

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, December 20, 2021, at 4:13 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Larken Egleston, Julie Eiselt, Renee Johnson, Matt Newton, Gregg Phipps, and Victoria Watlington.

**ABSENT UNTIL NOTED:** Councilmember Ed Driggs, Malcolm Graham, and Braxton Winston II.

Due to technical difficulties, there was no audio for this meeting. The following is a notation of the speakers and the results of the votes that took place.

**Mayor Lyles** said welcome to the December 20th Charlotte City Council Zoning meeting. Tonight's meeting is being held consistent with the virtual meeting laws that are in the electronic meeting statute and the requirements for notice access and minutes are being met electronically. You're all invited to watch this meeting on the Government Channel, the City's Facebook page, or the City's YouTube page. First, I'd like to begin with introductions by our Council members. We are in our first zoning meeting since Councilmember James Mitchell has left to pursue his dreams for his professional career.

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### **INVOCATION AND PLEDGE**

Councilmember Johnson gave the Invocation and the Pledge of Allegiance to the Flag was led by all in attendance.

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

**Mayor Lyles** explained the Zoning Meeting rules and procedures.

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### **INTRODUCTION OF ZONING COMMITTEE**

**Keba Samuel, Chair of the Zoning Committee** introduced members of the Zoning Committee. They will meet on January, 4th at 5:30 p.m. to make recommendations on the public hearings tonight. The public is invited, but it is not a continuation of the public hearing. For questions or to contact the Zoning Committee, information can be found at [charlotteplanning.org](http://charlotteplanning.org).

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## DEFERRALS/ WITHDRAWALS

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera, and carried unanimously to defer: a decision on Item No. 2, Petition No. 2021-019 by Fifth Third Bank to January 18, 2022; a decision on Item No. 3, Petition No. 2019-179 by Ronald Staley Jr. – Verde Homes, LLC to January 18, 2022; a decision on Item No. 5, Petition No. 2020-181 by Albemarle Property Investors, LLC to January 18, 2022; a decision on Item No. 13, Petition No. 2021-103 by Providence Group Capital, LLC to January 18, 2022; a hearing on Item No. 29, Petition No. 29 by Whitestone Holdings, Inc.; and a hearing on Item No. 40, Petition No 2021-141 by The Drakeford Company.

Councilmember Driggs joined at 4:21 p.m.

Councilmember Winston joined at 4:21 p.m.

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## DECISIONS

### **ITEM NO. 4: PETITION NO. 2020-038 BY CLOVER GROUP, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.96 ACRES LOCATED ON THE EAST SIDE OF STEELE CREEK ROAD AND SOUTH OF ERWIN ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 4-3 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Steele Creek Area Plan, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential up to four dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing, and because this petition helps create a diversity of housing stock by adding a multi-family option to an area that is single-family. Traffic concerns are mitigated by two factors: 1) the age of the target demographic for the project (seniors) and 2) an anticipated signalization of the intersection of Erwin Road and NC Highway 160 included in another rezoning in the area. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from residential up to four dwelling units per acre, to residential up to 12 dwelling units per acre 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. The site accessed was changed from Cedar Crossings Drive to Steele

Creek Road. Cedar Crossings Drive is a local street providing access to a single-family neighborhood whereas Steele Creek Road is a major thoroughfare.

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

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Due to technical difficulties, there was no audio for this portion meeting

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Motion was made by Councilmember Watlington, seconded by Councilmember Phipps, and carried unanimously to deny this petition and the adoption of the following Statement of Consistency: this petition is found to be inconsistent with the Steele Creek Area Plan, based on the information from the final staff analysis and the public hearing, and because the plan recommends residential up to four dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing, and because this petition helps create a diversity of housing stock by adding a multi-family option to an area that is single family. Traffic concerns are mitigated by two factors: 1) the age of the target demographic for the project (seniors) and 2) an anticipated signalization of the intersection of Erwin Road and NC Highway 160 included in another rezoning in the area. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from residential up to four dwelling units per acre, to residential up to 12 dwelling units per acre for the site as modified.

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

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

NAYS: Councilmembers Bokhari and Winston.

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**ITEM NO. 6: ORDINANCE NO. 197-Z, PETITION NO. 2021-028 BY CHILDRESS KLEIN PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 287.71 ACRES LOCATED NORTHWEST OF HIGHWAY 85, SOUTH OF MALLARD CREEK ROAD, AND EAST OF RIDGE ROAD FROM CC (COMMERCIAL CENTER), R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL), R-22MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) WITH 5-YEAR VESTED RIGHTS.**

The Zoning Committee voted 6-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: The proposed Warehouse/Distribution use on the southern part of this petition is inconsistent with the Northeast Area Plan (2000) recommendation of Single-family/Multi-Family Institutional/Office/ Retail. The proposed residential use of up to 13.3 dwelling units per acre (DUA) in the northern part of this position, bordering Cabarrus County, is consistent with the area plan's recommendation of Single-family/Multi-Family/Institutional/Office/Retail use of up to 12+ dwelling units per acre based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family/multifamily/institutional/office/retail at 12+ dwelling units per acre and greenway uses. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes up to 2.75 million square feet of gross floor area for warehouse/distribution and other permitted uses allowed in the I-1 district for 274.33 acres at the southern portion of the site, and up to 488 multi-family dwelling units covering 36.67 acres on the northern part which borders Concord/Cabarrus County of the site. The residential area will have 13.3 DUA, which is consistent with the area plan's land use recommendation of Single-family/Multi-Family/Institutional/Office/Retail at 12+ DUA. The residential area fulfills the area plan's goal of providing a mix of housing types and densities in this area. The residential area will also be developed in conjunction with residential development on an adjacent parcel in Concord/Cabarrus County. This combined development will increase connectivity in this site and provide pedestrian and car access to the commercial and retail areas north of this site and located in Concord/Cabarrus County. While the uses proposed in the warehouse/distribution are not consistent with the area plan, they are consistent with the area plan's goal of establishing a mix of employment, civic, and retail uses in this area. The uses proposed in the warehouse/distribution area will establish a job center in this area of Charlotte, and the residential use proposed on the northern portion of the site will provide a potential opportunity for employees to live in proximity to jobs. The petition's proximity to I-485 provides direct access to transportation infrastructure desired by warehouse/distribution uses. This petition commits to establishing a 100-foot Class A buffer in Development Area 1 along the site's western boundary and a 100-foot Class C buffer between the residential and warehouse/distribution area, as depicted on the rezoning plan. The petition commits to establishing a trail network linking the residential area to the warehouse/distribution area and to a 12-foot multi-use path to be established along with Public Street A, which will cross through the site. The petition commits to establishing an 8-foot planting strip and 8-foot sidewalk on both sides of Public Road B, which connects the residential area to the warehouse/distribution. The proposed site plan includes 2 site access points on Ridge Road, 1 access point on Kings Grant Drive, and 1 access point on Quay Drive, as well as the establishment of 3 public roads. These multiple access points ensure general connectivity throughout the site and will increase connectivity and access to other amenities in this area. area. The approval of this petition will revise the adopted future land use for the warehouse/distribution portion of this site as specified by the Northeast Area Plan from Single-family/Multifamily/Institutional/Office/Retail to Industrial for the site.

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

1. A conditional note that dedicates a minimum of 12 acres from within the open space areas to Park & Recreation for the installation of greenway trails and associated shelters/seating areas.

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

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Due to technical difficulties, there was no audio for this portion of the meeting.

