

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, November 15, 2021, at 5:08 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Julie Eiselt, presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs Larken Egleston, Renee Johnson, Matt Newton, Gregg Phipps, Victoria Watlington, and Braxton Winston II.

**ABSENT:** Mayor Lyles.

**ABSENT UNTIL NOTED:** Councilmember Malcolm Graham.

**Mayor Pro Tem Julie Eiselt** said welcome to the November 15th Charlotte City Council Zoning meeting. Tonight's meeting is being held consistent with the virtual meeting laws that are in the electronic meeting statute and the requirements for notice access and minutes are being met electronically. You're all invited to watch this meeting on the Government Channel, the City's Facebook page, or the City's YouTube page.

\* \* \* \* \*

#### **INVOCATION AND PLEDGE**

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

**Councilmember Graham arrived at 5:12 p.m.**

\* \* \* \* \*

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

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

\* \* \* \* \*

#### **INTRODUCTION OF ZONING COMMITTEE**

**Keba Samuel, Chair of the Zoning Committee** introduced members of the Zoning Committee. They will meet on Wednesday, December 1, 2021, at 5:30 p.m. to make recommendations on the public hearings tonight. The public is invited, but it is not a continuation of the public hearing. For questions or to contact the Zoning Committee, information can be found at [charlotteplanning.org](http://charlotteplanning.org).

**Mayor Pro Tem Julie Eiselt** said I would like to highlight the fact that we have two of our County Commissioners here tonight. Welcome to Commissioner Elaine Powell and Commissioner Susan Rodriguez-McDowell. So, thank you all for being here.

\* \* \* \* \*

## DEFERRALS/ WITHDRAWALS

Motion was made by Councilmember Egleston, seconded by Councilmember Winston, and carried unanimously to defer: a decision on Item No. 3, Petition No. 2019-179 by Ronald Staley Jr.- Verde Homes, LLC to December 20, 2021; a decision on Item No. 4, Petition No 2020-038 by Clover Group, Inc to December 20, 2021; a decision for Item No. 5, Petition No 2020-181 by Albemarle Property Investors, LLC to December 20, 2021; a decision for Item No. 6, Petition No 2021-033 by Charlotte Pipe and Foundry Co. to December 20, 2021; a decision for item No. 7, Petition No 2021-103 by Providence Group Capital, LLC; a hearing on Item No. 20, Petition No 2021-096 by Ascent Real Estate Capital, LLC; and a hearing on Item No. 21, Petition No 2021-014 by Whitestone Holdings, Inc.

\* \* \* \* \*

## ITEM NO. 2: NATIONAL APPRENTICESHIP WEEK

**Mayor Pro Tem Julie Eiselt** read the following proclamation:

**WHEREAS**, National Apprenticeship Week is celebrating its 7th anniversary of raising awareness of the vital role Registered Apprenticeships provide in creating opportunities by allowing apprentices to earn while they learn and preparing a pathway to well-paying careers in Charlotte and across the nation; and

**WHEREAS**, Registered Apprenticeship programs enable employers to develop and train their future workforce while offering career seekers affordable paths to secure high-paying jobs, and

**WHEREAS**, Charlotte recognizes the role of Registered Apprenticeship in expanding opportunities in our workforce that are inclusive of individuals who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality, thus providing a path for all qualified individuals, including women, youth, people of color, rural communities, justice-involved individuals and individuals with disabilities, to become apprentices and contribute to America's industries; and

**WHEREAS**, Charlotte recognizes that Registered Apprenticeship, a proven and industry-driven training model, provides a critical talent pipeline that can train and build up our workforce to address our nation's pressing issues such as responding to climate change, modernizing our cybersecurity response, addressing public health issues, and rebuilding our country's infrastructure:

**NOW, THEREFORE**, I, Vi Alexander Lyles, Mayor of Charlotte, do hereby declare November 15-21, 2021 as

**“NATIONAL APPRENTICESHIP WEEK”**

in Charlotte and commend its observance to all citizens.

\* \* \* \* \*

**DECISIONS**

**ITEM NO. 8: ORDINANCE NO. 178-Z, PETITION NO. 2020-112 BY BRI 1882 INNOVATION PARK DEVELOPMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 57.2 ACRES ON THE EAST SIDE OF IBM DRIVE, SOUTH OF WEST W.T. HARRIS BOULEVARD, AND WEST OF INTERSTATE 85 HIGHWAY FROM RE-2 (RESEARCH) TO RE-3 (O) (RESEARCH, OPTIONAL) WITH 5-YEARS VESTED RIGHTS.**

