

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, June 21, 2021 at 4:07 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, Greg Phipps, and Braxton Winston II.

ABSENT UNTIL NOTED: Matt Newton and Victoria Watlington.

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Mayor Lyles welcomed everyone to the June 21, 2021 Zoning Meeting and said this meeting is being held as a virtual meeting in accordance with all of the laws that we have to follow, especially around an electronic meeting. The requirements also include notice and access that are being met electronically as well. You can view this on our Government Channel, the City's Facebook Page, or the City's YouTube Page.

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INVOCATION AND PLEDGE

Councilmember Egleston gave the Invocation and the Pledge of Allegiance to the Flag was led by Councilmember Johnson.

Councilmember Newton arrived at 4:10 p.m. and Councilmember Victoria Watlington joined the meeting virtually at 4:13 p.m.

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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 THE ZONING COMMITTEE

Keba Samuel, Vice Chairperson of Charlotte Mecklenburg Planning Commission/Chairperson of Zoning Committee introduced the members of the Zoning Committee and said the Zoning Committee will meet on Tuesday, July 6, 2021, to make recommendations on the petitions heard in the public hearings tonight. The public is invited, for it is not a continuation of the public hearing. For questions or to contact the Zoning Committee, information can be found at charlotteplanning.org.

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DEFERRALS/WITHDRAWALS/NEW PUBLIC HERING DATE

Motion was made by Councilmember Driggs, seconded by Councilmember Phipps, and carried unanimously to defer a decision on Item No. 3, Petition No. 2019-179 by Ronald Staley, Jr. of Verde Homes, LLC to July 19, 2021; a decision on Item No. 4, Petition No. 2020-022 by OMS Dilworth, LLC to July 19, 2021; a decision on Item No. 6, Petition No. 2020-038 by Clover Group, Inc. to July 19, 2021; a hearing on Item No. 19, Petition No. 2021-014 by Whitestone Holdings, Inc, to July 19, 2021; and withdrawal on Item No. 20, Petition No. 2020-133 by D. H. Horton.

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DECISION

ITEM NO. 5: ORDINANCE NO. 80-Z, PETITION NO. 2017-118 BY PHILLIPS INVESTMENT PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.78 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE ROAD, NORTH OF CINDY LANE FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO B-2(CD) (GENERAL BUSINESS, CONDITIONAL) WITH FIVE-YEAR VESTED RIGHTS

The Zoning Committee voted 6-0 (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 Northeast District Plan (1996), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends single-family uses up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes a warehouse addition and nine additional parking spaces as an expansion of an already-existing business located on the parcel directly below this site. This site had been used as overflow parking for the adjacent auto parts business, but after the widening of Statesville Road, the parking lot did not meet zoning requirements in its current form. This petition will formalize the parking spaces and bring the site up to the current zoning code. The site will add a 22-foot class B buffer and tree save area between the site and the surrounding single-family homes and add a 5-foot sidewalk connecting the sidewalk on Statesville Road to the new warehouse addition and parking lot. The existing auto parts business on the adjacent site and the parking lot was recognized by the Northeast District Plan (1996) even though the plan recommends single-family residential uses for this site, and the site use is currently not out of character with the commercial sites across the street. Adding a parking lot and warehouse space along with appropriate buffers will make the site safer for the surrounding residents and for pedestrians. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan, from Single-family Residential up to 4 DUA to General Business for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2017-118 by Phillips Investments Properties and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northeast District Plan (1996), based on the information from the final staff analysis and the public hearing and because the plan recommends single family uses up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes a warehouse addition and nine additional parking spaces as an expansion of an already-existing business located on the parcel directly below this site. This site had been used as overflow parking for the adjacent auto parts business, but after the widening of Statesville Road the parking lot did not meet zoning requirements in its current form. This petition will formalize the parking spaces and bring the site up to current zoning code. The site will add a 22-foot class B buffer and tree save area between the site and the surrounding single-family homes and add a 5-foot sidewalk connecting the sidewalk on Statesville Road to the new warehouse addition and parking lot. The existing auto parts business on the adjacent site and the parking lot was recognized by the Northeast District Plan (1996) even though the plan recommends single family residential uses for this site, and the site use is currently not out of character with the commercial sites across the street. Adding a parking lot and warehouse space along with appropriate buffers will make the site safer for the surrounding residents and for pedestrians. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan, from Single-family Residential up to 4 DUA to General Business for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 001-002.

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ITEM NO. 7: ORDINANCE NO. 81-Z, PETITION NO. 2020-192 BY WHITE POINT PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.50 ACRES LOCATED ALONG THE EAST SIDE OF CAMDEN ROAD, NORTH OF EAST BOULEVARD, AND WEST OF SOUTH BOULEVARD FROM TOD-UC (TRANSIT-ORIENTED DEVELOPMENT – URBAN CENTER) TO MUD-O (MIXED USE DEVELOPMENT, OPTIONAL).

The Zoning Committee voted 6-0 (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 South End Transit Station Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the adopted plan recommends transit-oriented development. 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 adopted plan recommends transit-oriented development for the entire rezoning site and the proposed conditions of the MUDD district incorporate TOD standards that would implement the goals of the plan. The TOD-UC standards will be applied to the rezoning site. The TOD-TR standards will be applied to the existing pharmacy with an accessory drive-through on a portion of the site. The accessory will be redesigned to be internal to the site. The subject site is within 200 feet of the East/West Light Rail Station. The use of TOD-UC zoning applies standards and regulations to create the desired form and intensity of transit-supportive development. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, to approve Petition No. 2020-192 by White Point Partners and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South End Transit Station Area Plan, based on the information from the final staff analysis and the public hearing and because the adopted plan recommends transit-oriented development. 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 adopted plan recommends transit-oriented development for the entire rezoning site and the proposed conditions of the MUDD district incorporate TOD standards that would implement the goals of the plan. The TOD-UC standards will be applied to the rezoning site. The TOD-TR standards will be applied to the existing pharmacy with accessory drive through on a portion of the site. The accessory will be redesigned to be internal to the site. The subject site is within 200 feet of the East/West Light Rail Station. Use of TOD-UC zoning applies standards and regulations to create the desired form and intensity of transit supportive development. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

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

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

NAYS: Councilmember Winston.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 003-004.

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ITEM NO. 8: ORDINANCE NO. 82-Z, PETITION NO. 2020-197 BY THE PACES FOUNDATION, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.54 ACRES LOCATED ALONG THE SOUTH SIDE OF ELMIN STREET, ON THE NORTH SIDE OF WEST BOULEVARD, EAST OF OLD STEELE CREEK ROAD FROM R-5 (SINGLE-FAMILY RESIDENTIAL) AND R-8 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (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 and consistent with the General Development Policies, based on the information from the post-hearing staff analysis and the public hearing and because the Central District Plan (1993) recommends single-family residential up to 5 units per acre and single-family residential up to 8 units per acre, and the General Development Policies recommends over 17 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the petition meets the General Development Policies locational criteria for consideration of over 17 dwelling units per acre. The request supports a desired mix of housing types in the area. Directly east of the site is a religious institution, and west are a mix of institutional, office, residential, and retail uses. The project commits to streetscape improvements along West Boulevard. The request commits to several transportation improvements, including the provision of an 8-foot sidewalk adjacent to the unopened right-of-way located along the western property line. Pedestrian scale lighting will also be provided along this sidewalk. The petition proposes a new ADA compliant bus waiting pad per along West Boulevard for outbound bus stop #34580. The petition commits to the installation of evergreen shrubs to enhance screening of the parking and refuses areas from existing residential and institutional uses along Elmin Street. The site plan clearly identifies the proposed open space amenity area and urban open space area with associated conditional notes committing to their improvements. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from current recommended single-family residential up to 5 units per acre and single-family residential up to 8 units per acre to new recommended residential over 17 units per acre for the site. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from current recommended single-family residential up to 5 units per acre and single-family residential up to 8 units per acre to new recommended residential over 17 units per acre for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2020-197 by The Paces Foundation, Inc. and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan and consistent with the General Development Policies, based on the information from the final staff analysis and the public hearing and because the Central District Plan (1993) recommends single family residential up to 5 units per acre and single family residential up to 8 units per acre, and the General Development Policies recommends over 17 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition meets the General Development Policies locational criteria for consideration of over 17 dwelling units per acre. The request supports a desired mix of housing types in the area. Directly east of the site is a religious institution, and west are a mix of institutional, office, residential, and retail uses. The project commits to streetscape improvements along West Boulevard. The request commits to several transportation improvements, including provision of an 8-foot sidewalk adjacent to the unopened right-of-way located along the western property line. Pedestrian scale lighting will also be provided along this sidewalk. The petition proposes a new ADA compliant bus waiting pad per along West Boulevard for outbound bus stop #34580. The petition commits to installation of evergreen shrubs to enhance screening of the parking and refuse areas from existing residential and institutional uses along Elmin Street. The site plan clearly identifies proposed open space amenity area and urban open space area with associated conditional notes committing to their improvements. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from current recommended single family residential up to 5 units per acre and single family residential up to 8 units per acre to new recommended residential over 17 units per acre for the site. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from current recommended single family residential up to 5 units per acre and single family residential up to 8 units per acre to new recommended residential over 17 units per acre for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 005-006.

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ITEM NO. 9: ORDINANCE IS NO. 83-Z, PETITION NO. 2021-007 BY PAKCHANOK LETTSOME AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.2 ACRES LOCATED NEAR THE INTERSECTION OF EAST 17TH STREET AND SEIGLE AVENUE IN THE BELMONT COMMUNITY FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (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 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 single-family uses up to five dwelling units per acre (DUA). However, we find this petition to be reasonable and in the public interest based on the information from the post-hearing staff analysis and the public hearing, and because this site falls within an area identified as the Seigle North target area, which identifies opportunities for single-family infill development. The lot within the rezoning boundary is uniquely positioned to provide infill/density as it is one of the widest (60 feet) vacant single-family lots in the neighborhood. Per the area plan, new and rehabilitated homes in this target area should be compatible in design character with the existing adjacent housing stock. The petition's commitment to the establishment of two single-family detached residential lots is in alignment with the immediately surrounding housing typologies in the area. While this petition proposes an increase in density, it still fulfills the area plan's recommendation for single-family residential uses on this site. Further, as this is a vacant lot, no displacement will occur to accommodate the requested density. The petition's commitment to a landscape strip and sidewalk meets the area plan's transportation goal of creating a more pedestrian-friendly community. The approval of this petition will revise the adopted future land use as specified by the Belmont Area Revitalization Plan, from single-family uses up to five DUA to residential uses up to 12 DUA for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-007 by Pakchanok Lettsome and adopt the following Statement of Consistency: This petition is found to be inconsistent 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 single family uses up to five dwelling units per acre (DUA). However, we find this petition to be reasonable and in the public interest based on the information from the final staff analysis and the public hearing, and because this site falls within an area identified as the Seigle North target area, which identifies opportunities for single family infill development. The lot within the rezoning boundary is uniquely positioned to provide infill/density as it is one of the widest (60 feet) vacant single family lots in the neighborhood. Per the area plan, new and rehabilitated homes in this target area should be compatible in design character with the existing adjacent housing stock. The petition's commitment to the establishment of two single family detached residential lots is in alignment with immediately surrounding housing typologies in the area. While this petition proposes an increase in density, it still fulfills the area plan's recommendation for single-family residential uses on this site. Further, as this is a vacant lot, no displacement will occur to accommodate the requested density. The petition's commitment to a landscape strip and sidewalk meets the area plan's transportation goal of creating a more pedestrian friendly community. The approval of this petition will revise the adopted future land use as specified by the Belmont Area Revitalization Plan, from single family uses up to five DUA to residential uses up to 12 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 007-008.

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ITEM NO. 10: ORDINANCE NO. 84-Z, PETITION NO. 2021-009 BY EDWARD JUDSON MCADAMS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .59 ACRES LOCATED AT 2100 MATHESON AVENUE, DIRECTLY ADJACENT TO CHARLOTTE COUNTRY CLUB FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (SINGLE-FAMILY RESIDENTIAL).

The Zoning Committee voted 6-0 (motion by Barbee, 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 Central District 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 single-family uses up to four dwelling units per acre (DUA) for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the rezoning request brings the parcel into alignment with a recommended density of four DUA, per the Central District Plan. The requested district would not result in any other housing type permitted outside of current zoning (duplex or single-family detached) and is still contextually appropriate to the surrounding neighborhood. The district plan stresses the importance of maintaining the existing land use pattern in established neighborhoods, which this request would achieve.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-009 by Edward Judson McAdams and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District 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 single family uses up to four dwelling units per acre (DUA) for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the rezoning request brings the parcel into alignment with recommended density of four DUA, per the Central District Plan. The requested district would not result in any other housing type permitted outside of current zoning (duplex or single family detached) and is still contextually appropriate to the surrounding neighborhood. The district plan stresses the importance of maintaining the existing land use pattern in established neighborhoods, which this request would achieve.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 009-010.

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ITEM NO. 11: ORDINANCE NO. 85-Z, PETITION NO. 2021-010 BY MADISON CAPITAL GROUP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.9 ACRES LOCATED NORTH OF WILKINSON BOULEVARD, SOUTH OF ARTY DRIVE, AND WEST OF BERRY HILL ROAD FROM B-1 (NEIGHBORHOOD BUSINESS) 0-2 (OFFICE) AND R-22 MF (MULTIFAMILY RESIDENTIAL) TO TOD-NC TRANSIT ORIENTED DEVELOPMENT – NEIGHBORHOOD CENTER).

The Zoning Committee voted 6-0 (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 Bryant Park Land Use and Streetscape Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential/office/retail land uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the proposed rezoning for transit-oriented development, is consistent with the mixed-use land use recommendation for this site. The site is within a quarter-mile walk from a proposed transit station, as part of the CATS Silver Line light rail line project. Transit-oriented development and mixed-use developments have been approved along Wilkinson Boulevard and West Morehead Street on this corridor, less than five hundred feet from this site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-010 by Madison Capital Group and adopt the following Statement of Consistency: This petition is found to be consistent with the Bryant Park Land Use and Streetscape Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends residential/office/retail land uses. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the proposed rezoning for transit-oriented development, is consistent with the mixed-use land use recommendation for this site. The site is within a quarter mile walk from a proposed transit station, as part of CATS Silver Line light rail line project. Transit oriented development and mixed-use developments have been approved along Wilkinson Boulevard and West Morehead Street on this corridor, less than five hundred feet from this site.

The ordinance is recorded in Ordinance Book 64, at Page(s) 011-012.

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ITEM NO.12: ORDINANCE NO. 86-Z, PETITION NO. 2021-013 BY HEBRON ROAD HOLDINGS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.25 ACRES BOUND BY OLD HEBRON ROAD AND HEBRON STREET, EAST OF NATIONS FOR ROAD, AND WEST OF SOUTH BOULEVARD FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (GENERAL INDUSTRIAL).

The Zoning Committee voted 6-0 (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 Southwest District Plan for the majority of the site and inconsistent with the Plan based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends industrial uses for the majority of the site. The plan recommends light industrial for a small portion in the northwest of the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the petition aligns the zoning with the remaining portions of the parcels east of the rezoning area. Other properties east of the rezoning area are zoned I-2. The area along Old Hebron Road and E. Hebron Street is developed with industrial uses. The site does not abut residential use or zoning. Post Construction Water quality buffers exist along the tributary within the site work to mitigate potential environmental impacts. The approval of this petition will revise the adopted future land use as specified by the Southwest District Plan, from light industrial use to industrial use for the northwestern, corner portion of the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-013 by Hebron Road Holdings, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Southwest District Plan for the majority of the site and inconsistent with the Plan based on the information from the final staff analysis and the public hearing and because the plan recommends industrial uses for the majority of the site. The plan recommends light industrial for a small portion in the northwest of the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition aligns the zoning with remaining portions of the parcels east of the rezoning area. Other properties east of the rezoning area are zoned I-2. The area along Old Hebron Road and E. Hebron Street is developed with industrial uses. The site does not abut residential use or zoning. Post Construction Water quality buffers exist along the tributary within the site work to mitigate potential environmental impacts. The approval of this petition will revise the adopted future land use as specified by the Southwest District Plan, from light industrial use to industrial use for the northwestern, corner portion of the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 013-014.

ITEM NO. 13: ORDINANCE NO. 87-Z, PETITION NO. 2021-015 BY EXPONENTIAL DEVELOPMENT, LLC AMENDING THE OFFICAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.56 ACRES LOCATED IN THE NORTHEASTERN CORNER OF THE INTERSECTION OF WEST BOULEVARD AND HOLABIRD LANE FROM B-1S (CD) (BUSINESS SHOPPING CENTER, CONDITIONAL) TO UR-2 (CD) URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Barbee, seconded by Kelly) 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 based on the information from the post-hearing staff analysis and the public hearing, and because the Plan recommends retail land use for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the

public hearing, and because the proposed residential land use, while inconsistent with the retail use recommended for this site, is consistent with the existing residential development pattern in the area. The site has not been developed for retail uses despite being zoned for such use since 1968. The proposed density of 11.35 dwelling units per acre is within the General Development Policies (GDP) score of up to 12 dwelling units per acre for this site. The site is served by two CATS bus routes and the petition has committed to constructing a bus pad and shelter onsite. Additionally, the site is within ¼ mile of a Mecklenburg County Park and ½ mile of a CMS K-8 school. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from retail to multi-family at up to 12 dwelling units per acre for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-015 by Exponential Development, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Central District Plan based on the information from the final staff analysis and the public hearing, and because the Plan recommends retail land use for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed residential land use, while inconsistent with the retail use recommended for this site, is consistent with the existing residential development pattern in the area. The site has not been developed for retail uses despite being zoned for such use since 1968. The proposed density of 11.35 dwelling units per acre is within the General Development Policies (GDP) score of up to 12 dwelling units per acre for this site. The site is served by two CATS bus routes and the petition has committed to constructing a bus pad and shelter onsite. Additionally, the site is within ¼ mile of a Mecklenburg County park and ½ mile of a CMS K-8 school. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from retail to multi-family at up to 12 dwelling units per acre for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 015-016.

ITEM NO. 14: ORDINANCE NO. 88-Z, PETITION NO. 2021-030 BY LUCERN CAPITAL PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.55 ACRES LOCATED ON THE EAST SIDE OF RESEARCH DRIVE, NORTH OF WEST W. T. HARRIS BOULEVARD, AND WEST OF INTERSTATE 85 FROM O-1 (CD) (OFFICE CONDITIONAL) TO RE-3 (O) (RESEARCH, OPTIONAL)

The Zoning Committee voted 5-0 (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 inconsistent with the University City Area Plan (2010) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office/retail uses. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because multi-family residential in this area will help to fulfill the area plan's goal of expanding housing options in the university area. The site's strategic location off West WT Harris Boulevard with appropriate tree-lined buffers between adjacent businesses makes it an ideal location for hotel use or for multi-family residential. Multi-family residential on this site is supported by the amenities and retail on the eastern side of I-85. The petition promotes adaptive reuse of the existing extended-stay hotel, and all proposed changes, such as new lighting or future walkways, will serve to improve the site and better the pedestrian experience. The approval of this petition will revise the adopted future land use as specified by the University City Area Plan (2010), from office/retail to residential/office/retail for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-030 by Lucern Capital Partners and adopt the following Statement of Consistency: This petition is found to be inconsistent with the University City Area Plan (2010) based on the information from the final staff analysis and the public hearing, and because the plan recommends office/retail uses. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because multi-family residential in this area will help to fulfill the area plan's goal of expanding housing options in the university area. The site's strategic location off West WT Harris Boulevard with appropriate tree-lined buffers between adjacent businesses make it an ideal location for hotel use or for multi-family residential. Multi-family residential on this site is supported by the amenities and retail on the eastern side of I-85. The petition promotes adaptive reuse of the existing extended stay hotel, and all proposed changes, such as new lighting or future walkways, will serve to improve the site and better the pedestrian experience. The approval of this petition will revise the adopted future land use as specified by the University City Area Plan (2010), from office/retail to residential/office/retail for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 017-018.

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ITEM ON. 15: ORDINANCE NO. 89-Z, PETITION NO. 2021-031 BY HALLEY DOUGLAS, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.23 ACRES LOCATED ON THE NORTH SIDE OF LAUREL AVENUE, EAST OF PROVIDENCE ROAD, AND WEST OF RANDOLPH ROAD FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (CD) SINGLE-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by McMillan, 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 Elizabeth Area Plan, based on the information from the post-hearing staff analysis and the public hearing and because the adopted plan recommends residential up to 5 units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the site directly abuts an existing multi-family structure that is zoned R-22MF. The rezoning site is immediately surrounded by single-family residential homes, quadruplexes, apartments, and condominiums. The request is consistent with the development patterns in the immediate area. The R-8(CD) petition seeks to allow all residential uses, including a duplex, on the rezoning lot. The project will provide a minimum setback and yards that are compatible with the surrounding pattern of development. The approval of this petition will revise the adopted future land use as specified by the Elizabeth Area Plan, from current recommended residential up to 5 units per acre used to new recommended residential up to 8 units per acre use for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to approve Petition No. 2021-031 by Halley Douglas, Inc. and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Elizabeth Area Plan, based on the information from the final staff analysis and the public hearing and because the adopted plan recommends residential up to 5 units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site directly abuts an existing multi-family structure that is zoned R-22MF. The rezoning site is immediately surrounded by single-family residential homes, quadruplexes, apartments and condominiums. The request is consistent with the development patterns in the immediate area. The R-8(CD) petition seeks to allow all residential uses, including a duplex, on the rezoning lot. The project will provide a minimum setback and yards that are compatible with the surrounding pattern of development. The approval of this petition will revise the adopted future land use as specified by the Elizabeth Area Plan, from current recommended residential up to 5 units per acre use to new recommended residential up to 8 units per acre use for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 019-020.

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ITEM NO. 16: ORDINANCE NO. 90, PETITION NO. 2021-110 BY CHARLOTTE PLANNING, DESIGN & DEVELOPMENT FOR A TEXT AMENDMENT TO UPDATE THE ZONING ORDINANCE TO BRING IT INTO COMPLIANCE WITH NEW NORTH CAROLINA GENERAL STATUTE LEGISLATION (CHAPTER 160D) RELATED TO DEVELOPMENT BY THE JULY 1, 2021 DEADLINE.

