

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Tuesday, January 19, 2021 at 5:08 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, Malcolm Graham, Renee Johnson, Matt Newton, Victoria Watlington and Braxton Winston II.

**ABSENT:** Councilmember Driggs

**Mayor Lyles** said welcome to the January 19th 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 Bokhari gave the Invocation and the Pledge of Allegiance to the Flag was led by Councilmember Winston.

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**Mayor Lyles** said before we move into our business agenda, I want to recognize a national effort that the City of Charlotte is participating in today. I think there was an announcement that we were participating in the National Memorial to Lives Lost to COVID. Beginning at 5:30 p.m., many of our buildings in our center city and across this country will begin to light up. The memorial will feature at the national level, the Lincoln Memorial reflecting pool being illuminated and the ringing of church bells for a national moment of unity and remembrance. Many of our center city buildings are participating and remind ourselves that center city now goes all the way to the South End and way pass on North Tryon Street. This program emphasizes the importance of looking back and remembering those that we've lost to COVID-19 and that we look forward to the hope of a new path and a brighter future. We look at this as an opportunity to recognize that unity and empathy will hold this country together and that we must continue to protect ourselves by protecting others, wearing our mask, keeping our social distance, and making sure that when we have the opportunity for our vaccine, that we do this in a way not just to serve ourselves, but to serve others so that we can not only survive but thrive as we come to this very wretched place because of COVID-19. I Join in with all of the cities across the country, 5:30 p.m. their time. In a few minutes, we should be at that point for our own City and I look forward too. If you're a photographer, it's a great night to be in uptown.

**Taiwo Jaiyeoba, Assistant City Manager/Planning Director** said I just wanted to share with you and some of you have received invitations, but we set up a couple of rezoning workshops, I believe it's in the month of February. The week of February 15th and 22nd, I think. There will be opportunities for us to address questions that you may have that are related to the process. So, while we may sight a particular petition as an example, it's not going to be a rezoning meeting. It's just opportunities to address some questions that you have had in the past that you're having right now with regard to the rezoning process itself. Things are going to change over the next several months as you adopt the Comprehensive Plan and subsequently the Unified Development Ordinance. We just want to make sure that we tie all of these important documents to the rezoning process. I will follow this with an email just to find out if there are questions that you have in advance that we can prepare for, but also just opportunities to be able to ask questions that constituents are asking you about improvements to the rezoning process, questions that you yourself have with regards to how we streamlined our process and what's the impact of our long-range plan, the Comprehensive Plan on future rezoning process, place types mapping, what's the impact on the Unified Development Ordinance eventually.

So, we'll be joined by C-DOT (Charlotte Department of Transportation) staff. There will be questions obviously related to infrastructure, growth management, and the rezoning process. We just feel we should provide that opportunity in the coming month, especially with the Comprehensive Plan public hearing coming up in March and subsequent adoption in April. So, I'll follow this up with an email later this week just to be able to gather questions that you may have. Again, it's not a rezoning meeting. It's just kind of a couple of work sessions to address questions that you have with regards to the rezoning process.

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## **ITEM NO. 2: FOLLOW UP REPORT**

**Mayor Lyles** said we have a Follow-up Report tonight from the December 21<sup>st</sup> Meeting, Petition No. 2020-139 on Red Cedar Capital Projects that was included in both the public information for this agenda as well as each Councilmember receiving a copy of that.

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## **ITEM NO. 2b: AT-LARGE COUNCIL MEMBER VACANCY**

**Mayor Lyles** said before we go into our zoning meeting, we're going to have a presentation on the process that we have for filling a Councilmember vacancy. I will turn it over to our City Attorney Mr. Baker to explain the process and then you have a Council Action available to you for discussion and a motion.

**Patrick Baker, City Attorney** said before you tonight, we do have an RCA (Request for Council Action) to approve the process and schedule to fill in the At-large Councilmember seat vacancy. As you all know, Mr. Mitchell had submitted his resignation effective

January the 11th, 2021. The state law does provide that vacancies shall be filled by City Council and in cities such as Charlotte, where the elections are conducted on a partisan basis, the person appointed shall be a member of the same political party as the person that's being replaced. With this being an At-large position, the individual who's going to replace Mr. Mitchell simply needs to be in one of the Districts and eligible to vote in City Council elections. I've put that there in terms of what the requirements are being a registered voter, will have to be a Democrat, be 21-years of age or older and, reside within the Charlotte Municipal District, and qualified to vote in City Council elections. We've also given you what I would call an expedited timeline that you see there. If the council approves the action that's being requested of you, the application process would open up tonight, Tuesday, January 19th. It would be held open through the end of the business day at five o'clock on Tuesday, January 26.

We would provide the completed applications to you the next day, January 27 and we would hold a special meeting on Friday, January 29th, 2021. That would be a public forum for the qualified applicants to present themselves to the public and to the Council. We would then have an item on your agenda for the February 1st meeting where the Council would make the appointment of the individual to fill the at-large vacancy that would again occur on February the 1<sup>st</sup>. On February the 2<sup>nd</sup> there would be a swearing-in. This would be more of the technical legal swearing-in with the Clerk on February the 2<sup>nd</sup>, then there will be a formal swearing-in ceremony of that individual on February 8<sup>th</sup>. The timeline that you have here is really as quickly as we could make this happen. Given we're at the start of the budget process and the number of big, important matters that we're dealing with right now, we felt like it would be best to give you at least the opportunity to get someone on board as quickly as possible.

Today you have also been given the proposed application, which has some questions that a little different than the questions that we have asked before. I think in years past it was really more state your interest in serving as an At-large City Council representative. We've asked a couple of other questions here that I think you all have a copy of, and this will be included in the application that will go online shortly after this meeting. Again, assuming you approve the item. And I also gave you all a memo that captures what you've done in the past in terms of the voting process of getting to the actual appointee, which you've done in the past, in particular, twice in 2017, was that you had a nomination and ballot process. On February 1st individual Councilmembers will nominate an individual and there'll be multiple nominations, I would assume, not to close that nomination process. Then you would vote and you're looking for someone to get to six votes. In the event that you don't get six votes there are opportunities for essentially runoffs to narrow the field down to the top two vote-getters. If nobody gets six votes on the first pass and then you would have both votes until you got to someone getting six votes from the Council.

**Councilmember Eiselt** said thank you Mr. Baker, can you just be more specific about where online people can find the application? Is there a section on our Website? What other social media sites can people look for it?

Mr. Baker said it will be on at least the City's website. I believe it's on the Clerk's website is where it will be housed. I know our Communications Department will be putting out this information as well with a link to that particular location on the Clerk's website.

Mayor Lyles said I think that the Clerk's office is best set up to receive these applications and keep a record of the time and the accuracy. It will be advertised, as you said, Mr. Baker, is that correct?

Mr. Baker said that is correct

Mayor Lyles said and people will get links too?

Mr. Baker said yes.

**Councilmember Egleston** said I appreciate the accelerated timeline. I do think it's important that we get this Councilmember in as quickly as possible and up to speed as quickly as possible because of some of the big things we've got on our plate. We need a full roster. My only push back and I've voiced his concern to you all I guess last week some time and I don't know what time of day we're looking at them, I guess that's been settled yet, but for all of the qualified applicants to be speaking on a Friday. I don't know if that would be during the day or in the evening, we asked Councilmembers to be available for Monday night meetings and obviously, many of the people who will likely apply, like many of us, will have full-time jobs. So, if the expectation is that they will be available Friday during the day, that's not something they will typically need to be available for as a Councilmember if we're asking them to give up a Friday night and then depending on how many applicants we have, essentially sit there for hours on end listening to dozens of folks. I just question why a Friday makes sense when that's not a day we typically meet. To me have it on a Monday if that's when we expect them to be available. We don't know what their work and family situations are to be able to be available for some unknown period of time on a Friday. Maybe that question is easier answered once we see how many people apply. But I would suggest that if it's not an inordinate amount of people that that could be done on a Monday, either starting our evening early or just acknowledging that our meeting will go later than we had originally planned.

**Councilmember Graham** said I kind of agree with that Larken for what it's worth. My concern was that there was never any definition around whether or not an applicant can get the appointment and then run for the seat. We had some conversations about that and based on the way it's written, I would hope that we would formally endorse that notion that if you get appointed to the position, you should not be able to run. I think it gives an unfair advantage to those who are considering running for the open seat this coming spring. So, I'm not sure what we can do with that, but I think it's really important for this Councilmember, and he vote that I have, that I won't be supporting any candidate, nor do I think the Council should support any candidate who desires to fill the vacancy and then run by filing in July.

**Councilmember Winston** said I know this point of running an incumbency is something my colleagues have talked about a lot. I would just like to point out that barring somebody from running again, and again I know nobody gets a barroom, but suggesting it is unconstitutional under the North Carolina law, North Carolina state constitution. We have all taken oaths to defend the Constitution. I believe it would be unethical to tell somebody that there's a condition on their vote to put them in an unconstitutional situation, to say that they would be prevented from running from office because they already hold in office.

**Councilmember Watlington** said I just wanted to hit a couple of things that I wanted to make sure folks [inaudible] looking for since we're on the subject for myself, I want whoever is the most qualified. I would love for any candidate who ends up serving if they've done a great job and the people choose to vote for them, I have absolutely no issue that I think that we are stronger with the most committed and the best candidates on our Council. So for me, that is not something that I will be taken into consideration as I'm looking at the applications. What I will be taking into consideration, however, are proven and courageous leaders that adapt quickly, that are databased and thoughtful, that possess some level of business acumen. We've got a lot of important initiatives going on right now that are very complex, that have financial components as well as strategic components. It's important to me that for someone to be able to come in and hit the ground running, that they've got some level of understanding of business acumen. Certainly, I'm looking for a colleague that will be prepared and that will pay attention. That is a problem solver who is interested in bringing solutions. I'm looking for someone who is able to take a stand and is willing to do the work.

Our schedules are not always Monday night and that's it. So, I expect somebody to come in as a colleague and I'll be looking for someone who understands that there may be additional demands as it relates to public service outside of what's listed on the meeting schedule. I'm looking for someone who is progressive and also pragmatic. Certainly, we've got some big ideas on the docket. We also understand that oftentimes change is iterative. So, I'm looking for someone who has who can cast a provisional form alongside our vision, but I also understand that we've got to be pragmatic about implementation. In addition, I'm looking for someone who has demonstrated a commitment to advocating specifically for the Westside or the Eastside of University City. As we think about Councilmember Mitchell and where he served in District two for many, many years, it's very important to me, especially as we think about Corridors of Opportunity, as we think about making mobility investments and how that ties into economic mobility, that candidate demonstrate a level of advocacy for participants that live in the Westside and the Eastside and University City, probably above all else.

**Councilmember Ajmera** said as someone who has gone through this process in 2017, I have a different perspective on this whole tradition. I was appointed to serve District 5, and then I ran At-large, however, now that I'm on the other side with this having to think about this tradition, I truly question what's the purpose of the tradition. As Mr. Winston said it's unconstitutional. However, more importantly, candidates will have a track record

after they have served for a few months or a year, and it should be up to the residents to decide who gets to serve them and not City Councilmembers. We have judicial candidates, state representatives, state legislators. Many times, once they get appointed, they run for the seat. So, this tradition needs to be considered and for me, that will not be part of the process. If the candidate wants to run, that's fine, because once residents get to see their actions, they speak louder than just the words and promises. As Ms. Watlington said, I looked for a candidate with courage and conviction. I look for a candidate who is going to speak up for the areas that have been left behind. University, East and West parts of our City, where we need to continue to invest more and focus on revitalizing neighborhoods. So, I'll be looking forward to that. Mr. Mitchell has always supported minority businesses, small businesses. I'll be looking for that candidate who is going to be a strong voice for our most vulnerable community.

Mayor Lyles said I want to go back. One, I think that on the issue of incumbency or willingness to speak, that's certainly something that's a Councilmember individual decision to be made. I want to go back to Mr. Eggleston's concern about the Friday hearing. We were trying to make sure that we had a meeting that would be publicly televised on Monday for the selection. So, that's why the schedule is what it is. The alternative, I think, that we would have is to have the speakers come on Monday for our meeting and squaring the person in on Tuesday, and they would attend our Budget Meeting on Wednesday. If we have the public hearing on Monday instead of Friday based on the schedule, then we would have the vote to make the decision, the hearing will be Monday, February 1st, the next meeting that we would have, would be the Budget Meeting where we would do the appointment. Then they would be sworn in after the Budget Meeting and attend the meeting the following Monday. I'm looking at my calendar to see what that time is. So, the question is can this be expanded? I think the idea was to do the public forum so it could run at least three or four days so that the public would be able to see, as Councilmembers saw these folks. So, the idea was that if we did it on Friday afternoon, it would not be the morning would be the afternoon, then it would be available for people to view on Friday evening, Saturday, Sunday and all day on Monday before the Council made their vote. So, I think it's completely up to the Council how you would like to do this.

Ms. Eiselt said I just want a point of clarification. When we say we're not allowed to, by state law, require that a candidate cannot run. Does that prevent us from asking a candidate whether or not they intend to run? Because I'm I am like Mr. Graham, I've just seen is too much. I really feel like an election should be a fair and level playing field and when you have a candidate that's been appointed, they automatically have access to the media. It feels very unfair, especially for an at-large race. Are we prevented from actually asking a candidate their intentions?

**Patrick Baker, City Attorney** said you're not prevented from asking the candidate their intentions and that's been the tradition, is to get that information. What you're what you can't do is make it an absolute bar to be considered. Ultimately, you all would make that decision individually. So, we can't make it as if they said that, they would be interested to

say that they cannot put it in for this position. But what you all do individually is ultimately up to you.

Mr. Eggleston said if this is going to be Friday and again, I haven't heard a time yet, but that's next week. What do we do with folks who say they're scheduled to work on a Friday isn't something that they can be president for? I assume it's all going to be virtual. What would we do if there are folks who are interested or not able to speak on that Friday, particularly since we're not even yet, at least I haven't heard yet a time that we're declaring that it's going to be that Friday?

Mayor Lyles said Ms. Jackson just informed me that after polling your assistance, that the best time would be to start at 11 a.m. for the comments by the members. We won't know until Tuesday how many there are. You would have had the opportunity to contact people, talk with them between Tuesday and Friday, and they would be actually presenting themselves more to the public than to the Council because Council would have had the opportunity to make the personal calls. My suggestion would be that those of us that can be there would be there to hear the people and that that would be shown just because it would be repeated over the next three days. I think that that's the assumption.

Mr. Eggleston said yes. It helps to know the time, but again, I'll point out this process in a District seat usually yields a dozen applicants. So, in an At-large race, I would assume that there'll be dozens of applicants. So, 11 a.m. on a Friday, probably going to pose a challenge to a lot of folks on one week's notice who have other jobs, presumably. So, I just think we're going to run into a situation with that time slot that a lot of folks will not be able to be including undoubtedly some Councilmembers depending on the length, how long it goes, and it could be a couple hours.

Mayor Lyles said it would be virtual and if they can't, I think that we could arrange for recordings of them with another time slot. I'm just looking for what do you want to do. I haven't heard a motion.

Mr. Eggleston said as a follow-up question, do we anticipate there's not going to be, I presume, Councilmembers asking questions in real-time of these folks? If there is, we should count on being twice as long. But if that's not going to be the case, then could we give a period of time where any applicant can submit their video, and then we can have those all available to counsel on some sort of an online portal or something where anyone in the public or council can go in and view them. That way the applicants have the opportunity to submit it as they're able.

Mayor Lyles said that was my suggestion if they had a conflict that Friday, particularly, that they could be videotaped. I'm going to make sure that we have the appropriate notice. I'm asking Mr. Baker to make sure, that we're doing something by doing the videotaping because this was to have them have their three minutes and it wasn't a back and forth. Councilmembers should be contacting them individually. So, the question, Mr. Baker, was

within our ability, under the electronic and the virtual statutes to say we would do your video if you were not able to participate?

Mr. Baker said yes, we can make that work. I say yes, having not looked at the technology folks. But I'm certain that we can make that work and we'll put up whatever language is necessary to make sure that happens If that's what we need to be.

Mayor Lyles said that's the response to your question, Mr. Eggleston. We can do it legally and with technology.

Mr. Winston said I would object to that path. I think there are several reasons why. Number one, the digital divide in the community. For instance, when we do these meetings, you do have the option to call in and that can be quite difficult. You know, if you have a landline and you need to record something and do something like that. I would also like to remind folks that while we are the ones voting, we as Councilmembers, are a representative democracy. So, while we are voting as individuals, we are voting on behalf of our constituents. Part of the public hearing is just that. So, the public can have the chance to hear who is our candidate for their representation and therefore they can communicate what they see or want and concern to us and we can make an informed choice. So, this is important to do it in a public meeting. Then when you have the people recording ahead of time, you have the externalities of not necessarily being able to control time, giving people a disproportionate amount of time, or disqualifying people simply because they go over time. I think there are too many externalities to consider.

Mayor Lyles said I think that we would have a limit on the time and the time would be enforced, just like we would enforce the time of any meeting. It is three minutes if that is what the Council has decided. I guess what I'm looking for, what would you like to do? I'm looking for a motion or if there is someone that would like to make a motion for what you would like to do. You have a recommendation in front of you. Is there something that you would like to recommend?

Motion was made by Councilmember Watlington, seconded by Councilmember Eiselt, to accept the recommendation with the following amendment to the recommendation; that the City Council will hold an optional candidate forum to receive comments from qualified candidates and each candidate is allowed at three minutes.

Ms. Eiselt said she would second the motion if Ms. Watlington wants to clarify whether she would include in her motion that people could submit a three-minute video.

Ms. Watlington said I certainly appreciate what Mr. Winston said; I do not want people to be penalized for not having a very well edited video or something of that nature. I think I would prefer not to have the video, but I think that the other people the option and certainly people are welcomed to call each Councilmember as they see fit.



Mayor Lyles said it is optional and is not required.

**Councilmember Newton** said just for clarification, are we saying that people can submit videos because it is optional for them to do so? I guess that is my question to Victoria in her motion.

Ms. Watlington said in my motion I actually was not including the video portion of it. I was moving that we just make that presentation piece optional that it not be required in case candidates are not able to [inaudible] considering the late notice. I prefer we leave out the video. That way people don't feel like they've got to try to pull something together in that way. That was my motion Madam Mayor, I just move to make that portion of it optional and keep everything else as it was in the recommendation.