The Zoning Committee voted 5-1 (motion by Ham, seconded by Chirinos) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the University Research Park Area Plan (2010), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office/retail/residential up to 22 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes a mixed-use development on a site which was previously utilized as a parking lot. This proposal is consistent with the area plan’s recommendation for a mix of uses on this site and fulfills the area plan’s goals of expanding housing choices and increasing the mix of uses in this area. The petition will increase street network connectivity through the construction of two public street entrances to the development on the western side of IBM Road, in addition to building out a public road connection to an existing entrance on the eastern side of IBM Road. The petition commits to enhancing bike and pedestrian connectivity, showing on the site plan multiple pedestrian walkways throughout the development, observing the sidewalk ordinance by proposing 12-foot multi-use paths and 8-foot planting strips along all public streets, and showing intent to connect to a future greenway at the top of the site. The petitioner requests several optional provisions to provide a certain amount of flexibility in the development process. These provisions allow the petitioner to respond to the sensitivity of market demand while also following through on their commitment to construct a large mixed-use development that will utilize the site to attract a strong and diverse tenant base to create a work, live, play environment. The optional provisions included in this site plan will allow the petitioner to optimize the site for the retail, residential, and office use and allow the petitioner to adapt to site and design constraints while still ensuring that it meets development requirements.

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

- A revision to the development standards to reflect the commitment to provide a 12-foot-wide multi-use path on New Public Road D.

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

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to adopt and approve following Statement of Consistency: this petition is found to be consistent with the University Research Park Area Plan (2010), based on the information from the final staff analysis and the public hearing and because the plan recommends office/retail/residential up to 22 dwelling units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes a mixed-use development on a site which was previously utilized as a parking lot. This proposal is consistent with the area plan's recommendation for a mix of uses on this site and fulfills the area plan's goals of expanding housing choices and increasing the mix of uses in this area. The petition will increase street network connectivity through the construction of two public street entrances to the development on the western side of IBM Road, in addition to building out a public road connection to an existing entrance on the eastern side of IBM Road. The petition commits to enhancing bike and pedestrian connectivity, showing on the site plan multiple pedestrian walkways throughout the development, observing the sidewalk ordinance by proposing 12-foot multi-use paths and 8-foot planting strips along all public streets, and showing intent to connect to a future greenway at the top of the site. The petitioner requests several optional provisions to provide a certain amount of flexibility in the development process. These provisions allow the petitioner to respond to the sensitivity of market demand while also following through on their commitment to construct a large mixed-use development that will utilize the site to attract a strong and diverse tenant base to create a work, live, play environment. The optional provisions included in this site plan will allow the petitioner to optimize the site for the retail, residential, and office use and allow the petitioner to adapt to site and design constraints while still ensuring that it meets development requirements as modified.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 453-454.

\* \* \* \* \*

**ITEM NO. 9: ORDINANCE NO. 179-Z, PETITION NO. 2021-060 BY SRL CENTRAL AVENUE PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.56**

**ACRES LOCATED AT THE NE CORNER OF THE INTERSECTION OF CENTRAL AVENUE AND MORNINGSIDE DRIVE IN THE PLAZA-MIDWOOD COMMUNITY FROM B-1/B-2 (NEIGHBORHOOD BUSINESS, GENERAL BUSINESS) TO MUDD(O) (MIXED-USE DEVELOPMENT, OPTIONAL).**

The Zoning Committee voted 6-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be both consistent and inconsistent 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 both retail and single-family uses for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the request is reasonable as the MUDD district permits most uses already allowed through existing zoning. The request is contextually appropriate to existing zoning and uses for adjacent parcels with frontage along Central Avenue. The petition aligns with the Central District Plan's policy of "encouraging well designed pedestrian-oriented community mixed-use centers to provide residents and the business community with a variety of retail and small business opportunities." The approval of this petition will revise the residential portion of the site's adopted future land use as specified by the Central District Plan from residential to retail/office uses.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to adopt and approve following Statement of Consistency: this petition is found to be both consistent and inconsistent 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 both retail and single family uses for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the request is reasonable as the MUDD district permits most uses already allowed through existing zoning. The request is contextually appropriate to existing zoning and uses for adjacent parcels with frontage along Central Avenue. The petition aligns with the Central District Plan's policy of "encouraging well designed pedestrian-oriented community mixed use centers to provide residents and the business community with a variety of retail and small business opportunities." The approval of this petition will revise the residential portion of the site's adopted future land use as specified by the Central District Plan from residential to retail/office uses.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 455-456.

\* \* \* \* \*

**ITEM NO. 10: ORDINANCE NO. 180-Z, PETITION NO. 2021-062 BY CHILDRESS KLEIN PROPERTIES AND DOMINION REALTY PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN**

**ZONING FOR APPROXIMATELY 24.4 ACRES LOCATED SOUTHEAST OF W. TYVOLA ROAD AND NORTHEAST OF BILLY GRAHAM PARKWAY, WEST OF INTERSTATE 77 FROM I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Spencer, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the adopted Central District Plan (1993) and inconsistent with General Development Policies (GDP), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends light industrial. The policy does not recommend density up to 17 DUAs 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 Zoning Committee finds this petition consistent with the adopted Charlotte Future 2040 Comprehensive Plan. The petition is consistent with Goal 1 of the Charlotte Future 2040 Comprehensive Plan- 10 Minute Neighborhoods by creating more opportunities for residential and future retail use in the community. Furthermore, it is consistent with Goal 2 of the Charlotte Future 2040 Comprehensive Plan – Neighborhood Diversity and Inclusion by including a diversity of housing units including townhomes and multifamily as well a commitment to affordable housing. The petition is consistent with Goal 8 of the Charlotte Future 2040 Comprehensive Plan – Diverse and Resilient Economic Opportunity by encouraging new housing opportunities within or near single-use commercial and office employment uses. The approval of this petition will revise the adopted future land use as specified by the Central District Plan (1993), from light industrial to residential up to 17 DUA for the site.