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Motion was made by Councilmember Driggs, seconded by Councilmember Eiselt, and carried unanimously to approve and adopt the following Statement of Consistency: The proposed Warehouse/Distribution use on the southern part of this petition is inconsistent with the Northeast Area Plan (2000) recommendation of Single Family/Multi-Family Institutional/Office/ Retail. The proposed residential use up to 13.3 dwelling units per acre (DUA) in the northern part of this position, bordering Cabarrus County, is consistent with the area plan's recommendation of Single Family/Multi-Family/Institutional/Office/Retail use up to 12+ dwelling units per acre based on the information from the final staff analysis and the public hearing, and because the plan recommends single family/multifamily/institutional/office/retail at 12+ dwelling units per acre and greenway uses. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes up to 2.75 million square feet of gross floor area for warehouse/distribution and other permitted uses allowed in the I-1 district for 274.33 acres at the southern portion of the site, and up to 488 multi-family dwelling units covering 36.67 acres on the northern part which borders Concord/Cabarrus County of the site. The residential area will have 13.3 DUA, which is consistent with the area plan's land use recommendation of Single Family/Multi-Family/Institutional/Office/Retail at 12+ DUA. The residential area fulfills the area plan's goal of providing a mix of housing types and densities in this area. The residential area will also be developed in conjunction with a residential development on an adjacent parcel in Concord/Cabarrus County. This combined development will increase connectivity in this site and provide pedestrian and car access to the commercial and retail areas north of this site and located in Concord/Cabarrus County. While the uses proposed in the warehouse/distribution are not consistent with the area plan, they are consistent with the area plan's goal of establishing a mix of employment, civic, and retail uses in this area. The uses proposed in the warehouse/distribution area will establish a job center in this area of Charlotte, and the residential use proposed on the northern portion of the site will provide potential opportunity for employees to live in proximity to jobs. The petition's proximity to I-485 provide direct access to transportation infrastructure desired by warehouse/distribution uses. This petition commits to establishing a 100-foot Class A buffer in Development Area 1 along the site's western boundary and a 100-foot Class C buffer between the residential and warehouse/distribution area, as depicted on the rezoning plan. The petition commits to establishing a trail network linking the residential area to the warehouse/distribution area and to a 12-foot multi-use path to be established along Public Street A, which will cross through the site. The petition commits to establishing an 8-foot planting strip and 8-foot sidewalk on both sides of Public Road B, which connects the residential area to the warehouse/distribution. The proposed site plan includes 2 site access points on Ridge Road, 1 access point on Kings Grant Drive, and 1 access point on Quay Drive, as well as the establishment of 3 public roads. These multiple access points ensure general connectivity throughout the site and will increase connectivity and access to other amenities in this area. area. The approval of this petition will revise the adopted future land use for the warehouse/distribution portion of this site as specified by the Northeast Area Plan from Single Family/Multifamily/Institutional/Office/Retail to Industrial for the site as modified.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 494-495.

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**ITEM NO.7: ORDINANCE NO. 198-Z, PETITION NO. 2021-033 BY CHARLOTTE PIPE & FOUNDRY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 55 ACRES LOCATED ALONG THE NORTH AND SOUTH SIDE OF JOHN BELK FREEWAY, EAST OF INTERSTATE 77, AND NORTHWEST OF SOUTH MINT STREET FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) I-2 (GENERAL INDUSTRIAL), AND I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO UMUD-O (UPTOWN MIXED-USE, OPTIONAL), WITH 5-YEAR VESTED RIGHTS.**

The Zoning Committee voted 5-1 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the West Morehead Corridor Vision & Concept Plan and inconsistent with the Central District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the petition is consistent for the parcels north of I-277, with the land use recommendation of mixed-use, as specific in the adopted West Morehead Corridor Vision & Concept Plan (2001). However, it is inconsistent with the adopted Central District Plan (1993) recommendation for industrial uses for the parcels south of I-277. 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 The subject site is within Center City and adjacent to a proposed future LYNX Silver Line station. The petition encourages future development to contribute to the overall viability and livability of Center City. The petition supports the Center City 2020 Vision Plan (2010) recommendation of enhancing existing neighborhoods with the concentrated development of high-density mixed-use neighborhood centers. The petition supports the Center City 2020 Vision Plan (2010) recommendation of creating mixed-use neighborhoods near transit stations. The petition aligns with the zoning of many of the adjacent parcels. The petition also aligns with the draft Charlotte Center City 2040 Vision Plan (not yet adopted) idea to create a lively mixed-use district at this site. The approval of this petition will revise the adopted future land use as specified by the Central District Plan (1993), from industrial uses to mixed uses for the site.

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

1. The petitioner commits to provide a minimum of two acres of open space areas throughout the site but expects that a greater amount will be provided in accordance with UMUD requirements. Petitioner commits that a minimum of one acre of the open space areas shall be publicly accessible in perpetuity. Per Optional Provision III.c., the open space area requirements may be satisfied by aggregating the requirements for individual lots or buildings and providing open space anywhere within the Site.

- a. For the purposes of this open space requirement, open space shall have the meaning as ascribed to such term in the Ordinance but for the further clarification that it shall include passive and active open spaces such as parks, athletic fields, nature trails, bike/scooter paths, internal walkways, food court areas, outdoor dining areas, greenways, buffers, gathering places, amphitheaters, outdoor performance spaces, amphitheaters, outdoor performance spaces, preserves, plazas, wildlife hubs and habitats, and other similar open and unobstructed areas of land.

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

Motion was made by Councilmember Watlington, seconded by Councilmember Ajmera, and carried unanimously to approve and adopt the following Statement of Consistency: This petition is found to be consistent with the West Morehead Corridor Vision & Concept Plan and inconsistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because the petition is consistent for the parcels north of I-277, with the land use recommendation of mixed-use, as specific in the adopted West Morehead Corridor Vision & Concept Plan (2001). However, it is inconsistent with the adopted Central District Plan (1993) recommendation for industrial uses for the parcels south of I-277. 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 The subject site is within Center City and adjacent to a proposed future LYNX Silver Line station. The petition encourages future development to contribute to the overall viability and livability of Center City. The petition supports the Center City 2020 Vision Plan (2010) recommendation of enhancing existing neighborhoods with the concentrated development of high-density mixed-use neighborhood centers. The petition supports the Center City 2020 Vision Plan (2010) recommendation of creating mixed use neighborhoods near transit stations. The petition aligns with the zoning of many of the adjacent parcels. The petition also aligns with the draft Charlotte Center City 2040 Vision Plan (not yet adopted) idea to create a lively mixed-use district at this site. The approval of this petition will revise the adopted future land use as specified by the Central District Plan (1993), from industrial uses to mixed-uses for the site as modified.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 496-497.

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**ITEM NO. 8: ORDINANCE NO. 199-Z, PETITION NO. 2021-087 BY NOVANT HEALTH AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.91 ACRES LOCATED AT THE INTERSECTION OF AMHERST PLACE AND LILLINGTON AVENUE, WEST OF EAST 3RD STREET, AND NORTHWEST OF QUEENS ROAD FROM O-6 (CD) PED**



**(OFFICE, CONDITIONAL, PEDSCAPE OVERLAY) TO MUDD (CD) PED (MIXED-USE DEVELOPMENT, CONDITIONAL, PEDSCAPE OVERLAY).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Chirinos) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is consistent with the Midtown Morehead Cherry Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential, or 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 Midtown Morehead Cherry Area Plan recommends residential or office land uses at this site, and also states that mixed-use development is appropriate at this location. The maximum building height of 30' will provide an appropriate building scale and context with the existing uses in the area and is consistent with the existing entitled height. The proposed square footage of 15,000 in two buildings is a reduction from the previously entitled 31,600 SF single building reducing the overall footprint and providing a better building orientation to the street frontages. The project includes 6' sidewalks while maintaining the existing planting strips and street trees along the site's frontages to maintain and enhance the pedestrian infrastructure.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve and adopt the following Statement of Consistency: This petition is consistent with the Midtown Morehead Cherry Area Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends residential, or 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 Midtown Morehead Cherry Area Plan recommends residential or office land uses at this site, and also states that mixed use development is appropriate at this location. The maximum building height of 30' will provide an appropriate building scale and context with the existing uses in the area and is consistent with existing entitled height. Proposed square footage of 15,000 in two buildings is a reduction from the previously entitled 31,600 SF single building reducing the overall footprint and providing a better building orientation to the street frontages. The project includes 6' sidewalks while maintaining the existing planting strips and street trees along the site's frontages to maintain and enhance the pedestrian infrastructure.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 498-499.