Mayor Lyles said you have the recommendation goes all the way through, the section that says Friday, January 29<sup>th</sup> public forum for qualified candidates would be to hold a public forum to hold to receive comments for those who choose to come and if you choose not to come then you would be just working through the Councilmembers. There would be no video. That is what I heard Ms. Watlington say; did I here that correctly?

Ms. Watlington said yes ma'am that is my motion.

The vote was taken on the motion and was recorded as unanimously.

Mayor Lyles said will be a special meeting of the City Council. We are going to try to get six people there. We will need six on Friday.

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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 Tuesday, February 2nd at 5:30 p.m. 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 Newton, and carried unanimously to defer: a decision on Item No. 5, Petition No. 2019-173 b McCraney Property Company, deferred to February 15, 2021, decision on Item No. 6, Petition No. 2019-179 by Ronald Staley, Jr. of Verde Homes, LLC to February 15, 2021; a hearing on Item No. 27, Petition No. 2015-027 by Charlotte Housing Authority to deferred to July 19, 2021; and a hearing on Item No. 28, Petition No. 2020-155 by Go Store It South Tryon, LLC deferred to February 15, 2021.

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## DECISIONS

**ITEM NO. 3: ORDINANCE NO. 9965-Z, PETITION NO. 2019-037 BY JAY KAMDAR AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.08 ACRES LOCATED ON THE WEST SIDE OF SAM WILSON ROAD, NORTH OF PERFORMANCE ROAD FROM R-17MF LWPA (MULTI-FAMILY RESIDENTIAL, LAKE WYLIE WATERSHED - OVERLAY, PROTECTED AREA) TO B-2 (CD) LWPA (GENERAL BUSINESS, CONDITIONAL, LAKE WYLIE WATERSHED - OVERLAY, PROTECTED AREA).**

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Catawba Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office/industrial-warehouse-distribution. However we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposed uses allowed in the B-2 (general business) zoning district by this site plan, while technically inconsistent with the office/industrial-warehouse distribution land use recommendation for this site, are consistent with the non-residential land use recommendation for the surrounding area. The site is within the West Growth Corridor, as per the Centers, Corridors, and Wedges Growth Framework. The Framework states that areas within one mile of interstate interchanges are appropriate locations for highway-serving retail (hotels, gas stations, restaurants). The site is within ¼ mile of the Interstate 85 interchange at Sam Wilson Road. The petition proposes transportation improvements to mitigate the impact of the project including the addition of right and left-turn lanes on Sam Wilson Road as well as a bike lane, planting strip, and sidewalk along the site's public street frontage. The petition proposes a buffer and fence to lessen the project's impact on adjacent single-family uses. The approval of this petition will revise the adopted future land use as specified by the Catawba Area Plan, from Office/Industrial-Warehouse-Distribution land uses to Retail land uses for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2019-037 by Jay Kamdar and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Catawba Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office/industrial-warehouse-distribution. However we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed uses allowed in the B-2 (general business) zoning district by this site plan, while technically inconsistent with the office/industrial-warehouse distribution land use recommendation for this site, are consistent with the non-residential land use recommendation for the surrounding area. The site is within the West Growth Corridor, as per the Centers, Corridors and Wedges Growth Framework. The Framework states that areas within one mile of interstate interchanges are appropriate locations for highway-serving retail (hotels, gas stations, restaurants). The site is within ¼ mile of the Interstate 85 interchange at Sam Wilson Road. The petition proposes transportation improvements to mitigate the impact of the project including the addition of right and left turn lanes on Sam Wilson Road as well as a bike lane, planting strip, and sidewalk along the site's public street frontage. The petition proposes a buffer and fence to lessen the project's impact on adjacent single family uses. The approval of this petition will revise the adopted future land use as specified by the Catawba Area Plan. from Office/Industrial-Warehouse-Distribution land uses to

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 486-487.

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**ITEM NO. 4: ORDINANCE NO. 9966-Z, PETITION NO. 2019-089 BY ALPA PARMAR AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 16.7 ACRES LOCATED ON THE NORTH SIDE OF QUEEN CITY DRIVE, EAST OF LITTLE ROCK ROAD, SOUTH OF TUCKASEEGEE ROAD, NORTH OF I-85 FROM R-17 MF AIR (MULTI-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY) TO B-2 (CD) AIR (GENERAL BUSINESS, CONDITIONAL, AIRPORT NOISE OVERLAY).**

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Westside Strategic Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office/business parkland uses. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposed site plan is inconsistent with the office/business parkland uses recommended for this site, but the retail, restaurant, and hotel uses proposed are compatible with surrounding land uses. The site is located along a frontage road to Interstate 85, just north of Charlotte-Douglas International Airport, where retail and hotel uses are appropriate. The proposed uses complement

recent hotel developments in the area. A 56.25' Class B buffer with a 6' solid fence around the perimeter of the site will provide screening of the project from adjacent properties, including single-family homes to the northwest of the site. The approval of this petition will revise the adopted future land use as specified by the Westside Strategic Plan, from office/business parkland uses to retail land uses for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2019-089 by Alpa Parmar and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Westside Strategic Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office/business park land uses. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed site plan is inconsistent with the office/business park land uses recommended for this site, but the retail, restaurant, and hotel uses proposed are compatible with surrounding land uses. The site is located along a frontage road to Interstate 85, just north of Charlotte-Douglas International Airport, where retail and hotel uses are appropriate. The proposed uses compliment recent hotel developments in the area. A 56.25' Class B buffer with 6' solid fence around the perimeter of the site will provide screening of the project from adjacent properties, including single family homes to the northwest of the site. The approval of this petition will revise the adopted future land use as specified by the Westside Strategic Plan, from office/business park land uses to retail land uses for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 488-489.

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**ITEM NO. 7: ORDINANCE NO. 9967-Z, PETITION NO. 2020-086 BY GREYSTAR GP II, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 71.94 ACRES LOCATED ON THE SOUTH SIDE OF UNIVERSITY CITY BOULEVARD, WEST OF INTERSTATE 485, NORTH OF MINERAL SPRINGS ROAD FROM RE-2 (RESEARCH AND RE-2 (CD) (RESEARCH, CONDITIONAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) WITH FIVE-YEAR VESTED RIGHTS.**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the University Research Area Plan (2008) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential/office/retail up to 22 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 this petition proposes up to 712 multi-family and 26 multi-family attached dwelling units to be developed in two

phases. This petition aligns with the University Research Area Plan (2008) future land use recommendation of residential, office, or retail at this site. At 9.6 DUA, this petition is much less dense than the maximum recommended density of 22+ DUA. This petition commits to increasing pedestrian mobility by establishing a minimum 8-foot wide planting strip and a minimum 12-foot wide multi-use path along the Site's frontage on University City Boulevard. Prior to the issuance of a certificate of occupancy for the one hundred and seventy-fifth (175th) multi-family dwelling unit constructed on the Site, the Petitioner proposes to dedicate and convey to Mecklenburg County for future greenway purposes the entire 100-year floodplain of Doby Creek. The petitioner also commits to constructing a minimum 12-foot wide multi-use path that will connect the Greenway Area to the western boundary line of the Site.

Motion was made by Councilmember Johnson, seconded by Councilmember Eiselt, to approve Petition No. 2020-086 by Greystar GP II, LLC and adopt the following Statement of Consistency: this petition is found to be consistent with the University Research Area Plan (2008) based on the information from the final staff analysis and the public hearing, and because the plan recommends residential/office/retail up to 22 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 this petition proposes up to 712 multi-family and 26 multi-family attached dwelling units to be developed in two phases. This petition aligns with the University Research Area Plan (2008) future land use recommendation of residential, office, or retail at this site. At 9.6 DUA, this petition is much less dense than the maximum recommended density of 22+ DUA. This petition commits to increasing pedestrian mobility by establishing a minimum 8-foot wide planting strip and a minimum 12-foot wide multi-use path along the Site's frontage on University City Boulevard. Prior to the issuance of a certificate of occupancy for the one hundred and seventy-fifth (175th) multi-family dwelling unit constructed on the Site, the Petitioner proposes to dedicate and convey to Mecklenburg County for future greenway purposes the entire 100-year floodplain of Doby Creek. The petitioner also commits to constructing a minimum 12-foot wide multi-use path that will connect the Greenway Area to the western boundary line of the Site.

**Councilmember Johnson** said I just want to thank the developer. This developer has worked with the community. This is supported by University City Partners. The developer is helping to build a 12-foot wide multi-use path and they're also going to convey a portion of the land to Mecklenburg County for greenspace. So, these are the type of developments and developers that we like to see. I think they raise the bar for developers.

The vote was taken on the motion and recorded as unanimous.

The ordinance is recorded in full in Ordinance Book 63 at Page(s) 490-491.

**ITEM NO. 8: ORDINANCE NO. 9968-Z, PETITION NO. 2020-088 BY WSB RETAIL PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 58.04 ACRES LOCATED ALONG THE NORTHEAST SIDE OF PROSPERITY CHURCH ROAD AND THE SOUTH SIDE OF JOHNSTON OEHLER ROAD FROM MX-1 (MIXED-USE) AND R-3 (SINGLE-FAMILY RESIDENTIAL) TO CC (COMMERCIAL CENTER) UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) WITH FIVE-YEARS VESTED RIGHTS.**

The Zoning Committee voted 7-0 (motion by Nwasike, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: In this petition Development Areas B, D, and E are consistent with the Prosperity Hucks Area Plan (2015) recommendation of residential uses, but inconsistent with the recommendation of up to 8 dwelling units per acre. The proposed commercial and retail uses (Development Areas A and C) are inconsistent with the land use recommendation of the Prosperity Hucks Area Plan for residential uses based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential uses up to 8 dwelling units per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because this petition proposes up to 432 multi-family and single-family attached dwelling units on development areas B and D, and a variety of multi-family residential, commercial, and retail uses on development areas A and C. Development area E is dedicated to open space, tree save, and parks, greenways, and trails. The overall residential density for this site is 7.46 DUA, but the residential density for development areas B and D is 15.66 DUA, making the proposed density inconsistent with the area plan recommendation of residential density up to 8 DUA. The increased density in development areas B and D are appropriate because of the site's adjacency to the Prosperity Hucks Activity Center, where higher densities are recommended, and because of the site's commitment to connectivity between existing neighborhoods. The proposed commercial and retail uses, while not consistent with the future land use recommendation, are appropriate due to this site's adjacency to the Prosperity Hucks Activity Center, as indicated in the area plan. This petition helps fulfill the area plan's goals to build a network of local streets in this location, by committing to construct an extension of Prosperity Ridge Road throughout the development which will connect to Johnston-Oehler road. This petition proposes a minimum of a 6-foot sidewalk and 8-foot planting strip on both sides of the Prosperity Road Extension, which will secure a safe pedestrian experience when walking on this road. The petition commits to providing internal sidewalks and pedestrian connections as generally depicted on the rezoning plan. Prior to the issuance of the certificate of occupancy for the sixth new building constructed on the site and subject to the approval of Mecklenburg County, the petitioner commits to conveying a 2-acre portion of the site to Mecklenburg County for a future passive public park. 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 8 DUA to Residential up to 17 DUA for Development Areas B and D, and from Residential up to 8 DUA to Residential/Office/Retail for Development Areas A, C, and E.

Motion was made by Councilmember Johnson, seconded by Councilmember Newton, to approve Petition No. 2020-088 by WSB Retail Partners, LLC, and adopt the following Statement of Consistency: in this petition Development Areas B, D, and E are consistent with the Prosperity Hucks Area Plan (2015) recommendation of residential uses, but inconsistent with the recommendation of up to 8 dwelling units per acre. The proposed commercial and retail uses (Development Areas A and C) are inconsistent with the land use recommendation of the Prosperity Hucks Area Plan for residential uses based on the information from the final staff analysis and the public hearing, and because the plan recommends residential uses up to 8 dwelling units per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because this petition proposes up to 432 multi-family and single family attached dwelling units on development areas B and D, and a variety of multi-family residential, commercial, and retail uses on development areas A and C. Development area E is dedicated to open space, tree save, and parks, greenways, and trails. The overall residential density for this site is 7.46 DUA, but the residential density for development areas B and D is 15.66 DUA, making the proposed density inconsistent with the area plan recommendation of residential density up to 8 DUA. The increased density in development areas B and D are appropriate because of the site's adjacency to the Prosperity Hucks Activity Center, where higher densities are recommended, and because of the site's commitment to connectivity between existing neighborhoods. The proposed commercial and retail uses, while not consistent with the future land use recommendation, are appropriate due to this site's adjacency to the Prosperity Hucks Activity Center, as indicated in the area plan. This petition helps fulfill the area plan's goals to build a network of local streets in this location, by committing to construct an extension of Prosperity Ridge Road throughout the development which will connect to Johnston-Oehler road. This petition proposes a minimum of a 6-foot sidewalk and 8-foot planting strip on both sides of the Prosperity Road Extension, which will secure a safe pedestrian experience when walking on this road. The petition commits to providing internal sidewalks and pedestrian connections as generally depicted on the rezoning plan. Prior to the issuance of the certificate of occupancy for the sixth new building constructed on the site and subject to the approval of Mecklenburg County, the petitioner commits to conveying a 2-acre portion of the site to Mecklenburg County for a future passive public park. 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 8 DUA to Residential up to 17 DUA for Development Areas B and D, and from Residential up to 8 DUA to Residential/Office/Retail for Development Areas A, C, and E.

**Councilmember Johnson** said this is another developer who worked closely with the community and with me. They've made lots of concessions and enough donations to Mecklenburg County for Parks and to the multi-use path. They are improving the infrastructure with sidewalks and connectivity for bicyclists, and they've been responsive to the community and they have the support of the Planning staff and Zoning Committee and also the community. There were some concerns about the sidewalk and traffic during

our public hearing, but this developer has really been responsive and this is going to be an improvement to our community. They would like to, I believe, be required to have less parking because originally, I think this development, the neighborhood envisioned something like a Birkdale Village. But because of our current parking ordinances, they are meeting what the City is required. So, I'm looking forward to supporting it.

The vote was taken on the motion and recorded as unanimous.

The ordinance is recorded in full in Ordinance Book 63 at Page(s) 492-493.

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**ITEM NO. 9: ORDINANCE NO. 9969-Z, PETITION NO. 2020-091 BY MECKLENBURG COUNTY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 40.85 ACRES LOCATED EAST OF NATIONS FORD ROAD, WEST OF INTERSTATE 77, AND SOUTH OF SHARVIEW CIRCLE FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO INST (CD) (INSTITUTIONAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Nwasike, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Southwest District Plan with respect to land use based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential at up to four dwelling units per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because institutional land uses are considered compatible land uses with single-family uses, as they provide needed public services to area residents. The proposed Mecklenburg County community resource center would provide health and social services to the surrounding community, bringing services closer to residents in the southwestern part of the county. The proposed site plan includes buffer areas between the institutional uses and the adjacent single-family neighborhood. The site is located across from B-1 uses, and Waddell Language Academy. The petition commits to a range of transportation improvements that will benefit the surrounding area including a multi-use path along Nations Ford Road, a multi-use path connection to Reynolds Avenue, and enhancements to several intersections. The approval of this petition will revise the adopted future land use as specified by the Southwest District Plan, from single-family residential at up to four dwelling units per acre to institutional use for the site.



Motion was made by Councilmember Watlington, seconded by Councilmember Eiselt, and carried unanimously to approve Petition No. 2020-091 by Mecklenburg County, and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Southwest District Plan with respect to land use based on the information from the final staff analysis and the public hearing, and because the plan recommends single family residential at up to four dwelling units per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because institutional land uses are considered compatible land uses with single family uses, as they provide needed public services to area residents. The proposed Mecklenburg County community resource center would provide health and social services to the surrounding community, bringing services closer to residents in the southwestern part of the county. The proposed site plan includes buffer areas between the institutional uses and the adjacent single-family neighborhood. The site is located across from B-1 uses, and Waddell Language Academy. The petition commits to a range of transportation improvements that will benefit the surrounding area including a multi-use path along Nations Ford Road, multi-use path connection to Reynolds Avenue, and enhancements to several intersections. The approval of this petition will revise the adopted future land use as specified by the Southwest District Plan, from single family residential at up to four dwelling units per acre to institutional use for the site.

The ordinance is recorded in full in Ordinance Book 63 at Page(s) 494-495.