Motion was made by Councilmember X, seconded by Councilmember Y, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be inconsistent with the adopted Central District Plan (1993) and inconsistent with General Development Policies (GDP), based on the information from the final staff analysis and the public hearing and because the plan recommends light industrial. The policy does not recommend density up to 17 DUAs 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 Zoning Committee finds this petition consistent with the adopted Charlotte Future 2040 Comprehensive Plan. The petition is consistent with Goal 1 of the Charlotte Future 2040 Comprehensive Plan- 10 Minute Neighborhoods by creating more opportunities for residential and future retail use in the community. Furthermore, it is consistent with Goal 2 of the Charlotte Future 2040 Comprehensive Plan – Neighborhood Diversity and Inclusion by including a diversity of housing units including townhomes and multifamily as well a commitment to affordable housing. The petition is consistent with Goal 8 of the Charlotte Future 2040 Comprehensive Plan – Diverse and Resilient Economic Opportunity by encouraging new housing opportunities within or near single use commercial and office employment uses. The approval of this petition will revise the adopted future land use as specified by the Central District Plan (1993), from light industrial to residential up to 17 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 457-458.

\* \* \* \* \*

**ITEM NO. 11: ORDINANCE NO. 181-Z, PETITION NO. 2021-082, BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.39 ACRE LOCATED ON THE EAST SIDE OF CRAIG AVENUE, WEST OF MONROE ROAD, AND NORTH OF NORTH SHARON AMITY ROAD FROM -3 (SINGLE-FAMILY RESIDENTIAL) TO UR-1 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Spencer, 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 District Plan, However, the density for the petition is consistent with the General Development Policies based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends single-family residential up to 3 dwelling units per acre; and The General Develop Policies support up to 8 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 proposes 3 dwellings, 1 duplex, and 1 single-family home for a density of 7.7 units per acre the buildings are limited to 35 feet in height. The petition provides setbacks similar and compatible to setbacks of single-family homes in the neighborhood. Specifies that the duplex unit will have one unit orient

to Craig Avenue and another orient towards Falcon Street. Prohibits direct vehicular access to Craig Avenue. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single-family residential less than or equal to 3 dwellings per acre to residential up to 8 dwellings per acre for the site.

Motion was made by Councilmember Newton, seconded by Councilmember Driggs, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be inconsistent with the South District Plan, however, the density for the petition is consistent with the General Development Policies based on the information from the final staff analysis and the public hearing and because The plan recommends single-family residential up to 3 dwelling units per acre; and The General Develop Policies support up to 8 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 proposes 3 dwellings, 1 duplex and 1 single family home for a density of 7.7 units per acre the buildings are limited to 35 feet in height. The petition provides setbacks similar and compatible to setbacks of single-family homes in the neighborhood. Specifies that duplex unit will have one unit orient to Craig Avenue and another orient towards Falcon Street. Prohibits direct vehicular access to Craig Avenue. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential less than or equal to 3 dwellings per acre to residential up to 8 dwelling per acre for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 459-460.

\* \* \* \* \*

**ITEM NO. 12: ORDINANCE NO. 182-Z, PETITION NO. 2021-090, BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.18 ACRES LOCATED ON THE WEST SIDE OF MALLARD CREEK ROAD, NORTHEAST OF WEST W.T. HARRIS BOULEVARD, AND WEST OF INTERSTATE 85 FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Ham, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be is inconsistent with the Northwest District Plan (1990) recommendation of Single-Family residential use up to 4 dwelling units per acre, but consistent with the General Development Policies (GDP), which support a density of up to 8 dwellings per acre based on the information from the post-hearing staff analysis and the public hearing, and because be the plan recommends single-family residential up to 4 dwelling units per acre. The General Development Policies support up to 8 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 up to 33 for-sale townhome units for a density of 7.9 dwelling units per acre (DUA). The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. This petition meets the General Development Policies locational criteria for consideration of up to 8 DUA. The Northwest District Plan (1990) has a goal of encouraging a wide range of housing opportunities with an emphasis upon quality of development. This petition will provide increased housing opportunities in this area of Charlotte. The petition commits to enhancing the pedestrian environment through site design elements which include a 12-foot shared-use path along Mallard Creek Road as well as an 8-foot planting strip. The approval of this petition will revise the adopted future land use, as specified by the Northwest District Plan (1990), from Single-family residential up to 4 DUA to Residential up to 8 DUA for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Bokhari, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be inconsistent with the Northwest District Plan (1990) recommendation of Single-Family residential use up to 4 dwelling units per acre, but consistent with the General Development Policies (GDP), which support a density of up to 8 dwellings per acre based on the information from the final staff analysis and the public hearing, and because the plan recommends single family residential up to 4 dwelling units per acre. The General Development Policies support up to 8 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 up to 33 for-sale townhome units for a density of 7.9 dwelling units per acre (DUA). The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. This petition meets the General Development Policies locational criteria for consideration of up to 8 DUA. The Northwest District Plan (1990) has a goal of encouraging a wide range of housing opportunities with an emphasis upon quality of development. This petition will provide increased housing opportunities in this area of Charlotte. The petition commits to enhancing the pedestrian environment through site design elements which include a 12-foot shared use path along Mallard Creek Road as well as an 8-foot planting strip. The approval of this petition will revise the adopted future land use, as specified by the Northwest District Plan (1990), from Single Family residential up to 4 DUA to Residential up to 8 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 461-462.