The Zoning Committee voted 6-0 (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 2019 and 2020 North Carolina General Assembly legislation based on the information from the post-hearing staff analysis and the public hearing and because the text amendment updates the Charlotte Zoning Ordinance to align with new N.C.G.S. Chapter 160D legislation; the text amendment updates the processes for filing applications and the public notice requirements for legislative and evidentiary public hearings; the text amendment updates the evidentiary hearing provisions and quasi-judicial procedures; and the text amendment updates the processes for all development approvals, including written notices of decisions to both the applicant and the property owner. 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 text amendment adds new conflict of interest standards for boards and administrative staff, and the text amendment updates the vested rights and permit choice provisions to include multi-phase developments.

Motion was made by Councilmember Winston, seconded by Councilmember Driggs, and to approve Petition No. 2021-110 by Charlotte Planning, Design & Development and adopt the following Statement of Consistency: This petition is found to be consistent with 2019 and 2020 North Carolina General Assembly legislation based on the information from the final staff analysis and the public hearing and because the text amendment updates the Charlotte Zoning Ordinance to align with new N.C.G.S. Chapter 160D legislation; the text amendment updates the processes for filing applications, and the public notice requirements for legislative and evidentiary public hearings; the text amendment updates the evidentiary hearing provisions and quasi-judicial procedures; and the text amendment updates the processes for all development approvals, including written notices of decisions to both the applicant and the property owner. 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 text amendment adds new conflict of interest standards for boards and administrative staff; and the text amendment updates the vested rights and permit choice provisions to include multi-phase developments.

Councilmember Winston said I am not going to vote against this because we have to do this to be in compliance with State Law, but speaking with the staff and Legal about particular changes that we have to make in Chapter 9 and Chapter 15 that relate to the future development and requirements around requiring burying utility lines; as I was talking to the staff today they say that these changes really do hamstring some of the efforts that we might want to take to help achieve some of our goals like our tree canopy goals, our pedestrian and transit and bike-ped oriented development as well as overall equity issues as well as other environmental issues. I had asked our Planning staff and Legal to talk about that a little bit. Again, while we have to be in compliance with State Law, this is something that I also spoke about in Intergovernmental Relations Committee this afternoon. I think we need to do a better job about understanding the implications of some of these perceived new changes that are happening in Raleigh, but that can have longstanding effects on the goals that we have in the development of our City. So, I don't know what more staff and Legal can add to that, but if there is something, I would be grateful.

Mayor Lyles said is there a specific question that you would like to ask Mr. Winston?

Mr. Winston said if my assertion and the emphasis that I'm reading into these changes, is that accurate, or is that overblown?

Terrie Hagler-Gray, Senior Assistant City Attorney said it is correct that the particular changes in 160D having to do with the burial of powerlines will probably impact the redevelopment of property because the way I read it if there are existing lines in the right-of-way outside of the boundaries of the parcel the City can't require a burial right now. But this is something that was part of a 2019 session law that was later incorporated into 160D so we don't have a choice, as Mr. Winston said about adopting it and I don't know that the staff has had an opportunity to really consider it the larger impact yet.

Mayor Lyles said Mr. Winston, it looks like we have a lot of work to do working with the Legislature to talk about what we would like to see and see if there are some opportunities for us to come up with a different result. I don't think we have the ability to do that with the timeline that is given to us today.

Mr. Winston said the last question I would have for the Planning staff is, does those specific changes in Chapter 9 and Chapter 15, change anything that we currently do now? Does that change our abilities to do things that we already do?

David Pettine, Planning said again, I don't know if it would change anything exactly the way we do them now. I think we have some different requirements that pertain to the old legislation of powerlines, but I think what we've got now is essential if there are lines that are existing, we can't require them to be buried. If they are new lines that are going in those requirements can still be considered in the adoption of an ordinance, but if there

are existing lines we can no longer ask for those to be buried and we can't ask for things outside the boundaries of the parcel of land that is being developed. It is a little bit different than how we deal with it now, mainly in regard to if they are existing they can stay whereas now I believe if they are existing we can still ask that they be buried, but we don't have that ability under this new legislation. There will be a little bit of a change, but hopefully, it will be more for things that are new developments and we can still require those things to be buried. It is going to be those existing infill projects that may be treated a little bit differently.

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

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 021-022.

ITEM NO. 17: ORDINANCE NO. 91, PETITION NO. 2021-109 BY CHARLOTTE PLANNING, DESIGN & DEVELOPMENT FOR TEXT AMENDMENT TO UPDATE THE SUBDIVISION ORDINANCE TO BRING IT INTO COMPLIANCE WITH NEW NORTH CAROLINA GENERAL STATUTE LEGISLATION (CHAPTER 160D) RELATED TO LAND USE EFFECTIVE JULY 1, 2021 DEADLINE.

The Zoning Committee vote 6-0 (motion by Kelly, 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 2019 and 2020 North Carolina General Statute legislation (Chapter 160D) related to land use, based on the information from the post-hearing staff analysis and the public hearing and because the text amendment updates the Subdivision Ordinance to align with new N.C.G.S. Chapter 160D legislation; and the text amendment updates the processes for approvals and decisions, including written notices of decisions to both the applicant and the property owner. 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 text amendment adds new conflict of interest standards for boards and administrative staff, and allows appeals to be initiated by an incorporated or unincorporated association if at least one of the members of the association has standing.

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2021-109 by Charlotte Planning, Design & Development and adopt the following Statement of Consistency: This petition is found to be consistent with the 2019 and 2020 North Carolina General Statute legislation (Chapter 160D) related to land use, based on the information from the final staff analysis and the public hearing and because the text amendment updates the Subdivision Ordinance to align with new N.C.G.S. Chapter 160D legislation; and the text amendment updates the processes for approvals and decisions, including written notices of decisions to both the applicant and the property owner. 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 text amendment adds new conflict of interest standards for boards and administrative staff; and allows appeals to be initiated by an incorporated or unincorporated association if at least one of the members of the association has standing.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 023-024.

ITEM NO. 18: ORDINANCE NO. 92, PETITION NO. 2021-113 BY CHARLOTTE PLANNING, DESIGN & DEVELOPMENT FOR TEXT AMENDMENT TO UPDATE THE CHARLOTTE TREE ORDINANCE TO BRING IT INTO COMPLIANCE WITH NEW NORTH CAROLINA GENERAL STATUTE LEGISLATION (CHAPTER 160D) RELATED TO DEVELOPMENT BY THE JULY 1, 2021 DEADLINE.

The Zoning Committee voted 6-0 (motion by Barbee, 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 2019 and 2020 North Carolina General Assembly legislation, G.S. Chapter 160D based on the information from the post-hearing staff analysis and the public hearing and because the text amendment updates the Charlotte Zoning Ordinance to align with new N.C.G.S. Chapter 160D legislation. The text amendment updates the public notice requirements for evidentiary public hearings. The text amendment updates the evidentiary hearing provisions and quasi-judicial procedures. 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 text amendment updates the processes for all development approvals, including written notices of decisions to both the applicant and the property owner. The text amendment adds new conflict of interest standards for the Tree Advisory Commission and administrative staff.

Motion was made by Councilmember Driggs, seconded by Councilmember Winston, and carried unanimously to approve Petition No. 2021-113 by Charlotte Planning, Design, & Development and adopt the following Statement of Consistency: This petition is found to be consistent with the 2019 and 2020 North Carolina General Assembly legislation, G.S. Chapter 160D based on the information from the final staff analysis and the public hearing and because the text amendment updates the Charlotte Zoning Ordinance to align with new N.C.G.S. Chapter 160D legislation. The text amendment updates the public notice requirements for evidentiary public hearings. The text amendment updates the evidentiary hearing provisions and quasi-judicial procedures. 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 text amendment updates the processes for all development approvals, including written notices of decisions to both the applicant and the property owner. The text amendment adds new conflict of interest standards for the Tree Advisory Commission and administrative staff.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 025-049.

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POLICY

ITEM NO. 2: ADOPTION OF THE CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN

Mayor Lyles said I hope everyone got the e-mail that I sent you last night that basically said I hope you will enjoy the rest of your Sunday afternoon, but in that, I said that what we would do tonight following our procedures after consulting with the City Attorney we will have a motion and if that motion receives a second we will proceed to have each Councilmember that wishes to be recognized to comment on that motion and then we will have a vote on the motion. We will follow that process today and I mean all of your comments, any and all of your comments because our procedures say that everyone has an opportunity to speak and then we can proceed for a vote at that point.

Councilmember Newton said are you saying that there will be an opportunity to speak on both the motion itself and then if there is a subsequent motion, the subsequent motion as well?

Mayor Lyles said you have an opportunity to speak to every motion made.

Motion was made by Councilmember Graham, seconded by Councilmember Eiselt, to adopt the Plan Policy section of the Final Recommended Draft Charlotte Future 2040 Comprehensive Plan as recommended by the Planning Committee.

A substitute motion was made by Councilmember Watlington, seconded by Councilmember Bokhari to approve the Comprehensive 2040 Plan while delaying any adoption of 2.1 language at this time, pending upcoming feasibility analysis.

Councilmember Watlington said I affirm number one, the ten overarching goals of the Comprehensive Plan, in addition to that I'm committed to champion the causes of equity, economic mobility, neighborhood stability, and community-driven planning through Community Benefits Agreements. All of these policies should work together to achieve the best outcome for our City. I've researched this in detail; I have asked myself what needs to be true to be confident that all of our residents will receive the benefit of our work. I would like to say that I am extremely disappointed to have recently learned that many community leaders in vulnerable neighborhoods were led to believe that the Community Benefit Stakeholder group and the Anti-displacement Commission could not proceed if 2.1 was not adopted today. Many pledged their support for the Comp Plan for that reason. Let me say publicly that is categorically false.

In regard to 2.1, I have spoken with several of my colleagues on both sides of the issue and we consistently agree on two things; number one, we want to increase density across the City. Number two, every neighborhood presents its own opportunity and challenges in doing so, whether due to vulnerability due to displacement, proximity to transportation, neighborhood care for preservation, or inadequate infrastructure. We recognize the need for differentiation to achieve responsible growth across the City. That is the vision, that has been clear every time we've adjusted the language and while we've gone to great lengths to do so on numerous occasions. Unfortunately, the spirit of that language has continued to be recharacterized again and again preventing the flexibility so many have been asking for. Therefore, in an effort to clearly indicate our intent I propose to approve the Comp Plan while delaying any adoption of 2.1 languages at this time and instead clearly direct the Manager to complete the land use and economic feasibility analysis.

This proposal sets in motion the other action of the Plan like the Anti-displacement Commission and Community Benefits Stakeholder group while providing Council and Community with the data necessary to adopt 2.1 language that reflects your preferences. Having spoken directly with the 2040 Plan Consultant, I understand that this proposal requires updating the effective place type designation to include the possibility of exclusively single-family lots because this flexibility was not included as an option from the beginning. With this, along with other variables like lot size and minimum setback, we can model the impact of our policy choices very clearly. The net impact to the UDO (Unified Development Ordinance) schedule under this proposal, per the Consultant, is a six to eight- week delay. I recognized that for some a delay is not welcome news, however, if a moderate delay is what it takes to deliver a policy that is true to the desire of the community then so be it.

Councilmember Johnson said I have a question for Taiwo if I can. Taiwo, we all know that Charlotte was ranked 50 out of 50 in upward mobility and this Plan was to reduce the inequities in the City. I wanted to ask this directly, is there anything in the Plan that requires these units to be at an affordable rate?

Taiwo Jaiyeoba, Planning Director/Assistant City Manager said again I think that I addressed questions related to upward mobility and a wide diversity of housing, and density can affect the price point. What I would with due respect to you tonight not do is to try and repeat a lot of the comments that I have made in the past, but I have tried as much as possible to address all of those. The Plan has policies in place to address housing diversity throughout our City, but it is not only that, it also sets in place how we continue to envision future investments when it comes to infrastructure that supports these housing units. It also has mobility plans in place, as well as a lot of our residents,

spend a lot of money on transportation and public transit, and if you can have it balanced in equity and mobility you are able to affect the affordability of housing.

So, I will try not to regurgitate all my responses previously. What I will say though is that our recommendation to you follows what the Planning Committee last week recommended for adoption which includes this particular policy. I think overall throughout the document that we have in front of you we have every answer in terms of responding to how you protect existing housing, but also how you can support new housing development in order to be able to meet the needs of our residents especially those who live in vulnerable communities.

Ms. Johnson said okay, so my understanding as far as affordability requirements that answer would be no. So, there are no requirements for affordability; we can't dictate to developers what the price points are going to be. When we talk about equity, we know based on this map these units are going to be built in areas that aren't protected by HOAs (homeowners association) or restricted covenants which is primarily in the crescent areas. So, the opponents, we are simply asking for a delay to get more data on this because right now there is no data to prove that this is going to reduce the inequity, in fact, some might argue that it is going to increase the wealth gap because there are areas in certain Districts that are protected from this type of structure versus the areas that are not.

So, I support delaying. We also spoke, and I will speak for Victoria, Matt, and I, we were on the call with City staff until 4:30 on Friday and we want to adopt this plan, but we simply want to protect residents, we want to protect homeowners. We feel that changing the character of single-family neighborhoods are pulling the rug from underneath homebuyers who bought homes with expectations. We also want to protect vulnerable neighborhoods. We learned Friday that it would only take six to eight weeks to get additional data. We've been talking about this for 10 so, we could have had the data that would demonstrate whether or not this Plan is the correct way for the City to go. We keep hearing Councilmembers say that we can pass the Plan and we will work this out in the UDO process and my position is that we should have the answers first and make the most responsible decision for our public.

Councilmember Phipps said I'm trying to get clarification on this feasibility analysis. Is this something that ordinarily would have been something that would have been part of the place type mapping exercise? I'm trying to get an understanding of this feasibility analysis.

Mayor Lyles said Ms. Watlington would you respond to Mr. Phipps' question, please?

Ms. Watlington said Mr. Phipps if I understand your question, you are asking if the feasibility analysis that I mentioned was something we would ordinarily get from the place type mapping process? The Plan regardless is to have the feasibility analysis done, the market readiness analysis, and the land-use feasibility analysis which would look at lots across the City to assess its suitability for having this, I will call it up zoning it, so as to look at the lot size or look at possible setbacks and those kinds of things to see where this is actually suitable and where it is not. That is going to happen regardless, what I am proposing is that we wait to actually get the results and see on a map. To date, we haven't seen anything in regard to what the possibilities look like, so I am suggesting that we wait on our language adoption to do that. The piece that changes in my motion is that in order to do that feasibility analysis in an objective way that considers the possibility of having some lots that are still single family, we have to have an exclusively single-family designation in each of the place types that allows residential. So, right now, the place types have already been constructed under the assumption that there would be no single-family exclusive designation. So, that decision was made long ago and so what I'm proposing is that we do in fact consider all possibilities that there may be some percentage of lots that are designated exclusively single-family and we need that in order to do the feasibility analysis so that then we can make an educated decision. The thing I would note about why that matter is something that Mr. Newton had brought up last week at our discussions with the Consultant is that in the instance that the land-use suitability analysis

coupled with our minimum lot standards said that a lot was too small, a developer could very easily purchase two of those lots and put a duplex on it. In some cases, we may be okay with it, in other cases we would not be, but what we need to understand is exactly where we are talking about. Does that answer your question?

Mr. Phipps said I think it does, I would like to get Mr. Jaiyeoba's perspective on that because it seems like we are attempting to do the place type mapping exercise I guess before that piece of the Plan is adopted. I'm wondering after that is adopted would there be a need to do any more place type mapping or will we still be doing some? I'm trying to understand how this will work.

Mr. Jaiyeoba said the place type mapping is that transition between the Plan adoption and the time we move into the Unified Development Ordinance and that is going to take a period of eight months or so. Land Use Suitability Study, market readiness were both part of the place types, it is supposed to continue concurrently while the communities engaged in mapping the places. There will be data generated to support that, so it is integrated into this. I was not at the Friday meeting, but I believe that an Assistant City Attorney was present and can share with you all what was discussed, but what I have shared with you consistently over the last several months is that this is integrated into the place types process. Separating it creates a fragmented approach which further pushes out the completion of the place types itself and even the Unified Development Ordinance. So, while it could be an analysis that could take some weeks to do it is not necessarily going to keep us [inaudible]. You are supposed to adopt policy before you move into mapping and before you move into zoning district designations. But, there are a lot of other things that go into that as well, but this was supposed to be a part of the place types mapping and I know that Ms. Hagler-Gray was on that call so maybe she can shed some light.

Terri Hagler-Gray, Senior Assistant City Attorney said Mr. Phipps, my understanding from the Consultants that were on the call on Friday was that the analysis may take six to eight weeks, but that after that it may take more time, possibly up to six to eight months because you would have to engage the community around the place type mapping and there would be a change in that, and that the community would have to review the findings and made a determination about policy adjustments across other initiatives. I think they said readjustment to growth assumptions if you pull 2.1 out.

Mr. Phipps said would this mean then that will we have any community engagement during this feasibility analysis phase or are we talking about then having two sets of community engagements, one after the feasibility analysis is done and then another one during the place type mapping process?

Mayor Lyles said I think the motion is from Ms. Watlington and I don't know that the staff has had a chance to reply to it except to state it and recommend it to Mr. Phipps. So, I think that is a question that may not have an answer right now.

Councilmember Driggs said I am very much in support of Ms. Watlington on this, and I've noted before that this whole process has not actually had the benefit of a great deal of analysis data. We've been pursuing ideas and goals and values, but when it comes down to it we don't know how many cities have already adopted this Plan, what evidence there is that the Plan made any difference when it comes to their housing costs. There are a lot of questions that we could ask and when we hear now about how long it would take to take some of the actions Ms. Watlington is proposing, I have to wonder why haven't we taken them already? How did we get to the point where we can't consider what she is saying without holding ourselves up by six months or something like that? I'm not sure if we have seen the timeline that we talked about. I did ask in an earlier meeting that we get more data and I haven't seen that. So, I think it is reasonable for us to look at this thing. You call feasibility, call it economic impact, call it just an analytical sort of context rather than just embrace the values represented by 2.1, let's take a harder look that whether or not this actually has the intended effect because there are many people in Charlotte who are worried about this and they are not from any particular neighborhood or group. It is Citywide, there is apprehension that it will facilitate gentrification and we

should be very clear based on better analysis than we've had so far about what exactly the implication is for 2.1. If it takes us more time to do it, it has been forty-something years since the last time we adopted a full plan and we have time, we can do this, and we can do it better. So, I hope that we will consider the secondary motion.

Councilmember Eiselt said one of my questions was answered, I was going to ask our Attorney about that conversation because other Councilmembers weren't a part of that and that to me is kind of disappointing. I personally have tried to get colleagues together in the last two or three weeks to talk about 2.1 and I thought we had a path, but that fell apart. To know that there was a conversation on Friday that I read about on social media and then Ms. Watlington is kind of campaigning now when we weren't included in that just tells me that I'm not sure what the intent is here. We had a straw vote eight to three to include 2.1 in the Plan with changing the language to place types and so it just feels like we are having this conversation again when we should have been having it with each other. To Mr. Driggs' point, I want to bring out that we had a situation in our zoning book tonight where we had a zoning case that had to do with TOD-NC (Transit Oriented Development Neighborhood Center) and we know that we pull forward transit-oriented development out of the Comp Plan because we have an urgency to get out TOD done and in place and so we voted on the TOD (Transit Oriented Development) and we agreed and this is why I support this Plan is to say when we map this out and we see what the unintended or unanticipated consequences are that we will have the opportunity to make changes. It is a 2040 Plan, nobody expects that the City is going to change overnight, but we have one of the cases in here tonight that I will have Councilmembers note that was deferred because we recognize TOD-NC which is a neighborhood center that has some changes that have to be made and we will need a Text Amendment to make those changes. Mr. Jaiyeoba, you have told me this and I hope that you can still stand by this, that if we see that there are consequences that have come about after we map and even after a few things start to happen, like parking in neighborhoods or whatever it is, that we are not what the Council intended, that we have the opportunity to go back and change it. I'm supporting the Plan because you have told me that that is true. If I misinterpreted that please tell me that.

Mr. Jaiyeoba said no Ms. Eiselt.

Mr. Newton said I wanted to respond to what I've heard here over the past minute. That meeting on Friday, which I was not originally invited to, but I received an invitation after the fact; that was actually set up by staff. It was my understanding that the idea was to answer questions that still existed amongst Councilmembers pertaining to this Plan. I just wanted to make that clear. It wasn't something where the participants in that meeting had any intention whatsoever. At least Councilmember participants had any intention whatsoever to exclude other Councilmembers. So, I wanted to say that and I also wanted to mention, so commenting on the motion at hand, I am in support of this motion because I do feel like throughout this process we have undoubtedly put the cart before the horse. I think if we are going to do our best to be good stewards of the citizens of Charlotte, we need to know all the information before we make decisions. And to decide that somehow, we are going to go back after the fact and fix mistakes later, I just find it imprudent and unwise. It will be equivalent to putting toothpaste back into the tube and I don't want to see us be in a situation where people are harmed or hurt in the meantime.

Councilmember Winston said I would just ask the Chair of the Zoning Committee to weigh in on Ms. Watlington's language.

Mayor Lyles said Ms. Watlington, did you share your language with the Planning Commission or the Committee?

Mr. Winston said they are in the building right now.

Mayor Lyles said I know they are in the building, but do they have the language.

Mr. Winston said they have it just like we have it, she just read it into the record.

Keba Samuel, Vice Chairperson of Charlotte Mecklenburg Planning Commission/Chairperson of Zoning Committee said I would like to recognize Sam Spencer who is sitting in the spectator audience; he is also Chair of the Planning Committee.