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Due to technical difficulties, there was no audio for this portion of the meeting.

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**ITEM NO. 4: PETITION NO. 2020-038 BY CLOVER GROUP, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.96 ACRES LOCATED ON THE EAST SIDE OF STEELE CREEK ROAD AND SOUTH OF ERWIN ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 4-3 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Steele Creek Area Plan, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential up to four dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing, and because this petition helps create a diversity of housing stock by adding a multi-family option to an area that is single-family. Traffic concerns are mitigated by two factors: 1) the age of the target demographic for the project (seniors) and 2) an anticipated signalization of the intersection of Erwin Road and NC Highway 160 included in another rezoning in the area. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from residential up to four dwelling units per acre, to residential up to 12 dwelling units per acre for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Phipps to deny this petition and the adoption of the following Statement of Consistency: this petition is found to be inconsistent with the Steele Creek Area Plan, based on the information from the final staff analysis and the public hearing, and because the plan recommends residential up to four dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing, and because this petition helps create a diversity of housing stock by adding a multi-family option to an area that is single family. Traffic concerns are mitigated by two factors: 1) the age of the target demographic for the project (seniors) and 2) an anticipated signalization of the intersection of Erwin Road and NC Highway 160 included in another rezoning in the area. The approval of this petition will revise the adopted future land use as specified by the Steele Creek Area Plan, from residential up to four dwelling units per acre, to residential up to 12 dwelling units per acre for the site as modified.

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

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

NAYS: Councilmembers Winston.

**ITEM NO. 9: ORDINANCE NO. 200-Z, PETITION NO. 2021-092 BY THE CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 14.28 ACRES LOCATED ON THE SOUTH SIDE OF SOUTH MCDOWELL STREET, EAST OF EAST MOREHEAD STREET, AND WEST OF INTERSTATE 277 FROM MUDD-O PED (MIXED-USE DEVELOPMENT, OPTIONAL, PEDESTRIAN OVERLAY), B-2 PED (GENERAL BUSINESS, PEDESTRIAN OVERLAY), B-1 PED (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY), AND O-2 PED (OFFICE, PEDESTRIAN OVERLAY) TO MUDD-O PED WITH 5-YEAR VESTED RIGHTS (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL, PEDESTRIAN OVERLAY).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Chirinos) to recommend approval of this petition and adopt the following Statement of Consistency: the petition is found to be consistent with the adopted Midtown Morehead Cherry Area plan (2012) recommendation of residential/office/retail for a portion of the site and inconsistent with the plan recommendation of residential/office for a portion of the site based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends the overall uses of residential, office, and retail and envisions a mix of uses across the rezoning area. 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 plan recommends residential/office/retail for most of the site. While the plan recommendation for retail does not continue to the southern portion of the site, retail uses would be compatible with the surrounding existing development. The petition is within the pedestrian overlay which encourages more intense development and redevelopment along existing business corridors including E. Morehead and S. McDowell. Numerous transportation improvements along the adjacent rights-of-ways will improve the walkability of this area and access around the uptown I-277 loop. The redevelopment of the site could facilitate the creation of a vibrant center with a mix of uses ranging from education, retail, hospitality, residential, and office. The approval of this petition will revise the adopted future land use as specified by the Midtown Morehead Cherry Area Plan, from residential/office to residential/office/retail for a portion of the site.

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

1. Modified note 5(Z) to remove needed approval from Covenant Presbyterian Church for traffic calming measures and updated the phasing for traffic calming to be installed prior to the first certificate of occupancy for a new building constructed in Phase 1a rather than 1b.
2. Modified note 6(c)(2)(a)(i) to allow exterior passageways to include both pedestrian and emergency vehicle access to achieve breaks or interruptions in building/wall lengths 450' or longer.

3. Modified note 8(C) to read – “Subject to the approval of the City of Charlotte Urban Forestry Department, C-DOT, and NC-DOT, any new street trees planted along the Site’s frontage on East Morehead Street shall be spaced in a manner that is consistent with the spacing of the existing trees located on the west side of East Morehead Street directly across East Morehead Street from the Site.”

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

Motion was made by Councilmember Egleston, seconded by Councilmember Phipps, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is consistent with the adopted Midtown Morehead Cherry Area plan (2012) recommendation of residential/office/retail for a portion of the site and inconsistent with the plan recommendation of residential/office for a portion of the site based on the information from the final staff analysis and the public hearing, and because: the plan recommends the overall uses of residential, office, and retail and envisions a mix of uses across the rezoning area. 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 plan recommends residential/office/retail for most of the site. While the plan recommendation for retail does not continue to the southern portion of the site, retail uses would be compatible with the surrounding existing development. The petition is within the pedestrian overlay which encourages more intense development and redevelopment along existing business corridors including E. Morehead and S. McDowell. Numerous transportation improvements along the adjacent rights-of-ways will improve the walkability of this area and access around the uptown I-277 loop. The redevelopment of the site could facilitate the creation of a vibrant center with a mix of uses ranging from education, retail, hospitality, residential, and office. The approval of this petition will revise the adopted future land use as specified by the Midtown Morehead Cherry Area Plan, from residential/office to residential/office/retail for a portion of the site as modified.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 500-501.

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**ITEM NO. 10: ORDINANCE NO. 201-Z, PETITION NO. 2021-095 BY KENJOH OUTDOOR AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.85 ACRES LOCATED ALONG THE SOUTHEAST INTERCHANGE OF INTERSTATE 77 AND INTERSTATE 85, WEST OF STATESVILLE AVENUE FROM I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO I-1 (LIGHT INDUSTRIAL).**

The Zoning Committee voted 5-1 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency:

this petition is found to be consistent with the Central District Plan (1990), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends industrial uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition seeks a conventional rezoning to allow I-1 uses on the site. This petition is consistent with the district plan's recommendation of industrial land uses and is consistent with the industrial land uses off Tipton Road. This petition fulfills the district plan's recommendation to promote the revitalization of older industrial areas.

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera to approve, and adopt the following Statement of Consistency: this petition is found to be consistent with the Central District Plan (1990), based on the information from the final staff analysis and the public hearing and because the plan recommends industrial uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition seeks a conventional rezoning to allow I-1 uses on the site. This petition is consistent with the district plan's recommendation of industrial land uses and is consistent with the industrial land uses off Tipton Road. This petition fulfills the district plan's recommendation to promote revitalization of older industrial areas.

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

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

NAYS: Councilmembers Winston.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 502-503.

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**ITEM NO. 11: ORDINANCE NO. 202-Z, PETITION NO. 2021-097 BY MATTAMY HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 56.98 ACRES LOCATED NEAR SE INTERSECTION OF THE PLAZA AND E. W.T. HARRIS BOULEVARD IN THE HICKORY GROVE COMMUNITY FROM R-3 (SINGLE-FAMILY RESIDENTIAL) & MX-2 (MIXED-USE) TO R-8MF (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 following Statement of Consistency: this petition is found to be inserted inconsistent with the East District Plan with respect to proposed land use for the eastern portion of the site but consistent with the proposed land use for the western portion of the site and General Development Policies, based on the information from the post-hearing staff analysis and the public hearing, and because the

plan recommends both single-family residential uses up to four dwelling units per acre (DUA) for the site and residential uses up to eight DUA. General Development policies allow consideration for up to five DUA for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the request for single-family attached dwelling units and the associated density is a reasonable transition from the Plaza to the single-family detached dwelling units along with James and Rockmoor Ridge Roads. The addition of a single-family attached housing type accomplishes the Plan's goal of "encouraging a wide range of housing opportunities...". The requested density (4.56 DUA) is reasonable as it is only moderately above the recommended density (4 DUA) for a portion of the parcel and under the recommended density (8 DUA) for the remainder of the parcel. The approval of this petition will revise the adopted future land use as specified by the East District Plan, from single-family uses up to four DUA and residential uses up to 8 DUA to residential uses up to 5 DUA for the site.