\* \* \* \* \*

**ITEM NO. 13: ORDINANCE NO. 183-Z, PETITION NO. 2021-094, BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.88 ACRES LOCATED ON THE NORTH SIDE OF WISTERIA DRIVE, EAST OF SOUTH BOULEVARD, AND SOUTH OF ARCHDALE**

**DRIVE FROM R-22 MF (MULTI-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Chirinos) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Tyvola Archdale Transit Station Plan based on the information from the post-hearing analysis and the public hearing and because the plan recommends residential use less than or equal to 22 dwellings per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the petition proposed a single-family attached community with up to 33 units for a density of 17.4 units per acre. The site is currently zoned multi-family and is adjacent to multi-family zoning and development. The site provides a transition of land use from the single-family to the east to the commercial to the west. Provides a landscape area and screen fence along the northern and eastern property line adjacent to single-family. The site is within approximately ½ mile from the Archdale Transit Station on the Lynx Blue Line.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be to be consistent with the Tyvola Archdale Transit Station Plan based on the information from the final-hearing staff analysis and the public hearing and because the plan recommends residential use less than or equal to 22 dwellings per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition proposed a single family attached community with up to 33 units for a density of 17.4 units per acre. The site is currently zoned multi-family and is adjacent to multi-family zoning and development. The site provides a transition of land use from the single family to the east to the commercial to the west. Provides a landscape area and screen fence along the northern and eastern property line adjacent to single family. The site is within approximately ½ mile from the Archdale Transit

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 463-464.

\* \* \* \* \*

**ITEM NO. 14: ORDINANCE NO. 184-Z, PETITION NO. 2021-098, BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.49 ACRES LOCATED AT THE INTERSECTION OF NATIONS CROSSING ROAD AND WEST EXMORE STREET, NORTH OF WOODLAWN ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT-ORIENTED DEVELOPMENT - COMMUNITY CENTER).**

The Zoning Committee voted 6-0 (motion by Blumenthal, seconded by Chirinos) to recommend approval of this petition and adopt the following Statement of Consistency:

this petition is found to be inconsistent with the Woodlawn Transit Station Area Plan (2008) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office and retail uses for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the site is within a ½-mile walk of the Woodlawn Station. The TOD-CC district may be applied to parcels within a ½- mile walking distance of an existing rapid station, or within ½ mile walking distance of an existing streetcar stop. The petition would allow for the redevelopment of the site to transit-supportive uses. The site is in close proximity to other areas in transit-oriented development zoning districts. The site is located in an area of moderate-intensity development, appropriate for the application of the TOD-CC zoning district. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening the approval of this petition will revise the adopted future land use as specified by the Woodlawn Station Area Plan (2008), from office and retail uses to transit-oriented development for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to adopt and approve the following Statement of Consistency: inconsistent with the Woodlawn Transit Station Area Plan (2008) based on the information from the final staff analysis and the public hearing, and because the plan recommends office and retail uses for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the site is within a ½-mile walk of the Woodlawn Station. The TOD-CC district may be applied to parcels within a ½- mile walking distance of an existing rapid station, or within ½ mile walking distance of an existing streetcar stop. The petition would allow for the redevelopment of the site to transit supportive uses. The site is in close proximity to other areas in transit-oriented development zoning districts. The site is located in an area of moderate intensity development, appropriate for the application of the TOD-CC zoning district. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening the approval of this petition will revise the adopted future land use as specified by the Woodlawn Station Area Plan (2008), from office and retail uses to transit oriented development for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 465-466.