Sam Spencer, Chair of the Planning Committee said thank you for your question and thank you for the opportunity to talk about this. From my personal perspective and if Keba wants to nod her head and agree with me, that is what I can talk from tonight since we don't have the entire Committee here. My perspective is that this is part of the whole. Imagine if you were to adopt the Voting Rights Act of preclearance and other protections, imagine if you were to adopt the budget like you did last week, but said we are going to put off part of the budget for a couple of weeks. That would be my point of view on this. The 2040 Plan has a key component; this is part of many policies on that page, not just 2.1, but also 2.2, 2.3, 2.4 but all coalesce toward the goal of increasing housing supply, and if you don't believe me take the words of the Real Estate Industry. REBEC President earlier this morning where he also said and agreed with me when we had a conversation with Mike Collins that increasing housing supply is a tried and true method of increasing affordability. So, I would oppose this language and Keba, let them know as well, and thank you all for the opportunity to address you.

Ms. Samuels said thank you Mr. Chair and I too concur with Chair Spencer's comments. The Planning Committee as Planning Director Jaiyeoba has stated, passed this plan as written and presented to Council tonight and would be delighted if you guys would approve it as is presented

Mr. Winston said thank you very much.

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

YEAS: Councilmembers Bokhari, Driggs, Johnson, Newton, Watlington,

NAYS: Councilmembers Ajmera, Egleston, Eiselt, Graham, Phipps, Winston.

Mayor Lyles said the substitute motion failed; we are back to the original motion. Are there comments on the original motion?

Mr. Newton said I wanted to start by thanking Ms. Watlington, Ms. Eiselt, our Planning Commission Chair, Sam Spencer on your efforts to broker a compromise on this Plan. I really thought much like Ms. Eiselt has said earlier, I really thought we were there building upon the language proposed by Mr. Spencer a couple of weeks ago. But as we know and through no fault of theirs, that is not the language that is before us today. So, once again, what we are left with in my opinion is a flawed Plan, one that proclaims to exact equity, inclusion, and opportunity within our City, but will in reality exactly the opposite on many of our most vulnerable residents, especially in communities of color. As I have said before when you allow developers to build two, three, and even four times as many units wherever they want without them ever having to meet with the community or the community's elected representatives and without a mechanism to mandate affordability or homeownership in those units, it is the greedy developers and investors who win and not the community.

The opportunity to build more units will be the opportunity for the developers to make more money. As the market catches onto the increased profitability of duplex and triplex development lot values for that type of development will rise. This will be a double whammy for residents in gentrifying neighborhoods who will now face an influx of duplexes and triplexes that are unaffordable as well as rising lot values for even more unaffordable duplexes, triplexes, and homes later. Under this Plan, it is not a matter of whether gentrification will accelerate but a matter of how much more it accelerates. And until we know more this Plan relegates more communities or whole communities to this fate. In all of its posturing this Plan also fails to meet the quality of life litmus test in its pursuit to accommodate growth, it is incontrovertible that we are falling short when it

comes to infrastructure, public transportation, economic growth, and other essential services and amenities in many areas of our City.

An example I commonly refer to is the Finco area, the far east area of town that is a majority-minority community. There are at least 25 new subdivisions constituting thousands of new units going in there today, yet Finco's two-lane arterial corridors lack sidewalks and streetlights. There is no public transportation option in most of Finco, so residents have to have a car to get to work, pick up groceries, or just enjoy an evening out. When those residents ask when the critical infrastructure and amenities will be built, they are told that the City doesn't have the resources to do it. But this Plan will allow developers carte blanche authority to build two and even three times as many more units in this area moving forward, and they will be able to do this by right without working or meeting with the community and its elected representatives at all.

Finco is not alone when it comes to this problem and this dynamic draws this dark contrast between our City and the cities upon which this Plan draws its inspiration, such as Minneapolis, Portland, and Detroit. Our land area is more than twice the size of Detroit and Portland and more than five times the size of Minneapolis and it can find space and it is much easier to construct, deliver and maintain essential services and amenities. However, in a sprawling land area like Charlotte's, it is more difficult if not impossible to do this the same. We have data generators such as the Quality of Life Explorer which the City has handsomely paid for, but this Plan does not use that information to protect these as well as gentrifying neighborhoods.

Without exceptions to the unrestrained application of Policy 2.1, this Plan encourages that unsustainable sprawl that the other cities don't have to worry about. Making matters worse, the communities most susceptible to the pitfalls of this Plan will be the ones least equipped to combat those pitfalls. Areas where land is cheaper without deed restrictions or covenants and where the community lacks the resources to pursue a complicated overlay or otherwise to legally protect itself will be in the crosshairs. For those keeping scores that is East and West Charlotte. The by-right development allowed by this Plan will eliminate the community meeting requirement of the conditional rezoning process and make no concessions for community engagement whether that be through a variation of Community Benefits Agreements or otherwise. Essentially, developers will have no incentive whatsoever to work with the community or its elected representatives when building in our City's most vulnerable areas.

The concerns I'm expressing are not trivial and that is why I continually question this Plan's ridged one size fits all approach. Surely, we can agree that not all communities in Charlotte are created equal with different zip codes facing vastly different challenges and needs. So, even if you and I disagree on this Plan's impacts, why wouldn't we want to be more careful in its implementation in underserved areas just in case? Why wouldn't we want to insert flexibility here and proceed with caution, possibly testing this Plan's hypothesis in our City first before allowing developers free reign in neighborhoods that our current data suggest are vulnerable? For me, I'm not willing to gamble on the future of so many underserved residents of our City without more, only responding to community concerns by saying that we will fix the mistakes later. By then I'm afraid it will already be too late for too many.

So, I will be voting against this Plan. That is not to say that there isn't a lot here that I like though, there is. An Infrastructure Advisory Group is long overdue, and the Anti-displacement Commission is vitally important and I'm grateful that a greater commitment to workforce development has also been included. To be clear I do support more duplexes and triplexes in single-family development, however, I believe that a blanket inflexible application of that constitutes an unacceptable unforced error. We have the tools to be precise and discerning in our application of 2.1 still change the status quo and achieve our goals. But that is not what this Plan does and I'm not ready to jump into the shallow end of the pool headfirst just yet. I believe that our residents deserve better and that we can do better.

Ms. Eiselt said as nearly a six-year member of the Charlotte City Council I've been honored to be a part of the great economic success that our City has experienced. I've participated in a lot of announcements and ribbon cuttings like we did this morning that have brought over 16,000 jobs to the region just in the last three years. As a former banker and small business owner, I'm all about economic development, but I also recognize that a lot of those jobs have been six-figure jobs and while that is exciting these are not necessarily the jobs that the average Charlottean who makes half of that are qualified for, and that has an impact. And many of the 70 people a day that are moving here with their skill sets and scooters are coming to fill those jobs. Our City is changing and growing rapidly. No matter what we do or don't do we will continue to change and we need more housing of all types in all parts of town for all people and to accommodate the current residents as well as the 400,000 people that are expected to move here in the next 20-years.

This Plan is a blueprint for the growth of this City and that is what we are voting on tonight. It is a step forward to get away from the current process of transactional piecemeal development that relies on old outdated Plans. Will this Plan solve all of our growing pains and all of our problems, no it is not going to, but in fact, that is why we need to then take steps to be bold and intentional about investing in transit, mobility, and workforce development because it is when all of that goes hand in hand will we truly move the needle on economic mobility. So, with that, I will be supporting the Plan tonight.

Mr. Driggs said can I point first that liberalizing land use is not synonymous with increasing the supply of housing? I think we need to be a little clearer on econ, you know if you get past One on One and you take some of the other courses; right now if someone wants to develop something in a certain location because they have perceived that people want that at that location, it is the expressed will of the potential tenants or inhabitants or whoever they are to have something like that there. The developer is not going to bring that to us without some indication that there is actually a wish out there in the community to have something like that at that place. They have to go through a rezoning process that delays them a little bit, it cost some money, it is a speedbump, but it doesn't change the entire economics of most deals. The fact is that if they come to us and we say no then it is probably a good thing that we had the opportunity to say no. That is exactly what is going away from this. I just wanted to respond on that point.

Furthermore, the 2040 Comprehensive Plan is a bold framework to move Charlotte toward an even brighter future and address problems that we have inherited from the past. I say even brighter because it feels at times that we have lost sight of the many ways in which our City is already great today, and we need to think about that. The atmosphere right now is negative, there is a mood, and I think it doesn't recognize the wonderful things that this City has done in the last couple of years, 20-years or whatever. The growth we've experienced, the immigration that is taking place, so we don't have to proceed on the basis of a notion that we are guilty of something and we have to fix things that we did wrong. We did a lot of things right a lot of people did a lot of things right.

The Plan is a necessary initiative since the last time Charlotte adopted a new Comprehensive Plan was in 1975. It is also a long-overdue rationalization of our land use and related policies which are confusing and occasion contradictory patchwork today. There is no question that a new Plan is a necessary and good thing. The difficulty I have is my firm belief that this document, while it does address many of our planning goals has some major deficiencies that ought to be fixed before we adopt it. We have already debated these at great length on Council so I'm just going to offer a couple of comments. The provision that eliminates single-family neighborhoods is the main source of contention among members of the Council and more important among the citizens of Charlotte and we need to note from the e-mails we've received and what we've seen is there is a great diversity of opinion out there in the community.

The Plan completely disenfranchises those who oppose this provision by failing to contemplate a less radical solution than reducing single-family zoning from 70% of our land area to zero. Why? Why does it have to do that? Why can't we move in that direction and not convert 70% of the City all at once? We have not seen any actual evidence to

prove that such a measure reduces housing costs and certainly not enough to offset the many ways in which the Plan will cause the cost of housing to go up. And there are many provisions in the Plan that will actually make housing more expensive. I would also like to note that people who live in single-family neighborhoods today are simply choosing a lifestyle, perhaps wanting to own a house where they can raise their kids or enjoy some privacy. They come from all walks of life, all races, all ages, and they are good people. In this day and age, they do not deserve to be tagged with this segregationist [inaudible]. Second, there will never come a time when all the neighborhoods in Charlotte are 10-minute walkable. It is a commercial, physical and practical impossibility non-existent anywhere in the country. In many areas of Charlotte, it would destroy community fabric and not even be desirable. Why is it not sufficient for the Plan merely to aspire to create such neighborhoods or converting existing neighborhoods to them where such conversion is truly in the public interest?

Community Benefit Agreements, these cannot legally afford neighbors anything like the same kind of protection that our current conditional rezoning process does and this brings me to my major concern. As it stands now most of our rezoning is conditional which means that there is a mandatory community meeting at which citizens can learn about a proposed development and express any concerns they may have. I have participated in over 700 rezonings since taking office, more than 50 in my District. I know how this works as do the majority of my District Council colleagues who are opposed to the Plan in its current form. When people are concerned about development in the neighborhood, they want to be able to turn to their elected representative and know that he or she has the power to make a petitioner take notice. The often-difficult role of the District Rep is to act as an honest broker upholding the rights of the petitioners while being responsive to residents. Gentrification is the most prominent concern rising from the Plan's automation of land use decisions and we have talked about that thread a lot, but there are countless reasons why residents everywhere might reasonably object to certain provisions of a development proposal near where they live. You can't legislate for all of those reasons. We already have an effective community benefits process today and it comes about through the judicious mediation of the District Council Representative. Before taking this recourse away from the people of Charlotte we should ensure that this Council and future Councils continue to involve themselves in controversial development proposals rather than have outcomes decided entirely by rules created and interpreted by the City staff.

Charlotte ranks 28th among American cities in population density to Mr. Newton's point. Even at the projected growth rate, we would only rank 19th today with our 2040 population. Nor are we among the 20 least affordable American cities in terms of housing cost relative to median income. We can afford to work on this Plan some more, we can continue to work with developers, District Representatives, and other interests to arrive at a plan that properly reflects the realities of growth and brings those people on board as partners. We can ensure that the Plan is responsive to all our citizens and charts the course that will serve better to unify our City rather than divide it further.

Councilmember Ajmera said as a resident of the Far East my Councilmember Newton made some comments and I would like our Planning Director to respond to those comments. Mr. Jaiyeoba, could you please respond to two things that my Councilmember Newton had raised especially around infrastructure investments, amendment of 2.1, and displacement of residents?

Mr. Jaiyeoba said I don't remember specifically, but I think what the question is, originally in the Plan we did not have an Infrastructure Advisory Council as a strategy for assessing infrastructure needs across the City and really to address how equitable they are. But Councilmember Ajmera championed that I think in the last two conversations and that has been included in the Plan. Again, I don't remember exactly how the Plan addresses it, but it does say that we will assess how infrastructure is being invested in different parts of the community that are growing fast, that are vulnerable, and we will address those. Once it is formed by this City Council, we will address how we develop the tools around that.

Secondly, the language, and I think I said this early on, with regard to the policy on housing diversity is that the Planning Committee recommended a plan to this City Council to be adopted and that includes a slight change to Policy 2.1. That is to overcome and then it does really much capture everything else that I believe Chair Spencer proposed to the Planning Committee. So, nothing tonight has changed with that language with regards to what the Planning Committee is recommending to Council.

With regard to vulnerable residents and Anti-displacement, I believe that that is actually the Comprehensive Plan puts forward the formation of three bodies, the Anti-displacement Commission, the Infrastructure Advisory Council I mentioned earlier, and the Community Benefits Coalition, and one of those of course is the Anti-displacement Commission which will be formed by Mayor and Council to operate of course you want it, but we as staff are tying that to the adoption of the Unified Development Ordinance but it will come up with strategies and tools. I assume that is what you are asking, but we do have a number of goals and policies in the Plan to help guide the work of the Anti-displacement Commission.

Ms. Ajmera said thank you Mr. Jaiyeoba for addressing infrastructure concerns, displacement concerns, and also the amendment to 2.1 which was unanimously approved by our Planning Commission. I support the Plan I believe in this Plan. I have studied it for months and months, I've talked to hundreds of residents, in fact, I've talked to two neighborhood leaders earlier today, I've talked to business leaders, community leaders, and I've talked to residents on both sides of this issue. For the first time, this Plan changes the direction in 45-years of how we do business as a City. It challenges the way we operate, it challenges the status quo and I know it might be uncomfortable for some most importantly this Plan proposes the funding mechanism to invest 50% or more of our infrastructure spending in underserved and historically neglected communities, the communities that has been left behind. There will be many, many neighborhoods that will be benefiting from this mechanism. Also, I appreciate the clarity of the new language for Policy 2.1 that emphasizes the importance of preventing displacement and protecting the integrity of our neighborhoods and that is why I support this Plan.

Ms. Watlington said I stand firm in the conviction that adopting 2.1 at this time is not in the best interest of the City of Charlotte. We cannot go back and change it because as was mentioned the zoning designation would not exist so I did not hear eight months would be required to make these changes in the meeting on Friday. If that is true it is even more cause for concern. That would be eight months delay while we try to fight back its effects. Again, I will say we cannot go back and change it because the infrastructure within the place types doesn't exist. We did have eight to three support on the previous language, but that language was changed and with it the intent of that language as it has been every single time since I suggested we change lots to place types. The intent of that language was to create flexibility. The language has changed several times since then and the outcome is the same because again, the zoning designations for flexibility don't exist and they won't exist when we go into the place type mapping process. So, community engagement at that point is futile. It is obvious, this outcome has already been determined and it wasn't determined by this Council. We are being told what is going to happen to us based on what is efficient for staff to avoid another round of community input rather than setting the direction for staff. Even tonight during this discussion the Planning Director has been called upon several times to talk about the specifics of the Plan for several Councilmembers. With all due respect to my colleagues that is a problem in and of itself.

Worse still basic analysis that should have already been done and as Ms. Johnson mentioned, could have been done since these questions were first raised 10 weeks ago is incomplete. We are being told that we can walk this back and that is demonstrably false. Every other initiative we undertake as this City uses a pilot model to learn, assess risk and improve broader implementation. We've covered in great detail its failure in other cities to improve equity, transportation, affordable housing, and create opportunities for Community Benefits Agreements through the traditional rezoning process. We are literally raising our hand to do something that is going to prevent us from being able to achieve some of the most important components in this Plan.

Policy 2.1 puts so many of the broader goals in the Comp Plan at risk while limiting the opportunities for communities to will any power. Again, it is no small thing that five of seven District Reps stand on one side of this issue and are being outvoted by the influence of At-Large Reps. There are many great things about this Plan, however, it carries significant risks that can be mitigated if due diligence had been done. That (inaudible] regardless of tonight's outcome I am committed to making sure that the issues that have been raised throughout the community during this process are addressed going forward.

Councilmember Bokhari said I will start by saying to the citizens of Charlotte a deep apology. I'm sorry, I tried so hard, I fought so hard and I truly believe in my heart that this is one of the most dangerous threats to the future affordability of housing in Charlotte. I fought against this with everything I have, and I worked quietly in good faith for months behind the scenes and there was no progress to be had. So, I'm sorry this was too important not to be successful on and I just need to start with that deep apology.

I also want to emphasize to the hundreds of staffers in the City that are working across all Departments very, very hard. These critiques that you've heard by in large have nothing to do with you whatsoever. You guys have dumped your heart and soul into your jobs, and I want to make sure that gets explicitly said. If you have thought for one second this was a critique of those who have burned the midnight oil to put things together, it absolutely is not, and we greatly appreciate you guys and what you do.

Also, I just want to emphasize this is not personal. Issues and the process that got us here and putting the spotlight on the deep flaw that we have is not something that is personal. Again, personal is attacking an individual for who they are or where they are from and what they look like. I do not accept that for one second ever, nor have I ever been in any meeting I've ever been in, and I will promise you that. Some may characterize attaching issues or the process and the way we've gotten here is personal, I will tell you with absolute certainty, that is a political tactic by people who don't want to actually answer the questions that you are raising. Like tonight, when we have been asked is there anything in this Plan that assures affordability. There is an infinite amount of words, none of which even remotely answers the question which is quite simple, no, and the reason we are all here right now.

I would just like to offer a glimpse of the future as I've seen it and I've fought with everything I have against happening, that I think will happen from this point forward. Tonight there is no surprise, there will be a six/five vote, a narrow vote that will pass this then it will be followed by several weeks of a victory tour that will be promoted in the media and it will say things like equity has been achieved and we've done something that has never been done before. At some point in the next year, we will see a lookback of oh, well it has been six months or one year since we vote this down. What has changed is all the things they've said haven't happened because this is a long-term moving train. This is not an instant speedboat that we are going to see the results.

Then we are going to come to the UDO vote, this is aspirational, that is when ultimately the rubber hits the road according to a lot of folks and when we stand up and ask the question well have we done that feasibility analysis and economic impact study before we are about to abolish single-family zoning? The reply back, and mark my words on this will be, we already have that vote and you lost Tariq, sit down. Even though those same folks said it was aspirational today. They are going to use the same tactics as well that they have for the last year. You've seen the UDO; you didn't have anything to say until the very end and you pulled it on us. I will tell you not a Councilmember around this table has seen the UDO today. It exists, it absolutely exists. You as a community need to demand seeing that because that is the next fight that is coming, and these are the tactics they are going to use there.

There are going to be several years where we are going to see this period of Community Benefits Agreement crisis and there is going to be mass confusion, there is going to be increased cost to do business around here and the communities that were all pandered to, to this point leading up to – you are going to get a grocery store and you are going to

get childcare are ultimately going to find out, not only are they not going to get those things, they are going to slow down the development they desperately need in their neighborhood because we've infused these process we don't understand.

Then a hard reality is going to emerge as we approach this 20-year cycle out there. One hundred and twenty people on average moving to the region, the jobs that we announce all the time. The narrative is going to change, and no one is going to look back at this moment, but it will change back to the carrying about the affordable housing crisis, and we need to do more. And only a few of us will remember that the Plan that we were arguing against today was the exact premise of that, that that included. The cost around building Community Benefits Agreements, the gentrification that is going to occur by abolishing single-family zoning, the vilified realtors and builders and developers that are out there that ultimately we needed them to build the height, the density in the large actually needle-moving commercial deals that met this density and met this affordability.

And then, unfortunately, Charlotte is going to become all the bad parts of living in Atlanta, and I pray this doesn't happen deeply. And I'm actually not opposed to abolishing single-family zoning, just in case everyone is clear. I've said it multiple times behind the scene, I'm just saying I would like to see some analysis done on what it does to affordability and what is there. I've offered fair compromises, I still offer them tonight, and in fact, if you walk away from with nothing else just note that the substitute motion that we had five of us supported the entire foot Plan minus the words single-family zoning being abolished until we figure out what that does to affordability. It doesn't even say no single-family zoning, it just says we are not going to put that in until we do it. So, anyone who tried to paint this as there are people that are against this Plan and we just voted for it minus that one thing that no one understands.

The same people that voted themselves a raise last week during this economic crisis are the same people who will vote to push these things forward tonight despite not having done the actual work to understand what the unintended consequences to affordability will be. And I ask you the voters of Charlotte to continue to paying attention over the next week to ensure some of those same individuals do not try to push the Mayoral and At-Large elections beyond 2021 claiming falsely we must do it because of the census. The General Assembly is providing us with that ability to be held accountable by our voters and there hasn't been a more important time to maintain that accountability than right now. So, keep watching because this is not over.

Finally, as you see those out on this public victory tour that is absolutely going to start tomorrow, I ask you to remind them that six to five is not something to celebrate. A Comp Plan is designed to convene and unify. What we have done here is the exact opposite and while it is true a slim majority will have their way tonight this diverse minority is entirely comprised of District Reps closest to the voice of the people and that minority also includes many neighbors, neighborhood organizations, and nearly the entire development community. Yes, members of that same development community, we need to unite to achieve the uncommon results we were all hoping this would be a part of.

So, citizens of Charlotte, I'm sorry. I did my best and now we have to watch this slow-moving train wreck from this point forward move on. I deeply apologize.

Mr. Winston said when I was a freshman at Davidson College, I had the opportunity to take Economics 101 with a gentleman named Clark Ross, a very smart man about economics, you should look him up. But in Econ 101 you learn the virtues of a free market, you learn that a truly free market while theoretical in nature it actually provides the possibility of an equitable community. You also learn in Econ 101 that the free market can and is often prevented by government regulations. We have government regulations that intentionally restrict the supply of housing in our City. These regulations factually are a tool of segregation. Let's go back to Economics 101 for a second when we make this vote and exalt the virtues of the free market and vote yes on this Plan and get to work.