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**ITEM NO. 10: ORDINANCE NO. 9970-Z, PETITION NO. 2020-102 BY J.S. & ASSOCIATES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 23.369 ACRES LOCATED ALONG THE NORTHWEST SIDE OF NEAL ROAD, ON THE SOUTHWEST SIDE OF IBM DRIVE, WEST OF HIGHWAY 85 FROM R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) AND R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (MF) (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: The southeast portion of this petition is inconsistent with the Northeast District Plan's (1996) recommendation of single-family residential up to 4 DUA, but consistent with the General Development Policies recommendation of residential use up to 17 dwelling units per acre. The rest of this petition is consistent with the University Research Park Area Plan's (2010) recommendation of office/residential/retail up to 22+ DUA and the Northeast District Plan's (1996) recommendation of residential up to 4 DUA based on the information from the post-hearing staff analysis and the public hearing, and because the Northeast District Plan recommends single-family residential up to 4 dwelling units per acre. The University Research Park Area Plan recommends office/residential/retail up to

22+ dwelling units per acre. The General Development Policies recommends residential use of up to 17 dwelling units per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because this petition proposes up to 157 duplex, triplex, or single-family attached dwelling units with a density of 6.72 DUA. While a portion of this proposed development is inconsistent with the Northeast District Plan (1996) recommendation of single-family residential up to 4 DUA, its 6.72 DUA is well within the density limits of the other land use recommendations present on the site. Additionally, the site is Petition 2020-102 (Page 2 of 2) Zoning Committee Recommendation proximate to R-17MF zoning to the north and R-8MF(CD) zoning to the west, making the slightly higher density appropriate for the surrounding areas. The General Development Policies (GDP) provide policy guidance for evaluating proposed residential densities greater than four units per acre. The petition's request for multi-family residential up to 8 DUA meets the General Development Policies locational criteria for consideration of up to the seventeen dwellings per acre requested. The petition commits to enhancing the pedestrian environment through site design elements which include an 8-foot planting strip and 6-foot to 12-foot sidewalk or multi-use path along the site's frontages on Neal Road and IBM Drive. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan (1996), from Single-family Residential up to 4 DUA, Residential up to 8 DUA, and Residential/Office/Retail to Residential up to 8 DUA for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Newton, to approve Petition No. 2020-102 by J.S. & Associates, Inc. and adopt the following Statement of Consistency: this the southeast portion of this petition is inconsistent with the Northeast District Plan's (1996) recommendation of single family residential up to 4 DUA, but consistent with the General Development Policies recommendation of residential use up to 17 dwelling units per acre. The rest of this petition is consistent with the University Research Park Area Plan's (2010) recommendation of office/residential/retail up to 22+ DUA and the Northeast District Plan's (1996) recommendation of residential up to 4 DUA based on the information from the final staff analysis and the public hearing, and because the Northeast District Plan recommends single family residential up to 4 dwelling units per acre. The University Research Park Area Plan recommends office/residential/retail up to 22+ dwelling units per acre. The General Development Policies recommends residential use up to 17 dwelling units per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because this petition proposes up to 157 duplex, triplex, or single-family attached dwelling units with a density of 6.72 DUA. While a portion of this proposed development is inconsistent with the Northeast District Plan (1996) recommendation of single family residential up to 4 DUA, its 6.72 DUA is well within the density limits of the other land use recommendations present on the site. Additionally, the site is Petition 2020-102 (Page 2 of 2) Zoning Committee Recommendation proximate to R-17MF zoning to the north and R-8MF(CD) zoning to the west, making the slightly higher density appropriate for the surrounding areas. The General Development Policies (GDP) provide policy guidance for evaluating proposed residential densities greater than four units per acre. The petition's request for multi-family residential up to 8 DUA meets the General Development Policies locational criteria for consideration of up to the seventeen dwellings per acre requested. The petition commits to enhancing the pedestrian environment through site design elements which include an 8-foot planting strip and 6-foot to 12-foot sidewalk or multi-use path along the site's frontages on Neal Road and IBM Drive. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan (1996), from Single Family Residential up to 4 DUA, Residential up to 8 DUA, and Residential/Office/Retail to Residential up to 8 DUA for the site.

**Councilmember Johnson** said this is another petition where the developer has answered the call. These are for-sale units and the developer has committed with his own funding to commit some of these in less than the market rate or affordable rates. So, these are the types of development that we'd like to see when the developer goes above what's required by the City and in response to the community and the City's priorities. So, I'm looking forward to supporting this one also.

The vote was taken on the motion and was recorded as unanimous.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 496-497.

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**ITEM NO. 11: ORDINANCE NO. 9971-Z, PETITION NO. 2020-105 BY MATT CONNOLLY – WHITE ZOMBIE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .95 ACRES LOCATED AT THE EASTERN CORNER OF THE INTERSECTION OF SEIGLE AVENUE AND VAN EVERY STREET FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) TO UR-C (CD) (URBAN RESIDENTIAL-COMMERCIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Blumenthal, seconded by Kelly) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Belmont Area Revitalization Plan with respect to proposed land use, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential/office/retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because per the area plan, development in this location would have a significant impact on the future of the larger Belmont community. It would help stabilize the neighborhood and create an environment attractive to new investment. The petition's proposed adaptive reuse of a portion of one of the existing structures at the site accomplishes the plan's recommendation of taking a preservation-oriented approach to development. The petition's proposed uses (residential, retail, and/or office) do not differ from those approved in petition 2019-100. The petition's proposed uses are compatible with surrounding residential and non-residential uses. The petition's commitment to improving and extending Van Every Street while making pedestrian improvements along this site's frontage contributes to the plan's recommendation of making the Belmont neighborhood more pedestrian-friendly.

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 addresses the rights of CSXT within the delineated 100-foot rail corridor that states "The activities of Petitioner within the 100' Rail Corridor claimed by CSX Transportation, Inc. ("CSXT") and delineated on the site plan as "Existing 100' Rail R/W" (the "Rail Corridor") shall be subject to any existing rights of CSXT within the Rail Corridor."

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously not to send this petition back to the Zoning Committee.
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Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 9971-Z by Matt Connolly - White Zombie, LLC and adopt the following Statement of Consistency: this petition is found to be consistent with the Belmont Area Revitalization Plan with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the plan recommends residential/office/retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because per the area plan, development in this location would have a significant impact on the future of the larger Belmont community. It would help stabilize the neighborhood and create an environment attractive to new investment. The petition's proposed adaptive reuse of a portion of one of the existing structures at the site accomplishes the plan's recommendation of taking a preservation-oriented approach to development. The petition's proposed uses (residential, retail, and/or office) do not differ from those approved in petition 2019-100. The petition's proposed uses are compatible with surrounding residential and non-residential uses. The petition's commitment to improving and extending Van Every Street while make pedestrian improvements along this site's frontage contributes to the plan's recommendation of making the Belmont neighborhood more pedestrian-friendly as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 498-499.

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**ITEM NO. 12: ORDINANCE NO. 9972-Z, PETITION NO. 2020-107 BY DRAKEFORD COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.3 ACRES LOCATED ALONG THE EAST SIDE OF BRIAR CREEK ROAD, NORTH OF CAROLYN DRIVE, AND SOUTH OF CENTRAL AVENUE FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (CD) (SINGLE-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Barbee, 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 Central District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the Central District Plan recommends single-family residential up to 4 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 proposal is consistent with the land uses immediately North, South, and East. The proposed density of 2.30 units per acre is less than the recommended 4 units per acre. The request will establish a building setback consistent with existing single-family detached homes along Briar Creek Road. Transportation improvements will accommodate a 6-foot sidewalk, 8-foot planting strip, and bike lane with a 3-foot buffer.

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2020-107 by Drakeford Communities and adopt the following Statement of Consistency: this petition is found to be consistent with the Central District Plan, based on the information from the final staff analysis and the public hearing and because the Central District Plan recommends single family residential up to 4 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 proposal is consistent with the land uses immediately north, south and east. The proposed density of 2.30 units per acre is less than the recommended 4 units per acre. The request will establish a building setback consistent with existing single family detached homes along Briar Creek Road. Transportation improvements will accommodate a 6-foot sidewalk, 8-foot planting strip, and bike lane with 3-foot buffer.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 500-501.

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**ITEM NO. 13: ORDINANCE NO. 9973-Z, PETITION NO. 2020-111 BY MR3 DEVELOPMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.61 ACRES LOCATED NORTH OF DIXIE RIVER ROAD, JUST WEST OF SHOPTON ROAD FROM R-17 MF (CD) LLWPA (MULTI-FAMILY RESIDENTIAL, CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA) TO NS LLWPA (NEIGHBORHOOD SERVICES, LOWER LAKE WYLIE PROTECTED AREA).**

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Dixie Berryhill Strategic Plan with respect to land use based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends multifamily residential at no more than 17 dwelling units per acre for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the proposed site plan limits the uses allowed in the NS (neighborhood services) zoning district to a childcare center. Childcare centers are considered institutional land uses and are compatible in residential areas, at appropriate locations. The site is located on Dixie River Road, an existing major thoroughfare, one parcel away from Berewick Elementary School.

Motion was made by Councilmember Watlington, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2020-111 by MR3 Development, LLC and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Dixie Berryhill Strategic Plan with respect to land use based on the information from the final staff analysis and the public hearing, and because the plan recommends multifamily residential at no more than 17 dwelling units per acre for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed site plan limits the uses allowed in the NS (neighborhood services) zoning district to childcare center. Childcare centers are considered institutional land uses and are compatible in residential areas, at appropriate locations. The site is located on Dixie River Road, an existing major thoroughfare, one parcel away from Berewick Elementary School.

The ordinance is recorded in full in Ordinance Book 63 at Page(s) 502-503.

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**ITEM NO. 14: ORDINANCE NO. 9974-Z, PETITION NO. 2020-114 BY FREEDOM DRIVE TERMINAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.01 ACRES LOCATED EAST OF LITTLE ROCK ROAD, NORTH OF FRED D. ALEXANDER BOULEVARD, AND SOUTH OF OLD MOUNT HOLLY ROAD FROM B-1 LLWPA (NEIGHBORHOOD BUSINESS, LOWER LAKE WYLIE PROTECTED AREA), R-4 LLWPA (SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO I-1 LLWPA (LIGHT INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA).**

The Zoning Committee voted 6-0 (motion by Nwasike, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northwest District Plan with respect to land use, based on the information from the post-hearing staff analysis and the public hearing, and because The plan recommends single-family residential up to four dwelling units per acre for the eastern portion of the site and multi-family residential for the western portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the site is adjacent to heavy industrial uses and a Duke Energy substation. The site is just south of the heavy industrial tank farm uses along Freedom Drive and Old Mt. Holly Road. There are Duke Energy power lines on the southern portion of the site. The site may not be best suited or compatible for residential uses given the industrial uses and zoning around it. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan, from single-family residential and multi-family residential use to light industrial use for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Newton, to approve Petition No. 2020-114 by Freedom Drive Terminal, LLC and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Northwest District Plan with respect to land use, based on the information from the final staff analysis and the public hearing, and because the plan recommends single family residential up to four dwelling units per acre for the eastern portion of the site and multi-family residential for the western portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is adjacent to heavy industrial uses and a Duke Energy sub-station. The site is just south of the heavy industrial tank farm uses along Freedom Drive and Old Mt. Holly Road. There are Duke Energy power lines on the southern portion of the site. The site may not be best suited or compatible for residential uses given the industrial uses and zoning around it. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan, from single family residential and multi-family residential use to light industrial use for the site.

**Councilmember Watlington** said I just wanted to follow up on this one from last month. As I indicated, last month was, one, make sure that this petitioner got with the residents and they were able to be a part of the process and given comments and concerns they had. They have since done that. They met with the business owner. They've been able to go to the site and they are feeling comfortable about this one. So, I'll be happy to support you tonight.

The vote was taken on the motion and recorded as unanimous.

The ordinance is recorded in full in Ordinance Book 63 at Page(s) 504-505.

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**ITEM NO. 15: ORDINANCE NO. 9975-Z, PETITION NO. 2020-121 BY JAMES DOYLE – CHAMBERLAIN TOWNHOMES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.10 ACRES LOCATED ALONG THE EAST SIDE OF SOUTH TURNER AVENUE, THE WEST SIDE OF BACON AVENUE AND SOUTH OF ROZZELLES FERRY ROAD FROM I-1 AND R-22 MF (GENERAL INDUSTRIAL AND MULTI-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL)**

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by Barbee) 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) land use recommendation but consistent with the General Development Policies, which supports the requested residential density up to 17 dwelling units per acre based on the information



from the post-hearing staff analysis and the public hearing, and because he plan recommends industrial use for part of the site and multi-family and single-family residential uses for the remainder of the site. The petition meets the General Development Policies locational criteria for consideration of up to 17 dwellings per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the proposed site plan, while inconsistent with land use plan recommendations, is consistent with existing surrounding residential development. The property across Turner Avenue from the site was rezoned in 2019 to MUDD-O to allow single-family attached residential uses at a density of 19 dwelling units per acre. Residential uses are more appropriate in this area of the Seversville neighborhood, rather than the industrial uses that were recommended in the past. The adjacent Savona Mill property was rezoned in 2019 to support redevelopment and conversion of the property to commercial, office, and residential uses. The site is one block from a pair of CATS bus stops for Route 1, providing an alternative transportation option for future residents. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from industrial, multi-family residential, and single-family residential to multi-family residential.

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 revised site plan was submitted showing the following changes to the site and building design:
  - a. Addition of floor area ratio allowed and proposed.
  - b. Illustration of logistics for trash and recycling removal.
  - c. Clarification of maximum building height capped at 40'.
  - d. Clarification that the proposed floor area is the maximum floor area allowed onsite.

Motion was made by Councilmember Graham, seconded by Councilmember Eiselt, and carried unanimously to not to send this petition back to the Zoning Committee.
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Motion was made by Councilmember Graham, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2020-121 by James Doyle – Chamberlain Townhomes, LLC and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Central District Plan (1993) land use recommendation but consistent with the General Development Policies, which supports the requested residential density up to 17 dwelling units per acre based on the information from the final staff analysis and the public hearing, and because the plan recommends industrial use for part of the site and multi-family and single family residential uses for the remainder of the site. The petition meets the General Development Policies locational criteria for consideration of up to 17 dwellings per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed site plan, while inconsistent with land use plan recommendations, is consistent with existing surrounding residential development. The property across Turner Avenue from the site, was rezoned in 2019 to MUDD-O to allow single family attached residential uses at a density of 19 dwelling units per acre. Residential uses are more appropriate in this area of the Seversville neighborhood, rather than the industrial uses that were recommended in the past. The adjacent Savona Mill property was rezoned in 2019 to support redevelopment and conversion of the property to commercial, office, and residential uses. The site is one block from a pair of CATS bus stops for Route 1, providing an alternative transportation option for future residents. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from industrial, multi-family residential, and single family residential to multi-family residential as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 506-507.

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**ITEM NO. 16: ORDINANCE NO. 9976-Z, PETITION NO. 2020-126 BY CAROLINA CAPITAL REAL ESTATE PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.25 ACRES LOCATED ALONG THE EAST SIDE OF YEOMAN ROAD, SOUTHWEST OF VERBENA STREET AND WEST OF OLD PINEVILLE ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-TR (TRANSIT-ORIENTED DEVELOPMENT - TRANSITION).**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Woodlawn Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office/industrial warehouse distribution. 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 just under one mile from

Woodlawn Station on the LYNX Blue Line. Since the adoption of the plan, TOD and mixed-use development have advanced in the Lower South End area in the direction of this parcel significantly. The proposal allows a site previously used for industrial/office/warehouse to convert to transit-supportive land uses. The use of conventional TOD-TR zoning applies standards and regulations to create the desired form and intensity of transit-supportive development, and conditional rezoning is not necessary. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The TOD-TR district may be applied to parcels within 1-mile walking distance of an existing rapid transit station. The approval of this petition will revise the adopted future land use as specified by the Woodlawn Station Area Plan, from the current recommended office/industrial warehouse distribution uses to transit-oriented development uses for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 9976-Z by Carolina Capital Real Estate Partners and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Woodlawn Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office/industrial warehouse distribution. 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 just under one mile from Woodlawn Station on the LYNX Blue Line. Since the adoption of the plan, TOD and mixed use development has advanced in the Lower South End area in the direction of this parcel significantly. The proposal allows a site previously used for industrial/office/warehouse to convert to transit supportive land uses. Use of conventional TOD-TR zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The TOD-TR district may be applied to parcels within 1-mile walking distance of an existing rapid transit station. The approval of this petition will revise the adopted future land use as specified by the Woodlawn Station Area Plan, from the current recommended office/industrial warehouse distribution uses to transit oriented development uses for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 508-509.

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**ITEM NO. 17: ORDINANCE NO. 9977-Z, PETITION NO. 2020-129 BY PROVIDENCE GROUP CAPITAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.264 ACRES LOCATED SOUTH OF THE INTERSECTION OF DUNAVANT STREET AND TRYON STREET, NORTHEAST OF REMOUNT ROAD FROM TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT - URBAN CENTER).**

The Zoning Committee voted 6-1 (motion by Barbee, 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 New Bern Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends transit-mixed-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 subject site is within a ¼ mile walk of the proposed Rampart Station and a little over ½ mile of the East/West Boulevard Station. The proposal allows a site previously used for industrial/office purposes to be reused or redeveloped with a transit-supportive project. The parcels were rezoned from I-2 to TOD-NC via petition 2019-102. The use of conventional TOD-UC zoning applies standards and regulations to create the desired form and intensity of transit-supportive development, and conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The TOD-UC district may be applied to parcels within ½-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of a funded and adopted Metropolitan Transit Commission alignment station location.

Motion was made by Councilmember Watlington, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 9977-Z by Providence Group Capital, LLC and adopt the following Statement of Consistency: this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the New Bern Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends transit-mixed 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 subject site is within a ¼ mile walk of the proposed Rampart Station and a little over ½ mile of the East/West Boulevard Station. The proposal allows a site previously used for industrial/office purposes to be reused or redeveloped with a transit supportive project. The parcels were rezoned from I-2 to TOD-NC via petition 2019-102. Use of conventional TOD-UC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The TOD-UC district may be applied to parcels within ½-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of a funded and adopted Metropolitan Transit Commission alignment station location.

The ordinance is recorded in full in Ordinance Book 63 at Page(s) 510-511.

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**ITEM NO. 18: ORDINANCE NO. 9978-Z, PETITION NO. 2020-130 BY US 21 HOLDING COMPANY, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 12.769 ACRES LOCATED ALONG THE WEST SIDE OF STATESVILLE ROAD, ALONG THE NORTH SIDE OF LAKEVIEW ROAD, AND EAST OF INTERSTATE 77 FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (GENERAL INDUSTRIAL).**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northlake Area Plan (2008), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends warehouse/distribution uses. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the Northlake Area Plan (2008) recommends preserving the existing industrial-warehouse-distribution uses east of Interstate 77 which have been the prevalent existing uses in this area. While this site is recommended for warehouse or distribution according to the area plan, changing this site to an industrial use would be in keeping with the strong industrial character of the area, as there are several general industrial and heavy industrial land uses to the south of the site. Rezoning this site to conventional I-2 zoning will allow the current existing truck yard

at this location to keep functioning in compliance with the zoning ordinance and would allow for other manufacturing and heavy industrial uses allowed in I-2. These uses would be appropriate as the site is surrounded by light and general industrial uses. The approval of this petition will revise the adopted future land use as specified by the Northlake Area Plan (2008), Warehouse/Distribution to Industrial for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 9978-Z US 21 Holding Company, LLC and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Northlake Area Plan (2008), based on the information from the final staff analysis and the public hearing and because the plan recommends warehouse/distribution uses. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the Northlake Area Plan (2008) recommends preserving the existing industrial-warehouse-distribution uses east of Interstate 77 which have been the prevalent existing uses in this area. While this site is recommended for warehouse or distribution according to the area plan, changing this site to an industrial use would be in keeping with the strong industrial character of the area, as there are several general industrial and heavy industrial land uses to the south of the site. Rezoning this site to conventional I-2 zoning will allow the current existing truck yard at this location to keep functioning in compliance with the zoning ordinance and would allow for other manufacturing and heavy industrial uses allowed in I-2. These uses would be appropriate as the site is surrounded by light and general industrial uses. The approval of this petition will revise the adopted future land use as specified by the Northlake Area Plan (2008), Warehouse/Distribution to Industrial for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 512-513.