\* \* \* \* \*

**ITEM NO. 15: ORDINANCE NO. 185-Z, PETITION NO. 2021-099, BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.46 ACRE LOCATED ON THE EAST SIDE OF STATESVILLE ROAD, SOUTH OF CINDY LANE AND NORTH OF INTERSTATE 85**

**FROM B-2 (CD) (GENERAL BUSINESS, CONDITIONAL) TO B-2 (GENERAL BUSINESS).**

The Zoning Committee voted 6-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Northeast District Plan (1996), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends retail 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 by rezoning this site to B-2, the parcel will be consistent with the adjacent parcel to the south. There is an automotive sales business on both parcels, and they share the same owner. This petition is consistent with the Northeast District Plan (1996) recommendation of retail use for this parcel. This petition will keep the consistency of the existing retail use in this area as recommended by the area plan.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be consistent with the Northeast District Plan (1996), based on the information from the final staff analysis and the public hearing and because the plan recommends retail 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 by rezoning this site to B-2, the parcel will be consistent with the adjacent parcel to the south. There is an automotive sales business on both parcels, and they share the same owner. This petition is consistent with the Northeast District Plan (1996) recommendation of retail use for this parcel. This petition will keep the consistency of the existing retail use in this area as recommended by the area plan.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 467-468.

\* \* \* \* \*

**ITEM NO. 16: ORDINANCE NO. 186-Z, PETITION NO. 2021-104, BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.69 ACRE LOCATED AT THE NORTHEAST INTERSECTION OF PROVIDENCE ROAD AND FERNCLIFF ROAD, WEST OF RANDOLPH ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Chirinos) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the South District Plan density for the petition is consistent with the General Development Policies based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends single-family residential up to 3 units per acre. The General Development Policies support

up to 12 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 proposes 5 single-family attached dwellings in 2 buildings for a density of 7.24 units per acre. The buildings are limited to 40 feet in height and the massing of the proposed buildings is compatible with single-family homes along Ferncliff Road. The petition provides a large setback along Providence Road similar to other residential development along the corridor. The petition commits to a 10-foot side yard, maintains the existing vegetation, and provides supplemental vegetation along the eastern property line adjacent to single-family residential. Providence Road is a major thoroughfare, generally not suitable for low density, detached single-family. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single-family less than or equal to 3 DUA to residential up to 8 DUA for the site.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and carried unanimously to adopt and approve the following Statement of Consistency: this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the South District Plan density for the petition is consistent with the General Development Policies based on the information from the final staff analysis and the public hearing and because the plan recommends single family residential up to 3 units per acre. The General Development Policies support up to 12 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 proposes 5 single family attached dwellings in 2 buildings for a density of 7.24 units per acre. The buildings are limited to 40 feet in height and the massing of the proposed buildings is compatible with single family homes along Ferncliff Road. The petition provides a large setback along Providence Road similar to other residential development along the corridor. The petition commits to a 10-foot side yard, maintains the existing vegetation and provides supplemental vegetation along the eastern property line adjacent to single family residential. Providence Road is a major thoroughfare, generally not suitable for low density, detached single family. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family less than or equal to 3 DUA to residential up to 8 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 469-470.

\* \* \* \* \*

**ITEM NO. 17: ORDINANCE NO. 187-Z, PETITION NO. 2021-105, BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.44 ACRES LOCATED ON THE NORTH SIDE OF ROUNDTREE ROAD, SOUTH SIDE OF SCHOLTZ ROAD, WEST OF OLD PINEVILLE ROAD FROM I-2 (INDUSTRIAL) TO TOD-CC (TRANSIT-ORIENTED DEVELOPMENT - COMMERCIAL CENTER).**

The Zoning Committee voted 6-0 (motion by Blumenthal, seconded by Chirinos) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Woodlawn Transit Station Area Plan based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office/industrial-warehouse-distribution use. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the site is just over a 1/3 mile walk from the Woodlawn Station and approximately ¾ miles walk to the Tyvola Station on the LYNX Blue Line. Property to the northeast, across Scholtz Road, is zoned TOD-CC. The use of conventional TOD-CC zoning applies standards and regulations to create the desired form and intensity of transit-supportive development, and a conditional rezoning is not necessary. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the adopted future land use as specified by the Woodlawn Transit Station Area Plan, from office/ industrial-warehouse-distribution use to transit-oriented development for the site

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to adopt and approve the following Statement of Consistency: this petition and adopt the following Statement of Consistency: this petition is found to be inconsistent with the Woodlawn Transit Station Area Plan based on the information from the final staff analysis and the public hearing and because the plan recommends office/industrial-warehouse-distribution use. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is just over a 1/3 mile walk from the Woodlawn Station and approximately ¾ miles walk to the Tyvola Station on the LYNX Blue Line. Property to the northeast, across Scholtz Road is zoned TOD-CC. Use of conventional TOD-CC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD (transit-oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the adopted future land use as specified by the Woodlawn Transit Station Area Plan, from office/ industrial-warehouse-distribution use to transit oriented development for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 471-472.