Councilmember Graham said I've been doing this type of work long enough to know that on every issue there is always the policy and the politics. So, let's talk about the policy

first, and then we will talk about politics. First, to the Planning staff, this Council prior to me coming back gave them the direction in 2018 to embark on the Comprehensive Planning process and I want to thank Taiwo and Alysia and the whole Planning Department for their commitment, their leadership, the work they have done over the last three years. The work they have done for this community, for their professionalism in the face of personal attacks, but they continue to do the work of the people and I thank them for that.

When they first embarked upon this mission one of the first things I think they did just doing research was engaging the community in terms of place types and the UDO messaging and surveyed the community about housing diversity and single-family zoned areas and they shared those results back with the Council I think. They were very transparent and upfront about what they were doing and where we were going along with the community. There were numerous engagements with the public and private organizations from the fall of 2018 until March of 2020 and when the public health crisis emerged they went virtually from April 2020 to October 2020 and they even had this little game in terms of how to build a better community, how to build better Charlotte. They worked tirelessly trying to get public support, public engagement, public input. They met with the development community over the last two years well over 100 times seeking input trying to engage that particular segment of our community. And some of those meetings led to some of the variables in the report today.

They talked about affordable housing and as Chairman of your Affording Housing Committee I take that very seriously, and I am a District Rep. I've probably represented more intercity communities than anybody around this table combined; Hidden Valley, Hampshire Hills, Shannon Park, Green Meadows, Druid Hills, Washington Heights, Lincoln Heights. I would not do anything that would destroy, hurt or stunt their growth. But I am a realist, I clearly understand that 120 people every day are moving to the City of Charlotte, all looking for jobs, all looking for affordable housing and if we are going to meet that challenge as a community then we have to find a way to bridge the gap of 34,000 units of affordable housing that we need to replace. The Housing Trust Fund can't do it by itself. The Legislature in Raleigh are not giving us the tools that we need to do it. I wish we could get more tools to do it, but they won't. And so, allowing housing diversity all over Charlotte makes that possible. It does not destroy property values, it does not destroy the character of neighborhoods, it just makes our community a lot more inclusive.

Zoning was used to segregate cities, that is a fact. Red lining was used to exclude communities of color. There is a reason why this Plan focused on equality and diversity and bringing people together because we don't want to make those mistakes of the past and so we have to find a way to move forward progressively.

The Plan itself is aspirational. What do we want to be as a community, how do we want to build a better Charlotte? I tell the story about when I first got here and I age myself every time I do it, but I think it is an important point to make. When I got here in '81 there was on the square the Eckard's Drug Store, the Berger King, and the Pawn Shop. There was no Corporate Center, there was no Charlotte Hornets, there was no Panthers, there was no Ballantyne, there was no University City, there was no South End to talk about. There were about five skyscrapers maybe. You could shoot a cannon in Uptown Charlotte and not hit a thing. But we had a plan and we stuck to the plan and we made some mistakes along the way and we corrected those mistakes when they occurred, and the goal was one thing and one thing only which was to build a better community. A better community where we all move in the same direction and sometimes we failed, I'm not saying that the Plan is perfect and I don't want to see this Plan being the one, and I wrote it down, don't let the profession be the enemy of the good. The Plan is not perfect; I will be the first to say it is not perfect, but it moves us forward, gives us thinking, and asks us hard and tough questions. It poses those questions to the community; it poses those questions to this Council and that is why we have the UDO process because while the Plan sets the framework and the vision for a community. Some people's vision is flying refrigerators with drop-off spots or [inaudible] misdemeanors for helping people. That is not my vision for Charlotte. That is not our vision for Charlotte, that is not my District's vision for Charlotte. We want a community that is inclusive, we want a community that

rides us all boats together, we want to paint a picture of what the 15th largest city in the country looks like. In 2040 we will probably be in the top 10, top five and we've got to make sure that we've got the Plans, the vision in place today and we do the work today to answer questions for tomorrow.

Now, a lot of my colleagues said we don't have the data, we don't have the answers, well that is what the UDO process is for. It is the nitty-gritty, it is the nuts and bolts, it is trying to figure it out. That is when we engage staff, that is when we ask the tough questions, that is when we say bring us back the data, the information, so we can make an informed decision. If you trust the process as I do then there is not a problem. I trust the process, I trust the Planning Director, I trust the City Manager and I trust my colleagues, 11 of them, six of them, eight of them. As long as I am on the right side of where we are going, I'll walk with anybody who wants to walk with me. Once we leave this dais tonight, and there are some things we have to work on.

Again, I go back to that I am a District Representative. I believe in the Anti-displacement Commission. I think Mr. Phipps made a great point weeks ago when he said okay, let's make sure that the 2040 Plan we focus on the Plan itself, and then once we roll that out and accomplish those things then the Commission still has a place where what we are trying to do in terms of our Corridors of Opportunity. Making sure that we have the tools in our tool chest from a housing perspective to make sure that those who want to buy a house, homeownership, remodel a house, age in place that they have the opportunity to do so. We have a unique obligation yet a responsibility to make that happen. If you trust the process and if you are willing to work the room and treat people with respect you can get the results that you want. So, I'm going to vote for the Plan, knowing that it is not perfect, knowing that the Planning Commission supports it, the Chairman is over there, knowing that various neighborhood organizations and group support it, many of which you guys that are worried about, they support it as well. They know it is not perfect, but they support the Plan and they can do without the politics and I think for the sake of this Council I will leave the second part alone. I think we all know what it is.

Ms. Johnson said I just wanted to ask Taiwo if I can, do you have a percentage of how many people that we engaged with, the percentage of the total population, or do you have the number of folks that you did engage? We talk about community engagement, but I would argue that there hasn't been enough community engagement, and engagement does not equate to inclusion, and I've said that. The presentations and presenting information but not incorporating the public's request is not inclusion and our concern when you say trust the process, our concern will be the same thing that we are hearing from residents. They've given input, even Council has given input and these changes have not been made so as far as the 2.1 languages.

So, when you say do we trust the process, we believe that this is the time to protect the neighborhoods because once this passes and it is the time for the UDO it is going to be started, well you've already voted on that, it is too late and I know as a District Rep who has protected her residents. There has been a development that was withdrawn which is kind of uncommon to fight as hard as I did for my residents. They spoke and I fought for them so, with this process when there are more conventional rezonings they are going to lose that, they are going to lose the ability to speak up against a petition. So, that is why we are opposed to this right now and standing right now because the UDO process if is the same engagement process, we know that the changes that the residents are requesting are not being incorporated. We all right now have hundreds of e-mails from residents asking us to delay the vote, stating that they don't feel that their voices were heard, stating that they feel this disfranchises is why they are an opponent here. So, that is our concern and I would like to know the number of residents that were engaged out of 900,000 residents, what is the percentage of residents that we've heard from?

Mr. Jaiyeoba said thank you Ms. Johnson; I don't have a specific percentage because that is not how we typically engage. But I can tell you that from my understanding of how we've engaged on previous long-range plans, this Charlotte Future 2040 Comprehensive Plan is the most robust public engagement we've ever had. I know that there are people who have worked for the City longer than I have been who have actually testified to that,

whether they be Planning Commissioners or even Councilmembers or previous Councilmembers who have been part of all the initiatives. But one thing we did do during the engagement was every time we engaged, we always wanted to align the percentage of attendees with the demographics of Charlotte, age, race-ethnicity, income, the District that they represented. We did that for every single one and I believe that in past presentations we shared with you that we had over 500,000 interactions on the Plan whether on Instagram or Facebook or Tic Toc or whatever social media platform is out there and about 6,500 or so in person pre-COVID and then during COVID we had even more than that because people were able to participate from the comfort of their homes.

So, I can tell you that I've worked on many long-range plans in my almost 30-year career, I have not seen one like this for a City of this size. So, again it is true that not every comment will eventually make it into the Plan and I can tell you that I believe I shared this e-mail with you last week, that it is the professional responsibility of staff, not just the Planning, but CATS (Charlotte Area Transit System) or Transportation or Water and in many instances even our Attorneys, every time we receive comment we make sure that professionally we look through it as to what is physical for implementation. Not every feelgood comment lends themselves to being defended in the future legally or can even be implemented. So, if you sort of push back from us I apologize for that, that is how it came across, but the fact is that every time we receive comments from you all we have to go through a number of steps and processes to make sure that this can be carried out. Staff will tell you that there were many times that myself as Planning Director made comments that they said to me, that cannot be legally physical.

So, that is an understanding that I would like us to have, that we have a professional obligation to make sure that we review every single comment and make sure that they can be carried out or they may not be able to be carried out, but there were no efforts to dismiss any comment at all, no matter how small they were. We reviewed every single one of them and made sure that we processed them through the right channels.

Ms. Johnson said thank you, and again I would just say that engagement is not inclusion. We've heard from our residents, and even from Council just the engagement and feedback are not being incorporated into the Plan. We know that place types the work has already started and we just truly believe that the time is now to protect the residents because once the UDO process is developed the train will have left the station and residents are going to lose the opportunity to have input on the future development of their neighborhood. That is our concern.

I would also want to address the mischaracterization that the opponents have not tried to engage with Council. I spoke with Ms. Eiselt on the phone Sunday evening, so there it is not that we are just opposed to this Plan, we have tried, and again like Mr. Bokhari said, we said the only thing we are asking for is data analysis. If we can just wait for that, otherwise we are ready to adopt the Plan. And thank you Taiwo for the Plan and the work that you have done. I just wanted the record to show that we have tried, we truly tried and it is just a matter of us trying to protect the characteristic and equity, and again, if you look at this map, in my opinion, it is going to increase the wealth gap and the inequity in the City and the neighborhood.

Mr. Phipps said I look forward in the next few minutes I hope of voting in the affirmative of this Plan to move this aspirational Plan forward. I was encouraged even this morning by comments in listening to Charlotte Talks from REBIC (Real Estate & Building Industry Coalition), that they are ready to move the Plan forward. They recognize that it is time to move on to the more challenging phases of the place type mapping and UDO process. I was encouraged by comments that they more or less gave the Council credit for listening to a host of their comments and concerns over the Plan and even made some improvements, some enhancements to it that they thought were improvements to the Plan. So, I would encourage all my City Council colleagues to listen to this morning's Charlotte Talks broadcast wherein they had the for and against talking about the Plan and just hear for yourself the kinds of things that they said.

It has been said also that we received hundreds of e-mails and that is true, but a strange component of some of those e-mails, and even comments made here today, seek to drive a wedge I think between a District Rep and an At-Large Rep which is kind of interesting to me. I've been a District Rep for seven years on this Council. I think we have another District Rep that is now At-Large in Ms. Ajmera. So, we are familiar with the duties and responsibilities of a District Rep. Matter of fact I still consider myself as a District Rep for as much as I spend and work with groups in District 4 even today. Even in my brief retirement from Council I still was engaged and still am engaged with the Hidden Valley Community in a significant way.

I think we need to move on from this aspirational phase to the more challenging aspect of this particular Plan and I look forward to doing that. Two things that I've learned from this process being on Council, especially coming back through this appointment is that I'm going to be doing not a go-forward basis in terms of the remaining time that I have on this Council is that I have to be weary of substitute motions for one. I also have to be careful with my straw vote process because Lord knows if you do straw vote and you change it; I've gotten a lot of e-mails that more or less thought that I was married to a straw vote if you can believe that. So, it is not like you can listen and focus and sensitize information and change your mind, but in doing that you run some significant risks as an elected or appointed official. I look forward to voting for it. We thought we could garner, even the REBIC people were hopeful that we could garner more than six votes on this thing to move it forward because I don't think it has to be as divisive as it has come up to be. And Lord knows that I wouldn't sit here and try to torpedo a Plan over 2.1 when we have all these other aspects of the Plan that really deserve our support. Thank you and I hope we can get going with the vote pretty soon.

Mr. Egleston said I just wanted to assure all the folks that are watching that reports of Charlotte's impending death are greatly exaggerated. It has been obvious over the last two months that we could delay this six weeks or six months, or six years and this Council is still going to still have the same six votes. With that, I would love for us to vote.

The vote was taken on the motion to adopt the Plan Policy section of the Final Recommended Draft Charlotte Future 2040 Plan and recorded as follows;

YEAS: Councilmembers Ajmera, Egleston, Eiselt, Graham, Phipps, and Winston.

NAYS: Councilmembers Bokhari, Driggs, Johnson, Newton, and Watlington.

Mayor Lyles said if I could just have a minute; you know sometimes as Mayor I say things that I greatly regret when I get into my car and end up at home, but this evening I'm going to say I am not sorry about this. I think that this is because the very essence of the work of this community has been a part of this process and it is absolutely essential no matter which side you are on or whatever you were doing that you got a chance to express your thoughts, your opinions, the challenge, the thinking of each other to challenge the thinking of the staff, the team, to push back and move forward, push back and move forward and for that reason, I am not sorry. I think we need more examples of this kind of hard work that we are doing.

I'm also going to say I would never use the word celebrate. There have been many great decisions in this room and when we've made those decisions the people that celebrate should be this community. They are the ones that come to us and say thank you or they don't agree, or they are going to tell us how we should do it better. That I think is the essence of public service, it is why you chose to come here on Monday nights away from your family, Monday night football, and whatever basketball game is going on right now. I want to say the work ethic of everyone in this room has been absolutely, even though admittedly, done differently, thought differently was what was expected of us from this community.

I also now want to say that I'm like Mr. Graham, sometimes I feel like deja vu all over again, but I remember the implementation of the Comprehensive Plan that made this building where it is today. And I understand that many of those decisions were steeped

in some systemic problems that we have around equity and inclusion, diversity, and I have to say race, but it is every one of us has got to take the responsibility to move this forward without those things that divide us, without thinking about how we are going to ruin black neighborhoods or people of color where they live. We have that responsibility and if we shirk that because I didn't win or I feel like I didn't win, or I'm celebrating and I shouldn't have been, I don't care what happens after this vote except you bring you're A-game to the table, that you act as expected of the people that elected you and me, and that we all figure out a way to have this conversation in a way that none of us regret later on. We don't have to be best friends, no I don't expect that always, but I do expect that respect and decorum is what this community is built on, the partnerships that we have and the reason that we are looked at as a City – I'm on a chain of text messages with about 50 mayors and we are looked at because we have one of the best affordable housing programs in this country because we have some of the best staff people that choose to work here in this country that we are always looked at as a benchmark and I understand why they do that because this is a great place to live, the quality of life. My commitment to each of you is that we are going to make sure that everyone in this community has an opportunity to have a safe place to live, a good-paying job, and the quality of life that we would all want and this Plan helps us move to do that.

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The meeting was recessed at 6:09 p.m. and reconvened at 6:34 p.m.

HEARINGS

ITEM NO. 21: HEARING ON PETITION NO. 2020-160 BY ALDERSGATE UNITED METHODIST RETIREMENT COMMUNITY FOR A CHANGE IN ZONING FOR APPROXIMATELY 70.014 ACRES LOCATED ALONG SHAMROCK DRIVE WITHIN THE GREATER ALDERSTATE RETIREMENT COMMUNITY FROM R-17MF, INST, INST (CD) (MULTIFAMILY RESIDENTIAL, INSTITUTIONAL, INSTITUTIONAL CONDITIONAL) TO UR-2(CD), MUDD-O (URBAN RESIDENTIAL, CONDITIONAL, MIXED-USE DEVELOPMENT OPTIONAL) WITH 5-YEAR VESTED RIGHTS.

Mayor Lyles declared the hearing open.

David Pettine, Planning said this about 70-acres, as mentioned, off Shamrock Drive in the greater Aldersgate Retirement Community. The property has had some split zoning, currently, there is some R-17 multifamily as well as institutional and institutional conditional zoning. The proposed zoning is for two different districts, the UR-2 conditional as well as the MUDD optional district with 5-year vested rights. The adopted future land use for the area recommends institutional uses for the site.

The proposal for redevelopment or some infill development on this overall community is for up to 262 age-restricted dwellings, up to 380 residential dwelling units, 36,000 square feet of office, EDEE (eating/drinking and entertainment establishments) retail personal services and other commercial uses up to 12,600 square feet of institutional and/or civic uses and also up to 6,400 square feet of educational uses. They also have three group homes included within the proposal and accessory uses as allowed in both UR-2 and MUDD Districts. The maximum building height would be 75-feet, there are no limitations to the number of buildings on the site.

We do have some optional provisions within both development areas and that really including internal streets and drive-ways as private drives, some temporary service parking in certain areas, some encroachments into the setbacks for balconies and awnings, those would be subject to C-DOT (Charlotte Department of Transportation) approval. Also, there is some conversion rights for retail and non-office with office uses up to 7,000 square feet. We also have prohibitions on things like accessory drive-thru windows, gas stations, tattoo or sweepstakes parlors, and other specific commercial uses. We also have a host of transportation improvements at Shamrock Drive and Eastway Drive. There will be a separate northbound right turn lane constructed at Shamrock Drive and Asbury Care Center Drive. Removal of access in that area during

Phase 3 at Shamrock Drive, Foxford Place, Shamrock Drive, and Castle Rock Drive as well as Eastway Drive and Bishop Way Lane, there would be one ingress lane and two egress lanes and then at Shamrock and Tipperary Place, also at Shamrock and North Sharon Amity, there would be APS (Accessible Pedestrian Signals) push buttons and ADA (Americans with Disabilities Act) ramps constructed at those intersections as well as the northbound right turn lane onto Willard Farrow Drive.

Overall staff does recommend approval of this petition, we do have one outstanding issue related to the site and building design still to be worked out. It is inconsistent with some of those institutional uses that are recommended for the site, but overall we feel the infill does allow a good balance mix of land uses within that community and allows some sensible redevelopment and just overall enhance some of the access to residential uses and non-residential uses within the Aldersgate Community. Be glad to take questions following the petitioner's presentation.

Jeff Brown, 100 North Tryon Street said my colleague Bridget Grant and I of Moore & Van Allen have had really a terrific time and so pleased to be assisting Aldersgate Retirement Community on this rezoning which is really important for their vision and to their mission. As many of you know Aldersgate has been a leading community institution in this area of Charlotte for decades going back to the 1940s actually and they've teamed with a tremendous group as well, the Laurel Street in particular, residential who you know had plans to develop a mixed-income age-restricted and family housing as part of the overall mixed-use development. Dave did a great job as always and his staff analysis is very complete so we will dispense going into that other than to say we are pleased with staff's support and we are pleased to be able to resolve the final issue.

I will turn it over to Suzanne Pugh who is President and CEO of Aldersgate, and she will share briefly the importance of the rezoning to Aldersgate's mission and to the community vision.

Suzanne Pugh, 3800 Shamrock Drive said thank you to the Council and the staff, and other folks that are there this evening. Honestly, from my perspective, this is simply an expansion and continuation of the mission that we've carried out for over 70-years now here in East Charlotte. Our Board and leadership made a very intentional decision about eight or nine years ago that we were going to stay in East Charlotte, be very vested in East Charlotte, and quite frankly become a stronger neighbor in East Charlotte. We started to kind of reuse physical barriers, but even more so really began a deep dive into what was the vision and the mission and what are our values. After a period of discernment, this project speaks very specifically to our mission around creating and fostering carrying communities where everyone has a voice and value, specifically as it relates to elders but for the benefit of elders and others really truly across generations. Likewise, our vision speaks to partnering with others to form vibrant communities and our history has shown that through our partnership with outreach after school, with [inaudible] of dialysis that we've built space into our new Health Center when we learned that was in the area of Charlotte with the highest rates of [inaudible] renal disease. We've worked hard with Hospice and [inaudible] Charlotte region. Part of the land is up with Carolina Farm Trust.

Councilmember Egleston said my only disappointment is that according to today we are prohibiting Aldersgate from opening a tattoo parlor should they choose to. I think that could be on the top market for the tattoo industry, but otherwise, it is a great plan. Aldersgate is a great neighbor and community partner and I'm excited about this.

Councilmember Phipps said I'm looking at some language here on internal streets and driveways to be treated as a private driveway, not required by the subdivision ordinance. Does this mean that CMPD (Charlotte Mecklenburg Police Department) enforcement will be allowed on these streets and how about maintenance, will that be something that is the responsibility of Aldersgate? How would these internal streets being private effect those kinds of activities?

Mr. Brown said private street elements are fairly modest and are in the smaller portion of the mixed-use community so it will appear to all purposes as part of the normal community. It just gives a little bit of flexibility. Aldersgate would anticipate to maintain those, but in terms of public safety issues and things of that nature, it will be totally indistinguishable from what one would normally expect. You really won't notice any difference, it is just some modest flexibility needed.

Mr. Phipps said I have one more question and this one deals with transportation improvements; it looks like that will be phased over several years 2025-2030 so a Certificate of Occupancy is contingent on completion of phased transportation improvements.

Mr. Brown said yes, they are. We've had a lot of work, it is interesting in this project, we actually are not increasing the amount of trips over what is by right, a really modest amount. Having said that because we are creating new development, there was a detailed traffic study in play, a number of improvements for the community and also at the entrances will take place and yes, there will be a phased development over three or four phases that will require certain improvements to be done and therefore Certificates of Occupancy associated with those phases would be paired up with those improvements. So, it is pretty detailed in that regard in the development notes.

Councilmember Ajmera said I just want to take a moment to appreciate our neighbor here Aldersgate for being a great partner and being a great neighbor for East Charlotte. Ms. Pugh certainly appreciates your leadership here. I hope that the International Festival is not getting impacted as a result of this and I hope that continues for years to come.

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

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ITEM NO. 22: HEARING ON PETITION NO. 2021-040 BY MATTAMY HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 41.50 ACRES LOCATED ALONG THE NORTHERN PORTION OF ROCKY RIVER ROAD BETWEEN JOHN RUSSELL ROAD AND BACK CREEK CHURCH ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just over 40 acres on Rocky River Road. The site is currently zoned R-3 and the requested zoning is for R-8MF(CD). The 2006 adoption of the Rocky River Road Area Plan suggested residential uses at four dwelling units per acres. The proposal in this request is for up to 200 townhomes style units, which would permit only a residential community and then any permitted conditional uses allowed that are in the R-8MF District. We do have some transportation commitments that would include a network of public/private internal streets, 50-feet of right-of-way along Rocky River Road as well as a 12-foot multiuse path on both sides of Caldwell Road Extension and Rocky River Road, planting strips and sidewalks along all public roads as well as realignments and widenings of portions of Rocky River Road and intersection improvements as well. They also commit to architectural elements that include things like blank wall expanse limitations, six-unit maximums per building as well as sidewalks to public and private streets. They also have 2.5 acres of improved open space that would include things like benches, enhanced landscaping, and other elements.