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**ITEM NO. 19: ORDINANCE NO. 9979-Z, PETITION NO. 2020-131 BY JOHN NICHOLS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.54 ACRES LOCATED ALONG THE SOUTH SIDE OF CENTRAL AVENUE, THE EAST SIDE OF HAWTHORNE LANE, AND NORTH OF INDEPENDENCE BOULEVARD FROM B-2 PED (GENERAL BUSINESS, PEDESTRIAN OVERLAY) TO TOD-CC PED (TRANSIT-ORIENTED DEVELOPMENT-COMMUNITY CENTER, PEDESTRIAN OVERLAY).**

The Zoning Committee voted 7-0 (motion by Nwasike, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Plaza-Central Pedscape Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office/multi-family greater than 12 units per acre/limited retail. 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 within .08 mile of the adopted LYNX Gold Line Sunnyside stop on Hawthorne Lane. The TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. This petition would allow a richer mix of uses to help this property be in keeping with the vision of the Plaza-Central Pedscape Plan's overall vision of "creating a vibrant, mixed-use district...".

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2020-131 by John Nichols and adopt the following Statement of Consistency: this petition is found to be consistent with the Plaza-Central Pedscape Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends office/multi-family greater than 12 units per acre/limited retail. 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 within .08 mile of the adopted LYNX Gold Line Sunnyside stop on Hawthorne Lane. The TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. This petition would allow a richer mix of uses to help this property be in keeping with the vision of the Plaza-Central Pedscape Plan's overall vision of "creating a vibrant, mixed use district...".

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 514-515.

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**ITEM NO. 20: ORDINANCE NO. 9980-Z, PETITION NO. 2020-132 BY 1124 GALLOWAY, LLC, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.04 ACRES LOCATED ON THE NORTH SIDE OF GALLOWAY ROAD, EAST OF INTERSTATE 85, WEST OF INTERSTATE 485 FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Nwasike) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northeast Area Plan (2000), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office uses. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because this petition proposes up to 63 single-family attached dwelling units, with a density of 7.8 dwelling units per acre (DUA). Even though this proposal is inconsistent with the Northeast Area Plan (2008) recommendation for Office use, it fulfills the area plan's recommendation of providing a mixture of land uses and a pedestrian-oriented environment. The petition will enhance the pedestrian environment

by committing to orient the houses located on Galloway Road to face the street, establish a minimum 8-foot sidewalk and 8-foot planting strip, and providing internal sidewalks and pedestrian connections as depicted on the site plan. The approval of this petition will revise the adopted future land use as specified by the Northeast Area Plan (2008), from Office use to Residential up to 8 DUA for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2020-132 by Scaffolding Solutions adopt the following Statement of Consistency: this petition is found to be inconsistent with the Northeast Area Plan (2000), based on the information from the final staff analysis and the public hearing and because the plan recommends office uses. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because this petition proposes up to 63 single family attached dwelling units, with a density of 7.8 dwelling units per acre (DUA). Even though this proposal is inconsistent with the Northeast Area Plan (2008) recommendation for Office use, it fulfills the area plan's recommendation of providing a mixture of land uses and a pedestrian-oriented environment. The petition will enhance the pedestrian environment by committing to orient the houses located on Galloway Road to face the street, establish a minimum 8-foot sidewalk and 8-foot planting strip, and providing internal sidewalks and pedestrian connections as depicted on the site plan. The approval of this petition will revise the adopted future land use as specified by the Northeast Area Plan (2008), from Office use to Residential up to 8 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 516-517.

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**ITEM NO. 21: ORDINANCE NO.9981-Z, PETITION NO. 2020-136 BY SCAFFOLDING SOLUTIONS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.95 ACRES LOCATED ALONG THE SOUTH SIDE OF W.T. HARRIS BOULEVARD, EAST OF OLD STATESVILLE ROAD, AND SOUTH OF DAVID COX ROAD FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (CD) (GENERAL INDUSTRIAL).**

The Zoning Committee voted 7-0 (motion by Nwasike, 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 (2000), 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 the information from the post-hearing staff analysis and the public hearing, and because the area plan recommends industrial uses for this site. this site is surrounded by industrially-zoned land, meaning the proposed use of an equipment rental business for this site would be compatible with the adjacent uses. This



petition commits to complying with all city ordinance requirements and to installing or preserving a landscape screen along the front of the site to screen outdoor storage.

Motion was made by Councilmember Graham, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2020-136 by Scaffolding Solutions and adopt the following Statement of Consistency: this petition is found to be consistent with the Northeast District Plan (2000), 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 the information from the final staff analysis and the public hearing, and because the area plan recommends industrial uses for this site. this site is surrounded by industrially-zoned land, meaning the proposed use of an equipment rental business for this site would be compatible with the adjacent uses. This petition commits to complying with all city ordinance requirements and to installing or preserving a landscape screen along the front of the site to screen outdoor storage.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 518-519.

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**ITEM NO. 22: ORDINANCE NO. 9982-Z, PETITION NO. 2020-138 BY ROSEMARY BURT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.472 ACRES LOCATED ALONG THE SOUTH SIDE OF RUTGERS AVENUE, THE EAST SIDE OF LIGUSTRUM STREET, AND WEST OF SUGAR CREEK ROAD FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Kelly, 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) land use designation of single-family residential up to 4 dwelling units per acre, but consistent with the General Development Policies, which supports the requested 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 petition meets the General Development Policies locational criteria for consideration of up to 12 dwellings per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because This petition proposes to construct an additional duplex on the site, for a total of four dwelling units and a density of 8.4 dwelling units per acre (DUA). The General Development Policies (GDP) provide policy guidance for evaluating proposed residential densities greater than four units per acre. The petition's request for residential up to 12 DUA is much less dense than the General Development Policies support of up to 17 dwelling units per acre. While inconsistent with the Central Area Plan recommendation of single-family residential up to 4 DUA, this

petition is appropriate in fulfilling the area plan's goals to increase the supply of compatible infill housing, especially in vacant and underutilized properties. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from Single-family Residential up to 4 DUA to Residential up to 12 DUA for the site. The construction of an additional duplex in this area is appropriate for the character of the neighborhood, as several other duplexes are present along Ligustrum street.

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2020-138 by Rosemary Burt and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Central District Plan (1993) land use designation of single family residential up to 4 dwelling units per acre, but consistent with the General Development Policies, which supports the requested 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 petition meets the General Development Policies locational criteria for consideration of up to 12 dwellings per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because This petition proposes to construct an additional duplex on the site, for a total of four dwelling units and a density of 8.4 dwelling units per acre (DUA). The General Development Policies (GDP) provide policy guidance for evaluating proposed residential densities greater than four units per acre. The petition's request for residential up to 12 DUA is much less dense than the General Development Policies support of up to 17 dwelling units per acre. While inconsistent with the Central Area Plan recommendation of single-family residential up to 4 DUA, this petition is appropriate in fulfilling the area plan's goals to increase the supply compatible infill housing, especially in vacant and underutilized properties. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from Single Family Residential up to 4 DUA to Residential up to 12 DUA for the site. The construction of an additional duplex in this area is appropriate for the character of the neighborhood, as several other duplexes are present along Ligustrum street.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 520-521.

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**ITEM NO. 23: ORDINANCE NO. 9983-Z, PETITION NO. 2020-139 BY RED CEDAR CAPITAL PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 12.89 ACRES LOCATED ALONG THE WEST SIDE OF BROWNE ROAD, EAST OF SWEETBRIAR RIDGE DRIVE, AND NORTH OF HUCKS ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (SINGLE-FAMILY RESIDENTIAL).**

The Zoning Committee voted 7-0 (motion by Barbee, 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 Prosperity Hucks Area Plan (2015), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential uses up to 4 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 This plan recommends residential uses up to 4 dwelling units per acre (DUA) on this site. The parcels West of the site are zoned R-4(CD) with single-family homes. Zoning this site to R-4 is in keeping with the intended lower-density residential character for this area.

Motion was made by Councilmember Johnson, seconded by Councilmember Newton, to approve Petition No. 2020-139 By Red Cedar Capital Partners and adopt the following Statement of Consistency: this petition is found to be consistent with the Prosperity Hucks Area Plan (2015), based on the information from the final staff analysis and the public hearing and because the plan recommends residential uses up to 4 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 This plan recommends residential uses up to 4 dwelling units per acre (DUA) on this site. The parcels to west of the site are zoned R-4(CD) with single-family homes. Zoning this site to R-4 is in keeping with the intended lower-density residential character for this area.

**Councilmember Johnson** said if you all will recall this is the petition where Councilmember Mitchell and his neighbors did have some concern about the developers has since held a community meeting with the residents. I was able to attend. This is a modest change and they [inaudible] the issues. So, I'll be recommending the petition.

The vote was taken on the motion and was recorded as unanimous.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 522-523.

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**ITEM NO. 24: ORDINANCE NO. 9984-Z, PETITION NO. 2020-140 BY RJS PROPERTIES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.53 ACRES LOCATED IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF ZEBULON AVENUE AND ROZZELLES FERRY ROAD AND WEST OF TRADE STREET FROM I-2 (CD) (INDUSTRIAL, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Barbee) 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) land use recommendation but consistent with the General Development Policies, which supports the requested residential density up to 17 dwelling units per acre based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends heavy industrial and greenway uses for the site. The petition meets the General Development Policies locational criteria for consideration of up to 17 dwellings per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the proposed residential uses, while inconsistent with the adopted land use, are compatible with the existing residential development pattern in the area. Recent rezoning adjacent to this site rezoned the property from industrial to residential uses, making the petition more compatible with development on surrounding properties. The proposed residential density is supported by the General Development Policies. The petition would maintain recently installed streetscape improvements on Rozzelles Ferry Road. The site has direct access to a pair of CATS bus stops on Route 1. The petitioner has committed to improving the stop adjacent to the site with a waiting pad. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from heavy industrial uses to residential uses up to 17 dwelling uses per acre for a portion of the site not recommended for greenway uses.

Motion was made by Councilmember Graham, seconded by Councilmember Newton, to approve Petition No. 2020-140 by RJS Properties, Inc. and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Central District Plan (1993) land use recommendation but consistent with the General Development Policies, which supports the requested residential density up to 17 dwelling units per acre based on the information from the final staff analysis and the public hearing, and because the plan recommends heavy industrial and greenway uses for the site. The petition meets the General Development Policies locational criteria for consideration of up to 17 dwellings per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed residential uses, while inconsistent with the adopted land use, are compatible with the existing residential development pattern in the area. Recent rezoning adjacent to this site rezoned the property from industrial to residential uses, making the petition more compatible with development on surrounding properties. The proposed residential density is supported by the General Development Polices. The petition would maintain recently installed streetscape improvements on Rozzelles Ferry Road. The site has direct access to a pair of CATS bus stops on Route 1. The petitioner has committed to improving the stop adjacent to the site with a waiting pad. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from heavy industrial uses to residential uses up to 17 dwelling uses per acre for a portion of the site not recommended for greenway uses.

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

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

NAY: Councilmember Winston.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 524-525.

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**ITEM NO. 25: ORDINANCE NO. 9985-Z, PETITION NO. 2020-149 BY WHITE POINT PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1 ACRE LOCATED IN THE WESTERN QUADRANT OF THE INTERSECTION OF KINGSTON AVENUE AND SOUTH BOULEVARD, EAST OF CAMDEN ROAD FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) AND TOD-M (O) (TRANSIT-ORIENTED DEVELOPMENT - MIXED-USE, OPTIONAL) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT - URBAN CENTER).**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Barbee) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the South End Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends transit-supportive development. 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 subject site is within a 0.50-mile walk of the East/West Boulevard Station on the LYNX Blue Line. The proposal permits a site previously used for commercial uses to convert to transit-supportive land uses. The use of conventional TOD-UC (transit-oriented development – urban center) zoning applies standards and regulations to create the desired form and intensity of transit-supportive development, and conditional rezoning is not necessary. TOD (transit-oriented development) 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 Newton, and carried unanimously to approve Petition No. 2020-149 by White Point Partners and adopt the following Statement of Consistency: this petition is found to be consistent with the South End Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends transit supportive development. 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 subject site is within 0.50-mile walk of the East/West Boulevard Station on the LYNX Blue Line. The proposal permits a site previously used for commercial uses to convert to transit supportive land uses. Use of conventional TOD-UC (transit oriented development – urban center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit oriented development) 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 63, at Page(s) 526-527.

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## **ACTIVE TRANSPORTATION PROJECTS**

### **ITEM NO. 26: ACTIVE TRANSPORTATION PROJECTS**

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

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## **HEARINGS**

**ITEM NO. 29: HEARING ON PETITION NO. 2020-079 BY THE SEALY GROUP, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.99 ACRES LOCATED IN EAST CHARLOTTE, NORTH OF ALBEMARLE ROAD AND EAST OF HOLLIROSE DRIVE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES) AND R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said just under six acres on Albemarle Road. The property is currently zoned R-3. The proposed zoning is for R-12 MF (CD) on the back portion of the site and NS neighborhood services on that skinnier portion of the site that fronts Albemarle Road. The Adopted Future Land-use is from the East Side Strategy Plan that does recommend residential uses up to 8 dwelling units per acre for the site. This project proposes two different development areas. Area A, which is the large portion on the

backside of the property, is the area requesting the R-12 MF that would permit up to 51 attached single-family dwelling units or 51 townhomes. Area B, which is highlighted down there on the front side of Albemarle road would be up to 10,000 square feet of office and retail uses. The proposed maximum building height for both development areas would be capped at 40-feet. We do have some restrictions in development area B for certain auto-oriented uses like carwashes, maintenance services for automobiles, auto sales and rental, gas stations, service stations, and including repair and lubrication and access for drive-thru uses. It does note that only one accessory drive-thru window would be allowed in area B and that it should not face Albemarle Road.

We also have a continuation of the 12-foot Multi-use path, an 8-foot planning strip along the site's frontage with Albemarle Road. Also, we have a public street being constructed through the site that would provide some inter-parcel connectivity to the existing commercial uses to the east, as well as connect the single-family attached dwelling units to the north of the site. We also have some architectural elements that have been incorporated into development area A, for garage doors, usable porches, walkways from the residential entrances to sidewalks, etc.

The staff does recommend approval of this petition. Just some outstanding issues to work through related to the site and building design. It is inconsistent with the East Side Strategy Plans recommendation for up to 8 DUA (dwelling unit per acre). However, we do feel that it's consistent with some of the previously approved rezoning is in the area and that the project would provide both some commercial and mix of residential within that area, providing some different housing options within that area from the East Side Strategy Plan. So, I would be happy to take any questions. Like I said, we do have the petitioner on the call just to answer questions. They do not have a presentation provided at this time.

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

**Councilmember Winston Left the meeting at 6:25 p.m.**

**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.**

**Jeff Watson, 568 Jetton Street, Suite 200 Davidson, NC**

**Ted Kostich Sr., 8947 Albemarle Road**

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**ITEM NO. 30: HEARING ON PETITION NO. 2020-109 BY LEWIS RE GROUP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.334 ACRES LOCATED WEST OF INTERSTATE 485, ALONG THE SOUTHEAST SIDE OF MCKEE ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said located on the West side of I-485 along the Southeast side of McKee Road, the property is currently zoned R-3. The proposed zoning is for R-8 MF conditional, and the adopted future land-use comes from the South District Plan that was adopted in 1993. That plan does recommend up to three dwelling units per acre. Given the age of the plan, we do apply to the General Development Policies or GDP for this petition and this petition only qualifies for up to 7.70 DUA and so again, this petition is inconsistent, but we'll talk a little about that as we get to the last slide to go over the proposal itself. We're looking at potentially 18 single-family attached dwelling units. The building height would be limited to 40 feet and height. Vehicular access would be a shared private drive from a McKee Road. They would provide a new left-turn lane into the site. Also, there's the dedication right away along the McKee Road, four and 8-foot planning strip, and six-foot sidewalk.

They do commit to each unit having at least a one-car garage. There are three-visitor parking spaces proposed within the project, as well as some architectural standards for building materials, some differentiation of units with offsets, and other architectural features like usable porches and or stoops. Also, any freestanding lighting would be capped, shielded and limited to 21 feet in height.

The staff does recommend approval. There are some outstanding issues related to transportation. It is inconsistent with the South District Plan and GDP, which support up to six units per acre. This comes in at seven point seven units per acre. We do feel that it does provide some reasonable transition in this area of I-485 and the McKee Road and building height and other design elements would continue to make it compatible with the surrounding single-family uses. There are some other single-family attached in the area. We do feel that the project does fit in in that area of McKee and I-485. I'd be happy to take any questions following the presentation by the petitioner.

**Winnie Knapp, 5960 Fairview Road, Suite 400** said I'm the owner's and representative and I'm here to answer any questions you might have.

**Sam Yuhas, 8712 Lindholm Drive, Suite 202A, Huntersville, NC** said I am one of the engineers working on the site and if you have any questions, please let me know.

**Stephanie Li, 2005 Courtside Lane** said I'm also a representative of the owner, so if you have any questions, we are glad to answer.



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

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**ITEM NO. 31: HEARING ON PETITION NO. 2020-116 BY CAROLINA DEVELOPMENT GROUP NC, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.58 ACRES LOCATED ALONG THE EAST SIDE OF PECAN AVENUE, NORTH OF COMMONWEALTH AVENUE, AND SOUTH OF CENTRAL AVENUE FROM MUDD-O PED (MIXED-USE DEVELOPMENT, OPTIONAL, PEDESTRIAN OVERLAY), B-2 PED (GENERAL BUSINESS, PEDESTRIAN OVERLAY) TO TOD-UC PED (TRANSIT-ORIENTED DEVELOPMENT - URBAN CENTER, PEDESTRIAN OVERLAY).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said as mentioned, it is on Commonwealth Avenue as well as Peacon Avenue and Gordon Street. The current zoning is a split of B-2 and MUDD-O. Both have the pedestrian overlay applied to those. The proposed zoning is TOD-UC. That's a conventional petition. So, there is no conditional site plan associated with this one. The Plaza Central PED Scape Plan does recommend multi-family residential uses greater than twelve units per acre as well as office and retail use for the site. It's a mixed-use land-use recommendation.