\* \* \* \* \*

**ITEM NO. 18: ORDINANCE NO. 188-Z, PETITION NO. 2021-138, BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.60 ACRES LOCATED ON THE SOUTH SIDE OF PROVIDENCE ROAD WEST, NORTHEAST OF MARVIN ROAD, AND WEST OF**

**JOHNSTON ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-22MF (MULTI-FAMILY RESIDENTIAL).**

The Zoning Committee voted 6-0 (motion by Spencer, seconded by Rhodes) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South District Plan and inconsistent with the density recommended by the General Development Policies based on the information from the post-hearing staff analysis and the public hearing and because the Plan recommends single-family residential use up to 3 dwelling units per acre. The General Development Policies support residential use up to 12 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 would allow residential density up to 22 dwelling units per acre. The proposed zoning serves as a transition in allowed land use and density between the multi-family to the west and the institutional and commercial uses to the east. The site is located adjacent to a commercial node and within walking distance to retail amenities and employment opportunities including grocery stores, eating drinking, and entertainment establishments, offices, hotel, police departments, and future hospitals. The site is located on a major thoroughfare connecting to Johnston Road and Lancaster Highway. Due to site location and surrounding development, it is not appropriate for the development of single-family detached residential. The proposal provides opportunities for additional and diverse housing options in the area. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single-family residential use up to 3 dwelling units per acre to residential use up to 22 dwelling units per acre for the site.

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, and carried unanimously to adopt and approve the following Statement of Consistency: This petition is found to be his petition is found to be inconsistent with the South District Plan and inconsistent with the density recommended by the General Development Policies based on the information from the final staff analysis and the public hearing and because the Plan recommends single family residential use up to 3 dwelling units per acre. The General Development Policies support residential use up to 12 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 would allow residential density up to 22 dwelling units per acre. The proposed zoning serves as transition in allowed land use and density between the multi-family to the west and the institutional and commercial uses to the east. The site is located adjacent to a commercial node and within walking distance to retail amenities and employment opportunities including grocery stores, eating drinking and entertainment establishments, offices, hotel, police department and future hospital. The site is located on a major thoroughfare connecting to Johnston Road and Lancaster Highway. Due to site location and surrounding development, it is not appropriate for development of single family detached residential. The proposal provides opportunities for additional and diverse housing options in the area. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential use up to 3 dwelling units per acre to residential use up to 22 dwelling units per acre for the site.

**Councilmember Driggs** said as you may remember colleagues, this is a city-owned piece of land. We are rezoning it for a higher density with the intention of putting out an RFP (Request For Proposal) for an affordable housing development there. Last month I asked that we defer the decision on this so that we could schedule a meeting with the residents just to inform them about what was going on. It wasn't a mandatory community meeting because it's a conventional rezoning. I just want to note that the staff did in fact send out notice of that meeting and they were there. There was hardly any attendance. I think one person came. I appreciate that the staff did that and that we were able to offer that opportunity to residents to learn about this. We will be reaching out to residents again as the RFP responses come in and we have a better idea of what's going to happen at that location.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 473-474.

\* \* \* \* \*

**ITEM NO. 19: ORDINANCE NO. 189-Z, PETITION NO. 2021-163, BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.23 ACRES LOCATED ON THE EAST AND WEST SIDE OF EAST 7TH STREET, NORTH OF NORTH COLLEGE STREET, AND SOUTH OF NORTH TRYON STREET FROM UMUD (UPTOWN MIXED-USE) AND UMUD-O**



**(UPTOWN MIXED-USE, OPTIONAL) TO UMUD-O SPA (UPTOWN MIXED-USE, OPTIONAL, SITE PLAN AMENDMENT) AND UMUD-O (UPTOWN MIXED-USE, OPTIONAL).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following Statement of Consistency: this petition is found to be consistent with the Charlotte Center City 2020 Vision Plan (2011) and North Tryon Vision Plan (2017) based on the information from the post-hearing staff analysis and the public hearing, and because the plan encourages future development to contribute to the overall viability and livability of Center City. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because this petition is consistent with the North Tryon Vision Plan recommendation for a mix of uses and structured parking at the site. The petition aligns with the North Tryon Vision Plan recommendation for pedestrian connectivity through the site to make the block more permeable to pedestrian access. The petition would be complementary to the surrounding development pattern and promotes alternative transportation by creating a designated rideshare area along 7th Street.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to adopt and approve the following Statement of Consistency: this petition is found to be consistent with the Charlotte Center City 2020 Vision Plan (2011) and North Tryon Vision Plan (2017) based on the information from the final staff analysis and the public hearing, and because the plan encourages future development to contribute to the overall viability and livability of Center City. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because this petition is consistent with the North Tryon Vision Plan recommendation for a mix of uses and structured parking at the site. The petition aligns with the North Tryon Vision Plan recommendation for pedestrian connectivity through the site to make the block more permeable to pedestrian access. The petition would be complementary to the surrounding development pattern and promotes alternative transportation by creating a designated rideshare area along 7th Street.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 475-476.

