the project.

The staff does recommend approval of this petition. We do have some outstanding issues with transportation and site-building designed to resolve. It's inconsistent with that office recommendation back from 2005 on the site, but the staff does feel that the proposed residential uses that they've got on the site do provide some context and compatibility with the existing single-family just off of Shorthorn, a little bit further north of Aubrac and Damascus Street and we'll be happy to take questions following the petitioner's presentation. Thank you.

Bobby Drakeford, 1914 Brunswick Avenue said thank you so much, Councilman Winston, for recognizing me, and thank you to the City Council and the staff for allowing us to speak. Matt Langston will come in or perhaps be available for questions Ms. Hankins is the President of the Back Creek Homeowners Association and the staff did an excellent job explaining everything. If you could just shift to slide number three, that'll really consume all of my comments.

I just want to also compliment Councilmember Johnson said. As you note, before we filed in September, we talked with her to understand the community and their perspective on some prior zoning efforts in this area. She gave us a tremendous amount of direction. We started out speaking with C-DOT, and then we met with the neighborhood in October. Ms. Hankins was very involved throughout, and that was before we found the rezoning. We

also went and spoke to the North Carolina Department of Transportation about some community concerns, and then we had a broader meeting with other leaders of the HOA. So, we had really good insight before we went to the community meeting in March, which is virtual and very well attended. I think about 50 folks attended. Then we had a follow-up call last week. So, that's much of what I wanted to share, really, just to thank Councilmember Johnson, and the community, for expressing their concerns and giving us direction. We feel very good about this project. We think will be an enhancement to the area by offering a prototype that isn't often as available in this area in the text-for-sale product, but we think it will be complementary much more improvement than the prior rezoning.

I don't know if Ms. Hankins is on and She'd like to speak. I'll defer to her, otherwise, I'm finished.

Andrea Hankins, 2104 Gelbray Court said thank you so much. Good evening to Council and much of what Mr. Drakeford has shared. I too would like to make a personal point of privilege to thank Councilwoman Johnson for listening and advocating for our community. I am Andrea Hankins. I'm the president of the Back Creek Farms Homeowner's Association. While the community would love to not have the construction noise, a few less units as well as to maintain the greenery that we presently have, we do understand the need for density and as a whole understand that Charlotte needs to continue to grow. We appreciate the developers reaching out to us to address our concerns, hear our concerns, and make an attempt to, address some of those. We talked about traffic signals left-turn signals, concerns about traffic, and it's been a positive experience. I will close with just continuing to ask the Rezoning Committee and Council to exercise due diligence in making sure that the proposed request adds value to the surrounding community because this proposal is apparent to be a better fit for our community than a different one that I spoke against a year ago. Thank you so much.

Councilmember Winston said thank you very much. Ms. Hankins and Ms. Hankins did allude to this was before Council about a year ago. I think it was pulled; it was for some potential of affordable housing units. There was concern from Council Members about the location, its proximity to East W.T. Harris Boulevard, the inability of people that might need affordable housing and to not have good public transportation or safety options crossing W.T. Harris. There were significant additional concerns by the community that ultimately pushed that petition away, which is why we are here today. With that said, I will recognize Ms. Johnson.

Councilmember Johnson said thank you, Mr. Winston. And thank you, Ms. Hankins, for speaking again. It's great to see you. I just want to say that this is to be a guide or standard of what I hope the development looks like in District 4. These residents, they spoke out, and they shared their concerns. When we talk about strategic and responsible development, this is what we have to consider. So yes, there's a need for affordability and density, but all of these things; location and safety and traffic and all of that needs to be considered. So, I am just honored to serve District 4 and to serve this area. I'm happy and

I just want you all to know that if there were opposition, she would be here. So, the fact that she's here speaking in support of this development, I want Council to take note of that. This is a type of development and the type of process that we should be advocating for, for our residents. So, I'm looking forward to supporting it. Again, I thank you both for your support, Mr. Drakeford and Ms. Hankins. Thank you. I appreciate it.

Mr. Winston said yes, Ms. Johnson is correct. I had the opportunity to speak with the community around that petition last year, and they are quite organized, and quite a diversity of voices, but organize and they do speak with one voice.

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

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ADJOURNMENT

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

The meeting was adjourned at 9:23 p.m.

A handwritten signature in cursive script, reading "Stephanie C. Kelly", written over a horizontal line.

Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 4 Hours, 19 Minutes
Minutes Completed: July 20, 2023