Staff does recommend approval of this petition upon resolution of outstanding technical revision that is related to environment and site and building design. It is consistent with the recommendation for residential uses, but it is inconsistent with the Plan's recommended density of four DUA (dwelling units per acre). It is just over that recommendations, it comes in at 4.81 and staff does feel that it does provide a balanced mix of housing opportunities in the area, the density just being slightly over that four DUA

is something that we took into consideration, but overall feel that the project will provide some complementary land uses and supporting infrastructure in this area. Be happy to take any questions following presentations by the petitioner and the community.

Collin Brown, 1420 East 7th Street said I am here on behalf of the petitioner Mattamy Homes, and joining me virtually tonight is Matt Mandle and Matt Reiking from ESP. They are the Engineers and may answer technical questions if you have them. Also, Jerry Whelan who is the Land Development Manager with Mattamy Homes is on as well.

I think Dave did a good job with the orientation, as he mentioned our rezoning currently if you look around the site you can see a couple of MX innovative zonings have come in so inviting higher density in areas that are within the City of Charlotte. This is currently in the CMPD (Charlotte Mecklenburg Police Department) (extraterritorial jurisdiction) and the plan would be to annex this into the City. As Dave mentioned, on a 41-acre site, three houses above us there is an interesting good zoned industrial use. Here is a look from Rocky River Road, we have just connected, Councilmember Newton helped us connect with some of the speakers tonight, but I think the speakers did not attend the community meeting so I'm not sure of everything they will mention. My expectation is talking about traffic and transportation and so this is a good visual to show you. This is a curve in Rocky River Road, our entrance would be right here. This is a pretty significant curve so one of the things I will show you in a moment is if this project were approved Mattamy would agree to do some pretty significant improvements in this area including straightening out and softening that curve so I do think we are bringing some positives to the table. I will go through those commitments shortly.

As Dave mentioned the Plan calls for up to four dwelling units per acre. We are not at five, so we are between four dwelling units per acre and five. Two townhome units on the site. We are using the R-8 in that District because that is what we need to allow this townhome product that we are nowhere near eight dwelling units per acre. So, much closer to the four that is supported by the Plan. This is the conceptual Plan, and we put that on the aerial so you can kind of see how things are oriented. You will notice still set back from Rocky River Road a good bit, there would be an access road coming into the site so still, be pretty muted from Rocky River Road. We talk about an amenity sometimes on these, I think if the Mattamy Team you were asking about this product, they would call this obtainable housing. I don't know that it would qualify as workforce or affordable, but we believe in the price point so that those living and working in Charlotte can afford to buy a home. With that, I think Mattamy is sensitive to the costs so sometimes you guys ask what will the amenities be. Mattamy has essentially made a decision not to include a pool. A pool has ongoing costs in this area so the amenities would really be parks. There is Reedy Creek Park right down the street so there is a county park available and some of our improvements will include some better connectivity to that.

Speaking about transportation, which I understand is an issue here in the Far East area. One of the things I wanted to point out, is showing you, this is a road network exhibit that C-DOT prepared. As you know there are many plans for more robust infrastructure throughout the City, new roads to be built, and what the yellow line on this map shows was a proposed Caldwell Road Extension so the goal was to provide a new road connecting here from Rocky River Road over to Back Creek Church Road at Caldwell Road. This was an important transportation plan that had been on C-DOT's books, it was to follow this yellow line which would run along the boundary of our property and ultimately connect over to Back Creek Church Road. One of the things the Mattamy Team did working with C-DOT was to say okay, this makes sense so what would typically happen if it was on the edge of our property, we might dedicate the road for it and maybe build half a road. Instead of doing that we are proposing to move the alignment to where this blue line is, so essentially Mattamy would take the entire responsibility and this would be a 78-foot wide right-of-way essentially coming through the middle of the site. We've agreed with the DOT's that this alignment actually works better because it tees up with the road across the street and so Mattamy would not only dedicate this, but they would build it, construct it with sidewalks. Now that will go to the end of our property so unfortunately, we don't have the ability to take it all the way through to Back Creek Church Road, but we are handling responsibility for everything on our side with construction so

that is teed up. That is a tremendous benefit as we keep talking about ways to improve infrastructure in these areas. I don't know if I would call this a public/private partnership, but this is one way of using conditional zoning to achieve having a private sector developer put in a very important piece of infrastructure so we have certainty that that would be delivered.

I think transportation may be some of the things we talk about in traffic. I did want to share this, this is the C-DOT analysis so current zoning, and we are adding density is true, if development by rights if were just a single-family development and someone developed 124 units by right its expectation would be 1,270 trips. Although we are proposing 200 townhomes as I think many of you know now townhomes generate typically fewer trips, so we are talking about an increase of about 200 trips. I know that is an increase of what is there today because there are basically no trips being generated, but versus the by-right plan, there is not a very significant increase.

Here are some of the transportation improvements I mentioned; the Caldwell Road Extension, you see there through the center of the site, and then when I showed earlier Rocky River Road when I showed you that [inaudible] there is a very significant curve in the road that may present some safety concerns so part of what Mattamy has agreed to do is to realign the road. You can see this is the current location here in the darker gray, they propose to dedicate and improve Rocky River Road to soften that curve, flatten it out a little bit, additionally they would be widening it at the location that enters our site. Remember, this will ultimately not only serve our site but will connect back through to Back Creek Church Road and Caldwell Road Extension will carry a significant number of trips. So, to support that the Mattamy Team would also provide left and right turn lanes as well as a multiuse path through the site. There is also a second point of access that would be right in/right-out only here at Rocky River Road.

Here is a summary of the transportation improvements, again building Caldwell Road Extension through the site, even though that is not on the plan, widening and straightening Rocky River Road for a safer condition, adding turn lanes on Rocky River Road at both access points, dedicating a wider right-of-way, 12-foot multiuse paths on both side of the Caldwell Road Extension and Rocky River Road and then not on Mattamy's dime, but there is also plans for eastern circumferential in this area and there had recently been some improvements to the Back Creek Church Road/Rocky River Road intersection. That is kind of a catalog of the transportation improvements that we've been working with NC-DOT (North Carolina Department Transportation) on and we think they are very positive for the area.

A little bit on the renderings as I mentioned, this is an attached townhome product. The square footage is ranging from 1,700 to 2,000 square feet. All townhomes will have garages and driveways. This is that attainable housing type, here is another look at the color. Mattamy is also committed to some enhanced renderings against units or these size of units that face major network streets so this will not be the end cap for every unit but we worked with the Urban Design Team to make sure that there are some important areas where the side of the building will face an important public street and Mattamy has come up with a nice design that includes exterior doors for those locations.

In short, I know we worked with the Mayor on pronouncing Mattamy for a while, but they are a great presence in the Charlotte area. They are the seventh-largest home builder in the market and as typical for them, they both develop the land and build the homes.

Mayor Lyles said please tell Annie that I apologize to her dad, okay.

Mr. Brown said I will pass that along. If others from the community are on the call, they are welcome to visit Mattamy's website to look at some of the other communities that they have done in the area. That is really the best resource to see what the Mattamy Homes are all about.

Joseph Bitzan, 4109 Coleman Drive said I would like to thank you for the opportunity to address the Council. Based on tonight's vote there may not be many more opportunities

for folks to do that, but I'm here to speak in opposition of the rezoning request by Mattamy Homes. The request is to go from R-3 to R-8 MF. I would like to point out that the neighbors in communities along Rocky River Road have been generally supportive of all the past developments in this area. We are certainly not against the growth that we know is inevitable. Frankly, I don't believe that many of us are necessarily against this proposal. The concern that most of us have is the lack of infrastructure and improvements with the developments already approved in or under construction within its close proximity.

A bit of historical perspective, 35-years ago Rocky River Road was a narrow, two-lane road between Old Concord Road in Mecklenburg County and Route 49 in Cabarrus County. There was a good bit of available land and very little traffic. When I-485 was planned many of us were shocked to see that an exit would be on Rocky River Road, not surprisingly the traffic increased significantly once that was completed. New developments began cropping up and places like Brookdale Shopping Center were built at Plaza Road Extension and Rocky River Road. Fast forward to today, we have a huge community, Farmington which was touted by the developer as a Brookdale Lake Development is being graded out. This is to include a bigger store such as Dick's, a theatre, shops, restaurants, single-family, and multifamily homes. This is at I-485 and Rocky River Road intersection.

A mile down the road is the Retreat at Rocky River Road, this is another new community which is also just in grading at this point but is going to include 125 additional single-family homes. When I've taken advantage of the opportunity, and I've done it several times, to sit in on meetings where rezoning is requested and developments are voted upon, I'm always amazed at the consultants and planners, and others who seem to look at these requests in a silo form. At what point do we begin to look at everything that has already been approved and may not have even begun development yet? The traffic from Farmington and the Retreat hasn't begun yet we entertain more multifamily development within a short stretch of the same road. I hear projections of the trip counts, but I never hear of anyone going back and questioning how accurate these trip counts are and adding them up for all the developments that have already been approved. There are many accidents on Rocky River Road today, cars have been run off the road and overturned because of the narrow curves. I appreciate their proposal to straighten out that curve in front of their area, but in all honesty, that is one of the gentler curves. The sharper ones are between that development and I-485 which is where many cars have overturned. Trucks cannot seem to maintain their lanes on those curves because it is so narrow.

I've looked at the State, I've looked at the County, I've looked at the City and I can't find any information on when Rocky River Road is planned to be improved. I'm asking that the City begin planning and stop reacting. Stop waiting until things are so bad that something has to be done. Let's look at it before we begin recruiting these developments and adding additional traffic on a road that can't handle it today. I think we should also evaluate completed projects because I would like to know how accurate we are in determining these trips counts. Any successful business has metrics and scorecards to hold people accountable or work groups accountable for their predictions and I don't think our government should act on any lesser standard. I urge the Council to reject this petition pending further more comprehensive study and understanding of what the impact will be on Rocky River Road. Thank you for your consideration.

Allen Baker, 9400 Robinson Church Road said I am a resident of Far East Charlotte and I just want to speak out against this proposal. I'm encouraged that the developer worked with C-DOT to meet area goals on road and sidewalk infrastructure. With that being said there are other concerns that we have other than traffic and other infrastructure in the area will be burdened. For instances schools in the area are suffering from the amount of growth we are seeing in our area. The departmental staff comments from CMS (Charlotte Mecklenburg Schools) on this petition are worrying. University Meadows Elementary and Julius Chambers High School are already 100% capacity. The report from CMS for this proposal states that the approval of this rezoning petition will push the capacity to 122% for University Meadows and 127% for Julius Chambers. The report goes on to state in each planning group projected student impact from approved rezonings, just from rezoning from April 2018 to March 2021 is 2,236 students. It is imperative that

the City Council begin to recognize the impact to Far East residents when approving every rezoning petition in our area. In addition, the developer mentioned the proximity of this development to Reedy Creek Park, however, there are no sidewalks and people in that development will not be able to walk to Reedy Creek Park even though it is only a half-mile away unless they walk on the side of the road in the tall grass.

In rebuttal Mr. Brown said we appreciate the comments, appreciate the [inaudible] I think the plan is to be in front of them at their July meeting. I know we are not going to have all the answers they would like to hear. I do think this is an example of a project, and I know it is frustrating when I tell neighbors something is going to happen here, but I think when you evaluate the townhome proposal that we are showing versus a single-family development, I think there are a lot of positives to this rezoning. As we mentioned from a transportation perspective the trip impact is about 200 more trips for our project versus the by right and in exchange for that essentially through the conditional rezoning process, the City is securing commitments from the private developer to soften the curve, to build the Caldwell Road Extension through their site on their dime. Additionally, with regard to the CMS impact the speaker is right, that is what the memo said as far as our student impact, however, the memo also says that if developed under the existing zoning the student impact would be great. Again, I know that is frustrating to hear and we will be happy to talk with the Far East folks at their neighborhood meeting, but overall, and this is a little bit of a microcosm of the conversation we are having about the Comp Plan, but as we talk about increasing intensity in areas about making housing obtainable that is what Mattamy hopes to do here obtainable housing. This is not a huge reach from density, it is just slightly more than the old plan frankly recommends, and in the world, we are in now where we are doing conditional zonings City staff has been able to negotiate for I think some pretty substantial transportation improvements. Happy to answer any questions you all have.

Councilmember Newton said I have questions for staff; as I was flipping through the materials I came across the rationale for staff's recommendation and the fourth point down it mentions land use goals for this area including complimentary land uses and supporting infrastructure. Does that language pertain specifically to what is included within this proposal or are we talking about the greater area surrounding the proposal? The reason I bring that up is that when I look at some of these pictures in here and I pulled this up on Google maps as well, this looks like just open space area country, and I'm not seeing any sidewalks. I believe the gentleman who was just up here a moment ago actually spoke about potential community residents trying to traverse over to Reedy Creek Park. That seems like a really dangerous endeavor in the vicinity there and I'm just wondering what is it we are actually pinpointing from the standpoint of the staff's recommendation and rationale recommendation here when you are saying complimentary infrastructure?

Mr. Pettine said really we look at complimentary land uses. That was the first point of the Area Plan's recommendation was encouraging a mix of housing types which would produce a different end product with it being more of an attached single-family home versus a detached single-family, but still within a reasonable density under that five DUA just above the four that is recommended. I feel like the complimentary land use component of that is we are looking at another type of residential use that is at a complimentary density to what is currently out there. The supporting infrastructure, I think that is some of the discussion we've just heard with some of the road improvements that this project is going to put forward along with some of the pedestrian improvements they are going to have. Of course, this is just one project that is doing some of those improvements just for their frontages and the areas that are impacted by their project. As we go through and work through projects either by rezoning or the by-right process we try to look at other ways that we can continue to build that infrastructure network out outside of a wholesale investment which some of those I think are state roads so we don't have as much ability to dictate some of the things that may happen in terms of improvements, but we try to do them on a project by project basis and set the table with each one to continue to do that infill as we go through if we have conditional zonings or even by right projects where we can get some of those improvements built out further

along that infrastructure network. I think that is where those land goals come into play when we look at this type of project.

Mr. Newton said so what I'm hearing is supporting infrastructure, that language really pertains to the infrastructure that is going to be within this project specifically, not necessarily the lack thereof surrounding it. Something that is striking to me is how we look at, I believe that is Rocky River Road, the portions of this proposal that actually touch Rocky River Road are small. You have this big gap there right in between and we are talking about 200 new units going in with what would appear to be at this point, and I don't want to take away from the intersection improvements there, but what it would appear to be relatively slight infrastructure improvements in at least those two points are concerned. When you mentioned land uses, it says complimentary land uses, I guess I read that to think the whole gamut of potential land uses including things like a commercial, retail, business, etc. you name it, but you are just saying that is strictly residential.

Mr. Pettine said for this petition we look at this residential component as complimentary to those surrounding uses that are primarily single-family residential or undeveloped. If we continue to get development in the area then we would start to look at do we have other nodes that are going to develop in some of those intersections for some of those non-residential uses that could be complimentary to the residents that are living there and some of the ongoing projects that we see. In this case, this particular project was complimentary to what we've got out there. If we have other projects that come online, we will look at those and see how they continue to compliment the area whether they be at some of those major intersections that pop up where you might see some non-residential development. But this particular one we looked at it just through the lens of this use complimentary to the other uses that are currently out there.

Mr. Newton said once again when I jumped on Google maps, I noticed this is about two miles away from the closest main thoroughfare. I think that folks in the area would probably argue that Rocky River Road itself is becoming a main thoroughfare, but I think from the standpoint of our standards as a City Harris Boulevard which is about two miles away is probably the closest main thoroughfare. The reason why I bring that up and I ask is to see do we have any sort of public transportation out to this site or to this area, do we know? There is a bus line on Harris Boulevard for sure.

Mr. Pettine said the closest would be at Rocky River Road before it turns into Grier Road. Rocky River Road kind of changes over and has that T intersection over to Harris Boulevard you start to get bus stops that are out there, but it stops just beyond Fire Station 34 or right before Fire Station 34, depending on which way you go, or really right by Reedy Creek Park. So, they have that terminus basically right at the entrance of Reedy Creek Park on Rocky River Road.

Mr. Newton said so we are kind of back to square one which is traversing from here over to Reedy Creek Park and maybe the dangerous kind of nature of that. My last question is pertaining to environmental and site design revisions that are being requested as well by staff. I just wanted to get a better understanding and handle on the tree save here. Are we saying that this is just a typo within the paperwork, the difference between the .97 acres and I believe the 1.305 acres that is being requested by staff, or is that actually something that is going to need to be expanded on-site?

Mr. Pettine said they need to update the note so the acreage is saying right now should be .97 and it should be 150% of that number which would be 1.305 acres replanted so they just need to correct the numbers on the plan, they just have the incorrect information. That is why it is more of a technical revision than an outstanding issue.

Mr. Newton said so the 1.305 is actually accounted for is what it sounds like. Is that right Collin?

Mr. Brown said that is right Mr. Newton. As you can see from this plan there is actually a good bit of the site that remains open space. The townhome product lets you concentrate on development to leave more green space.

Mr. Newton said I know that, so I really appreciate your time the other day when we discussed this proposal, also discussed some of the community concerns. I know you are committed to working with the community and I look forward to that continual conversation as well as your meeting with representatives of Finco as well and thank you for your willingness to do that.

Councilmember Johnson said thanks to Mr. Bitzan and Mr. Baker for your comments, I had the pleasure to speak to Mr. Bitzan and I referred him to C-DOT to ask some questions about the plan for infrastructure improvements so can I ask Dr. Byers from C-DOT just to follow up on that conversation and if there are any plans for road improvements in that area? I also want to follow up on what Collin said that they cannot take the Caldwell Road Extension all the way to Back Creek Church Road and I wanted to know if that is something that the City or if there is an opportunity for public/private partnerships or just give us an update on the road improvements, please.

Robyn Byers, Transportation Program Manager said this petition is actually putting in right-turn lanes into the development and also left-turn lanes so they will be widening a portion of Rocky River Road right in front of the development. They are also adjusting the curve to make it safer. Rocky River Road is a state road, so we don't get to make a determination on when we are going to change it or anything like that. But we do talk with the state about all of our rezoning petitions, so they let us know that they wanted us to smooth out that curve and we worked with them on that. The road that they are putting through their site is really the two TCC (Technical Coordinating Committee), our Transportation Plan that the CRTPO (Charlotte Regional Transportation Planning Organization) does and so this petitioner is not required to do so but is putting in that road. It looks like with their property, they are putting in about half of that road, the other half of it would go through other properties and so when those properties come in to either redevelop or it gets prioritized to the CTP (Comprehensive Transportation Plan) process then either the City or the developer will be working on continuing that road to Back Creek Church Road.

Ms. Johnson said I also have a question about the number of trips that have been approved in the last two years or so. Mr. Bitzen mentioned quite a few approved developments and I've said the same thing myself since I've been on Council. When do we take a comprehensive look at the approved petitions or the total number of trips? If this is 1,400 this might not have required a study, do we have a count of the number of trips that have been approved in the last two years?

Dr. Byers said we can get that for you. Farmington specifically, was brought up was in 2017. That is on the other side of I-485 and there was a TIS (traffic impact study) for that. They have already put in some transportation improvements for that. The Reserve was a by-right development so that did not come through the rezoning process.

Ms. Johnson said if we could just take a look because if you look at the picture those were two farm roads and we know that we continuously are approving developments, the schools are at 127% capacity and we are just accepting that as normal although we know that many of our students are not college-ready or are failing school. I agree with the residents that we really need to start taking a look at the infrastructure and the whole comprehensive picture when we are approving these developments.

Councilmember Eiselt said since this is in the ETJ at one point, Dave we had talked about making sure that County Commissioners whose District it was in were made aware of these plans. Do you know if Commissioner Dunlap knows about this and has he weighed in at all?

Mr. Pettine said I haven't heard from Commissioner Dunlap, I do believe they are on our notification list now since a recommendation and I guess over the last couple of years we kind of tried to put that in place, but I haven't heard from Commissioner Dunlap. We can certainly follow up to make sure he has got all the information he may need to respond to his constituents. I believe he has been notified just through our general notice process.

Councilmember Ajmera said some of my infrastructure questions were already asked by Mr. Newton. Mr. Brown, were there specific infrastructure requests that came from the community forum?

Mr. Brown said not from our community meeting. I understand that the Far East Neighborhood Association, may have come on their radar a little bit later, so we are scheduled to see them in July. We are going to try to get that done before this comes back to you so if something else comes out of that. I don't want to give unreal expectations, I don't think Mattamy has a magic wand to solve much more than we've got here, but we are happy to hear them out and see if there are any other items that we can tweak.

Ms. Ajmera said to Mr. Bitzan and Mr. Baker who are in the room, are there specific infrastructure requests that you have that you would like the petitioner to look at? I know Mr. Baker serves on Finco Board.

Mr. Baker said as far as infrastructure requests for this area, first on our list is sidewalks and streetlights for this area so that the residents can travel safely by foot to Reedy Creek Park and also the nearest grocery stores at Food Lion that is at Harris Boulevard and Rocky River Road. I think it would improve the quality of life for the people in this development if they had that access, that would make a big improvement.

Ms. Ajmera said Mr. Brown if you could take a look at that request, I think that is a valid concern that a lot of neighbors have. If there is a part nearby, I don't see why you cannot figure out a way to build a connection there.

Mr. Brown said I appreciate your asking that question, the park is just down the street and we agreed that would be an amenity for our residents so we will work with C-DOT and the community if there is something we can do.

Ms. Ajmera said I appreciate it and I look forward to a follow-up report on that.