\* \* \* \* \*

**HEARINGS**

**ITEM NO. 22: HEARING ON PETITION NO. 2021-019 BY FIFTH THIRD BANK FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.976 ACRES LOCATED ON THE NORTH SIDE OF WOODLAWN ROAD, EAST OF TRYON STREET, AND WEST OF SOUTH BOULEVARD FROM TOD-CC (TRANSIT-ORIENTED DEVELOPMENT-**

**COMMUNITY CENTER) TO TOD-TR(CD) (TRANSIT-ORIENTED DEVELOPMENT-TRANSITIONAL, CONDITIONAL).**

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

**David Pettine, Planning** said as mentioned just under an acre on Woodlawn Road at the intersection of Woodlawn and South Boulevard. Currently zoned TOD-CC the proposed zoning is TOD-TR. There are some conditions that are being proposed with that TR request. The Woodlawn Transit Station Area Plan does recommend transit-oriented mixed-use for the subject parcel. Which would be consistent with the TOD zoning districts. The proposal is for a 2,500 square foot financial institution with two drive-through facilities. It would allow all uses by-right and other prescribed conditions in the TOD-TR District. It does state that excessive drive-through use should only be permitted with the association with the financial institution. So, no other drive-through accessories would be permitted with other uses that could be put on-site under that zoning district. It does provide a public art component. A local artist in the area generally depicted on the plan. Also proposes currently some bus stop enhancements. That would be along with bus-route 12, to be coordinated with CATS (Charlotte Area Transit Center) and the Madison Park community. Those have been some ongoing discussions that I will let the petitioner speak to as they go through their presentation about the coordination with CATS.

Also, illustrates the section from the transit station area plan as it pertains to some improvements along the frontage on Woodlawn Road. As mentioned, the staff does not recommend approval of this petition, while it is consistent with that Woodlawn Transit Station Area Plan. The alignment rezoning that we did under 2019-102 brought this property in due alignment with the TOD-CC zoning district That's one of our more intensive TOD Districts. So, just generally the staff was not in support of taking that down to a lower TOD zoning district with less intensity and really didn't meet the general intended outcome of that Transit Station Area Plan. So, we again did not want to go backward from that TOD-CC District to the TR District.

**Collin Brown, 1420 East 7th Street** said on behalf of the petitioner Fifth Third. This is not your first time seeing this petition. This came to you in the spring, received a pretty icy reception. So, I hope you will just hear us out tonight. I don't expect differently but wanted to tell you about this. Kind of how we got here. It was a conventional petition last time so we could not answer and address some issues. The property location as Dave mentioned is in District three, at the intersection of South and Woodlawn. So, it is in Ms. Watling's district, but the district line is right there so it was also serving constituents from District one and District six on the south side of Woodlawn. The reason we are here, it's not that we are dense and just beating our heads against the wall. Fifth Third is committed to this site. They control it. They made a long-term lease commitment to this site prior to its zoning. So, Fifth Third as you know is entering the market. They have had a very robust entry. They're working very hard with the community to build relationships and they selected its site because it's a great location. There is a bank with a drive-through at most next door. So, they signed a long-term lease on the property.

Then as you know we did the TOD realignment. So, this is one of the 1900 properties that was rezoned. So, here it is. Today it is the vacant Dragon House Chinese food restaurant. So, Fifth Third is committed. They are going to do a bank at this location. They made that lease commitment based on the prior zoning. Which would allow a bank with a drive-through window. However, the current zoning, the TOD-CC as Dave mentioned is one of the more intensive TOD Districts. So, it would allow heavier development, more dense development. It does not allow drive-throughs. So, that is the position that Fifth Third finds themselves in. They in the Spring proposed conventional zoning. So, they looked at the TOD options. There is a TOD-TR, which is your transitional TOD that allows drive-throughs. So, they proposed that as a straight-up conventional rezoning.

In addition to that, it allows all of the other things in TOD-TR like fast food drive-throughs that the staff does not want to see there. So, again that [inaudible] with a pretty icy. Reception. What can we do? I've talked to a few of you. Mayor Pro Tem, I know you looked at this and said it makes sense in some places, but they're just not enough community benefits at this location. So, the Fifth Third team has [inaudible] really the last six months. The staff has said okay, we would accept conditional zoning on this. So, show us what you are able to do. So, now we are back to you with a conditional plan.

What you see is not a lot different from what Fifth Third plans, but they couldn't show you this. So, they are in the center. You can see the bank location. It is pulled to the street. It is meeting all of the TOD design standards that we would have expected. There is a back to the left to the rear there, you can see it is a detached drive-up service location. Then kind of the lower right, you can see a grey pad there. That is actually a good bit of the site that is left over. As we started talking about community benefits. We talked about some positive things that could be done there.

So, here we are from what you saw in the Spring. It was just a blank slate, a TOD-TR. Anything could have been done there. A lot of things that we know we don't want to see at the corner. So, what we have tried to do with this plan is rule out the things that we don't want. So, we are committing that he would be a financial institution. That is the only thing that could be used for the drive-through. So, we are not getting these high volumes, fast food, drive-throughs. Thank what we are doing is that we are trying to go out and find a community benefit, but it's really providing a community benefit. So, I'll show you some slides in a moment. Fifth Third is committed to making that open space, both in the lower right there, really positive with some public area trending a little bit further than that.