The staff does recommend approval of the petition. It is consistent with that Plaza Central PED Scape Plan. As TOD does support the mix of uses that are recommended in that plan. This request is within less than a quarter-mile from the proposed Peacon Avenue Station along Link Silverline. It's also less than a quarter-mile from the proposed links Gold Line Plaza stops at the intersection of Central Avenue and The Plaza, and again it is consistent with the adopted Plaza Central PED Scape Plan. So, we'll be happy to take any questions following the presentation by the petitioner and the community.

**Collin Brown, 1420 East 7th Street, Suite 100** said I am Collin Brown on behalf of the petitioner. Dave did a nice job with the overview. As Dave mentioned, the property here is very much in the heart of Plaza Midwood. I've got an area on, so we are really dealing with two parcels. This parcel, the triangle, point of the triangle business you might recognize is the old Peculiar Rabbit site. There's an ongoing Peculiar Rabbit operation there. Close to what I would call and many of us would think of is as Main and Main of Plaza Midwood. I know we've got some opposition speakers and you'll hear from them. I think their concerns are probably the future of Main in Main Plaza Midwood. This is a look at the site. As you see it from Pecan Avenue, this is the old Peculiar Rabbit was a church that was renovated to accommodate a multistory bar and restaurant. This is a parcel that is at the base of the triangle closer to some of the single-family. The shot is taken if you're looking across Pecan Avenue from a site that I believe, last month this Council voted to rezone TOD-UC. We do think this area prime for TOD. The reason being, here's an aerial

showing you that the investments that the City of Charlotte is making for transit in the area, and this is one of these magic spots that will be very walkable to two different transit lines. Here we have the Gold Line, which has a stop here. We're less than 200 feet from that Gold Line stop. Then the Silver Line, which certainly is a little bit further into the future, that's about 500 feet away. As we talk about sites that are appropriate for transit-oriented development, I don't know, we'll find one that is more appropriate for that. Again, being walkable to two proposed transit stops and different transit lines.

Dave mentioned the existing zoning on the site, the larger portion of the site, so, the majority of the site is zoned B-2 with a PED overlay. The point is zone MUDD-O. The only frankly reason that you're probably talking about a rezoning here is the point was rezoned, I worked on this 10, 12 years ago to accommodate Peculiar Rabbit. So, we did a conditional zoning plan to allow them to have zero parking so they could reuse that building. But the majority of the site is already zoned to B-2 PED and that is accommodated a lot of the development that you've seen in Plaza Midwood. I did want to point out to you, here's TOD-UC, it was approved last month directly across the street. You've got another piece back here. Then earlier this evening, I believe you approved a piece of TOD-UC in the area. I expect that we will see more and more of this, especially in light of the investments the City has made in these transit lines.

I did want to point out, we've had a good back and forth with some of the community leaders, and I won't speak for them. I'll let them share their concerns. But with some of it, I've heard has been about the concern for residential uses in the heart of Plaza Midwood. I think they're appropriate there. That's certainly the position that we would take. What I want to point out to you is the current zoning for a portion of the site would certainly allow that. Again, our current zoning is B-2 with PED. I'll show you what that looks like in an area also, keep in your mind this B-2 PED, which is our current zoning, what that looks like, and then look at an aerial and you'll see that many of the much-loved apartment buildings that had been built in the area were built by right under our existing zoning. So, just the fact that we're requesting zoning doesn't prevent residential from being built on the site that could be built now. I think what we're requesting is the TOD-UC zoning to allow a more cohesive development. I think one of the things that your staff has worked very hard on is getting a high level of design standards for this TOD development. So, when this type of development comes it's at a higher standard than some of the others, we've seen, but not much loved.

So that's what we wanted to cover on that. I think I'll let the opponent share a little bit. But I did just want to weigh in and highlight walking distance to two transit lines and stops, different transit lines. Current zoning would allow residential development. I think the conversation will probably have something we've talked with the neighbors about is, in the interest of the community to do have conditional zoning so we could talk through conditions. Certainly, I do a lot of conditional zoning work, but I know that we had a great effort and focus on these TOD districts so that they can be conventional districts, that our staff believes that we have the design standards and the teeth in them to ensure that we had good development. I think this is one of these early test cases. If we go away from

conventional, then you're back into conditional zoning, everything. And if you guys talk about it, deal make rather than planning. We are happy to answer any questions you have. Again, here's kind of the I call the flavors of TOD. We are proposing the TOD-UC, which is the most intensive of the TOD districts. We feel that's appropriate because of the proximity to these two transit stops and the zoning that was recently approved right across the street. So I'll pause there. I know we've got some additional time, but I'll let the others speak and then we'll respond.

**Clifton Castelloe, 2008 Commonwealth Avenue** said I'm currently serving as president of the Plaza Midwood Merchants Association. We're going to divide up our time in half here. I'm going to do the first half and then Scott McCannell will take the second half. I want to start with my statement and also mentioned we're responsible for representing small businesses along the Central Avenue corridor. This statement is also our stance anyway, is agreed upon by the Plaza Midwood Neighborhood Association Board. Lisa [inaudible] the President has sent a written statement for you all and then also Commonwealth Morningside Neighborhood Association Board and President Alan Nelson. So we're all opposed to this rezoning and for the following reasons. First, our organizations are tasked with protecting the new qualities that make Plaza Midwood a special jewel in the crown of Charlotte. We have an active and knowledgeable land-use committee that reviews rezoning requests and seeks to create proactive, cooperative relationships with developers. The petitioner's attorney, Collin Brown, is well respected. However, it concerns us that the petitioner has fully ignored all the communication we've had with Collin around the proposed development, including a list of reasonable requests from our board and membership and these items we have prepared for you. We'll send them over. But they're basically just some requests we have to sort of make sure that the development is done in a way that's appropriate for our community.

Second, we've had successful relationships with other builders that are characterized by considerable effort on their part to become supportive neighbors and co-constructors in the future of Plaza Midwood and Councilwoman Johnson, it sounded like has met some developers like that and that's who we like to work with. We're concerned that the petitioner's request today represents an aggressive, single-minded approach that we simply cannot abide. We would prefer to have a more respectful relationship as this TOD designation without restriction silences the essential voice of our legacy businesses who have contributed thoughtfully to the vibrant and one of the kinds of community that the petitioners seeking to join.

Third, while the TOD classification is likely appropriate for this property, it does not provide for protecting the uniqueness of the community without some level of commitment by the petitioner. Since another conditional rezoning isn't the best use of the City's time or resources, we suggested and offered support for this rezoning in exchange for a community benefits agreement. All we are asking is to have a reasonable say in order to avoid what could be a disastrous circumstance for our business district. We're willing to come to the table and be a useful partner for the petitioner if they will no longer insist on only setting the table for themselves. We ask that you do not approve this rezoning so

that petitioner has an opportunity to revisit the list of reasonable requests they received from our board and land-use committee last year.

**Scott McCannell, 7408 Limerick Drive** said I support local development, but I'm strongly opposed to this request rezoning petition. I'm a Charlotte native and I've worked in the Charlotte music scene for nearly 30 years. I own Snug Harbor a small music venue located directly across the street from the site being Petition in Plaza Midwood. We opened our doors in 2007 and since then our stage has hosted thousands of artists, not only from Charlotte, but from all over the country, all around the world. I would like to start out by saying thank you to this council, for approving the recent music venue grant, which we've been fortunate enough to receive. It shows us that you recognize the value of live music and independent venues bring to Charlotte and how important these things are to our City's culture and the economy, it is very much appreciated. Much like the City Councilmembers here today. Developers also see the value and what we and other small businesses in Plaza Midwood would have to offer. This is proven in the promotional material used by these new buildings showing off our local businesses to lure potential residents and tenants. Well, it may sound entertaining to live in close proximity to such venues and such a happening neighborhood. The truth is it's not only entertaining if you're actively being entertained by it. People love to watch a band, dance to DJ, or belt out their favorite karaoke song, but these same things are not so entertaining when you're sitting in your luxury flat, winding down from a day's work, and your alarm is set to go off again at 6:00 a.m. For that person, our entertainment is noise, and that noise is not just limited to music coming from the nearby venues, there are several thriving bars and restaurants in the area as well. With them come the sounds of people hanging out on patios and on sidewalks as they walk from place to place, cars circling, looking for a place to park, and the sounds of closing time when the trash and recycling from all other places get hauled off the poured into the dumpsters. Like many of the businesses in the neighborhood, Snug Harbor is open till 2:00 a.m., seven days a week, 365 days a year. It only takes one neighbor to regret their decision to live in such close proximity to an area of entertainment. This can begin a never-ending cycle of complaints, fines, and litigation. We have seen this before in Charlotte and I believe if this rezoning is allowed to move forward without protections for the neighborhood as it is now, we will see again. This lack of protection is why I'm strongly opposed to the petition and ask that it be denied.

As you may know, major cities such as Austin and San Francisco that adopted an ordinance called Agent of Change, which requires developers to take into account the existence of music venues during the development of new residential space. They are required to notify potential tenants of their existing existence prior to their signing or buying. Developers are also required to make provisions for ensuring that residents are not affected by the sound via proper design, and sound mitigation, in turn, an operator of a new venue in an existing residential area would need to do the same on their end.

Over the years Charlotte has lost too many independent music venues as a result of new development. In fact, we stand to lose one within the potential development we are speaking of today. Our rapidly growing City recently surpassed San Francisco and

becoming the 15th largest city in the United States. Ignoring the role of nightlife in our City's growth is detrimental to our industry and our culture alike. Months ago, Snug Harbor and other members of the Plaza Neighborhood Merchants Association met with petitioners to express our concerns. More recently, Plaza Midwood Merchants Association presented the petitioners with some reasonable requests that we as a community would like to see from a new project such as this. I believe it is common sense that if you are new to a neighborhood, you're responsible for ensuring that you're a good neighbor to those that were there before you. The community is going to have to live with the developer's decisions should have some say and what's allowed to be developed. But that being said, there was no reasonable request being met by the petitioner. I ask that you deny this rezoning, this rezoning is not compatible with our development in the area because of the intensity it would allow. It would be more appropriate to rezone this property in a way that would require a plan and be sensitive to the specific impact of the Plaza Midwood Community.

In rebuttal, Mr. Brown said we have had a respectful dialogue with Mr. McCannell and several other representatives, and I don't disagree. Small business [inaudible] music happenings in the Plaza Midwood is what makes this site great. It's why [inaudible] there and combined with the transit that you're installing, we think there's a need for more intensive zoning as we do think folks are going to live in the area. You probably don't have a stronger advocate than Councilmember Egleston. He's communicated to us some of his concerns along those lines. The challenge for us is there's not with this TOD zoning that we've created, there's really not a conditional option and there's not a way that I'm familiar with and have to continue talking to the staff. I think this is going to come up in the future as we have this TOD district that we like a lot of the design standards that you want. I don't know if there's anything in the current toolkit to allow us to do TOD blustery conditions and also say, I don't know, I do think a lot of discussions has been residential units in this close proximity to the business district. I don't know that we can say we'll do no residential units. There were some conversations about some limitations, additional noise proofing, which we just really didn't have a mechanism in the plat to deal with. I think it's a conversation that we're going to have in the future as we see more and more developed neighborhoods in the heart of the neighborhood. I don't think the answer is we don't have residential units. So I'm happy to continue the conversation, continue the dialogue with the neighbors. It is true that we kind of did get a list of asks with the economy moving as it is, development teams certainly appreciate the flexibility for TOD. It would allow residential [inaudible] TOD would also allow office development, which I think neighbors would appreciate, and what the development team and the petitioner is looking towards the flexibility.

**Councilmember Ajmera** said my question is for our staff, what protection can we put in place specifically for this rezoning? I see more coming down the pike. Our speakers Scott and Clifton, have some valid concerns. If we are serious about saving our music venues because that's what makes Plaza Midwood so unique, we need to consider these protections. So staff, could you please address that question?

Mr. Pettine said on this particular petition because it's conventional, there's no additional protections that we would put in other than what's just found in our ordinances for how construction occurs, and what noise ordinance would apply. Without a conditional plan for this particular petition, there wouldn't be any additional items that we could put in there to address some of those concerns that aren't already in our ordinances today.

Ms. Ajmera said Mr. Brown, to follow up on that, are you willing to submit a conditional request where we can have conditions in the petition to address some of the concerns that were raised by two speakers?

Mr. Brown said that is something that the neighbors asked the development team, talked about that was not willing to do that at this point. Part of it is once you're in the conditional plan, you're saying, well, this many units, this is the height. So, if they did want to take advantage of the flexibility of the TOD. There's no such thing as a to my knowledge, TOD conditional. I guess we could recreate that with the MUDD district.

**Terrie Hagler-Gray, Senior Assistant Attorney** said to Ms. Ajmera, we just wanted to reiterate that because this is a conventional district, there's not an opportunity to add conditions.

Ms. Ajmera said the staff had mentioned earlier that if it's conditional, we could put in the protections, but in this case, what you're saying that that's not possible?

Ms. Hagler-Gray said it's not possible to do anything beyond what's allowed in that particular district. So, there's no additional conditions that could be added in a TOD district.

Ms. Ajmera said got it. Staff, I think you got to help us out here, because I'm trying to figure out here what can we do to save our music venues because we're going to see more of this development coming down the pipe. If we cannot put protections in place with our TOD, then we've got to figure out how we address that. I don't know if that was intended as part of our overall TOD process, but certainly, that was not something on my list. I look forward to speaking with you all to figure out what could we do as a Council to protect some of our music venues. I think all the points that were raised by two gentlemen, are all valid concerns. We got to be mindful of those, otherwise, we are going to see just day by day losing our music venues. I think that's not what makes Plaza Midwood so unique.

**Councilmember Eiselt** said I'd actually like to defer to the District Representative to hear his comments first before I speak if that would be all right.

**Councilmember Egleston** said so the point, and I guess Ms. Ajmera was getting at it is, that obviously, we can't put conditions on a conventional rezoning, but I guess had there been consideration of switching it from more conventional rezoning to a conditional rezoning, I think that's still on the table from what I've been told. I know there have been

discussions here, but I'd point out that Plaza Midwood, while we are a highly opinionated folk in my neighborhood here, the neighborhood has not historically acted like the sky was falling every time there's a rezoning. The one that we had across the street went pretty smoothly. The one that we voted on tonight went pretty smoothly. Several others have recently so this is not a business association or neighborhood association who just is always inclined to be in opposition to any change. We have understood as a neighborhood that there's going to be an immense amount of change. All the things that attracted all of us to live there and start a business there, attract lots of other people, too. So, we acknowledge that change but wanted to be able to help guide it. I think that's what the focus is here. I'd ask Mr. Brown that he referenced the Nichols' project that was rezoned earlier tonight right along with Hawthorne Lane and Central Avenue, just a couple of hundred yards from this site but that was rezoned TOD-CC, I believe, and they're proposing TOD-UC here, which is the most intense. One of the things I think that should be a part of the conversations that obviously need to happen after this hearing tonight before this comes to a vote, one of those considerations might be, what about a different TOD district? What if we went to a more medium intensity district? Does that start to alleviate some of the concerns of the business owners in the neighborhood?

I think Collin has figured out a lot more intractable issues than this one before so I have faith that he can figure this one out. But again, I'd point out that the Business Association in Plaza Midwood has not historically been adversarial on change. For them to come forward with concerns that they feel like not only are not being addressed but aren't even necessarily being properly heard, I think is a bit of a red flag. So, there's certainly work that needs to continue. I think to an appointment Ms. Ajmera made as well, we need to figure out how we as a Council, we as the City Government have been pushing for more mixed-use communities. We want communities where people can walk in five or 10 minutes to the places that they live, work, and play. With that comes with a lot of challenges. I see that probably more in my District than any other part of the City. As new places open, if they have a patio on that patio, even hundreds of yards away backs up to residential, I get calls about it. CMPD gets calls about it because people are talking loudly on a patio or there's music playing on a patio. The most notable case that I think predates everybody who's currently on Council just about but was actually on the same street. It was a Pecan Avenue and 7th street, the Kennedys of Jackalope Jacks, and a big discussion around the noise ordinance. I do think that we've got to consider as we start building transit lines that are adjacent to established communities like this, that there's going to be that rub. We've got to figure out how; I wasn't aware of the Austin idea that was mentioned. But that sounds like a pretty cool idea, which is sort of if the residential was there first, then the people that come thereafter need to be mindful of them. If it was the music venues that were there first and people want to build residential right around it, then they need to be mindful of the people who were there before them. I like that as an idea or a starting point for an idea. I do think that we've got to come up with a solution because we're going to see a lot more of this as we go forward, expanding our transit corridors, expanding the use of these conventional districts around them. I'll leave it there for now. But would just say, Mr. Brown, it sounds like there's still a lot of conversations that need to be had with

the community because if a month from now they're still in the same place, I doubt that I'm going to be able to get to a yes. So we need to find some middle ground there.

Ms. Eiselt said as an at-large Councilmember, I have to say that I really value a Neighborhood Association that puts together a land-use committee and that those residents spend a lot of time understanding, zoning and understanding, planning, and working with the planners and developers. That's when we get the best work in my mind. So, in the five years on council, that's when I've seen the best transformations is when you have an area like this that's going to change significantly. Instead of just saying flat out no, the residents say you come to the table and work with us, but we live here, we want to enjoy the area, but they're realistic about change. Therefore, I think I like to see when a developer and a petitioner work with that land-use committee to get to, yes, for what would work for the neighbors as well.

When I look at this area, I do struggle to think of residential right smack in the middle of what seems to be the commercial area for Plaza Midwood and to Mr. Eggleston's point. I am not a District Rep, but I get those same emails from people that are complaining and frustrated because there's a bar next door to them and they're laughing and talking on the patio and playing music.