Councilmember Phipps said this is in my stomping ground. I didn't know I lived so close to the Far East, but maybe it is the Northeast Far East. But, I do live off of Back Creek Church Road and am familiar with this area of Rocky River Road and it is still more or less surrounded by former dairy farms so there is still a lot of acreages left to develop along Rocky River Road which those things will be forthcoming. I'm familiar with the Buckleigh and the Seven Oaks Subdivision and I know from the entrance of Buckleigh all the way down to Grier Academy there are sidewalks there and people can walk from Buckleigh all the way past Reedy Creek Park to Grier Academy which is one of CMS there. This question is for Mr. Brown; how much sidewalk frontage will you have on Rocky River Road that is a part of your development?

Mr. Brown said you can see we have very little frontage on Rocky River Road, however on the south side of Rocky River Road at the Buckleigh Neighborhood entrance, I believe there is a gap in the sidewalk on that side. So, from the entrance of Buckleigh, you cannot walk to Reedy Creek Park. There may be the potential if the Mattamy Team is already straightening out that curve there is a possibility I think, you can talk with the neighbors and C-DOT, perhaps provide a sidewalk down there so there would be a complete sidewalk extension from Buckleigh to the park. That will allow us to connect our neighborhood to the park.

Mr. Phipps said I'm familiar with major transportation and infrastructure projects at Rocky River Road and Back Creek Church Road, I think that was one of them that was done by C-DOT maybe about three years ago. I forget how many millions maybe \$1.5 million or \$2 million projects they did at Rocky River Road and Back Creek Church Road. Also, there were some major infrastructure improvements at Hood Road and Rocky River Road and as one of the speakers mentioned, it was some infrastructure or some widening of the interchange at Rocky River Road and I-485 interchange. But in our book, you talk about active projects that are supposed to be going on and we've been in that area been more or less wanting to know the status of the eastern circumferential project and you've

got them listed in this book as Phase 2 and 3. You call them active projects, but it looks as if, they say it is a four-lane, median divided thoroughfare from Rosemallow Road to Rocky River Road, but it is an unfunded project and the time horizon it is 2030 to 2035. So, I'm having a hard time understanding how could be an active project. The third phase of the eastern circumferential is a four-lane median and that supersedes the time horizon for the 2040 Plan at 2036 through 2045. We are waiting for those things to come but you are talking about some protracted, extended time horizon and I don't know if our CARPO Representative and our Vice CARPO Representative, Mr. Egleston and Ms. Eiselt have heard anything about this eastern circumferential.

Councilmember Egleston said we have not.

Mr. Phipps said I would think that NC-DOT is still more or less grappling with some funding, especially going out that long. I was just curious about that. I happen to be on the Council in 2005 when we were working on this Rocky River Road Plan and in terms of the entry points that you mentioned off of Rocky River Road and the stub road, I guess the stub road would be Caldwell Road stub that is going to stop on your property that can't go further because the other property that you all don't own has to be developed to hook up to Back Creek Church Road. Is that correct?

Mr. Brown said that is correct. [inaudible] I think would be completed.

Mr. Phipps said and no one knows when that is going to be, whenever that comes available, but it is the intention to link it up to Back Creek Church Road, but even at this point you wouldn't have any idea as to whether or not that Caldwell Road and Back Creek Church Road will be a signalized intersection or not. Is that correct?

Mr. Brown said I don't know that answer, Dr. Byers might.

Dr. Byers said I don't know the answer to that yet.

Mr. Phipps said I notice also that you talk about schools, I thought there was an elementary school right on Plaza Road Extension, Reedy Creek Elementary, why isn't that in these totals and they have a Middle School I think further down The Plaza, but you've mentioned University Meadows and James Martin and Julius Chambers High School. I'm wondering why didn't you pick schools that were closer to this site rather than going that far away. Is that because that is the attendant zone? I'm surprised that it wouldn't be the attendant zone like a street over with Reedy Creek Elementary being just on the Plaza Road Extension. I was curious about that.

Mr. Brown said we just look at the memo that CMS sends us, so my assumption is those are the schools that would serve this site. Their memo says the townhomes would generate about half the students if this were developed by right.

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

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ITEM NO. 23: HEARING ON PETITION NO. 2021-004 BY 1511 CENTRAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY .905 ACRES LOCATED AT THE NORTH EAST INTERSECTION OF CENTRAL AVENUE AND PECAN AVENUE IN THE PLAZA-MIDWOOD COMMUNITY FROM B-2 PED (BUSINESS, PEDESTRIAN OVERLAY) TO B-2 PED (O) (BUSINESS, PEDESTRIAN OVERLAY, OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just an acre on Central Avenue and Pecan Avenue. This is mainly the site where Nova's Bakery is, most folks in the community will be aware of where that location is on Central Avenue. The current zoning, as mentioned is B-2,

pedestrian overlay, the proposed zoning is B-2, pedestrian overlay with an optional provision. The adopted future land use does call for multifamily, office, and/or retail for the site at up to 12 DUA. The proposal with this petition is for real preservation of the existing building and development of a new building fronting Pecan Avenue behind where Fuel Pizza is located. The maximum building height would be 40-feet for that new building. We do have some optional provisions as mentioned earlier, which would allow the existing buildings to continue to be used as they are permitted in the B-2 zoning district without adding any additional parking when they change uses if they go to a different use within that zoning district they wouldn't be required to modify the parking on the site. They would keep that as is. Also not requiring additional parking spaces if we have some expansion of the building with some ancillary uses, maintaining the streetscape along Central Avenue, so not requiring any streetscape improvements, and keeping that streetscape as is. Also allowing the addition of outdoor dining areas along Central Avenue without that additional parking. This is similar to other petitions we've had on Central Avenue that really looked to maintaining these existing buildings and just deal with the parking constraints that are currently on Central Avenue in that area just by allowing them to be adaptively reused without those parking calculations kicking in.

The proposed new building on Pecan Avenue would conform to the PED Overlay design requirements that would be a part of that petition as well. As mentioned, the staff does not recommend approval of this petition in its current form. Mainly, there is a noted discrepancy on the plan that has already been corrected by the petitioner. Just the way they worded it, the total square footage for the site reads that it could allow almost a 30,000 square foot addition on the site and really that should be the cap of the overall redevelopment and existing square footage that would total across the site. Just because of that discrepancy we couldn't support that given a lot of the dialogue we've had back and forth with the community and the petitioner. Really that is a minor thing, but enough for us to basically let them know that needs to be corrected and we can't approve it in that form. Like I said it has already been submitted and we anticipate that being changed for Zoning Committee and our recommendation also changing in conjunction. We do support the effort overall it is just clarifying that note and getting that cleaned we will modify our recommendation. With that, I will turn it over to Mr. Brown and the petitioner team and will be happy to take any questions following their presentation.

Collin Brown, 1420 East 7th Street said Brittany Lins and I have been working with [inaudible] who is a longtime business owner in the Plaza/Midwood Community. I think a real leader in that neighbor's revitalization, so it has been a pleasure to work with their team and try to find zoning that works for him. Here is the property location, just under an acre, there is Nova's Bakery and there is a surface parking lot there. One of the goals of this rezoning was to provide zoning; what is happening on that corridor along Central Avenue, we've brought several of these petitions to you and there are more forthcoming. These old buildings were built before we had a zoning ordinance, so they don't have any parking. They've been non-conforming uses for years which means they are allowed to stay, but if they change uses then they have to come into compliance with our current ordinance. Our current ordinance, if you have a food and beverage or something like that, requires one parking space for every 75 square feet, and as you all know there is no parking to be had in Plaza/Midwood. So, that is the challenge on how do you save these old buildings, the only other option is you tear down buildings and build a parking deck. Mr. Egleston is very much opposed to that idea so we've tried to work with the community to find a way to preserve these buildings and for the most part that means we bring them through the rezoning process and use an optional provision or another zoning to lower the parking requirements and in return provide a commitment to keep the existing buildings.

This is how we started the process we started this process with really no commitment for any on-site parking with broad ability to build new buildings and no height restrictions. As might be expected, there was a lot of collaboration back and forth with the Plaza/Midwood residents, many of who live near the site, and with that good engaging with us their District Representative and the Planning staff asking us to step down the intensity as we move through the neighborhood. There are great concerns about parking facing that neighborhood, a real challenge, they are in a Historic District so they can't necessarily

build more parking for themselves. So, it is a real challenge negotiating over street parking there.

Also, noise concerns, they wanted more clarity on expansions, and they had a request that we have a height limit. So, since our meetings with the community were very much facilitated by Councilmember Egleston, changes that we have done and staff has seen this plan, there is still a commitment to keep the existing Nova's building and then a commitment to keep parking areas that we are showing on the plan. In earlier plans the plan was to take out the parking you see in yellow and to build a new building there. That has been scaled back. As Dave mentioned, one of the items we needed to tweak was the total maximum square footage on the site. As you see there now the total max is just about 26,000 square feet of retail and 2,600 square feet of office total in a new building that can be constructed which will be a pretty small building and the existing buildings. We've added a commitment that if there are rooftop activities on the existing Nova's building that will be located towards Central Avenue. We've included a 40-foot maximum height, added a commitment for bicycle parking.

I think in light of all of that, we've met with the community, shared that information. They were very pleased. The last outstanding issue had been our plan gave us the ability in this rear parking lot that would be maintained to do some parking lifts in that location, which we thought would be positive because there is so much concern about parking. We thought that was a way to have more parking spaces. Neighbors were very concerned that they might be able to then see the lifts over the fence so in our next revision we will submit following the hearing we will have addressed the issue that Dave pointed out, our total square footage. I am so committing to you now that the next plan we will be removing that parking lift language and we are hopeful that that resolves all issues that have been brought to our attention and we can move this forward for a vote and preserve this kind of important end cap to the downtown Plaza/Midwood District. Happy to answer any questions you may have.

Councilmember Egleston said no questions, just to underscore the fact that the petitioner has made significant changes to the petition here in response to concerns from neighbors, I think has addressed maybe to a point everything that they have brought forward as a concern, hence there not being any opposition speakers tonight. As Dave stated staff's opposition to the plan as presented to us is merely a technicality at this point because it is a change that has already been agreed to. This is something that will allow the continued preservation of the Historic Business District in Plaza/Midwood along Central Avenue. I will be supportive and unless Mr. Phipps has a question, I will make a motion to close.

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

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ITEM NO. 24: HEARING ON PETITION NO. 2021-008 BY THE MORGAN COMPANIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.41 ACRES LOCATED ALONG THE WEST SIDE OF CARMEL COMMONS BOULEVARD, SOUTH OF PINEVILLE-MATTHEWS ROAD, AND EAST OF CARMEL ROAD FROM O-1 (OFFICE) TO MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just under 4.5 acres on Carmel Commons Boulevard, just off Pineville-Matthews Road, also just kind parallel to Carmel Road. This property is currently zoned O-1, they are proposing a MUDD-O optional zoning district. The adopted future land use from the South District Plan which was adopted in 1993 recommends office uses for the site. This proposal is for up to 55,000 square feet of non-residential uses, it does prohibit things like car washes, gas stations, with or without a convenience store, automobile service stations, eating, drinking establishments. It does

cap building height at 50-feet. We also have several building design guidelines and architectural guidelines and also a minimum of 5,000 square feet of urban open space. To provide pedestrian and vehicular access from Carmel Commons Boulevard and a proposed access drive along the south of the site which would connect Carmel Road over to Carmel Commons Boulevard. Also, there is transportation improvements at Carmel Road and Pineville-Matthews Road, Carmel Commons Boulevard at Pineville Matthews Road, and then Pineville-Matthew Road down to McMahan Drive and Bannington Road and Carmel Road at the proposed access. So, lots of transportation improvements are associated with it. There was a traffic study done that still has to incorporate some of those conditional notes into the plan itself, but overall, the TIS was approved and we are continuing to get some of those notes worked in. That is why we do recommend approval of the petition with some of those outstanding issues, some of those are again, transportation-related, and it is mainly just bringing some of those additional findings from the traffic study into the conditional plan.

As mentioned, it is inconsistent with the South District Plan recommendation for office on the site. This is for retail use, however, we do feel this is a part of an activity center per the Center, Corridors, and Wedge growth framework and we do feel like this kind of furthers some of those overall goals of the activity center that we had in place for that area and will kind of help to put a little bit more reinvestment or revitalization in this office park that is down off of Pineville-Matthews Road. With that, I will turn it over to Mr. Brown and take any questions you may have following the presentation.

Collin Brown, 1420 East 7th Street said Brittany Lins and I have been working with the petitioner's team and we are working with the Morgan Company. Trey Morgan is actually there is the flesh in person so he will give you a wave now if you are in the Council Chamber. We are happy to be working with them, this is a little unique. We have been at this for a couple of years. I think we may have started conversations with Councilmember Bokhari maybe three years ago. A little bit unique, I represent Morgan and oftentimes you will hear from us where we have a client that is buying property and if it is rezoned, they will purchase the property and then build. This is interesting, Publics has actually owned this property for several years. They have known this is a location that they wanted to expand. The Morgan Company has been working with them to bring this to fruition so pleased to finally have this here. As Dave mentioned this Carmel Commons location which you all may be familiar with is in South Charlotte, south of 51, this was a very robust office location 20 or 30 years ago. I-485, Ballantyne has sucked that office energy out, so this is an area that has been struggling for a while. This office building had been vacant for a bit. What we've heard from the community here is they would really like this revitalized and bring something else with some life to the area.

Our rezoning allows us to bring in a vibrant grocer and we think that will trigger hopefully more redevelopment and reinvestment in this area and create one of these walkable 10-minute neighborhoods, so we have accessibility to groceries here. I know this is certainly not a grocery desert, but we are providing a grocer here more walkable. Happy to answer any questions you have. Again, Mr. Morgan is there if you have questions for him.

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

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ITEM NO. 25: HEARING ON PETITION NO. 2021-021 BY PORTMAN RESIDENTIAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 27.65 ACRES LOCATED ON THE NORTH SIDE OF STATE STREET, SOUTHWEST OF ROZZELLES FERRY ROAD, AND EAST OF TUCKASEEGEE ROAD FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

Mayor Lyles declared the hearing open.

Davie Pettine, Planning said this is approximately 27.65 acres off South Turner Avenue and Rozzelles Ferry Road and Chamberlain Avenue, just east of Tuckaseegee Road. You should be familiar with this; this is the Savona Mills site. The existing zoning is MUDD-O, that was from a 2016 petition that was approved back in 2019. The proposed zoning is to take that MUDD-O and do a site plan amendment to work with some of the entitlements that they currently have and add to some of those residential components of the project, and some of the retail components. We will get into that in just a moment.

The Central District Plan as amended by that rezoning Petition 2016-112 does recommend mixed-use development for residential office and retail as well as some greenway uses and retaining the Historic Savona Mills an adaptive reuse building. This proposal is to essentially take like I said before, those previous entitlements approved under that 2016-112 petition and would add an additional 410 residential units that would bring us up to 650 total units across the entirety of the project. We do show some of the locations of the proposed new building envelopes and allow some new development areas formerly labeled as Development Area E. We do increase the minimum building height to 90-feet and six stories. That would be limited to the area of the site and identifies as areas on the plan where those height limitations kick in. Most of those significant heights are more concentrated internal to the site away from some of those existing residential components out on Cox Avenue and State Street. It does amend the conversion table to limit the total retail area to 47,000 square feet, it does add a note to break up the length of both residential building nine by committing that both sides of that building will contain undulation with a minimum depth of two feet where that building length would exceed 105 feet in length. We also increase some of the landscaping screening requirements through a minimum of a six-foot-tall privacy fence as well as enhanced landscaping along the property boundary toward any of the single-family homes that are down on Rozzelles Ferry Road and a low wall and landscaping along that Chamberlain Road frontage.

The staff does recommend approval of this petition. We have some outstanding issues to work through related to transportation and site and building design and some technical revisions as well related to the site and building design. It is consistent with the District Plan that was amended from the previous Savona Mill Petition under 2016-112. Again, that was approved in 2019. It is inconsistent with some of that greenway recommendation, however, there is active greenway use and I know there was some additional connections that would be made to that greenway, but technically would be found as inconsistent with that overall greenway use. With that, I will turn it over to the Petitioner Team to do their presentation and will be happy to take any questions following that.

Collin Brown, 1420 East 7th Street said Brittany and I have been working with the Portman Team. I have probably been working on Savona Mills since Brittany was in law school. The good news here it is finally happening. I see Councilmember Winston smiling. We walked through the Savona Mills Building a few years ago, probably in 2018 and now the development team that has been involved with all of that [inaudible] this has been a passion project for him. He is not a partner with the Portman Teams, he is working with both Portman Residential and Portman Commercial and is excited to be able to report that the mill revitalization is coming to fruition. As Dave mentioned, the point of this rezoning is really to update that very general rezoning that we did a few years ago so it accommodates a stronger residential component. We've had a number of community meetings and I think the community is excited to see this change. Dave did a good job with the overview so I will just kind of move through to the full images.

The Portman Team has really worked to try and integrate their development with what is existing so just on the left-hand side of the image here you see the old mill building that will be adaptively reused and then they are trying to bring in their residential, this is kind of the main street through the site, hopefully, to bring folks from the community in. This is a bit of an aerial so you can take a look at it, but really, we think this is going to be a catalyst for the area. Happy to have worked with staff for so many years and bringing this to fruition. Again, Reid Scott and Brittany Sanders are on for the Portman Team if you all have questions for us.

Councilmember Eiselt said Collin, I'm trying to understand exactly what is happening with the greenway space. I know at one point Greg was going to try to get like an old rail car or something back on the rail line on there to go to uptown. I don't know what has happened with that, but how much is the greenway space actually being impacted?

Mr. Brown said I'm going to refer to Brittani Sanders if you are on. I think I can see your video. This is something that we continue to have discussions with staff on the multiuse path that is going through the site. Brittani, can you respond to that?

Brittani Sanders, 303 Peachtree Center Avenue, Atlanta, GA. said we are actually creating our version of the greenway, not officially the greenway from State Street on up to pretty much Rozzelles Ferry Road so it will run into that linear path that runs along the creek. So, it is an intermodal trail that allows pedestrian sites. It will be heavily landscaped making the question of whether or not we will maintain that. I think we are agreeing to do that, but yes, it is "our version of the greenway" within our site if that makes sense.

Ms. Eiselt said is it more or less greenway than was originally envisioned?

Ms. Sanders, I'm not sure what was agreed to by the parties of 2016 approval. Collin, can you speak to that?

Mr. Brown said yes, and Blakeney from Kimley Horn is on I think for the technical answer. I do think it parallels on our side, I think obviously, the County property over here, so this is putting in again a privately maintained trail. It is important to our team that we have something through the site that is publicly assessable. I don't know Ms. Eiselt if that is necessarily the way you are comparing within your mind, but I'm happy to follow up with you. Get with the Kimley Horn Team and come back with some information.

Ms. Eiselt said I might like to actually come out and see what it is exactly you are doing there.

Ms. Sanders said in general it is a 12-foot wide trail with landscaping on each side that currently runs from the Blue Blaze corner of the site all the way up to Rozzelles Ferry Road, but happy to walk you through it.

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

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ITEM ON. 26: HEARING ON PETITION NO. 2021-025 BY NVR, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 13.05 ACRES LOCATED ALONG THE NORTH AND SOUTH SIDE OF WALLACE LANE AND EAST OF EAST INDEPENDENCE EXPRESSWAY FROM UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) & R-4 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT) AND UR-2 (CD) URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is on Wallace Lane just off Independence Boulevard as well as close to Marino Court. The current zoning is UR-2 on the north side of Wallace Lane, the south side portion of the project is currently zoned R-4. The proposal is for both areas to be zoned UR-2 to amend the site plan on the north side of Wallace Lane and then the site that is currently zoned R-4 would be a straight UR-2 conditional zoning request.

The Independence Boulevard Area Plan from 2011 does recommend residential for up to 17 DUA; that was amended under Petition 2018-056 which established that UR-2 zoning and the on the south side we do have a recommendation of residential at four dwelling

units per acre on that south portion of Wallace Lane. The proposal would amend the layout and site design of that northern portion of the site which was approved under Petition 2018-056. There was some design that needed to be changed to deal with some of the environmental issues since the environmental water quality features that run through the site.

The current proposal would allow up to 154 townhome units spread across both sites that would come out at a total density of 11.7 DUA. Would limit the building height to 40-feet which is our standard residential height, provide architectural and design standards as well as 9,000 square feet of amenity space. We do have a 20-foot landscaped buffer along the perimeter of the site adjacent to any single-family homes and then some transportation improvements which would include an extension of Emmons Lane over to Wallace Lane and then the extension of Marino Court and Thompson Brook Lane. Those would be connected to private streets with public access easements. Installation of curb ramps and then the construction of an eastbound left-turn lane onto Emmons Lane and then westbound left-turn lane on Briardale Drive.

Staff does recommend approval of this petition upon resolution of requested technical revisions related to the site and building design and transportation. It is consistent with the Independence Boulevard Area Plan on that north portion of Wallace Lane, it is inconsistent on that south side of Wallace Lane where it recommends four DUA. Again, overall it comes in at 11.7. The previous approval was for 119 units, this is for 154 totals but spread across those two sites. We will be happy to take questions following Mr. Pennell's presentation.

Paul Pennell, 1213 West Morehead Street said thank you for that very thorough presentation. I am with Urban Design Partners representing NVR otherwise known as Ryan Homes on tonight's petition. I will keep my presentation concise tonight specifically regarding the reason for this petition resubmittal here. We are going to go to the site plan associated with this rezoning petition from 2018-056. The reason for the 2018-056 petition needing to come back in after approval of the rezoning petition, we had discovered quite a significant amount of environmental features on-site including jurisdictional streams and wetlands on-site which pretty much rendered the existing conditional site plan that was approved in the 2018 petition unusable. Just an example here of what those impacts met from that previously approved petition.