Motion was made by Councilmember Newton, seconded by Councilmember Ajmera, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be insert inconsistent with the East District Plan with respect to proposed land use for the eastern portion of the site but consistent with the proposed land use for the western portion of the site and General Development Policies, based on the information from the final staff analysis and the public hearing, and because the plan recommends both single family residential uses up to four dwelling units per acre (DUA) for the site and residential uses up to eight DUA. General Development policies allow consideration for up to five DUA for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the request for single family attached dwelling units and the associated density is a reasonable transition from the Plaza to the single family detached dwelling units along James and Rockmoor Ridge Roads. The addition of a single family attached housing type accomplishes the Plan's goal of "encouraging a wide range of housing opportunities...". The requested density (4.56 DUA) is reasonable as it is only moderately above the recommended density (4 DUA) for a portion of the parcel and under the recommended density (8 DUA) for the remainder of the parcel. The approval of this petition will revise the adopted future land use as specified by the East District Plan, from single family uses up to four DUA and residential uses up to 8 DUA to residential uses up to 5 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 504-505.

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**ITEM NO. 12: ORDINANCE NO. 203-Z, PETITION NO. 2021-102 BY ARDENT ACQUISITIONS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.96 ACRES LOCATED ALONG THE SOUTH SIDE OF HAMILTON STREET, NORTHEAST OF BROOKSHIRE FREEWAY, AND WEST OF STATESVILLE AVENUE FROM R-5**

**(SINGLE-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 inconsistent with the Central District Plan (1993) recommendation of single-family residential up to 4 dwelling units per acre (DUA), but consistent with the General Development Policies (GDP), which supports the residential density up to 12 dwelling units per acre based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential up to 4 dwelling units per acre. The General Development Policies support a residential density of up to 12 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the General Development Policies (GDP) provide policy guidance for evaluating proposed residential densities greater than four units per acre. The GDP supports the petition's proposal of 83 units at 11.93 DUA. This petition helps to fulfill the Central District Plan's (1993) goal of increasing the diversity of housing options in this area. The site plan proposes to increase the pedestrian experience within the development by including an open space area with features such as seating, pedestrian walkways, and landscaping. The petition commits to establishing an 8-foot planting strip and a 6-foot sidewalk along the site's frontage on Hamilton Street, increasing neighborhood connectivity in this area. The petition proposes to front the dwelling units adjacent to Hamilton Street right on Hamilton Street. The approval of this petition will revise the adopted future land use as specified by the Central District Plan (1993), from Single-family Residential up to 4 DUA to Residential up to 12 DUA for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Central District Plan (1993) recommendation of single family residential up to 4 dwelling units per acre (DUA), but consistent with the General Development Policies (GDP), which supports the residential density up to 12 dwelling units per acre based on the information from the final staff analysis and the public hearing, and because the plan recommends single family residential up to 4 dwelling units per acre. The General Development Policies supports a residential density up to 12 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the General Development Policies (GDP) provide policy guidance for evaluating proposed residential densities greater than four units per acre. The GDP supports the petition's proposal of 83 units at 11.93 DUA. This petition helps to fulfill the Central District Plan's (1993) goal of increasing the diversity of housing options in this area. The site plan proposes to increase the pedestrian experience within the development by including an open space area with features such as seating, pedestrian walkways, and landscaping. The petition commits to establishing an 8-foot planting strip and 6-foot sidewalk along the site's frontage on Hamilton Street, increasing neighborhood connectivity in this area. The petition proposes to front the dwelling units adjacent to Hamilton Street right on Hamilton Street. The approval of this petition will revise the adopted future land use as specified by the Central District Plan (1993), from Single Family Residential up to 4 DUA to Residential up to 12 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 506-507.

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**ITEM NO. 14: ORDINANCE NO. 204-Z, PETITION NO. 2021-108 BY ENQUOR CONSTRUCTION, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.4 ACRES LOCATED WEST OF KORNIV DRIVE BETWEEN LAUREN KAY COURT AND COPPOLA DRIVE FROM R-3, R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-6 (SINGLE-FAMILY RESIDENTIAL).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be both consistent and inconsistent with the Brookshire/I-485 Interchange Study based on the information from the post-hearing staff analysis and the public hearing, and because the Brookshire/I-485 Interchange Study recommends single-family land use; but the petitioner's request exceeds the Study's recommendation for density of no more than 4 dwelling units per acre (DUA). Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the petition is consistent with the



single-family land use recommendation for the area. While the requested density of 6 DUA exceeds the land use plan recommendation, it meets the General Development Policies (GDPs) for 6 dwelling units per acre, and the proposed development will remain single-family. The site is approximately ½ mile from amenities including Coulwood Shopping Center and Mountain Island Lake Academy PreK-8. The approval of this petition will revise the adopted future land use as specified by the Brookshire/I-485 Interchange Study, from single-family up to 4 DUA recommended land use to single-family up to 6 DUA land use for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera, and carried unanimously to approve and adopt the following Statement of Consistency: This petition is found to be both consistent and inconsistent with the Brookshire/I-485 Interchange Study based on the information from the final staff analysis and the public hearing, and because the Brookshire/I-485 Interchange Study recommends single family land use; but the petitioner's request exceeds the Study's recommendation for density of no more than 4 dwelling units per acre (DUA). Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the petition is consistent with the single-family land use recommendation for the area. While the requested density of 6 DUA exceeds the land use plan recommendation, it meets the General Development Policies (GDPs) for 6 dwelling units per acre, and the proposed development will remain single-family. The site is approximately ½ mile from amenities including Coulwood Shopping Center and Mountain Island Lake Academy PreK-8. The approval of this petition will revise the adopted future land use as specified by the Brookshire/I-485 Interchange Study, from single-family up to 4 DUA recommended land use to single family up to 6 DUA land use for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 508-509.

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**ITEM NO. 15: ORDINANCE NO. 205-Z, PETITION NO. 2021-114 BY APPALOOSA REAL ESTATE PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.55 ACRES LOCATED ON THE SOUTHWEST SIDE OF RIDGE ROAD AND NORTHEAST SIDE OF INTERSTATE 485, WEST OF MALLARD CREEK ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO B-D (CD) (BUSINESS DISTRIBUTION, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Chirinos) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Prosperity Hucks Area Plan (2015), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because while this petition is

inconsistent with the Prosperity Hucks Area Plan (2015) recommendation of residential use of up to 4 DUA, the proposed indoor storage use is appropriate due to its location at the outskirts of a neighborhood area and its proximity to a retail/mixed-use area on the other side of Mallard Creek Road outlined in the Northlake Area Plan. The petition proposes to maintain connectivity and pedestrian access on Ridge Road by committing to provide a 10-foot-wide multi-use path and an 8-foot planting strip. The site commits to a 43-foot class B buffer where the site abuts existing residential areas, ensuring an appropriate transition from the proposed storage use to the residential areas located on the western border of the site. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan (2015), from Residential up to 4 DUA to Office/Warehouse for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Egleston, and carried unanimously to approve and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Prosperity Hucks Area Plan (2015), based on the information from the final staff analysis and the public hearing and because the plan recommends residential up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because while this petition is inconsistent with the Prosperity Hucks Area Plan (2015) recommendation of residential use up to 4 DUA, the proposed indoor storage use is appropriate due to its location at the outskirts of a neighborhood area and its proximity to a retail/mixed use area on the other side of Mallard Creek Road outlined in the Northlake Area Plan. The petition proposes to maintain connectivity and pedestrian access on Ridge Road by committing to provide a 10-footwide multi-use path and an 8-foot planting strip. The site commits to a 43-foot class B buffer where the site abuts existing residential areas, ensuring an appropriate transition from the proposed storage use to the residential areas located on the western border of the site. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan (2015), from Residential up to 4 DUA to Office/Warehouse for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 510-511.