Charlotte struggles to find its identity. I can tell you what is not going to be a noteworthy identity is more apartments. We have got to have some parts of town that have character and you have an identity and where people go for that. Plaza Midwood is one of those areas people value live music, the Charlotte Food Festival that takes place right there. Not that it will always be there, but it has an identity and it has a character. When you replace that with residential, the rules of the game change. I have to say that in this form right now, I would struggle to be a yes. I do appreciate what the gentleman, the owner of Snug Harbor had to say. While I haven't been there and I haven't enjoyed live music there, I really appreciate what they offer. I hate to see that go away because you've got new residents who feel that they have a right to complain louder about noise and music. So, at this moment, I'm going to have a hard time with this particular conventional rezoning.

**Councilmember Bokhari** said this comment is just more for the staff, particularly the Manager and Taiwo. I agree with everything that's been said on this case, and I think we need to kind of find that balance for the housing stock that this community desperately needs, paired with the struggles that our music venues are going through. It's not simple, but I'm sure and I do hope that we can come to a mutually agreeable conclusion there. I think my point more broadly is I have seen this now for several months, if not almost a year, with this Council where there seems to be a huge disconnect between the route we are marching down, which is more of a conventional nature in doing business. This whole unified vision and UDO that we're marching towards, was meant to get us out of being a deal-making City and more towards a planning City by which our percentages of what happens is already predefine before we go in to vote for something. I strongly recommend Taiwo and the Manager kind of circle up and get with the Council, because it doesn't seem to be the expectation anymore that moving away from this kind of conditions is



something that's viable. Either we're designing them wrong or it's no longer kind of the desire to move away from these heavy, heavy conditions because, at the end of the day, the initial conclusion we come to is the more we can make it predefined and planning based, the less all this stuff, therefore, the less cost, therefore the more affordable housing. There's a lot of things that really concern me about the way I think we've interacted between conventional and conditional in the last couple of months. I just want to make that comment clearly heard, because if we're marching towards the UDO (Unified Development Ordinance) and we do all this work and then all of a sudden no one's down with that, we can have a really big problem on our hands.

Mayor Lyles said I think he agrees with you, Mr. Bokhari, I think, Mr. Jaiyeoba.

**Taiwo Jaiyeoba, Assistant City Manager/Planning Director** said you have a good point, and that's one of the reasons we actually set up that rezoning drop-in session, because, again, as we move closer towards the UDO, the goal is to reduce the number of conditional and have more conventional, fewer rezonings, so to speak, more of a planning of a City, rather than planning a City through a rezoning process. We will be explaining that more and more because what's more important in that process is how can the community stay engaged and stay involved in this process, so they don't feel that something is being done without transparency. At the same time, developers have a sense of predictability in the process. You are very spot on Councilmember Bokhari and that's one of the reasons we are setting up these workshop sessions for Councilmembers.

Mayor Lyles said I think that's an invitation to say that if you've got a problem with the direction going, please attend the meeting.

**Councilmember Watlington** said I just want to say a couple of things and Mr. Bokhari said probably the gist of what I was going to say. But just for the record, I stand with the District Rep and Councilmember Eiselt. I going to have a hard time getting to yes on this in its current form as well. I would like to see something altogether different if you will going forward on this one. I don't see a path for me right now. The other thing I was going to say is that related to what Councilmember Bokhari said is that I brought a few concerns to the UDO and the 2040 team because as I think about trying to go to more conventional rezonings, I think even in this particular instance, the issue that I had not seen as delve into yet, and I know that the team was going to start looking at that, is proximity to each other. I think we've spent a lot of time talking about what the particular place types look like within those particular boundaries, but we haven't talked about how those boundaries relate to each other. I guess that's a question then for Taiwo is what is the current thinking in regards to how place types marry up to each other and how they will transition from one to the other?

Mr. Jaiyeoba said I'm not sure you want me to spend tonight explaining that process since it's rezoning night. But once the Council adopts the Comprehensive Plan in April, then the process for place types mapping begins, which is going to be roughly a six-month process. During that period we're going to engage the community again. The

transparency and the predictability thing coming to mind again, engage the committee in the process. That's easier said than done, especially because of the environment we're in today. Even at that point in time, some of those hedges may not be finely defined, but there will be obvious. Then that process results in the UDO gets adopted in the Fall, and then we will translate those place types into zoning districts. When they become zoning districts, that's when those boundaries will become more defined like you have today. The difference will be that we're reducing the number of zoning districts that you have today into a more understandable, readable, manageable number of zoning districts, which is when you really have a more defined boundary. But again, I can spend the next 30 minutes talking about this, and I just want to be mindful of your time as well. But we will have that before the end of this year in terms of how that process plays out from place types to zoning districts.

**Councilmember Johnson** said Councilmember Watlington and I are on the same page. She could have asked the question, but I want to piggyback off the other Councilmembers' concerns. If you notice at the beginning of the meeting, I highlighted those developers that are going above and beyond in the petitions, because of our standards, because of our zoning policy and I've asked the questions so many times, developers are able to say, well, this is your policy and I don't have to do any more than what I'm doing now.

I have future zoning on Sugar Creek Road, and we know that the area is gridlocked. But because the petition doesn't trigger a traffic study and the developers are able to say, well, essentially, it's not our concern, but yet the neighborhoods are left holding the bag. I think we really need to take a deeper dive into our policies. So, just like with this UDO, it's a co-developer and it's conventional. But I think that we need to really start advocating more for our residents and possibly take a look at our policies, especially our zoning policy. I mean, if ask, we as we know that 2,500 trips are the trigger for a traffic study, but what happens when it's 2,400 and you have ten of those surrounding the area? We know that there's a problem and yet we keep saying, well, it's the policy. Well, it's our policy. I just hope that we as a Council can really start looking at the policies and be pro residents and ensure that they know that we hear them because again, developers have had the policy to rely on and to lean on, and yet the residents are the ones most impacted.

Mr. Eggleston said I think to Mr. Bokhari's point, he said a year or two ago that when the rubber hit the road and people realized this shift conventional, that they didn't get to have these sort, of course, training sessions during these petitions, that was not going to go over well. I think we're starting to see that. I think we're going to see that most pronounced in communities where they have created a system because they've had so many rezonings. They created a system that was built to deal with conditional rezoning. So, it's going to take some getting used to. I think particularly in the places that have done so many of these have gotten used to it one way. Part of the only solution that probably exists in terms of moving towards conventional rezoning is that we have enough of them and they actually yield the outcomes that we wanted when we created these districts and we created these policies. They yield the outcomes that these communities are looking for that they'll start to trust those. I think that it's going to be really hard for a while until we

start to see some of these projects come out of the ground and we have some proof of concept that this conventional TOD approach is going to build things that are a benefit to the community. I don't know what our solution is until we've got some of that proof of concept, but I do think that there is more collaboration needed here. Scott, I would have a year ago or six months ago, I would have proposed that I bring the Council to experience Snug Harbor, but I think they have PTSD from the last time I talked to a bar. So, I'm not sure if that'll work or not, but I'll make sure they know how cool Snug Harbor is.

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

**Lisa Swayne Proud, [lisawayneprod@gmail.com](mailto:lisawayneprod@gmail.com)**

**Missy Bizzaro, [misbizzaro@gmail.com](mailto:misbizzaro@gmail.com)**

**Phillip Gussman, [phil@gussmanconsulting.com](mailto:phil@gussmanconsulting.com)**

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**ITEM NO. 32: HEARING ON PETITION NO. 2020-120 BY M/I HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 24.74 ACRES LOCATED ON THE SOUTH SIDE OF RIDGE ROAD, NORTH OF INTERSTATE 485. FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 24.74 acres currently zoned R-3. The proposed zoning is for R-8MF conditional. The Prosperity Hucks plan does call for residential up to four dwelling units per acre. This proposal is committed to coordinating the proposed street network with the adjacent projects on both sides of the property that will provide an interconnected network between three to four existing and pre-approved projects that are going on concurrently out there on Ridge Road. It does provide an 11-foot wide westbound left-turn lane on Ridge Road at the entrance to the site. Also a 12-foot multi-use path along the frontage on Ridge Road and then six-foot sidewalks on all internal streets. We do have a limitation on building height at 48 feet. Each dwelling unit will have a garage and there are architectural standards and walkways being provided from all residential entrances to the sidewalks along those internal streets.

The staff does recommend approval of this petition. We do have some outstanding issues related to transportation to continue to work through. As I mentioned, it is inconsistent

with the Prosperity Hucks Plan, however, just comes in just over for DUA. This comes in at 4.36 So we're really about 3/10 of a unit per acre over that recommendation. It is consistent with those other reasons in the area, both 2020-051 2017-135. Both went to R-8 with a density up to about five DUA as well. This project would again provide those interconnected streets with those two adjacent projects. The staff does recommend approval and we would be happy to answer questions following a presentation by the petitioner.

**John Carmichael, 101 North Tryon Street Suite 1900** said I represent the petitioner, and with me tonight are Chad Lloyd and Morgan Rushnell of M/I Homes and Eddie Moore of McAdams. As Dave said, the site contains just under 25 acres west of Ridge Road between Coopers Ridge Lane and Oleander Run Drive. The site zoned R-3 and the request is to resume the site to R-8MF (CD) to accommodate up to 108 townhome units on the site and density would be approximately 4.37 dwelling units per acre. This is the rezoning plan, as you can see there would be an abundance of green space and tree-save areas, a 12-foot wide multi-use path would be installed along the site's frontage on Ridge Road. There'd be two entrances into the site from Ridge Road, as well as connectivity with adjacent developments. The petitioner will construct a westbound left-turn lane Ridge Road into the site at Street A. Architectural standards are part of the rezoning plan. We appreciate the planning staff's recommendation of approval. There are two minor transportation issues that will be addressed this week. We appreciate your consideration and we're happy to answer any questions.

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

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**ITEM NO. 33: HEARING ON PETITION NO. 2020-125 BY JOHN NICHOLLS - ACCENT HOMES CAROLINAS, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 12.13 ACRES LOCATED ALONG BACK CREEK CHURCH ROAD, SOUTH OF UNIVERSITY CITY BOULEVARD, NEAR THE CABARRUS COUNTY LINE FROM R-3 (RESIDENTIAL) TO MX-2 (MIXED RESIDENTIAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just over 12 acres on Back Creek Church Road. This is South of University City Boulevard, also near the Cabarrus County line. Our current zoning is R-3 residential. The proposed zoning is for MX-2, which is a mixed residential. The Rocky River Road Area Plan recommends residential uses up to eight dwelling units per acre for the site, as well as some greenway uses along the site's frontage there with Back Creek Church Road. This proposal would permit up to 97 single-family attached townhomes and would provide a combination of internal, public, and private roads. Those public roads would be designed with an eight-foot planting strip and six-foot sidewalk. The

frontage along Back Creek Church Road would be improved with the 12-foot multi-use path. We do have architectural design standards incorporated into the project. There's also a dedication and conveyance of property with Mecklenburg County Park and Recreation within that 100-foot stormwater management buffer, which is adjacent to Back Creek that could be used for the construction of a Greenway as depicted on that Mecklenburg County Park and Rec Greenway Master Plan.

The staff does recommend approval of this petition. There are some outstanding issues related to site building design and some technical provisions related to the environment that need to be incorporated into the plan. But it is consistent with the Rocky River Road Area Plan. That recommendation for up to eight DUA and Greenway uses for the site. This petition does meet both of those, so staff does recommend approval, will be happy to answer any questions following the petitioner's presentation.

**Paul Pennell, 1213 West Morehead Street** said I am with Urban Design Partners here to discuss and answer any questions that you may have regarding petition 2021-25. As Dave had previously mentioned, this petition is requesting an MX-2 district from a current R-3 district for townhomes on this site. Coming in at approximately 97 townhomes requesting eight DUA. We've been coordinating with C-DOT and NC-DOT regarding offsite road improvements along Back Creek Church Road to provide safe return movements into the site, the addition of public roads to help with future connectivity within the parcel, and also a dedication of land for Mecklenburg County, Parks and Rec use for the construction of the Future Freeway. With that, I'm happy to answer any questions that you may have tonight.

**Councilmember Johnson** said we've heard questions and concerns from the residents regarding traffic in an already very busy and congested area. Can you be specific about what improvements will be?

Mr. Pennell said sure. Certainly, absolutely, Councilmember Johnson. So, we're including along Back Creek Church Road a right turn lane to actually thoroughly move people off of that Back Creek Church Road for a safe right turning movement into the site and also providing the construction of a left-turn lane as well onto the proposed public road to help safely move people as they travel westbound on Back creek Church Road.

Ms. Johnson said ok. During the community meeting, what was the biggest concern?

Mr. Pennell said the biggest concern was in regards to the planned NC-DOT traffic improvements for Back Creek Church Road, which is just, I would say maybe a quarter-mile east of this site and just making sure that those improvements were coming in a timely manner due to a rail crossing that may be hindering some traffic movements in the area.

Ms. Johnson said ok. We can talk more about it offline.

Mr. Pernell said of course.

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

**Randall Bevan**, [randak@juno.com](mailto:randak@juno.com)

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**ITEM NO 34: HEARING ON PETITION NO. 2020-127 BY RAM REALTY ADVISORS FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.60 ACRES LOCATED ON THE SOUTH SIDE OF WEST TREMONT AVENUE, WEST OF TRYON STREET AND NORTH OF BROOKHILL ROAD FROM I-1 (LIGHT INDUSTRIAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT-TRANSIT NEIGHBORHOOD CENTER).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is one of the petitions we have on Tremont Avenue this evening, this is about 2.6 acres on the Southside of West Tremont, just west of Tryon Street and North of Brookhill Road. The current zoning of the property is I-1 light industrial. The proposed zoning is for TOD-NC. The adopted feature land-use is from the New Bern Transit Station Area Plan that does recommend residential up to 22 dwelling units per acre. The site is within a half-mile, walking distance from the East-West Transit Station in the South End Station Area Plan does recommend higher density development within that half-mile radius of those transit stations. This petition is a conventional TOD, so there's no conditional plan associated with it. The staff does recommend approval. It is inconsistent with the residential recommendation just for straight residential up to 22 DUA, but it is within that half-mile walking distance. And again, that Transit Station Area Plan from the South End does recommend higher density development within those half miles, and it does comply with the TOD standards for that distance to the East-West Station. So we'll be happy to take any questions following any presentation by the petitioner.

**Councilmember Watlington** said I know that this is conventional. In this particular TOD-NC does it allow bike racks?

Mr. Pettine said I'd have to go back and look. I believe it does. I'd have to go back and verify within that TOD district. I can provide that in our follow-up report to you.

Ms. Watlington said ok.

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

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**ITEM NO. 35: HEARING ON PETITION NO. 2020-128 BY MRL HOLDINGS, LLC DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.17 ACRES LOCATED AT THE SOUTHERN CORNER OF THE INTERSECTION OF ALEXANDER STREET AND 15TH STREET FROM R-22MF (MULTI-FAMILY RESIDENTIAL) TO UR-3 (CD).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just point one seven acres on East 15<sup>th</sup>, and North Alexander Streets. The property is currently zoned R-22MF, so it's zoned for multi-family currently. The proposed zoning is for UR-3 conditional. The adopted future land-use from the Belmont Area Revitalization Plan in 2003 does recommend greenway uses for the site. The proposal itself is to construct up to four single-family attached dwellings at a max height of 40-feet. We do have some improvements to both North Alexander and East 15th Street with curb and gutter, which would also include an eight-foot-wide planning strip, a six-foot-wide sidewalk along both of those frontages, and then access to the units would be provided by two shared driveways.

The staff does recommend approval of this petition. There are technical revisions related to the site and building design to be incorporated. It is inconsistent with the recommendation for greenway uses. However, the density is about 23.5 DUA. The current zoning would allow up to 22. So, we are just in line with what's entitled. The rezoning is really to try to get a little bit more flexibility with some of the design standards on that lot with UR district versus the are R-22. We'll certainly let the petitioner speak to that. But again, the staff does recommend approval and we'll be happy to answer any questions. The following presentation by the petitioning team.

**Collin Brown, 1420 East 7th Street, Suite 100** said I'm here on behalf of the petitioner. Ryan Lewis, the developer, is on as well if you have any questions for him. Being that we have staff support and no opposition, Dave has done a good job with the overview. He's right. The existing zoning is R-22, we are just slightly more than that. So, the purpose of this reason is really the flexibility to lay this out with what will be four for sale townhomes. Ryan Lewis lives in the neighborhood. He intends to live here in the future and [inaudible] closely with the adjacent single family property owner on his site design. So, we're happy taking what I do have slides if you'd like a full presentation.

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

**Dr. Tatia Prieto, 1136 North Alexander**

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**ITEM NO. 36: HEARING ON PETITION NO. 2020-137 BY JOHN CLARK, JR. FOR A CHANGE IN ZONING FOR APPROXIMATELY 24.35 ACRES LOCATED ALONG THE SOUTHERN PORTION OF W. ROCKY RIVER ROAD FROM R-3 (RESIDENTIAL) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just over 24 acres on West Rocky River Road. The property is currently zoned R-3. The requested zoning is R-8 MF conditional. The Newell Small Area Plan recommends single-family uses up to four dwelling units for a majority of the site, as well as greenway uses for a small portion of the site in the Northwest corner of the subject property. This proposal is for up to 167 single-family attached townhomes. A minimum of 20% of those units would be committed to being affordable for buyers at or below 80% AMI for up to 15 years. There are enhanced architectural standards, including exterior building materials, as well as a limitation on the number of units per building facing network streets and limitations on blank walls. We also have fully capped, detached lighting with a max height of 21-feet.

The staff does recommend approval of this petition upon resolution of outstanding issues. We do have some site-building design and transportation items and some technical revisions and some notes that still need to be worked on. It is inconsistent with that single-family recommendation of the 4 DUA. However, the subject property is in a gap area for public open space. This request would provide a minimum of 12,000 square feet of amenitized open space. The requested density is appropriate in this location. The Blue Line University City Boulevard Park and Ride Station is about 6,000 feet from this property's proposed entrance. It does help satisfy the plan's recommendation of a broad range of housing that meets different types of housing needs. The increase in density is fairly moderate and an area that is immediately adjacent to the future Tobi Creek Greenway corridor. Although it is inconsistent with the recommended density, the housing type is consistent with the proposed land-use recommendation. So, again the staff does recommend approval, and we'll be happy to answer any questions.