What we are requesting within the current petition is basically a resubmittal of the north side of Wallace Lane which includes 112 townhomes, the previous petition was 119. Now, there is a southern portion of Wallace Lane which is also included in this petition which includes 42 townhomes. We have been working quite closely with C-DOT and the Sharon Forest Neighborhood to make sure that we keep Wallace Lane a safe pedestrian environment and also to slow cars. I think this may be a better illustrative image and maybe we can walk through some of the road improvements that are being conducted within this petition. Under this petition, we are committing to a left-turn lane on Emmons Lane on Wallace Lane. We are committing to a westbound turn lane onto Wallace Lane to Emmons Lane. We are also improving the intersection of Emmons Lane Extension, Briardale, and Wallace Lane as well. We are also improving the intersection of Thompson Greens Lane our private one alley and Wallace Lane to also help improve the pedestrian environment as well. Also, within our zoning petition we are including some rather significant site plan exhibits that show and demonstrate clear viewsheds to make sure that we are keeping these intersections safe as well. With that, I will turn it back over to staff or do any questions you may have.

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

ITEM NO. 27: HEARING ON PETITION NO. 2021-027 BY EVERGREEN LIVING FOR A CHANGE IN ZONING FOR APPROXIMATELY 18.97 ACRES BOUND BY THE

NORTH SIDE OF INTERSTATE 485, SOUTH OF MOUNT HOLLY-HUNTERSVILLE ROAD, AND EAST SIDE OF OAKDALE ROAD FROM R-3 LWPA (SINGLE-FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO R-8 MF (CD) LWPA (MULTI-FAMILY RESIDENTIAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA).

Mayor Lyles declared the hearing open.

David Petting, Planning, said this is on Mt. Holly-Huntersville Road, is currently zoned R-3 Lake Wylie Protected Area. The proposed zoning would be R-8 MF (CD), which also would contain the Lake Wylie Protected Area overlay as well. The Northwest District Plan from 1990 calls for single-family residential up to four dwelling units per acre. The GDP (General Development Policies) does provide some guidance in this petition. Request up to 7.38 DUA and so it doesn't meet the General Development Policies of that up to 8 DUA category. You can see we've got some single-family and multifamily recommended on either side of Oakdale Road interchange where that round-a-bout is on Mt. Holly-Huntersville Road and staff felt that continuation with some general density in that area wasn't completely out of the question and would provide some additional housing opportunities in that area along Mt. Holly-Huntersville Road. This proposal is for up to 140 townhome units, it does commit to an eight-foot planting strip and 12-foot multiuse path along Mt. Holly-Huntersville Road also dedicates 52-feet of right-of-way along Mt. Holly-Huntersville Road. It provides a three-lane section for the southbound left-turn lane into the site, provides amenity areas and pocket park with some hardscape and seating areas. Also, a Class C Buffer to abutting single-family zoning. We also have architectural details related to building materials, building length maximums so no more than six units in 30% of the buildings as well as some pitched roof requirements and detached lighting standards.

The staff does recommend approval of this petition. We do have some outstanding issues related to transportation to work through, but the staff did feel that the single-family attached and that density would be a reasonable infill and increase in that density around that intersection of Oakdale Road and Mt. Holly-Huntersville Road as well as backing up there to I-485. We will be happy to take questions following Ms. Grant's presentation.

Bridget Grant, 100 North Tryon Street said I am a Land Use Consultant with Moore & Van Allen. Pleased to be here tonight representing Evergreen Living with my colleague Jeff Brown. We are here tonight with Creighton Call of Evergreen Living as well as Andrew Grant with EGE Engineering. As staff described our 18.9-acre site is conveniently located off Oakdale Road on Mt. Holly-Huntersville Road. We are proposing a change in zoning to allow the development of the site with a density of 7.3 dwelling units to the acre which Dave mentioned is similar to the adopted land use policy as you get closer to Oakdale Road and Mt. Holly-Huntersville Road. We are proposing the townhome site units with a series of pocket parks throughout. Again, it is 140 attached units with access from Mt. Holly-Huntersville Road. We will have future connectivity and proposed non-residential and residential zoning to the north and south of us. We are proving that 12-foot multiuse path along our site frontage as well as donating and dedicating additional right-of-way along Mt. Holly-Huntersville Road. We will be constructing turn lanes for access. We've made commitments to quality architectural materials and the site will be professionally landscaped and maintained.

This just blows the site up a little bit larger to show you how that 12-foot multiuse path will be laid out, that the turn lanes will be going into our site as well as into Glenn Teague Road across Mt. Holly-Huntersville Road. Those future connections are depicted to the north and south as well as maintaining those larger buffers is a great opportunity for tree save on this site. With that, I'm happy to answer any questions. It is great to have staff supporting the petition and we will work to resolve those final transportation issues before the Zoning Committee.

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

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ITEM NO. 28: HEARING ON PETITION NO. 2021-034 BY JCAN PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY .29 ACRES LOCATED AT 2020 PARSON STREET IN THE VILLA HEIGHTS NEIGHBORHOOD FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (SINGLE-FAMILY RESIDENTIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this .29 acre located at 2020 Parson Street; this would be in the Villa Heights community. The current zoning is R-5, the proposed zoning is R-8 conventional. The Central District Plan does recommend single-family uses up to four DUA. The General Development Policies provides some guidance in this and this petition does meet the GDP criteria for consideration of six to eight dwelling units per acres. The proposal again is just a conventional R-8 single family, not multifamily, so the general intention would be to subdivide this into two lots and develop two single-family homes or develop by right under the R-8 district which would allow up to a quadruplex on the site. Overall, I think the general intent by the applicant or petitioner was to subdivide these into two single-family lots, but again this is a convention petition, so we are just kind of talking through what the general possible outcomes are under the ordinance.

Again, it is inconsistent with the Central District Plan recommendation, but it is consistent with the General Development Policies. The staff does recommend approval and will be happy to take any questions following Mr. Murray's presentation.

David Murray, 1109 Greenwood Cliff said I want to thank the staff for their work on this. This is a conventional rezoning, but our intention is to subdivide this lot. My clients have built multiple houses in this neighborhood. We've had communications with the Villa Heights Community Organization and got positive feedback from them. We request that you would support this and if you have any questions, I'll be happy to answer.

Councilmember Johnson said I just wanted some clarification about the development if I could. This is in Villa Heights and the petitioner is proposing to divide the lot in order to build a quadruplex.

Mr. Petting said no, it is a conventional request to R-8, I was just going over the possible potential uses that are permitted in R-8 which would be two single-family lots could be subdivided out of this parent lot or they could develop by right under R-8 which would include things up to a quadruplex. We don't have the specific development outcome because it is conventional, those are just the potential development under the R-8 zoning district.

Mr. Murray said just to be clear once we subdivide these lots the square footage of the lots will only be large enough, at least from my knowledge, to actually do single-family residential. My client is a single-family builder; that is what our intention is. This is the first I've heard of a quadruplex, that is not the intention of what is going on here.

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

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ITEM NO. 29: HEARING ON PETITION NO. 2021-035 BY ARGOSY REAL ESTATE PARTNERS IV, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.99 ACRES LOCATED ON THE WEST SIDE OF WESTPART DRIVE, EAST OF HIGHWAY 77, SOUTH OF TYVOLA ROAD, AND WEST OF OLD PINEVILLE ROAD FROM I-1 (LIGHT INDUSTRIAL) AND I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is just under four acres down on Westpark Drive, just adjacent to northbound I-77. The existing zoning is I-1, there is also some I-2 on the southernmost portion of the site. The proposed zoning is of MUDD-O and the adopted future land use from the Tyvola and Archdale Transit Station Area Plan from 2008 does recommend the office, industrial, warehouse distribution uses. This proposal would allow either 116 hotel rooms or 116 multifamily dwelling units. No combination of those units interacting at the site at one time or another. It would have to be one or the other, we wouldn't have an intermingling of the hotel and multi-family dwellings on the site. Once that conversion happens it would go only one use or the other. It does propose adaptive reuse of the extended-stay hotel which contains those 116 units. It does propose several optional provisions which are to facilitate the reuse of the existing buildings and the parking which would include allowing some of those parking areas to remain between the buildings and the street. Also, not requiring the removal of existing parking and the required setbacks, maintaining existing planting strips and sidewalks that are on-site, and also not requiring screening of the existing parking area, so essentially maintain the site as it, but allow for that conversion from the hotel to a multifamily use if that is the direction that the project goes in. Vehicular access will be provided via the existing drive on Westpark and also does specify the removal of existing floodlighting and that lighting would be replaced with full cut-off fixtures.

Staff does recommend approval of this petition; we do have some technical revisions related to transportation and the environment that need to be resolved. It is inconsistent with the Tyvola and Archdale Transit Station Area Plan recommendation, but staff does feel that the adaptive reuse of the hotel for multifamily residential or continued use of the hotel would be a compatible land use in that area, similarly to what is existing out on the site now and that residential use would support some of that office, industrial and distribution uses nearby and is also within less than a mile from the Tyvola Transit Station through Griffith Road and Old Pineville Road. With that, we will be happy to take any questions following Mr. MacVean's presentation.

Keith MacVean, 100 North Tryon Street said I am with Moore & Van Allen assisting Argosy Real Estate Partners and Blaze Partners with this petition. With me tonight and will be able to answer your questions are Eli Chester with Blaze Partners. Argosy Real Estate Partners is a company based in Pennsylvania, has over 27-years of experience in investing and developing, acquiring, and redeveloping real estate assets. Blaze Partners is based in Charleston, South Carolina, and is the developer and operator of high-quality residential communities throughout the southeast.

As Dave mentioned the location is just south of Tyvola Road, east of I-77 within less than a mile distance from the Existing Tyvola Road Light Rail Station. This is an aerial photo showing the location looking towards uptown. Again, an aerial view of the site developed with a short stay extended stay hotel, 116 room currently zoned I-1 and I-2. The request is to go MUDD-O to allow the conversion of these existing hotel rooms to multifamily units. This shows a mix of the units there, mainly one-bedroom units about 80% of the units, the other 20% are two-bedroom units. Extended hotels tend to mimic apartment communities, full-size kitchens, sizeable living rooms, and bathrooms, but operate a little bit like workforce housing, but without an institutional apartment management company as part of the development of that hotel. This is the existing site plan, there will be renovations to the site, a minor change to update the exterior of the buildings, update to the interior of the building as well to the units. New flooring, new light fixtures, painting, converting some of the hotel common area to indoor amenities space for the residents, and then continue the use of the pool and outdoor open space for the new long-term residents of the facility. I'll be happy to answer any questions.

Councilmember Phipps said Keith, are you saying that a decision has been made to convert to multifamily or there are still some lingering questions on whether or not it is going to stay a hotel?

Mr. MacVean said if the rezoning is successful and Argosy and Blaze Partners close on the property the intent is to convert the hotel rooms to apartments. The reason the rezoning petition leaves the option to leave as a hotel was to provide to the current owner

some assurances that he could continue to operate should the petitioner not close on the property. But the intent if rezoned and acquired by the petitioner is to convert it to an apartment community with 116 units.

Mr. Phipps said so the hotel is functioning right now.

Mr. MacVean said yes sir, it is fully operating as a short stay hotel and extended-stay hotel.

Mayor Lyles said Mr. MacVean what is the difference between an extended stay room and a multifamily dwelling unit?

Mr. MacVean said the main difference is an extended stay hotel typically doesn't allow for staying longer than 60-days or 30-days or less. The apartments would rent for half-year to full-year leases. The rooms themselves or units are very similar, they have full kitchens, they have one and two-bedroom units, they have living rooms and other amenities, so the interior space actually looks and functions very much like an apartment community. It is really the length of the stay and the structure of the lease that is the main difference between a hotel and an apartment unit at this particular site. Eli, I don't know if you want to elaborate on that.

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

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ITEM NO. 30: HEARING ON PETITION NO. 2021-037 BY PROVIDENCE GROUP CAPITAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.76 ACRES LOCATED ALONG THE EAST SIDE OF SOUTH TRYON STREET, NORTH OF REMOUNT ROAD, AND WEST OF SOUTH BOULEVARD FROM TOC-NC (TRANSIT ORIENTED DEVELOPMENT – NEIGHBORHOOD CENTER) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT – URBAN CENTER)

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is three-quarters of an acre located along the eastern side of South Tryon Street, north of Remount Road, west of South Boulevard. The existing zoning is TOC-NC, the proposed zoning is for TOD-UC. You can see on the map we've got some UC up to the north and south of this proposal. Some of those are recent rezoning, a lot of it is a result of the Rampart Station being approved for future development in that area. The adopted future land use is transit-oriented mixed-use from the Newbern Station Area Plan in 2008. That was also part of the 2019-102 alignment rezoning that we did for TOD.

Staff does recommend approval of this petition; it is a conventional TOD request so there is no site plan associated with it. It is consistent with the Station Area Plan recommendation for transit mixed-use under TOD and it is also now that that Rampart Station has been approved, it is now within a half-mile walk of that proposed station, so the TOD-UC is applicable in this case and that is why we are seeing some of those jumps from NC to UC in this area. I'll be happy to take questions following Mr. MacVean's presentation.

Keith MacVean, 100 North Tryon Street said I am assisting Providence Group Capital. JQ Freeman is with me tonight and available to answer questions. I think Dave had covered the specifics of the site very well. It is zoned TOC-NC, proposed TOD-UC. Part of the Newbern Station Area Plan recommended transit supported uses and zoning for the site, with the addition of the Rampart Station the site is now within a half-mile walk of that future station qualifying the site for the TOD-UC district. As you can see from the zoning map there has already been a number of zonings for the TOD-UC category in this particular location as a result of that new station. Again, half-mile walking distance, an

appropriate location for the use of the TOD urban center district. Happy to respond to questions.

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

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ITEM NO. 31: HEARING ON PETITION NO. 2021-038 BY WHITE POINT PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2 ACRES LOCATED AT THE SOUTHERN INTERSECTION OF CHARLES AVENUE AND BREVARD STREET FROM TOD-M (CD) (TRANSIT-ORIENTED DEVELOPMENT, MIXED, CONDITIONAL) TO TOD-UC (EX) (TRANSIT-ORIENTED DEVELOPMENT, URBAN CENTER, EXCEPTION).

Mayor Lyles declared the hearing open.

David Pettine, Planning said this is on North Brevard, Charles Avenue, and Jordan Place. The existing zoning as mentioned is TOD-M (CD), it was one of the previous TOD districts and now the proposed zoning is TOD-UC (EX) which is a transit-oriented development urban center exception. This is the first TOD-UC (EX) petition that we've had since we've adopted the new TOD section of our ordinance. The adopted future land use is for TOD mixed-use from the 25th Street Station Plan back in 2013. This proposal is essential to maintain the TOD-UC district to allow all uses permitted within it. All the development standards would still be governed by the TOD-UC district with the exception that we've got that is built-in. We do state that the intent of utilizing the existing Building 1 and Building 2, would be the general intent for the outcome of the project, it allows for the complete redevelopment of the site under the TOD-UC development. The EX provisions would only apply to the reuse and expansion of the existing Building 2 and that would include an allowance for that Building and addition to encroaching into the required setback of that TOD-UC district and that would allow an outdoor dining area also to encroach into that required setback. This is the intent of the TOD (EX) to look at a project like this that is proposing adaptive reuse and work with some of the maybe constraints of those existing buildings and how they interact with the ordinance so that EX provision would allow them to maintain that reuse of Building 2 and also maintain that other development potential for the rest of the site. We do have some public amenities that are proposed, and you can see on there the proposed outdoor patio location on Charles Avenue and where the existing building is that would be adaptively reused.

We also commit to building streetscapes per TOD standards in the event that existing Building 1 or 2 aren't able to be retained, we would then revert back to the standard TOD-UC district requirements and those encroachments that would allow that Building to creep into the setback and that dining area would essentially go away and a new building would have to meet all the requirements of the TOD-UC district. The EX is just to allow that building to stay as is and encroach into that setback. It wouldn't be applicable for a variance and so the EX provisions are built into the ordinance for this exact type of scenario.

The staff does recommend approval of this petition. We do have one issue related to the site and building design that needs to be resolved. It is consistent with the recommendation for mixed-use transit-oriented development at the site. We will be happy to take any questions following the presentation by Mr. Carmichael and the petitioner.

John Carmichael, 101 North Tryon Street said I am representing the petitioner Mr. Levell, Mr. Johnson, and Mr. Trowbridge who will be able to answer your questions. This is the site, about 2 acres at the intersection of Brevard Street and Jordan Place as Dave indicated. This is aerial to show you the two existing buildings on the site, there is a larger one at the bottom of the screen and then there is a smaller one at the top of the screen that is the powerhouse and smokestack. This is the existing larger building looking over

the site back towards uptown. This is a building that has been renovated and is occupied for office uses. This is the other existing building, the powerhouse with the smokestack.

As Dave indicated the site is currently zoned TOD-M(CD), the request is to rezone the site to TOD-UC (EX). The purpose would be to allow the encroachment of building additions and an outdoor dining patio from the powerhouse building into the setback from Charles Avenue. The public benefit that would be provided would be a bicycle rack, [inaudible] along the site's frontage on Jordan Place. You can see here where the buildings would encroach into the setback right to the north of the powerhouse and the patio encroachment. This gives you a rendered site plan that shows the same thing. Once again the powerhouse structure, would be retained, it is a commitment on the rezoning plan and the expanded building would simply encompass the smokestack that you see on the picture, and then closer to the bottom you see the outdoor dining patio. This is what would be provided on Jordan Place for public benefit.

We did have a community meeting and the proposal was well-received by those in attendance. We only had three people attend, but they were pleased with what they saw. They particularly look forward to the potential restaurant or EDEE use that could be located in the powerhouse structure and utilize the expanded building and the outdoor dining patio. We are happy to answer your questions and we appreciate Planning's efforts on this and the outstanding issue that Dave mentioned is the commitment to preserve the powerhouse building and that will take place. That will be a note that will be added to the rezoning plan.

Councilmember Egleston said White Point Partners continue to be MVPs in the historic preservation and adaptive reuse game in Charlotte so kudos to them, keep up the good work.

Councilmember Winston said Mr. Pettine, is there any change in the situation in terms of the filling of the sidewalk gap that exists along North Brevard Street from the end of the sidewalk that outflows from the 26th Street Light Rail Station up towards the NoDa area?

Mr. Pettine said that would be something that we may have to follow up and provide you in a follow-up report or provide you offline. I'm not sure where that gap is and how that might be addressed, and also confer with our folks in C-DOT and see if we can get you some information on that.

Mr. Winston said Mr. Carmichael, are you aware of the sidewalk gap that exists across the street from you on North Brevard Street on this property?

Mr. Carmichael said no sir, I'm not. I'm sorry, I'm just not familiar with it.

Mr. Winston said I'm very familiar with this from living there, but also working in that building that is being preserved. It used to be the Opera Shop so as a station hand I used to spend many days in that building so I'm grateful that it is being preserved, but I just note that obviously, we just passed the Comp Plan and the big part of the conversation was about what is a community benefit, outside of the Community Benefits Agreement, but what is a community benefit. I have a question how big of a benefit that I've seen and I love bike infrastructure and I love the ability to have a place-making opportunity and things like that, but on the scale of things does a bike rack and a shaded swing meet the needs to create an exception to all our policies? I guess my point I'm trying to make here is that we need to have a conversation and Council needs to consider what is a community benefit that is worth us giving exceptions to our policies and what is not. I question this just simply because there is a huge gap in the sidewalk there and it really is a public disservice to the huge investment that was made along the Blue Line and because of the land-use policies that were implemented at that time, I don't know when that area will get the type of infrastructure investment that is needed. This seems like another opportunity lost should we not consider weighing the public benefits in this type of rezoning and I'll be happy to talk to staff and the petitioner more in-depth about this moving forward. I would love to see something that I think has much more of a community benefit than was being proposed here right now.

Mr. Egleston said Mr. Winston and I can take some of this offline with staff, but I just want to clarify, Mr. Winston, you are talking about the sidewalk down on Brevard I presume. Are you talking about the east side of the street or the west because in either case I don't think where the gap exists is part of this parcel so it would require agreement from multiple private property owners who are not the petitioner and in one case the existing building comes right up almost to the curb? So, without taking out the building that someone else owns I'm not sure we could close that gap, though it is a problematic gap.

Mr. Winston said yeah, I do believe there is a right-of-way there, it is something we've talked about in the past. One of the issues of filling that is who is going to do it. As we know these types of infrastructure developments happen when these types of developments happen so be that that gap is on the other side of the street from this parcel and on the next side is the rail yard, I don't know when there is going to be the possibility of closing that gap and again full realizing the great public investment that was put into that Blue Line and the idea of transit-oriented development up and down Brevard Street to the fullest of this extent.

Mr. Egleston said thank you and we just also saying as we are looking at the map make sure that we are looking at the Cross Charlotte Trail connection that is going through this same area that can provide some of the connectivity that this admittedly problematic sidewalk gap [inaudible].

Mr. Winston said I'm thinking of the people getting on and off the light rail and who might depend on the light rail to [inaudible] to and from their neighborhood.

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

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ITEM NO. 32: HEARING ON PETITION NO. 2021-039 BY CRESCENT COMMUNITIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 21.5 ACRES LOCATED ALONG THE EAST AND WEST SIDE OF SENATOR ROYALL DRIVE, SOUTH OF WEST MALLARD CREEK CHURCH ROAD, AND WEST OF INTERSTATE 85 FROM RE-1 (RESEARCH) TO RE-3 (O) (RESEARCH, OPTIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said this is 21.5 acres as mentioned on Senator Royall Drive right off of David Taylor Drive and Legranger Road. It is currently zoned RE-1 and the proposed zoning is for R-3 with some optional provisions. The adopted future land use from the University Research Park Area Plan in 2010 calls for residential office use up to 22 plus DUA as well as office use for the site. The proposal in this petition is for up to 350 multifamily dwelling units and up to 30 townhome units. You can see the townhome units are on the southeastern portion of where the petition boundary is off Senator Royall Drive. You've got the townhome envelope down there in the bottom left. It provides three development areas, parcels A, B, and C. We do have some optional provisions which would include a 16-foot setback along with Private Street A, reducing rear yard dimensions to 10-feet behind Building 5, and also a parking rate of 1.4 spaces per unit as well as allowing parking between specified buildings and the roadway. The maximum building height would be 85-feet in Development Parcels A and B and 60-feet in Development Parcel C. Also commit to a 12-foot multiuse path along Senator Royall Drive, provides a pedestrian hybrid beacon crossing as well and provides open space and landscaping, walkways, seating, and lighting. Entrances connected via sidewalks to adjacent public or private streets and then 6-foot sidewalks between buildings and through parking areas which would create a sidewalk network. We also have architectural details for building materials, blank wall provisions, amassing of buildings as well as the incorporation of porches or stoops as prominent features.