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**ITEM NO. 16: ORDINANCE NO. 206-Z, PETITION NO. 2021-115 BY RAM REALTY ACQUISITIONS V, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.7 ACRES LOCATED ON BOTH THE NORTH AND SOUTH SIDE OF STATE STREET AT THE INTERSECTION OF GESCO STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL).**

**Councilmember Graham arrived at 4:58 p.m.**

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 inconsistent with the adopted land use of the Central District Plan but consistent with the General Development Policies based on the information from the post-hearing staff analysis and the public hearing, and because the Central District Plan recommends industrial land use for the site; and the petition is consistent with the General Development Policies for consideration of more than 17 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because while inconsistent with the adopted land use for the site, the proposed mixed-use development is compatible with current development trends in the area converting older obsolete industrial buildings and redeveloping them for a mix of uses. The site meets the General Development Policies (GDP) criteria to be considered for an increase in density of over 17 dwellings per acre. The site is located less than one mile from a Lynx Gold Line transit stop, half a mile from a bus stop, and 300 feet from Stewart Creek Greenway. The proposed development would provide a streetscape upgrade that will enhance walkability in this developing neighborhood. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from industrial land use to residential/retail/office for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Egleston, and carried unanimously to approve and adopt the following Statement of Consistency: This petition is found to be inconsistent with the adopted land use of the Central District Plan but consistent with the General Development Policies based on the information from the final staff analysis and the public hearing, and because the Central District Plan recommends industrial land use for the site; and the petition is consistent with the General Development Policies for consideration of more than 17 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because while inconsistent with the adopted land use for the site, the proposed mixed-use development is compatible with current development trends in the area converting older obsolete industrial buildings and redeveloping them for a mix of uses. The site meets the General Development Policies (GDP) criteria to be considered for an increase in density of over 17 dwellings per acre. The site is located less than one mile from a Lynx Gold Line transit stop, half a mile from a bus stop, and 300 feet from Stewart Creek Greenway. The proposed development would provide a streetscape upgrade that will enhance walkability in this developing neighborhood. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from industrial land use to residential/retail/office for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 512-513.

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**ITEM NO. 17: ORDINANCE NO. 207-Z, PETITION NO. 2021-116 BY KEVIN BOYD AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.05 ACRES LOCATED AT THE INTERSECTION OF EAST 35TH STREET AND WHITING AVENUE, SOUTHEAST OF NORTH MCDOWELL STREET FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Chirinos) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 36th Street Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the adopted plan recommends residential uses up to five dwelling units per acre (DUA). However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the petition limits the number of uses to be allowed on the site by right and under prescribed conditions. The refuse area has been moved away from the abutting single-family residential lot. A fence or landscaping is proposed to screen the rezoning site from the abutting single-family residential lot. The petition furthers the 36th Street Transit Station Area Plan's goal of "preserving neighborhood character while encouraging a development pattern that supports continued transformation to a vibrant, urban environment". Adaptive reuse of an existing building will protect and enhance the existing neighborhood character. The petition's limitation of building height to 40 feet is consistent with the plan's desired height for development in this area. The approval of this petition will revise the adopted future land use as specified by the 36th Street Transit Station Area Plan, from residential uses up to five dwelling units per acre to retail uses for the site.

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

1. Language with regard to EDEEs (eating/drinking/ entertainment establishment) Type 1 and Type 2 that if on-premises alcoholic beverage service is included, food service must also be provided.
2. Language added that outdoor amplified sound shall not be permitted.
3. Added language to the optional provision to clarify that in the event that the existing building is completely demolished, new construction will comply with MUDD setback requirements.

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

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Due to technical difficulties, there was no audio for this portion of the meeting.

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera to approve, and adopt the following Statement of Consistency: This petition is found to be inconsistent with the 36th Street Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the adopted plan recommends residential uses up to five dwelling units per acre (DUA). However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition limits the number of uses to be allowed on the site by right and under prescribed conditions. The refuse area has been moved away from the abutting single family residential lot. A fence or landscaping is proposed to screen the rezoning site from the abutting single family residential lot. The petition furthers the 36th Street Transit Station Area Plan's goal of "preserving neighborhood character while encouraging a development pattern that supports continued transformation to a vibrant, urban environment". Adaptive reuse of an existing building will protect and enhance the existing neighborhood character. The petition's limitation of building height to 40 feet is consistent with the plan's desired height for development in this area. The approval of this petition will revise the adopted future land use as specified by the 36th Street Transit Station Area Plan, from residential uses up to five dwelling units per acre to retail uses for the site as modified.

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

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

NAYS: Councilmember Johnson.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 514-515.

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**ITEM NO. 18: ORDINANCE NO 208-Z, PETITION NO. 2021-117 BY JEFFREY WEISKOPF AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 21.4 ACRES LOCATED WEST OF THE INTERSECTION OF MOSS ROAD AND YORKRIDGE DRIVE FROM R-9MF (CD) & R-15MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO R-17MF (MULTI-FAMILY RESIDENTIAL).**

The Zoning Committee voted 6-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Steele Creek Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the Steele Creek Area Plan recommends residential land use at up to 17 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because

The proposed rezoning to R-17MF is consistent with the adopted land use for the site and consistent with the existing multi-family developments in the area. The site is already developed as a multi-family residential community. The site is within ¼ of neighborhood retail and within ½ mile of a pair of CATS bus stops.

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Due to technical difficulties, there was no audio for this portion of the meeting.

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Motion was made by Councilmember Phipps, seconded by Councilmember Egleston to approve, and adopt the following Statement of Consistency: This petition is found to be consistent with the Steele Creek Area Plan based on the information from the final staff analysis and the public hearing, and because the Steele Creek Area Plan recommends residential land use at up to 17 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because The proposed rezoning to R-17MF is consistent with the adopted land use for the site, and consistent with the existing multi-family developments in the area. The site is already developed as a multi-family residential community. The site is within ¼ of neighborhood retail and within ½ mile of a pair of CATS bus stops.

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

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

NAYS: Councilmember Watlington.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 516-517.

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**ITEM NO.19: ORDINANCE NO. 209-Z, PETITION NO. 2021-121 BY ANTHONY FOX AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.69 ACRES LOCATED ON THE EAST SIDE OF NORTH TRYON STREET, NORTH OF UNIVERSITY CITY BOULEVARD, AND WEST OF EAST W.T. HARRIS BOULEVARD FROM B-2 (GENERAL BUSINESS) TO TOD-CC (TRANSIT-ORIENTED DEVELOPMENT - COMMUNITY CENTER).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the University City Area Plan – Blue Line

Extension (2015), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office/retail uses. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the site is less than a ½ mile walking distance from the McCullough transit station, which will provide appropriate transportation service for the project. While the land use is inconsistent with the use designated in the area plan, the petition overall supports the area plan's goal of accommodating higher intensity uses that support the various transportation systems throughout the corridor. As written, TOD-CC may be applied to parcels within a 1/2-mile walking distance of an existing rapid transit station. The use of conventional TOD zoning districts applies standards and regulations to create the desired form and intensity of transit-supportive development, and a conditional rezoning is not necessary. The approval of this petition will revise the adopted future land use as specified by the University City Area Plan – Blue Line Extension (2015), from Office/Retail to Transit-Oriented Development for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Egleston, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the University City Area Plan – Blue Line Extension (2015), based on the information from the final staff analysis and the public hearing and because the plan recommends office/retail uses. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is less than a ½ mile walking distance from the McCullough transit station, which will provide appropriate transportation service for the project. While the land use is inconsistent with the use designated in the area plan, the petition overall supports the area plan's goal of accommodating higher intensity uses that support the various transportation systems throughout the corridor. As written, TOD-CC may be applied to parcels within a ½ mile walking distance of an existing rapid transit station. Use of conventional TOD zoning districts applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. The approval of this petition will revise the adopted future land use as specified by the University City Area Plan – Blue Line Extension (2015), from Office/Retail to Transit Oriented Development for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 518-519.

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**ITEM NO. 20: ORDINANCE NO. 210-Z, PETITION NO. 2021-122 BY KAIROL RESIDENTIAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.20 ACRES LOCATED ALONG THE SOUTH SIDE OF CLANTON ROAD, NORTH SIDE OF BLAIRHILL ROAD, EAST OF INTERSTATE 77 FROM B-1 (NEIGHBORHOOD**

**BUSINESS) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).**

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 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 distribution uses for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the site is within a 1-mile walk of both the Scaleybark Station and New Bern Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its more moderate intensity. The use of conventional TOD-NC zoning applies standards and regulations to create desired form and intensity of transit-supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The 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 uses to transit-oriented development for the site.