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

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**ITEM NO. 37: HEARING ON PETITION NO. 2020-143 BY CHARLOTTE WATER FOR A CHANGE IN ZONING FOR APPROXIMATELY 21.34 ACRES LOCATED ALONG THE SOUTH SIDE OF NORTH TRYON STREET WEST OF CIRCLE DRIVE NEAR UNIVERSITY CITY AND MECKLENBURG/CABARRUS COUNTY LINE FROM UR-2 (CD) (URBAN RESIDENTIAL, COMMERCIAL, CONDITIONAL) TO R-8 (RESIDENTIAL).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said this 21.34 acres on Highway-29 in University City, close to the Mecklenburg Cabarrus County line. As mentioned, the current zoning is UR-2 (CD), which is urban residential, commercial with conditions. The proposed zoning is a conventional R-8. This also applies to the Northeast Area Plan, which does recommend residential up to 12 DUA for the site. So, this petition would be consistent with that. It is a conventional petition. The petitioner is Charlotte Water. The staff does recommend approval of this petition, it is as we said, consistent with the plan recommendation for up to 12 DUA and would be more compatible with surrounding uses, more so even than the UR C conditional that's their next door to Main Drive, Circle Drive, and Biltmore Drive. So, we will be happy to answer any questions, if any.

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

**Kemet Shetty, 13235 Circle Drive**

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**ITEM NO. 38: HEARING ON PETITION NO. 2020-145 BY CRESCENT COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 18.95 ACRES LOCATED ON THE NORTH SIDE OF MARVIN ROAD, THE WEST SIDE OF JOHNSTON ROAD, AND SOUTH OF PROVIDENCE ROAD WEST FROM O-2 (CD) (OFFICE, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said this approximately 18.95 acres that stretches between Johnston Road and Marvin Road, and South of Providence Road, West. Currently, the property is zoned O-2 conditional and the proposed zoning is UR-2 conditional. The adopted future land-use from this plan is from the South District Plan, which is from 1993 does recommend office uses. That plan was updated as a result of petition 218-014 which

proposed a hospital and medical office use. That site has since transitioned over. If you look at the top right corner of the slide where it says institutional, that use has shifted to that area of Johnston Road. So, we are looking at rezoning to provide a little bit different development plan for this site. We do apply GDP on this one. It does provide general guidance for residential densities greater than four units per acre. This petition does comply with GDP policies which would allow for over 17 DUA on this particular site. The proposal itself is for up to 455 residential units, maximum of 60 townhome units, up to 395 multi-family residential. A minimum of 70 multi-family units will be dedicated as age-restricted senior affordable housing units with an average not to exceed 80% AMI.

We do have parcels A1 and A2 which would allow the townhomes B-1, B-2, and C on the northern portion of the site would be multi-family residential and then parcel D on the eastern edge would allow only open space. The building height would be capped at 75 feet. Transportation improvements would be an extension of Ballancroft Parkway and connect that to Marvin Road. We do have architectural standards for both the townhomes and multi-family units and also, we have 15,000 square feet of amenity space throughout the site and that process is required tree save areas around the perimeter of the site as well.

The staff does recommend approval of this petition, upon resolution of some outstanding issues. We have some technical provisions related to transportation, site, and building design, and the environment generally just notes that need to be added to the plan. As we mentioned, it is inconsistent for those office-uses as amended by 218-014. However, GDP does support the density that's being proposed for the site, and staff will be happy to take any questions following the petitioner's presentation.

**Collin Brown, 1420 East 7th Street, Suite 100** said I am here on behalf of the petitioner. Also, with me online is Michael Tubridy and Katie Maloomian from Resources. With us tonight, though, not on, is Dion Nelson with Laurel Street Residential. I failed to get her signed up in a timely manner. But if you do have questions about the affordable component, please let us know and we will get Dion's message responses back to you. Dave did a very nice job on the overview, so I'll keep it short. This is [inaudible] the located property, and what's really happening here, you all will recall probably the last year [inaudible] rezoned this site for one of their institutions. [inaudible] moved across the street to the Hall Farm site. So, this property [inaudible] available; Crescent now intends to rezone it, as Dave said, for residential to use with a mixture of uses. So, market-rate apartments, some affordable apartment units, and some townhomes. So, nice mix on the site when compared to the current zoning, it's actually a significant decrease in traffic from a health institution. So happy to answer questions. You don't have any opposing speakers. Councilmember Driggs has been involved throughout the process. Unfortunately, he's not able to [inaudible]. So, happy to field questions if you have any.

Mayor Lyles said I just want to say it's really good to hear. I want to say this about Crescent. They have stood with us when we started out on this affordable housing journey. To see this continuation of an investment that's going to be in a place where

people say that they're good schools and good jobs, opportunities for people is very important. So, just pass that along to the leadership there, please.

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

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**ITEM NO. 39: HEARING ON PETITION NO. 2020-146 BY ELMINGTON CAPITAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.23 ACRES LOCATED ON THE WEST SIDE OF REGAL OAKS DRIVE, EAST OF WINTERHAVEN DRIVE, AND NORTH OF ALBEMARLE ROAD FROM O-15 (CD) (OFFICE, CONDITIONAL) TO R-22 MF (MULTI-FAMILY RESIDENTIAL).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said this is 7.23 acres on Executive Circle just East of Winterhaven Drive, North of Albemarle Road. This property is currently zoned O-15. The proposed zoning would be R-22 MF. It's a conventional request. The adoptive future land-use from the Eastland Area Plan recommends single-family and multi-family, office, and retail for the site with a residential density of up to 12 DUA. If we go back to that zoning slide, one back, please, you see that we've got a pretty reasonable amount of R-17 and some are R-22 MF surrounding this site. We would be generally consistent with those overall zoning districts and development patterns in this area.

The staff does recommend approval of this petition. It is inconsistent with that multi-family density of up to 12 DUA, but again, the staff does feel that this is an appropriate transition area for R-22. Those residential uses north of the site include both R-17 and R-22 and then only a small portion of the site would abut the single-family zoning. So, we do feel again, this would be an appropriate location for this. I do recommend approval and we'll be happy to answer any questions following Mr. Brown's presentation.

**Collin Brown, 1420 East 7th Street Suite 100** said I'm here on behalf of the petitioner. As Dave mentioned conventional zoning here so I do have some slides, but of course, we don't have a site plan to get into. We have had staff support, no opposition. So, happy to answer any questions if you have them, but as Dave mentioned, just kind of a quick recap, really filling in a donut hole. We have a commercially zoned site looking to take that to R-22 MF. We got some R-22 MF around us, other multi-family around, and just a tiny bit of adjacency to single-family. So, we agree and we think this is an appropriate designation for this site. Happy to answer any questions.

**Councilmember Newton** said I am momentarily filling in for the Mayor. Denada, do we have any questions?

**Denada Jackson, Constituent Services Division Manager** said There are no questions.

Mr. Newton said I have a question for the staff. So, this is a question for Dave. I noticed in our materials that there is no community meeting required here. I look at this and so you mentioned this is conventional rezoning, which wouldn't require the community meeting. But I'm looking at this and I'm seeing current zoning from the office going to residential, this being inconsistent with the area plan to the tune of roughly 10 units per acre. I just wanted a little more clarification on how this fits into a conventional rather than a conditional rezoning?

Mr. Petting said staff looked at this as just a general context of some of the existing multi-family, it was out there with the R-17 and the R-22 and didn't feel it was that significant of a jump from what is existing in that area and felt that the conventional was a reasonable route to go. The R-22 district would primarily provide a lot of the same development standards that you've got with that R-17 districts that are all conventional out there currently. That small adjacency to single-family would be handled through the ordinance with buffer requirements and screening requirements. We felt that that existing surrounding zoning was compatible with what they were requesting, even though it is more dense than the plan recommendation. The staff, like I said, felt comfortable with the context of the R-22 zoning, given everything else surrounding it was zoned multi-family as well.

Mr. Brown said in response to your question, I would point out that we were not required to do a community meeting because of this convention. We did host a community meeting using the same mailing list to community leaders and adjacent property owners. We had one attendee. That attendee was comfortable with the rezoning. So, we did convey to staff that we did the mailing and that was that there was no opposition at the meeting and I want you to know that.

Mr. Newton said thank you, Collin. I appreciate that clarification. I would like to follow up to Dave just to get a little bit more information and background on that process for the determination of conventional rather than conditional rezoning. Having said that, the Mayor is back. So, I'm going to pass this back off to her and I don't think there any other questions.

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

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**ITEM NO. 40: HEARING ON PETITION NO. 2020-147 BY BEACON PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.93 ACRES LOCATED ALONG THE NORTHWEST SIDE OF OLD STATESVILLE ROAD FROM B-2 (GENERAL**

**BUSINESS) AND I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO I-1 (LIGHT INDUSTRIAL).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said this is just under two acres on Old Statesville Road, on Airway Avenue, and Apache Avenue. This property has some zoning that's B-2 as well as I-1 conditional. If you look at this slide, the bulk of that I-1 going back towards Airway Avenue and Apache Avenue was a rezoning, I believe, last year to go to I-1 conventional. This rezoning before us this evening would close some of these holes with this I-1 CD and this B-2 conventional along Old Statesville Road and provide a lot more uniformity with that overall property for this business park. The Northeast District plan from 1996 does call for industrial warehouse distribution. So again, this is consistent with that plan recommendation. The staff does recommend approval and again this is a conventional petition. We'll be happy to answer any questions following Mr. Brown's presentation.

**Collin Brown, 1420 East 7th Street Suite 100** said John Morse with Beacon Partners is also on. Great overview from Dave. Really, we're filling in a donut hole. So, this is where Beacon has done an industrial development, mostly behind and around the site. This parcel had commercial zoning. I think there was a psychic reader that occupied the home for some time that Beacon has now been able to purchase the site and incorporate that to develop the development. So, we are just bringing this in line with the current zoning so we can have a more cohesive overall development out there at Metrolina. We are happy to answer any questions you have.

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

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**ITEM NO. 41: HEARING ON PETITION NO. 2020-151 BY RANGE WATER REAL ESTATE FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.455 ACRES LOCATED ALONG THE NORTH SIDE OF WEST TREMONT AVENUE, WEST OF TRYON STREET, AND SOUTH OF WOODCREST AVENUE FROM I-1 (LIGHT INDUSTRIAL) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said is one of the other petitions we have on Tremont Avenue this evening. This petition is about 3.45 acres located on the north side of West Tremont, just west of Tryon Street, south of Woodcrest. The property is currently zoned I-1. The proposed zoning is for MUDD optional. The adopted future land-use is from that New Bern Transit Station Area Plan, which does recommend residential up to 22-DUA. The proposal itself is for up to 300 dwelling units and 5,000 square feet of non-residential

uses, which could include mobile food vending, outdoor fresh produce stands as allowed by the ordinance. Building height would be limited to 75 feet, minimum of 2,500 square feet of non-residential uses. Other than some of those accessory amenity areas would be oriented towards West Tremont Avenue to help activate that streetscape. A minimum of 10,000 square feet of open space would accommodate events such as mobile food vending, produce stands, and etc. On-site amenities for the residents of the development would be included, as well as architectural design elements. We do have one optional provision which would allow some accessory parking and maneuvering to be located along one side of the internal entry drive between the proposed building on West Tremont as shown on the site plan. Just to give you a little context while we are on this slide here, we do have a neighboring property that's also pending rezoning as well. So, this is part of a pretty active corridor along Tremont Avenue right now. We had the other rezoning earlier this evening. We have this petition and we'd have one almost directly adjacent next door coming forward here in the future, hearing shortly. So, a lot of activity going on within this corridor.

The staff does recommend approval of this petition. We do have some outstanding issues related to transportation and site-building design to work through. It is consistent with the New Bern Transit Station Area Plan recommended for that multi-family residential. It is inconsistent with the density proposal. However, we do feel that it is appropriate within this area, particularly within close proximity to the transit station and LYNX Blue Line. We do have some TOD districts within the area as well. So, we do feel that this development is compatible with what we're seeing within the trend and context along Tremont Avenue. We do recommend approval and we'll be happy to answer any questions following the presentation by Mr. MacVean.

**Keith MacVean, 100 North Tryon Street** said I am with Moore and Van Allen. Jeff Brown of our firm and I are assisting Range Water Real Estate with this petition. With me tonight, representing Range Water is Palmer McArthur and Eddie Moore with McAdams, the engineer for the site. Dave has done a good job explaining the site and the proposal. Just a little bit of history Range Water. Founded in 2006, a fully integrated multi-family company headquartered in Atlanta, target markets deep in the Southeast and Southwest. Over 26,000 units developed and acquired. Multi-family Builder of the Year in 2015 and of Heavy Hitter Award in 2019 for another residential community just to the East of this state also on West Tremont Avenue. As Dave mentioned the location vacant zoned I-1. Dave also mentioned this in close proximity to the East-West Station, less than a half-mile will also be in close proximity to the future Rampart Station.

As Dave mentioned, the proposal is for up to 300 multi-family units with some ground-floor retail or commercial uses up on West Tremont Avenue. There is a large open space feature that is unique to this site. Over 10,000 square feet of open space is located along West Tremont Avenue extending to the rear. The idea is to use that for potential food vendors or for fresh produce stands, but really take advantage of that open space, it's a unique feature of the site. I'll be glad to answer any questions.

**Councilmember Watlington** said I think might have already mentioned so forgive me. This garage, will be wrapped correctly?

Mr. MacVean said It will be wrapped in terms of visibility from West Tremont Avenue. It will have an exposed edge to the adjacent property that is also undergoing rezoning and will be coming up later. But cars on that exposed edge will be screened as required by the ordinance to the rear of the site.

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

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**ITEM NO. 42: HEARING ON PETITION NO. 2020-152 BY SHREEJI HOSPITALITY UNCC, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.99 ACRES LOCATED AT THE EASTERN TERMINUS OF E. MCCULLOUGH DRIVE, EAST OF NORTH TRYON STREET IN THE UNIVERSITY CITY COMMUNITY FROM O-1 (CD) (OFFICE, CONDITIONAL) TO TOD-CC (TRANSIT-ORIENTED DEVELOPMENT, COMMUNITY CENTER).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said this is just under three acres at the end of McCullough Drive just off of North Tryon Street. Currently, the property is zoned O-1 conditional. The proposed zoning is for TOD-CC and the adopted future land-use from the Blue Line Extension University City Area Plan, which is in 2015, does recommend TOD uses for the site. So, this petition is consistent. This is a conventional TOD. No site plan associated with it. As we said, it is consistent with the area plan. The staff does recommend approval of this petition and we'll be happy to answer any questions following Mr. Patel's presentation.

**Vivek Patel, 6025 Blakeney Park Drive** said that was a great interview from Dave. I won't go through the presentation at this time unless there is a question. This is a conventional rezoning. We have a support staff. There are no opponents to these proposals as far as I'm aware. Thank you for your consideration. And I will be happy to take questions.

**Councilmember Johson** said Mr. Patel, have you spoken with University City Partners, and do you have their support?

Mr. Patel said yes, there was a meeting this morning and we had a great meeting. They didn't have any questions for me. They look to support the proposal 100%.

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

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**ITEM NO. 43: HEARING ON PETITION NO. 2020-154 BY CAROLINA URBAN PROPERTIES, LTD FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.11 ACRES LOCATED ALONG THE WEST AND EAST SIDES OF BEATTIES FORD ROAD, ALONG THE SOUTH SIDE OF FRENCH STREET, AND NORTH OF MILL ROAD FROM B-1 PED (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY) AND R-22MF PED (MULTI-FAMILY, PEDESTRIAN OVERLAY) TO TOD-CC PED (TRANSIT-ORIENTED DEVELOPMENT, COMMUNITY CENTER, PEDESTRIAN OVERLAY).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said this is 1.11 acres separated into two different sites. We've got a site that fronts Beatties Ford Road and then we have a site that also is at the corner of Beatties Ford Road and French Street. The property is currently zoned B-1 and you can see this property on French Street also has B-1 zoning along the frontage of Beatties Ford Road, but then the orange area there along French Street is zoned for R-22 MF. The proposed zoning is for TOD-CC. The proposed land-use from the West End Land-use and PED Scape Plan, which was adopted in 2005, does recommend multi-family office retail for the site that's on Beatties Ford Road. That's adjoining the campus for Johnson C. Smith University. It does recommend some institutional uses on that property that's on Beatties Ford Road and French Street. So again, that's inconsistent with that institutional land-use for the one parcel. But then the other parcel there that is adjacent to JC Smith is consistent with that mixed-use recommendation.

The staff does recommend approval. These sites are located opposite the side of Beatties Ford Road. They're both located within a quarter-mile from the proposed CATS' Gold Line transit stop. So, TOD-CC is applicable within that area. So, again the staff does recommend approval and we will be happy to answer any questions should you have any.

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

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**ITEM NO. 44: HEARING ON PETITION NO. 2020-157 BY SPECIALTY PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.76 ACRES LOCATED ON THE WESTERN SIDE OF TUCKASEEGEE ROAD BETWEEN CAMP GREEN STREET AND BERRYHILL ROAD FROM B-1 (NEIGHBORHOOD BUSINESS) AND R-5 (SINGLE-FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES).**



**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said this is three-quarters of an acre on Tuckaseegee Road between Camp Green Street and Berryhill Road. The existing zoning, the frontage there along Tuckaseegee in the red color is all zoned B-1, which is a neighborhood business district, and the yellow portion on the back is zoned R-5. The proposed zoning is for neighborhood services, which is a conditional district by nature. The adopted feature land-use for this area from the Central District Plan, which was adopted in 1993, does recommend retail consistent pretty much with the zoning boundaries that are distinguished on the property and then single-family up to 5 DUA for that portion on the back end yellow. Their proposal this evening would allow for all uses in the NS District, which is fairly consistent with the B-1 zoning district.

They'd have a maximum of 16,000 square feet of use in one or more buildings as building heights would be limited to 40 feet. We do have one driveway from Tuckaseegee Road being proposed. We do have off-street parking at a minimum rate of one space per 600 square feet on the site. We do have shared internal drive access to some of the adjacent parcels, as well as a commitment to provide an 8-foot planning trip and six-foot sidewalk. Also, a list of building materials to be used in construction has been provided as part of the conditional plan.