Staff does recommend approval of this petition, we do have some outstanding issues related to transportation to work through, but it is consistent with the University Research Park Area Plan for that recommendation of office residential up to 22 DUA and we do have that one inconsistent area where we just have an office which is that area right now that is comprised where the townhomes would go. That is the one area that is inconsistent, but the overall staff is supportive of the petition and we will be happy to take any questions following Ms. Grant's presentation.

Bridget Grant, 100 North Tryon Street said I am Land Use Consultant with Moore & Van Allen, here tonight with my colleague Jeff Brown, representing Crescent Communities, here tonight with Michael Tubridy with Crescent as well as Nate Doolittle, Richard [inaudible], and Chris [inaudible] with Land Design. Crescent Communities are known for creating development with a meaningful story that connects the site with the surrounding community. They have extensive experience working within the Research Park and they have successfully developed two other developments within the Research Park over the past decade. We are thrilled to say that they have the support of University City Partners. As staff described, this is a 21-acre site conveniently located off of Senator Royall Drive. The steep topography of the site and the natural stream buffers prohibit any meaningful commercial development and our proposed development is to fill in a critical gap in the multiuse trail network connecting the retail uses along Mallard Creek Church Road along with the residential and commercial uses in the park and the trailhead to Mallard Creek Greenway.

As Dave mentioned we are proposing a change of use to RE-3 optional for multifamily uses. We are proposing up to 350 multi-family units and 30 attached-style townhome units to get some diversity in housing types for the area. With that I'm happy to answer any questions and as I mentioned Nate and Michael are on the line to answer any questions as well.

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

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ITEM NO. 33: HEARING ON PETITION NO. 2021-041 BY PARESHKUMAR PATEL FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.95 ACRES LOCATED ALONG THE WEST SIDE OF RONALD STREET, NORTHEAST OF OLD PLANK ROAD, AND WEST OF OAKDALE ROAD FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (MULTIFAMILY RESIDENTIAL).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said this is just short of 2 acres on Ronald Street, just off of Cora Street and just to the west of Oakdale Road. It is currently zoned R-4, we have proposed zoning for a conventional R-8 MF. The adopted future land use from the Northwest District Plan adopted in 1990 does call for multifamily residential. Just about all the parcels except for that one that is southernmost on Ronald Street that would still be recommended for single-family residual up to four DUA, but overall, the petition is generally consistent with that land use recommendation. Again, this is a conventional petition, so staff does recommend approval. There are no outstanding issues and no site plan associated with the project. As mentioned it is consistent for the majority of the properties, there is that one parcel that is inconsistent, but overall staff felt that it provided a good infill opportunity for some residential development that is a different housing type in this area and it is consistent overall with the adopted area plan from the Northwest District. With that, we will take any questions following the presentation by Mr. Barnes.

Michael Barnes, 1909 J. N. Pease Place said I am pleased to represent Mr. Peter Patel in this petition. It is a conventional rezoning at the end of Ronald Street. We met with Councilmember Graham there back in February and he was supportive of the proposal and I'm happy to answer any questions.

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

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ITME NO. 34: HEARING ON PETITION NO. 2021-042 BY SIRUS LANE PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.73 ACRES ON THE NORTH SIDE OF SHOPTON ROAD, EAST OF SANDY PORTER ROAD, AND WEST OF PINECREST DRIVE FROM I-1 (CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY) TO I-2 (CD) AIR (GENERAL INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY).

Mayor Pro Tem Eiselt declared the hearing open.

Dave Pettine, Planning said this is 10.73 acres on the north side of Shopton Road. The current zoning is I-1 (CD), the proposed zoning is I-2 (CD) and the Airport Noise Overlay would stay intact as well. The adopted future land use from the Westside Strategic Plan that was adopted in 2000 does recommend the retail, office, light industrial land uses for the site. That was amended by rezoning petition 2006-004; you can see it is kind of an island in the middle of all that purple, which is an office, business park industrial. So, this petition, if that hadn't been amended from 2006 would still be generally consistent with the proposal that we are looking at this evening.

The proposal under this petition is for all uses permitted in the I-2 district. It does propose up to 6,048 square feet of an office building and then 19,500 square feet of warehouse use as well as equipment and materials storage area in the rear of the property. You can see those called out on the site plan. It does provide a 100-foot wide Class A landscape buffer which could be reduced to 75-feet with a berm that would be adjacent to all residential zoning and uses. It does dedicate 43-feet of right-of-way from the centerline of Shopton Road, also commits to the construction of an eastbound left-turn lane with 150 feet of storage as well as the construction of 3-foot striped buffer, 5-foot bike lane, curb and gutter, 8-foot planting strip, and a 6-foot sidewalk along the site's Shopton Road frontage and also limits the height of any pedestrian scale free-standing light fixture to 30-feet.

The staff does recommend approval of this petition. We do have some outstanding issues requested technical revisions related to the site and building design and transportation. One of the bigger items that we are asking to be addressed is a further limitation of uses basically similar to what we had just next door on that I-2 conditional that we saw earlier on the zoning map that was a recent approval as well and we've asked the petitioner to essentially take the same list of prohibited uses and incorporate that into this site plan so that is one of the issues that we are asking for them to address. As mentioned, it is inconsistent with that Westside Strategic Plan that was amended from that 2006 petition, but overall, generally consistent with some of the proposed and ongoing uses along that Shopton Road Corridor. I'll be happy to take any questions. I know the petitioner is not present for any presentation or questions, but if there are in for staff, I'll be happy to answer them.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2021-043 BY ROBERT ALLEN FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.21 ACRES LOCATED ON THE NORTH SIDE OF FAIRVIEW ROAD, EAST OF PARK ROAD, AND WEST OF BARCLAY DOWNS DRIVE FROM UR-C (CD) (URBAN RESIDENTIAL COMMERCIAL, CONDITIONAL) TO R-3 (SINGLE-FAMILY RESIDENTIAL).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said this is 1.2 acres located on the north side of Fairview Road, just east of Park Road and west of Barclay Downs Drive. As mentioned, the current zoning is UR-C (CD) the proposed rezoning would take that down to an R-3 single-family residential zoning which would be consistent with what you see generally behind the petition there in all of that yellow. The adopted future land use from the South District Plan does call for residential up to 22 DUA, that was amended by that UR-C rezoning from 2007 so that land use recommendation is consistent up to 22 DUA and of course this would be much lower than that going back to an R-3. This is a conventional petition so there is no associated site plan or conditions to consider for approval.

Staff does recommend approval of the petition and we will be happy to take any questions on this one.

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

Councilmember Bokhari left the meeting at 8:53 p.m.

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ITEM NO. 36: HEARING ON PETITION NO. 2021-045 BY MADISON CAPITAL GROUP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 19 ACRES LOCATED ON THE EAST SIDE OF MALLARD CREEK ROAD, NORTHEAST OF RIDGE ROAD, AND WEST OF I-85 FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-17 MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said this is 19 acres on the east side of Mallard Creek Road, just north of Ridge Road and west of I-85 and also north of I-485 interchange there with Mallard Creek Road. The existing zoning is R-3, the proposed zoning is R-17 MF (CD). The adopted future land use from the Northeast Area Plan adopted in 2000 calls for single-family, multifamily, institutional, office, retail up to 12 plus DUA. This petition proposes up to 288 multifamily dwelling units. A minimum of five percent of those would be constructed to maintain monthly rents that income-restricted to households earning up to 80 AMI (area median income) for a period of not less than 15-years. It does propose to install a bus waiting for a pad on Mallard Creek Road, also commits to an eight-foot planting strip, 12-foot multiuse path along the site's frontage on Mallard Creek Road as well as an eight-foot-wide planting strip and an eight-foot-wide sidewalk along all other proposed public streets. It does dedicate public right-of-way for the Mallard Creek Derita Road widening project along the rezoning site frontage. Also provides a 14,000 square foot amenity area with a swimming pool, open space, dog park, and seating areas as well as architectural standards for various building materials, breaking up building lengths in excess of 120 feet and other façade features.

Staff does recommend approval of this petition upon resolution of outstanding issues related to transportation. It is consistent with the Northeast Area Plan recommendation and staff does feel that it provides a good mix of land uses in this area with higher density in proximity to bus and other transit lines. It is within one-third mile of the University Research Park bus stop. With that and some other ongoing development we see in this area we do feel that it is a reasonable proposal and we do recommend approval. Will be happy to take any questions following Mr. Carmichael's presentation.

John Carmichael, 101 North Tryon Street said I am here on behalf of the petitioner, Madison Capital Group. With me tonight are Ray Smith of Madison and Jeff Orsborn of Orsborn Engineering and they will be able to answer your questions. The site contains 19 acres, located on the south side of Mallard Creek Road between Kings Grant Drive and Odell School Road. This is an aerial of the site, you can see Concord Mills to the northeast

of the site, I-485 to the west of the site. The site is currently zoned R-3, you've got commercial center zoning to the south and east as well as institutional zoning to the west, then you've got CC, UR-2(CD) zoning across Mallard Creek Road from the site.

The request is to rezone the site to R-17 MF (CD) for up to 288 multifamily dwelling units. A minimum of five percent of those units would be restricted to households earning 80% of the area median income for a period of not less than 15-years. Architectural standards are provided on the petitioner's rezoning plan. This is the illustrative site plan; this site would be accessed from Mallard Creek Road which is Plan Left on the plan before you. There would be stub connection to the west of the site, which is Plan South, and then there would be amenity areas as Mr. Pettine provided and appropriate buffers, tree save, and open space. We are happy to answer any questions that you may have. Once again, we've got Ray Smith with the petitioner and Jeff Orsborn with Orsborn Engineering. Thank you for your consideration and we will resolve the site plan issues this week, three transportation notes need to be modified and have already been modified.

Councilmember Johnson said is this petition related to the industrial rezoning.

Mr. Carmichael said no ma'am it is not. Totally different.

Ms. Johnson said this is a big change to have zero people at the community meeting. Where are the notifications sent? Were they sent to any of the single-family developments in that area?

Mr. Carmichael said there are not many single-family homes within 300-feet of the site, but we sent them to the individuals and organizations that were identified on the City's mailing list that was provided to us by the Planning Department. That is property owners within 300-feet and registered neighborhood leaders and organizations within a mile which would include registered HOAs and individuals who simply want to be notified. I'm happy to provide the list to you, Ms. Johnson.

Councilmember Watlington said some time ago I asked for in addition to the 300-feet and one-mile notification that you would use Next Door to notify residents within the affected areas of what was going on so they could be a part of the community meeting. Has that been enacted?

Mr. Pettine said yeah, we just sent our first round of notices out with the April batch of petitions and so we will send out another round when we get to the June deadline which is next week. We don't have a May deadline, May and June are combined so when we hit that June 28th deadline we will send out another round of Next Door notices for all the petitions in that batch, and they don't get to a hearing for another two to three months so that about as much advance notice that we can provide once the petition becomes active. We just started that in April and will continue that moving forward. We had a good rollout of it at that first go-round and we will look forward to continuing to do it and see what kind of feedback we continue to get.

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

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ITEM NO. 37: HEARING ON PETITION NO. 2021-046 BY ALENKY FAMILY FOUNDATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.26 ACRES ALONG THE SOUTH SIDE OF RUTGERS AVENUE, WEST OF WEST SUGAR CREEK ROAD, AND NORTH OF NORTH TRYON STREET FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO UR-1 (CD) (URBAN RESIDENTIA, CONDITIONAL).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said this is 0.26 acres as mentioned on Rutgers Avenue, west of Ligustrum Street. The existing zoning is R-4 and the proposed zoning is for UR-1 (CD). The Central District Plan does call for single-family up to four DUA and GDP does apply in this case which would allow consideration over 12 dwelling units per acres so this petition would meet the GDP guidance. The proposal itself is for up to three single-family detached units on individual lots. We would provide an eight-foot planting strip and six-foot sidewalk through this petition and right-of-way dedication along the site's frontage. The walkways that would be provided from all of the residential entrances would connect to the sidewalks along public streets. Also, some architectural details such as usable porches and stoops will perform a predominant feature of the building design to be located on the front and/or side of the building. Garage doors would be set back 12 to 24 inches from the front wall plan and then pitched roofs would be symmetrically sloped no less than the pitch of 5:12 except that roofs for porches and attached sheds may be no less 2:12 unless a flat roof architectural style would be employed. The houses there are also getting about as close as we can to maintaining that front setback along Rutgers Avenue to maintain that general streetscape. You noticed on the zoning map as well, we have a UR-2 just to the east of this site on Ligustrum Street and Rutgers Avenue. That was a recent petition that was approved. There is an existing duplex, that petition was to allow some infill development and another duplex on that street. So, definitely seeing some infill development that is pretty sensible in this area that allows some different housing opportunities.

The staff does recommend approval of this petition. We do have some technical issues related to building design to be incorporated into the next round of revisions. While it is inconsistent with the Central District Plan land use recommendation of up to four dwelling units per acre, it is consistent with the General Development Policies which would support the residential density in the three single-family lots that are proposed. We will be happy to take any questions following Mr. Murray's presentation.

David Murray, 1109 Greenwood Cliff said I am with the Odom Firm, representing the petitioner here. This is a UR-1 (CD) rezoning, the purpose is to allow this site to be subdivided as Dave said. There is an existing, about 1,000 square foot house on this site, it is built on the extreme side of the property. That house is being renovated and that will be kept and the smaller lot sizes that will be to the left side of that house are going to provide more affordable products in this area. I'm happy to answer any questions that you have.

Councilmember Egleston said this makes a lot of sense.

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

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ITEM ON. 38: HEARING ON PETITION NO. 2021-047 BY CAROLYN ASSOCIATES OWNER, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 27.410 ACRES LOCATED OFF CAROLYN LANE AND JOE WHITENER ROAD WITH FRONTAGE AND ACCESS TO UNIVERSITY CITY BOULEVARD FROM UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) TO UR-2 (CD) SPA (URBAN RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Eiselt declared the hearing open.

David, Pettine, Planning said this is under 27.5 acres off University City Boulevard. The current zoning on the property is UR-2 (CD), the proposed zoning is to maintain that and modify the site plan and so some additional clarification on some of the notes that were previously approved for this project. The adopted future land use from the Newell Small Area Plan and the University City Area Plan both recommend residential uses up to 17 DUA. The proposal itself, as mentioned, is really a carryover of all the entitlements that were approved under Petition 2019-152, but we did make some minor adjustments to

clarify things like minimum-maximum height on the site would be measured just by the ordinance versus being measured in stories. We do refine the unit mixture of townhome versus multifamily units, removing the limitation of the 14 principle buildings that were referenced on the approved plan under that previous rezoning petition. Also revised some notes regarding the Dave McKinney Avenue Extension from West Rocky River Road to the connection point to the southern property. That revision really notes that if a reimbursement agreement is not finalized the petitioner would grant easements to the City to complete that connection and then extend the sunset date for the developer reimbursement agreement to July 1, 2022. There are also design guidelines that clarify some notes which address raised shared entryways through at last five different elements. It does not apply to the townhome units that would be constructed and also clarifies that if ventilation grates are provided along the first-floor building façade facing a public street that they shall be decorative in nature.

Staff does recommend approval of this petition upon resolution of those issues related to the site and building design. It is consistent with the Newell Small Area Plan, it is really consistent with the petition that was approved in 2019-152, and again, we are not increasing any of the entitlements, mainly carrying all those over and clarifying some of those transportation notes and some of those design commitments. With that, I will turn it over to the petitioner team for their presentation and I'll be happy to take any questions following that.

Keith MacVean, 100 North Tryon Street said I am assisting Carolyn Associates Owner, LLC the petitioner. With me, tonight representing the petitioner is Ian Wagoner. Most of you are familiar with The Spectrum Company, the Charlotte-based company that has been in existence since the early '80s, developed some of the [inaudible] office, mixed-use, multifamily communities throughout the southeast. Dave told you where the site was, it was approved back in April of last year for a total of 405 units, a combination of apartments and townhomes. This site plan amendment is a fairly technical site plan amendment really to eliminate a conflict between a note regarding the number of buildings in the approved site plan and to update some notes regarding transportation, the Dave McKinney Boulevard or a private partnership, and the reimbursement agreement for a future signal of Rocky River Road to extent that time frame. Those are really the changes. It does not change the number of units; you can see the old site plan on the left and the new site plan on the right are basically identical. As Dave mentioned, no change to the entitlements, no change to the buffers or setback, no change to the number of types of uses. It really allows the petitioner to develop the townhomes in smaller buildings versus larger buildings in those three development areas you see there in the darker gray or black. There is the proposed site plan, the apartments are actually under construction now; they've already been permitted for a total of 325 apartments which will leave 85 units to be developed with the townhomes at the rear of the site. We will be happy to answer any questions. We will submit a revised site plan addressing the remaining issues.

Councilmember Phipps said is Dave McKinney Avenue the same as Dave McKinney Boulevard?

Mr. MacVean said yes, it is; it starts on North Tryon Street and will eventually connect North Tryon Street to University City Boulevard. It is the main spine road on this site. Actually, the name has been changed to Mr. Phipps to Bryan Place, but it is the same road.

Mr. Phipps said you say the name has been changed.

Mr. MacVean said yes sir to Bryan Place. After the new vision, I believe.

Ian Wagoner, 300 South Tryon Street said it was a [inaudible] development requirement. Since they don't connect today, they do not share the same name, I think that would create some confusion, potentially to the Fire Department so that is why the name is changed.

Mr. Phipps said so the name has been changed from Dave McKinney Boulevard or Avenue to this new name.

Mr. Wagoner said for this particular segment of that road yes.

Mr. Phipps said so one part of the road is still Dave McKinney Avenue.

Mr. Wagoner said the road that was Dave McKinney Avenue before still is and the part of that road that may potentially connect in the future within our development area is called Bryan Place.

Mr. Phipps said I did have someone reach out to me to want to know why that was the case, why wouldn't that name continue on.

Mr. Wagoner said they are technically different roads at this point. One is wholly within our development area and several 100 feet beyond Rocky River Road through other folk's property is Dave McKinney Avenue.

Mr. Phipps said okay, thank you. I'll probably want to follow up with Planning Staff about that because I'm sure Mr. McKinney will probably be reaching out to me to better understand the reasoning for that.

Councilmember Johnson said is there anything that C-DOT wants to add, I didn't ask you about this to begin with, but I remember the 2019-152 and I remember working with Felix and with C-DOT, it wasn't you Dr. Byers. I would like to meet with you Mr. Phipps because I remember there being some opposition or highly contested issues with the traffic pattern so I want to get up to speed, and maybe if we can talk Keith that would be great.

Mr. MacVean said yes ma'am I'll be happy to follow up.

Mr. Wagoner said I would love to do that as well. I think this gets more [inaudible] not of the density or anything within this petition is changing other than traffic patterns are changing and I think as was noted earlier on we've actually extended the amount of time to continue to work with the City on a potential extension of Dave McKinney Avenue or Bryan Place to continue to work through us being able to make an extension making a connection there. We have a commitment either we are going to commit funds for off-site improvements within the original petition that we are not changing and our commitment to still offer any easements on our site to make that connection on our side to make that connection. We are still more than happy to do that and those were part of the original petition that was approved but we are extending the commitment by another year for us to continue to potentially make a connection to the current Dave McKinney Extension. I think really the only thing we've changed here is to create a little bit more time for us to continue to work with City staff to figure out the potential to make that connection with Dave McKinney.

But again, in terms of transportation and connection to the adjacent neighborhood, those are all issues related to our original petition a couple of years ago and there is no additional density requested here. Really, what we are trying to do is ultimately be able to break up the townhome units which you can see kind of sit on the southern side of the site is effectively smaller buildings and really max a six-unit buildings and that allows for a lesser dense transition from the multifamily towards the existing single-family and elementary school to the back to a kind of create a lower density both in terms of the size of the buildings and their height and the nature of those uses as you get towards the established single-family neighborhoods to the rear edge of the southeast of the site. That is really what we are clearing up here, as Keith noted a technical change but at the same time, we are asking for a little bit more time to continue working with the City on that potential connection to Dave McKinney Avenue.

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

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ITEM NO. 39: HEARING ON PETITION NO. 2021-088 BY THE CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.37 ACRES LOCATED ON THE NORTHWEST INTERSECTION OF SOUTH KINGS DRIVE AND MEDICAL CENTER DRIVE, EAST OF BLYTHE BOULEVARD FROM B-1 (NEIGHBORHOOD BUSINESS) TO O-3 (OFFICE).

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning said this is 3.37 acres on South Kings Drive and Medical Center Drive just adjacent with the campus of Atrium. The current zoning is B-1, the proposed zoning is O-3 Conventional Office. The adopted future land use is for the greenway, retail and office uses for the site.

Staff does recommend approval of this petition, it is convenient so there is no site plan, no conditions to be considered, no outstanding issues. It is consistent for the office and retail portions that are recommended in the Central District Plan. It is inconsistent with that recommendation for greenway uses although the greenway does exist located on the property. There is just no proposal to do anything different under this conventional petition for that. So, overall staff does recommend approval and we will be happy to answer any questions should you have any following Mr. Carmichael's presentation.

John Carmichael, 101 North Tryon Street said I am here on behalf of Atrium Health. With me tonight is Bennett Thompson of Atrium Health to answer your questions. As Mr. Pettine said it is about a 3.4-acre site located on the west side of South Kings Drive between East Morehead Street and Medical Center Drive. It is currently devoted to a surface parking lot, as you can see immediately to the west across Sugar Creek from the site is CMC Main, the Hospital. The request is to rezone the site from B-1 neighborhood business to O-3 Office, which once again is an office business district. We think this site is appropriate for uses that are allowed in the O-3 district and we appreciate the Planning Department's favorable recommendation and we are happy to answer any questions that we can. Thank you for your consideration.

Councilmember Egleston said as a fierce critic to surface parking lots I support this.

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

ADJOURNMENT

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

The meeting was adjourned at 9:20 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 4 Hours, 48 Minutes
Minutes Completed: August 25, 2021