Motion was made by Councilmember Eiselt, seconded by Councilmember Phipps, 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 distribution uses for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the site is within a 1-mile walk of both the Scaleybark Station and New Bern Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its more moderate intensity. The use of conventional TOD-NC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The 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 uses to transit oriented development for the site.



The ordinance is recorded in full in Ordinance Book 64, at Page(s) 520-521.

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**ITEM NO. 21: ORDINANCE NO. 211-Z, PETITION NO. 2021-123 BY MILL CREEK RESIDENTIAL TRUST AMENDING THE OFFICIAL ZONING MAP FOR THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.03 ACRES LOCATED ON THE EAST SIDE OF SOUTH TRYON STREET, NORTH OF CLANTON ROAD, AND WEST OF SOUTH BOULEVARD FROM TOD-TR (TRANSIT-ORIENTED DEVELOPMENT - TRANSITION) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Scaleybark Transit Station Area Plan (2008) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends transit-oriented development –mixed for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the site is within a 1-mile walk of both the Scaleybark Station and New Bern Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its proximity to areas of lesser intensity. The use of conventional TOD-NC zoning applies standards and regulations to create desired form and intensity of transit-supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion was made by Councilmember Watlington, seconded by Councilmember Egleston, and carried unanimously to approve and adopt the following Statement of Consistency: This petition is found to be consistent with the Scaleybark Transit Station Area Plan (2008) based on the information from the final staff analysis and the public hearing, and because the plan recommends transit-oriented development –mixed for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the site is within a 1-mile walk of both the Scaleybark Station and New Bern Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its proximity to areas of lesser intensity. The use of conventional TOD-NC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 522-523.

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**ITEM NO. 22: ORDINANCE NO. 212-Z, PETITION NO. 2021-124 BY JUDSON STRINGFELLOW, JDSI LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.53 ACRES LOCATED ON THE WEST SIDE OF EAST W.T. HARRIS BOULEVARD, NORTH OF ALBEMARLE ROAD, AND SOUTH OF HICKORY GROVE ROAD FROM R-12MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO R-8 (SINGLE-FAMILY RESIDENTIAL).**

The Zoning Committee voted 6-1 (motion by Blumenthal, 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 Eastland Area Plan (2003 based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends multi-family uses up to 12 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the request is consistent with the land use prescribed by the adopted land use plan. The site is directly adjacent to single-family zoning. The petition would establish consistency with existing, abutting single-family development, while also still allowing for a density that is greater than the surrounding single-family zoned areas. This furthers the Eastland Area Plan’s goals of “supporting strong neighborhoods” by providing additional housing options but maintaining the general character of the surrounding residential areas. The rezoning request’s maintenance of single-family uses but increase in density as compared to the

single-family areas to the north and east of the site creates a transition into the higher density multi-family zoned areas adjacent to the site.

Motion was made by Councilmember Newton, seconded by Councilmember Ajmera, to approve and adopt the following Statement of Consistency: This petition is found to be consistent with the Eastland Area Plan (2003 based on the information from the final staff analysis and the public hearing, and because the plan recommends multi-family uses up to 12 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the request is consistent with the land use prescribed by the adopted land use plan. The site is directly adjacent to single family zoning. The petition would establish consistency with existing, abutting single family development, while also still allowing for a density that is greater than the surrounding single family zoned areas. This furthers the Eastland Area Plan's goals of "supporting strong neighborhoods" by providing additional housing options but maintaining the general character of the surrounding residential areas. The rezoning request's maintenance of single family uses but increase in density as compared to the single-family areas to the north and east of the site creates a transition into the higher density multi-family zoned areas adjacent to the site.

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

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

NAYS: Councilmember Winston.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 524-525.

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**ITEM NO. 23: ORDINANCE NO. 213-Z, PETITION NO. 2021-126 BY NORTH CAROLINA KENWORTH, INC. DBS. MHC KENWORTH AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.57 ACRES LOCATED ON THE SOUTH SIDE OF EAST WESTINGHOUSE BOULEVARD, EAST OF NATIONS FORD ROAD, AND WEST OF DOWNS ROAD FROM I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Steele Creek Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends industrial/warehouse/distribution use. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing

staff analysis and the public hearing and because the petition will allow most uses in I-1 zoning including truck and auto sales, service, and repair (current I -2 zoning does not allow truck/auto sales). The proposal prohibits more intense/noxious uses that would otherwise be allowed in I-1 zonings such as landfills, petroleum storage facilities, and others as outlined in the request details below and in the conditional notes on the plan. Maintains the existing 75 ft wide buffer as undisturbed along the rear of the site adjacent to single-family homes. The site is located within an area developed primarily with industrial uses and surrounding parcels along Westinghouse Boulevard are zoned I-1 and I-2.

Motion was made by Councilmember Watlington, seconded by Councilmember Ajmera, and carried unanimously to approve and adopt the following Statement of Consistency: This petition is found to be consistent with the Steele Creek Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends industrial/warehouse/distribution use. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition will allow most uses in I-1 zoning including truck and auto sales, service, and repair (current I -2 zoning does not allow truck/auto sales). The proposal prohibits more intense/noxious uses that would otherwise be allowed in I-1 zoning such as landfills, petroleum storage facilities and others as outlined in the request details below and in the conditional notes on the plan. Maintains the existing 75 ft wide buffer as undisturbed along the rear of the site adjacent to single family homes. The site is located within an area developed primarily with industrial uses and surrounding parcels along Westinghouse Boulevard are zoned I-1 and I-2.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 526-527.

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**ITEM NO. 24: ORDINANCE NO. 214-Z, PETITION NO. 2021-130 BY DRB GROUP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.6 ACRES LOCATED ON ROZZELLES FERRY ROAD BETWEEN CORONET WAY AND BUNGALOW ROAD FROM I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL) AND R-22MF (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 inconsistent with the land use recommendation of the Central District Plan but consistent with the General Development Policies based on the information from the post-hearing staff analysis and the public hearing, and because the Central District Plan recommends industrial and single-family land use for the site; and the General Development Policies support consideration for up to 12 dwelling units per acre on the site. Therefore, we find this petition to be reasonable and in the public interest,

based on the information from the post-hearing staff analysis and the public hearing, and because while inconsistent with the adopted single-family and industrial land uses for this site, the proposed single-family attached development is an appropriate transition between the existing single-family neighborhood along Clyde Drive and the commercial uses along Rozzelles Ferry Road. The site meets the General Development Policies (GDP) criteria for consideration of up to 12 dwelling units per acre. A similar townhome development was approved as part of rezoning petition 2019-178, along Rozzelles Ferry Road less than ¼ mile from this site. The proposed development would implement a new CATS bus stop on Rozzelles Ferry Road adjacent to the site. The site is also within ½ of Stewart Creek Greenway and approximately one mile from a Lynx Gold Line transit stop. The approval of this petition will revise the adopted future land uses as specified by the Central District Plan, from industrial and single-family land uses to residential up to 12 DUA land use for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Ajmera, and carried unanimously to approve and adopt the following Statement of Consistency: This petition is found to be inconsistent with the land use recommendation of the Central District Plan but consistent with the General Development Policies based on the information from the final staff analysis and the public hearing, and because the Central District Plan recommends industrial and single family land use for the site; and the General Development Policies support consideration for up to 12 dwelling units per acre on the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because while inconsistent with the adopted single-family and industrial land uses for this site, the proposed single family attached development is an appropriate transition between the existing single-family neighborhood along Clyde Drive and the commercial uses along Rozzelles Ferry Road. The site meets the General Development Policies (GDP) criteria for consideration of up to 12 dwelling units per acre. A similar townhome development was approved as part of rezoning petition 2019-178, along Rozzelles Ferry Road less than ¼ mile from this site. The proposed development would implement a new CATS bus stop on Rozzelles Ferry Road adjacent to the site. The site is also within ½ of Stewart Creek Greenway and approximately one mile from a Lynx Gold Line transit stop. The approval of this petition will revise the adopted future land uses as specified by the Central District Plan, from industrial and single-family land uses to residential up to 12 DUA land use for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 528-529.