The staff does recommend approval of this petition. We do have some outstanding issues related to transportation, site and building design. I had some conversations with the petitioner as recently as last week and I believe most of those will be resolved moving towards the Zoning Committee meeting. As we mentioned, it is consistent with the retail land-use recommendation for a portion of the site and inconsistent with that single-family along the back portions of the site. But the staff does again recommend approval of this petition and we'll be happy to answer questions following Mr. Ferguson's presentation.

**Brent Stewart, 1242 Ebenezer Road Rock Hill, SC** said when I bought the property, I originally wanted to maintain the house that was on it and just open my law firm in that building. Unfortunately, the developer I had made some mistakes and kind of imploded the building. The reason I need the back part of my land-made business is I want to parking for everybody that's in my building. I don't want to use anybody else's parking. I'm the kind of guy that I will leave a place if I can't find a parking spot. So, that back area is just going to be used for parking. I want to make the area look nice to the community. I'm all for putting trees around the parking lot or whatever I need to do. It's going to be my law business. My mother-in-law may have an art gallery in there with us. We may have a doctor as well coming in to rent space. There might be an investor with me. So, that's all we're trying to do, is get to back zoned business so I can have parking so that we don't overflow onto anybody else's property.

**Russell Fergusson, 933 Louise Avenue** said to follow up on the presentation from Dave, which is very thorough, we definitely appreciate the staff working with us on this. We think Neighborhood Services is appropriate here. We have obtained the support of

two of the area neighborhood associations, Park View and Greater Enderly Park. We do anticipate the next revisions will satisfy all the outstanding issues here and we'll be able to move forward with both the staff support and the neighborhood support. We request all of your support as well. Thank you.

**Councilmember Watlington** said I just wanted to affirm the neighborhood support in lieu of spoken comment. Park View Neighborhood Association did send a letter to each of our inboxes. But essentially, they are in support of the project and they feel the project fits into the site and character of the development, which they'd like to see more in their neighborhood. They say that they feel like this zoning change should be routine and effectively cleans up the historical zoning boundaries [inaudible]. They said they will provide for their own parking and they believe that Neighborhood Services is the appropriate designation and have asked us to please approve it.

Mr. Stewart said Ms. Watlington, I thank you for that so much. My neighbor Bill Berry, who does hair next door, is going to need the same thing. I don't know that he's in the same position to have lawyers competition this and do this, but he's got the same portion behind me. So, I don't know how to tell him to come forward on his own, but if so, he needs to rezone his as well. He's a great guy.

Mayor Lyles said thank you for the endorsement.

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

**Daniel Pentecost, [daniel@anyion.com](mailto:daniel@anyion.com)**

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**ITEM NO. 45: HEARING ON PETITION NO. 2020-158 BY REVOLVE RESIDENTIAL FOR A CHANGE IN ZONING FOR APPROXIMATELY .618 ACRE LOCATED AT THE NORTHERN INTERSECTION OF SPENCER STREET AND E. 36<sup>TH</sup> STREET IN THE NODA COMMUNITY FROM R-5 (RESIDENTIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said this is .618 acres on East 36th Street at the intersection of Spencer Street and East 36<sup>th</sup> Street in the NoDa community. The existing zoning currently is R-5. The requested for zoning is for MUDD conditional. The adopted future land-use

from the 36th Street Station Area Plan recommends residential up to 5 DUA for the site. If we go back and take a look at some of the existing zonings on the previous slide, you do have some UR-2, some R-22 MF, and some MUD zoning there in the fruit stripe color pattern. Then we have some R-2 there as well on North McDowell Street and East 36th Street. This MUDD request is kind of filling in what we see as a consistent development pattern on that side of 36th Street. If we go to the partition proposal itself, it's for 16 single-family attached townhomes. Maximum height would be 50 feet constructed within no more than three primary buildings as depicted on the site plan. Architectural design standards would be included for raised entrances, usable stoops and porches, and blank wall provisions for the ground floors. We do have a 9-foot sidewalk and 8-foot planting strip along East 36th Street and then an 8-foot planting strip and 8-foot sidewalk along Spencer Street.

Additionally, we would have to on-street parking spots shown along the site's frontage with Spencer Street north of the property driveway. This may be alternatively constructed as an 8-foot planting strip, an 8-foot sidewalk in lieu of that. We also have a commitment to invest \$7,500 in public art on-site or in connection with pedestrian crosswalks and amenities. We also have a bus waiting pad being provided on East 36th Street.

As mentioned, the staff does recommend approval of this petition. We do have some outstanding issues, related to technical revisions for transportation that need to be resolved. It is inconsistent with that five DUE recommendation but do feel that it's consistent with the previously approved projects within that corridor of 36th Street with projects that had a similar density and building type, and then some of the commitments for widening sidewalks, planning trips and public art hope to achieve some of the Transit Stationary Area Plan recommendations for development patterns supported by infrastructure improvements and accessibility. So, I do feel that it's appropriate within this close proximity to the 36th Street Blue Line station, which is just about .4 miles away. So again, the staff does recommend approval and we'll be happy to answer questions following Ms. Grant's presentation.

**Bridget Grant, 100 N. Tryon Street** said I am with Moore and Van Allen, I'm pleased to be here tonight with Tim McCullum with Resolve Residential leading the development efforts and Jenna Kennedy with Land Design. Dave, of course, did a great job. So, I'm not going to go through the entire presentation. I do want to note that we spent a lot of time working on the site plan and participating in a number of community meetings. We met with a small group on November 17, went back to the NoDa Board on December 1st. We had our required community meeting on December 9th and then went back to the NoDa Board again on January 5th. So, there were some changes we made in response to community feedback. I just wanted to go through those. We did limit at the height of 50 feet. We created some ground floor seat walls and stoops to provide street activation and community interaction opportunities. We did make that commitment for public art that's likely going to happen in the buffer area on the periphery of the site. We maintain sidewalks at the back of the curb and provided the planting behind the sidewalk to enhance the front yard and with the streetscape that's more common in the NoDa

neighborhood. We're going to be providing a sidewalk on Spencer Street. In addition to some of the other streetscape improvements, we are providing a bulb-out at the corner of Spencer Street and 36th Street. It's sort of a known issue with some sightline obstacles that we're hoping to address. We're seeking no parking signs at Spencer Street and 36th Street. We anticipate being able to address any of the outstanding technical issues and I'd like to close by thanking the NoDa community for their support on this and the staff for their support as well. We're happy to answer any questions.

**Councilmember Egleston** said I just with notes all councilmember, you did receive an email from Jacob Horr in the last couple of days that outlines the Community Association's support of this and why.

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

**Gavin Toth, [www.noda.org](http://www.noda.org)**

**Asher Begley, 3302 Spencer St.**

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**ITEM NO. 46: HEARING ON PETITION NO. 2020-166 BY C4 INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.73 ACRES LOCATED ALONG THE EAST SIDE OF STATESVILLE ROAD, NORTH OF KEITH DRIVE, AND SOUTH OF SUNSET ROAD FROM O-1 (CD) (OFFICE, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said this is 8.72 acres on Statesville Road, just north of Keith Drive and just south of Sunset Road. This property is currently zoned O-1 conditional. The proposed zoning is for UR-2 conditional. The adopted future land-use is from the Northeast District plan, which was in 1996, does call for office uses for the site. We did run GDP for this project. It's just a little bit over the GDP consideration for 17 DUA. This project comes in at about 17.8. So just about a unit over what the GDP recommends. This proposal is for up to 156 multi-family dwellings. They'd be a maximum of ten buildings throughout the site. It does commit that all multi-family units within those buildings will maintain monthly rents that are income-restricted for households that earn up to 80 % of the area's median income for a period of 30 years. We would have access to the site from Statesville Road. It would have a 5-foot sidewalk along with the internal parking areas that will link to the proposed buildings as well as sidewalks along Statesville Road. We

do have a 30-foot Class B buffer where we do have some adjacency to single-family homes. We also have an amenity area and clubhouse proposed for the site, as well as architectural standards to allow building materials and facade variations for the buildings.

The staff does recommend approval of this petition. We do some outstanding issues related to transportation, environment, and site design to finalize. It is inconsistent with that recommendation for office uses and just slightly over those GDP recommended densities at 17. Again, this comes in at 17.8. The staff does feel that it's still an appropriate land-use for the area and we do recommend approval and be happy to answer any questions from Ms. Grant's presentation.

**Bridget Grant, 100 N. Tryon Street** said Jeff Brown and I with Moore and Van Allen. We are pleased to be here tonight with John Butler, with Crossland Southeast, and Jenna Kennedy with Land Design. As always, the staff did a great job on the presentation. So, I'm just going to jump ahead to the proposed plan overview. As Dave mentioned, we're looking at doing 156 residential units. We are targeting affordable housing units contingent upon our financing opportunities. We've included those architectural commitments. We are generally consistent with the surrounding land-use and have our trees save closest to the existing single-family residential. We have 30-foot buffers along the periphery of the site and in response to community feedback, we are going to be adding some fencing along the periphery as well per submittal prior to the zoning committee. So, with that, I want to say thank you to the staff for their support in this petition, and we're happy to answer any questions.

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

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**ITEM NO. 47: HEARING ON PETITION NO. 2020-169 BY CHARLOTTE-MECKLENBURG HOUSING PARTNERSHIP FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.556 ACRES LOCATED ALONG THE SOUTH SIDE OF BILLINGSLEY ROAD, ON THE WEST SIDE OF MARVIN ROAD, EAST OF ELLINGTON STREET FROM R-22MF (MULTI-FAMILY RESIDENTIAL, UP TO 8 UNITS PER ACRE) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said this 3.556 acres located on Marvin Road and Billingsley Road, just north of Wendover Road. The property is currently zoned R-22 MF. Currently zoned for multi-family up to 22 dwelling units per acre. The proposed zoning is UR-2 conditional. The adopted future land-use from the Central District Area Plan does also recommend multi-family residential. There is no density recommendation specified within that plan. The proposal attached this evening is for up to 100 age-restricted multi-family

residential dwellings in which would be in one building. It would come in at about 28.12 units per acre. There are notes provided that commit to affordable housing and age restrictions. The residential units shall maintain monthly rents that are income restrictive for households earning up to and including 80% of AMI 30 years. We also have buffer requirements for a 24-foot Class C buffer along with any properties that are zoned single-family residential and or have a single-family residential use. That could also be reduced by 25% with a wall or fence. Access would be provided via Billingsley and Marvin Roads. We also would have an 8-foot sidewalk, an 8-foot planting strip along Billingsley and Marvin Roads as well. Provide a bus waiting for the pad as specified by CATS, and that architectural standard related to exterior building materials, location of parking facade variations, and other design elements for the site.

The staff does recommend approval of this petition. We do have some outstanding issues to resolve related to site building design. It is consistent with the Central District Plan recommendation for multi-family residential with no specified density. Again, the staff does recommend approval and we'll be happy to answer questions following Mr. Brown and Ms. Grant's presentation.

**Jeff Brown, 100 N. Tryon Street** said Bridget Grant and I are very pleased to continue what is been for me, and over 20 years relationship with the Housing Partnership, one of the great organizations in the community. Since we're at the finale tonight, I'll be very brief and then we'll turn it over to Fred Dodson and the partnership will also be brief. We do want to thank Pastor Tuggle and Pastor Garris for their stakeholder leadership and for being available at this late hour for any questions that you might have.

Dave touched on the key points. I just really wanted to mention that the partnership and stakeholders have considered options for the type of housing for the site deciding to focus additionally on the zoning on seniors housing, but in response to significant community input received in several meetings during the process, the partnership is now considering the possibility of housing for a broader age group. The decision has not been finalized but will be momentarily in advance of the Zoning Committee, as Fred Dodson will now reiterate. I think this has been the focus of a good bit of discussion of late in recent meetings and stakeholder groups as well. So, I'll turn it quickly over to Fred Dodson to complete our presentation.

**Fred Dodson, 4601 Charlotte Park Drive Suite 350** said we're just beginning our work in the Grier Heights Neighborhood. We were invited to work in the neighborhood through our partners at Crossroads CDC and Myers Park Presbyterian, as well as Grier Heights, [inaudible] Antioch Missionary Baptist Church. Our first initiative was to buy dilapidated housing that was in non-safe conditions on a portion of the property that we're now rezoning.

We've had multiple meetings with organizations and individuals within the community, with our partners at Crossroads CDC. We've used the input that we've received during those meetings to inform our work for this development and for future developments

within the neighborhood. So, we are happy to get started in our work in Grier Heights this is the first of several that we've had. This is a very active neighborhood and they've been great to work with. We look forward to moving forward with this development.

Mayor Lyles said both Reverend Garris and Reverend Tuggle have been exceptional leaders in this community and so much appreciate what they do in Grier Heights. As anyone who has lived here a long time, they still call it Grier Town because it had its own main street, had its own business district. I hope one day to be able to say that I drove through Grier Town as it's being revitalized and changed and so much appreciate the work of Crossroads and what you're doing. Can I say one other thank you to the partnership? The work that you're doing on keeping people in their housing during this COVID area, you have been a great partner to use the money that we were able to get from CARES dollars to keep people housed to prevent homelessness. The partnership has done an exceptional job. I just want to say thank you for being good citizens. Now, I don't get to vote on this petition, so you better wait and see what the other questions are.

**Councilmember Egleston** said you've stolen most of the kudos that I was going to give out so I won't repeat them. But our friend James Lee will be excited that you call it Grier Town instead of Grier Heights. But whatever you call it, it's a great community. These are great organizations that are coming together around this development. I've heard from neighborhood leadership that would support the statement that was made that the idea of age-restricted was something that I think the petitioners thought would be more appealing to the community, but as they've found that maybe the community wants to go a different direction, they're having that conversation in good faith. I think we'll come to an agreement between the two sides as to what the best use is. But I think in general, the community is excited. They just want to work around the edges on that age-restriction piece, whether or not that is something they want incorporated. So, I feel good about the direction instead of the neighborhood seems to as well.

**Councilmember Eiselt** said I just wanted to say that as a member of Myers Park Presbyterian Church, and years ago, we had a book club between our church and Grier Heights, Presbyterian, Antioch. It was such a great partnership. This is really one of those community groups that walks the walk. This isn't a transactional deal. This has been developed through a really long-term partnership. I'm honored to be a small part of that, just as a church member, but and also as a Councilmember, I'll be supporting this. This is really exciting.

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

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## ADJOURNMENT

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

The meeting was adjourned at 8:41 p.m.

**Councilmember Johnson** said I expressed some concern about the zoning process and the trip trigger and conditional and interested in taking a deeper dive and looking at the policy. There was also some concern from other Councilmembers. How can we get that referred to a committee or a future meeting? Well, let me say, it's not a training issue.

Mayor Lyles said he didn't present it as a training issue.

**Taiwo Jaiyeoba, Assistant City Manager/Planning Director** said It's really an opportunity for us to address some of the questions that you have. As we were talking tonight, I was making additional notes. One of them, of course, is what you just brought up, trip-generation triggers. Yes. So it will be an opportunity to address some of those without necessarily being focused on a particular rezoning petition. But the process that goes into that, and there are things that could be changed and how we want to look at that going forward. So, it's just an opportunity for you to be able to have time to ask those questions and then even give us some ideas. So, it's really not just about teaching or equipping as much as it is to clarify some concerns that we may have, especially with the Comprehensive Plan, the place types, and the UDO coming into the process, conventional versus conditional trip generation, how you need to get some of those things. So, it's really not one item discussion as much as more of what happens during the rezoning process and how can we get it to be better.

Ms. Johnson said I thank you for that, Taiwo, but you just sent an email and between a few of our districts in 2020, we have between 25 and 50 zonings in one district. So, we have to take a look at this rapid growth. If all of those trips were less than 2500, then there's no traffic study. I know that's an exaggeration, but that is our policy. I am begging and I've been begging for a year to take a look at this from a comprehensive perspective. So, if you think that the next step is to attend this meeting in the latter part of the month, that's fine. But I know that District 4 cannot wait for the UDO. We really need to take a look at the policy, because I've been to community meetings where the developer can say, well, not my problem. It doesn't meet the trip trigger and neighbors pretty much just deal with it and they're tired. So, I'd like to move forward with that and Mayor, if that's what you think is the next step then we can do that.

Mr. Jaiyeoba said maybe I can add to this as well that Mayor and the council did refer this very issue to the Transportation Planning and Environmental Committee. I still remember now October of 2019, where we famously called the 90-day assignment. TAPE looked at that. We've actually made two presentations to TAPE on ideas for how we can really



address some of this, especially where it becomes transportation issues, the new ideas that will be part of a Comprehensive Plan. But also, I know we can't wait, but the fact is that we have to wait, you know until we have our tools right. Otherwise, we will be dealing with things on a piecemeal approach which will lead to some other unintended consequences. So, I will forward that to you. but I believe also that we can actually use that as a starting point for our conversation when we meet. That referral was made to TAPE back in 2019 and we made two presentations, I believe this past year on that subject.

Mayor Lyles said Ms. Johnson, I think everybody has the goal to try to make sure that whatever a Councilmember has as a question or a pathway, that there's a way to do it. I think that we've been struggling with the time and the ability to define the questions across the broader spectrum. I want you to know I'm not an expert planner and never probably will be. I think that what we have to do is get your ideas. I think that was one of the reasons that Taiwo said he's going to send out a questionnaire to ask, what do you want to see accomplished? I know that you have been very, very adamant and you've been consistent about the issues of traffic and growth.

This is happening to us. I don't know how we're going to move people around and not have adequate green space or a good environment, trees, all of those things that make us an attractive place to be if we don't do something about it. I just hope that there is a way, a path forward. I think there are lots of ideas out there and they need to be answered. I've been pushing to get the workshop scheduled. I was hoping that that would be a foundation for the night. I by no means take any credit or ability and understand my ability. Planning is a very tough thing in a growing environment. I think that we do have to work on some of these. I think this is the first step. So, hopefully, your questions get addressed. It's an important issue. It's important to get it done.

Ms. Johnson said well, one of the things we saw is I felt that some of the developers really raised the bar in listening to the residents because I know what's required. But also the City Council does have to make that final approval. So, those are the kind of things that can be done as well, listening to the residents and recognizing those challenges. So, until we are able to change that policy. But again, it's our policy.

Mayor Lyles said right.

Ms. Johnson said thank you.



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Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 3 Hours, 33 Minutes  
Minutes Completed: March 05, 2021