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**ITEM NO. 25: ORDINANCE NO. 215-Z, PETITION NO. 2021-131 BY WEST MOREHEAD VENTURES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.48 ACRES LOCATED ON THE EASTERN QUADRANT OF THE INTERSECTION OF**

**HARDING PLACE AND KENILWORTH AVENUE, WEST OF SOUTH KINGS DRIVE FROM MUDD-O PED (MIXED-USE DEVELOPMENT, OPTIONAL, PEDESTRIAN OVERLAY) TO O-2 PED (OFFICE, PEDESTRIAN OVERLAY).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following Statement of Consistency: This is found to be consistent with the Midtown Morehead Cherry Area Plan (2012) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office uses for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the site is directly adjacent to areas zoned O-2. This rezoning would allow for the redevelopment of the site to a use that is in line with the proposed land use prescribed in the area plan. The site is located along a major thoroughfare among the development of moderate-intensity, appropriate for the application of the O-2 zoning district.

Motion was made by Councilmember Egleston, 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 Midtown Morehead Cherry Area Plan (2012) based on the information from the final staff analysis and the public hearing, and because the plan recommends office uses for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the site is directly adjacent to areas zoned O-2. This rezoning would allow for the redevelopment of the site to a use that is in line with the proposed land use prescribed in the area plan. The site is located along a major thoroughfare among development of moderate intensity, appropriate for the application of the O-2 zoning district.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 530-531.

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**ITEM NO.26: ORDINANCE NO. 216-Z, PETITION NO. 2021-132 BY EEA-WILDWOOD, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 16.58 ACRES LOCATED ON THE WEST SIDE OF SCALEYBARK ROAD, NORTH OF EAST WOODLAWN ROAD, AND EAST OF MURRAYHILL ROAD FROM R-12MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO R-17MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Chirinos) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Park Woodlawn Area Plan (2013) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential at 12 dwelling units per acre (DUA). However,

we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the proposal will add an additional building within an already existing multi-family community and would be consistent with the surrounding context. The proposal will continue to add housing options to the area while not displacing residents from existing residential units. The proposal will enhance pedestrian infrastructure in the area by installing ADA-compliant ramps at nearby intersections, as well as the creation of a pedestrian refuge island on Scaleybark Rd. The approval of this petition will revise the adopted future land use as specified by the Park Woodlawn Area Plan, from residential uses at 12 DUA to new residential at 17 DUA for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Ajmera, and carried unanimously to approve and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Park Woodlawn Area Plan (2013) based on the information from the final staff analysis and the public hearing, and because the plan recommends residential at 12 dwelling units per acre (DUA). However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposal will add an additional building within an already existing multi-family community and would be consistent with the surrounding context. The proposal will continue to add housing options to the area while not displacing residents from existing residential units. The proposal will enhance pedestrian infrastructure in the area by installing ADA compliant ramps at nearby intersections, as well as the creation of a pedestrian refuge island on Scaleybark Rd. The approval of this petition will revise the adopted future land use as specified by the Park Woodlawn Area Plan, from residential uses at 12 DUA to new residential at 17 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 532-533.

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**ITEM NO. 27: ORDINANCE NO. 217-Z, PETITION NO. 2021-134 BY GREG FINNICAN AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.41 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF STATESVILLE ROAD AND MOTORSPORTS LANE, SOUTH OF CINDY LANE, AND EAST OF INTERSTATE 77 FROM B-2 (GENERAL BUSINESS) TO I-1 (LIGHT INDUSTRIAL).**

The Zoning Committee voted 5-1 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan (1996), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends industrial use. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition is consistent with the Northeast District Plan

(1996) recommendation of industrial use for this parcel. This site is in proximity to parcels with an industrial future land use on the southern side of Motorsports Lane, meaning that appropriate uses for I-1 zoning would be compatible with the current uses in adjacent parcels. This petition commits to complying with all city ordinance requirements for I-1 zoning.

Motion was made by Councilmember Graham, seconded by Councilmember Ajmera, to approve and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan (1996), based on the information from the final staff analysis and the public hearing and because the plan recommends industrial use. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition is consistent with the Northeast District Plan (1996) recommendation of industrial use for this parcel. This site is in proximity to parcels with an industrial future land use on the southern side of Motorsports Lane, meaning that appropriate uses for I-1 zoning would be compatible with the current uses in adjacent parcels. This petition commits to complying with all city ordinance requirements for I-1 zoning.

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

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

NAYS: Councilmember Winston.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 534-535.

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**ITEM NO. 28: ORDINANCE NO. 218-Z, PETITION NO. 2021-187 BY DOWELL FINCH AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 27.34 ACRES LOCATED EAST OF PAVILION BOULEVARD, NORTH OF HARRIS HOUSTON ROAD, AND SOUTH OF NORTH TRYON STREET FROM MX-2 (CD) (MIXED-USE DISTRICT, CONDITIONAL) TO R-3 (SINGLE-FAMILY RESIDENTIAL).**

The Zoning Committee voted 6-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan (1996) based on the information from the post-hearing staff analysis and the public hearing and because the adopted plan recommends greenway and single-family/multi-family uses up to six dwelling units per acre. Therefore, we find this petition to be reasonable and, in the public, interest based on information from the post-hearing staff analysis and the public hearing and because the request is consistent with the land use prescribed by the Northeast



District Plan, and subsequent rezoning petition 1999-032 (C). The requested density is lower than the recommended density (6 DUA) for the parcel. The petition is consistent with lower density, single-family uses directly adjacent to the site. The petition's request for single-family residential uses in this area accomplishes the District Plan's goal of maintaining the integrity and character of existing neighborhoods.

Due to technical difficulties, there was no audio for this portion of the meeting.

Motion was made by Councilmember Ajmera, seconded by Councilmember Watlington to approve, and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast District Plan (1996) based on the information from the final staff analysis and the public hearing and because the adopted plan recommends greenway and single family/multi-family uses up to six dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the request is consistent with the land use prescribed by the Northeast District Plan, and subsequent rezoning petition 1999-032 (C). The requested density is lower than the recommended density (6 DUA) for the parcel. The petition is consistent with lower density, single family uses directly adjacent to the site. The petition's request for single family residential uses in this area accomplishes the District Plan's goal of maintaining the integrity and character of existing neighborhoods.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 536-537.

The meeting was recessed at 5:20 p.m. The meeting reconvened at 5:30 p.m.

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## HEARINGS

**ITEM NO. 30: HEARING ON PETITION NO. 2021-096 BY ASCENT REAL ESTATE CAPITAL, LLC FOR A CHANGE IN ZONING APPROXIMATELY 1.89 ACRES LOCATED ALONG E. 36TH STREET BETWEEN NORTH ALEXANDER STREET AND NORTH MCDOWELL STREET IN THE NODA COMMUNITY FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

Due to technical difficulties, there was no audio for this portion of the meeting.

**Mayor Lyles** declared the hearing open.

**Collin Brown, 1420 East 7th Street**

**Caci Jager, 2100 Crescent Ave**

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**David Furman, 333 W. Trade Street**

**Candance Oliver, 3318 North McDowell**  
**Paul Mosher, 704 East 37th Street**

**Jacob Horr, 3401 Benard Avenue**

**Nate Doolittle, 1420 East 7th Street**

**Brandon Brezeale, Charlotte Department of Transportation**

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, 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.

**Jacob Horr, 3401 Bernard Avenue**

**Jason Newton, 3314 North Alexander Street**

**Krysten Reilly, 3314 North Alexander**

**Paula Martinac, 720 East 37th Street**

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**ITEM NO. 31: HEARING ON PETITION NO. 2021-127 BY FLAGSHIP HEALTHCARE PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.2 ACRES LOCATED ON STEELE CREEK ROAD BETWEEN HUNTINGTON MEADOW LANE AND SETTLERS TRAIL COURT FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO O-1 (CD) (OFFICE, CONDITIONAL).**

Due to technical difficulties, there was no audio for this portion of the meeting.

**Mayor Lyles** declared the hearing open.

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

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**ITEM NO. 32: HEARING ON PETITION NO. 021-155 BY HABITAT FOR HUMANITY OF THE CHARLOTTE REGION, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.62 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF CENTRAL AVENUE AND MEDALLION DRIVE, WEST OF KILBORNE DRIVE, AND EAST OF EASTWAY DRIVE FROM O-6 (CD) (OFFICE, CONDITIONAL) TO R-22MF (MULTI-FAMILY RESIDENTIAL).**

**Mayor Lyles** declared the hearing open.

**Bridget Grant, 100 North Tryon Street**

**Craig Sloan, 3911 Medallion Drive**

**Sheri Stephens Lewis, 3908 Medallion Drive**

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

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**HEARING ON PETITION NO. 33 BY HABITAT FOR HUMANITY OF THE CHARLOTTE REGION, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.38 ACRES LOCATED ON THE SOUTH SIDE OF EAST LANE DRIVE, WEST OF EAST W.T. HARRIS BOULEVARD, AND EAST OF INDEPENDENCE BOULEVARD FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO -8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

Due to technical difficulties, there was no audio for this portion of the meeting.

**Mayor Lyles** declared the hearing open.

**Bridget Grant, 100 North Tryon Street**

**Laura Belcher, 3816 Latrobe Drive**

**Jessica Keegan, 7909 East Lane Drive**

**Brandon Brezeale, Charlotte Department of Transportation**

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

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**ITEM NO. 34: HEARING ON PETITION NO. 2021-075 BY KINGER HOMES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.69 ACRES LOCATED ON THE SOUTHWESTERN CORNER OF THE INTERSECTION OF STEELE CREEK ROAD AND HAMILTON ROAD FROM UR-1(CD) (URBAN RESIDENTIAL, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

Due to technical difficulties, there was no audio for this portion of the meeting.

**Mayor Lyles** declared the hearing open.

**Travis Gingras, 1189 Daybrook Drive, Kannapolis, NC**

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

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**ITEM NO. 35: HEARING ON PETITION NO. 2021-091 BY CHICK-FIL-A, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.21 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF SOUTH BOULEVARD AND CAROLINA PAVILION DRIVE SOUTH, NORTH OF INTERSTATE 485 FROM TOD-CC (TRANSIT-ORIENTED DEVELOPMENT - COMMUNITY CENTER) TO MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL).**

Due to technical difficulties, there was no audio for this portion of the meeting.

**Mayor Lyles** declared the hearing open.

**John Carmichael, 101 North Tryon Street**

**Mr. Brazil, Charlotte Department of Transportation**

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

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**ITEM NO. 36: HEARING ON PETITION NO. 2021-118 BY INTEGRATED PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.1 ACRES LOCATED ON WESTINGHOUSE BOULEVARD BETWEEN PARK CHARLOTTE BOULEVARD AND QUALITY DRIVE FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL).**

Due to technical difficulties, there was no audio for this portion of the meeting.

**Mayor Lyles** declared the hearing open.

**Walter Fields, 1919 South Boulevard**

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

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**ITEM NO. 37: HEARING ON PETITION NO. 2021-135 BY ALLIANCE RESIDENTIAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.50 ACRES LOCATED AT THE INTERSECTION OF NORTH TRYON STREET AND MATHESON AVENUE, WEST OF NORTH BREVARD STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).**

Due to technical difficulties, there was no audio for this portion of the meeting.

**Mayor Lyles** declared the hearing open.

**Collin Brown, 1420 East 7th Street**

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

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**ITEM NO. 38: HEARING ON PETITION NO. BOULEVARD AT 1800 CENTRAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.69 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF CENTRAL AVENUE AND NANDINA STREET, EAST OF THE PLAZA FROM B-2 (GENERAL BUSINESS) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).**

Due to technical difficulties, there was no audio for this portion of the meeting.

**Mayor Lyles** declared the hearing open.

**John Carmichael, 101 North Tryon Street**

**Chris Branch, 615 South College Street**

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

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**ITEM NO. 39: HEARING ON PETITION NO. 2021-140 BY HUTTON FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.69 ACRES LOCATED ALONG THE SOUTH OF NORTH TRYON STREET, EAST OF PAVILION BOULEVARD, AND NORTH OF HARRIS HOUSTON ROAD FROM NS (NEIGHBORHOOD SERVICES) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).**

Due to technical difficulties, there was no audio for this portion of the meeting.

**Mayor Lyles** declared the hearing open.

**Eddie Moore, 3430 Toringdon Way**

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

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**ITEM NO. 41: HEARING ON PETITION NO. LEH NC STATESVILLE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0 0.91 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF STATESVILLE AVENUE AND NORRIS AVENUE, SOUTH OF ATANDO AVENUE FROM R-8 (SINGLE-FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

Due to technical difficulties, there was no audio for this portion of the meeting.

**Mayor Lyles** declared the hearing open.

**Collin Brown, 1420 E. 7th Street**

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

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**ITEM NO. 42: HEARING ON PETITION NO. 2021-145 BY EMBREY PARTNERS, LTD. FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.24 ACRES LOCATED ON THE SOUTH SIDE OF SCALEYBARK ROAD AND EAST SIDE OF SOUTH BOULEVARD, WEST OF CONWAY AVENUE FROM TOD-TR (TRANSIT-ORIENTED DEVELOPMENT**

**- TRANSITION) TO TOD-CC (TRANSIT-ORIENTED DEVELOPMENT - COMMUNITY CENTER).**

Due to technical difficulties, there was no audio for this portion of the meeting.

**Mayor Lyles** declared the hearing open.

**Bridget Grant, 100 North Tryon Street**

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

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**ITEM NO. 43: HEARING ON PETITION NO. 2021-147 BY PROVIDENCE GROUP CAPITAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.10 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF CLANTON ROAD AND PELTON STREET, WEST OF SOUTH BOULEVARD, AND EAST OF SOUTH TRYON STREET FROM TOD-CC (TRANSIT-ORIENTED DEVELOPMENT - COMMUNITY CENTER) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT - URBAN CENTER).**

Due to technical difficulties, there was no audio for this portion of the meeting.

**Mayor Lyles** declared the hearing open.

**Keith MacVean, 100 North Tryon Street**

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

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**ITEM NO. 44: HEARING ON PETITION NO. 2021-148 BY K SADE VENTURES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 114.46 ACRES LOCATED ON THE EAST SIDE OF HARRIS HOUSTON ROAD, NORTH OF UNIVERSITY CITY BOULEVARD, AND SOUTH OF NORTH TRYON STREET FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (SINGLE-FAMILY RESIDENTIAL).**

Due to technical difficulties, there was no audio for this portion of the meeting.

**Mayor Lyles** declared the hearing open.

**Ty Shaffer, 101 North Tryon Street**

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

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**ITEM NO. 45: HEARING ON PETITION NO. 2021-153 BY GALAGA INVESTORS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.17 ACRES LOCATED ON THE SOUTH SIDE OF TYVOLA ROAD, WEST OF OLD PINEVILLE ROAD, AND EAST OF INTERSTATE 77 FROM I-2 (GENERAL INDUSTRIAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).**

Due to technical difficulties, there was no audio for this portion of the meeting.

**Mayor Lyles** declared the hearing open.

**Collin Brown, 1420 East 7th Street**

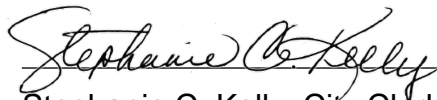
Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to close the hearing.

\* \* \* \* \*

### ADJOURNMENT

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

The meeting was adjourned at 8:34 p.m.

  
Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 4 Hours, 4 Minutes  
Minutes Completed: May 18, 2022