So, here is the look of the building. You can see this is the design for the front. Again, it meets our TOD standards for design, pulls the building to the street. You do not see parking. You do see in this visual if you look on the left there, that is the drive-through component separated, setback from the street. So, it is not dominating the site. Continue to work on the design. So, even though this does have a drive-through component, the finance drive-throughs are not drawing the massive crowds with the long lines that are disrupting traffic. We don't think it ruins the flow or otherwise transit-oriented design of the building.

This is showing the kind of open area to the side. So, we thought how do we embrace this? How do we make this more welcoming for the public? So, we have some commitments for enhancing that area, adding some public art, and then we've taken it a step further. Fifth Third has reached out to the community, a very active organization. That area is the Madison Park Community Organization. We've engaged with them. Actually, some of the Madison Park leadership. We said, well what if do some [inaudible] on this site? They pushed us a step further. We happen to have a member of the community who is here on the zoning committee and pretty savvy about these things. He said, hey if you're doing transit-oriented zoning and you really wanted to be, what can you add for transit? So, his challenge for us was looking up and down the corridor there. There are a lot of bus stops. There is basically a sign stuck in the ground. So, his challenge was could you guys go out with CATS? Could you find some ways to really provide some community benefit that is supporting transit, kind of offsetting the potential impact of this drive-through window? So, we have been working on CATS. With that as you can imagine, it's kind of challenging finding locations where we can get benches, where we can get shelters. So, we are having an ongoing conversation with CATS to get some feedback that we hope we could bring back by the time we see you next and say this is our commitment. We are having different conversations. The community is coming up with different ideas. So, all that kind of brings us to where we are.

So, here is the choice and I'm not trying to be a jerk about it, put you in a situation where we've got a new bank, but it is committed to the site. They've leased the site. So, they are building a bank branch here. Here is our option. On the left, we have the bank branch. Same design. It does not have the detached drive-through as you see. So, if this zoning is not approved, that's what they'll build. They are committed. It's got to be built. [inaudible] meet the TOD standards. What we'd like is to propose some community benefits to offset. So, the condition on the right is what we are proposing with this zoning. The difference is you can see the little canopy for the detached drive-through to the rear of the site. So, that's what we are asking for. We think that we've got some good community [inaudible] to offset that. Something that will really be appreciated by the community. With our last couple of minutes, I'm going to turn it over to DeAnn Leonard to talk about the need for the drive-through. I don't think this is something that has changed in the character of the area. Either way, there will be a detached bank branch in this location. However, there is a real need for this service and I'm going to let DeAnn speak to that.

**DeAnn Leonard, 201 North Tryon Street** said I'm the Real Estate Manager that was hired specifically because I sit here locally in Charlotte. I was brought in to continue forward with this thoughtful expansion into our Charlotte market. As many of you have been involved, we are searching for at least 20 branches to open. Many of those that you have seen are ready to pop up in the area with a similar look to what you see on the screen here. The purpose is for us to bring customer-focused attention and bring it back to personal banking. As we were getting started into this we are all very aware of the COVID (mild to severe respiratory infection caused by the coronavirus) pandemic. What it did is it brought a few issues to the forefront for us. During that time, we actually became appointments only for two months. What we found during that time is that there was a

50%-70% reduction in account openings. We also noticed that with that everyone started to [inaudible] to a drive-through. Customers were able to continue to access their cash. They could even make their deposits, their weekly deposits as needed. What many of you may not realize is that you can even open an account from a drive-through. Since then and the reopening, we've continued to hear from our customers and some customers still have a large concern with coming back into a bank. They are very much focused on staying with the continued banking through a drive-through. They feel more protection and they are just more comfortable with that form of separation at this time. Taking COVID out of it, there are a couple of groups of individuals that you may not consider if you're not living in that world each and every day, but for individuals that have disabilities, the use of a drive-through is extremely important to them. Customers with young children or even if you have multiple children. I can tell you I have a four-year-old. On certain days I am certainly not going to battle him trying to get out of the car to take care of whatever I may need. When I can utilize a drive-through, life can be a little easier on those days.

As it relates to underserve underserved in banking areas, and we do view this as an underserve banking area, when we go back and we look at our portfolio, we see that in these areas we have the highest numbers of transactions. What that means is that when we talk about these transactions, a lot of these transactions are actually coming through a drive-through.

**Councilmember Driggs** said a quick question for the staff. I appreciate your enforcement of power zoning regulations. In this case absent the letter of our zoning ordinance, is there a public reason interest why this drive-through would actually create something that is adverse to our intentions? Do you see what I mean? I mean if there is a letter of our rule and then we look at this. We try to make a public interest decision and in your opinion would it be harmful to have that drive-through there/

Mr. Pettine said I think what our general review and overview of this is that going down to the TR District, that becomes one of the more auto-oriented TOD District that we have. I think the goal for this area is to try to steer more in the other direction to become less auto-dependent with the uses that get established in that district. With that said I think the challenge for us is if we do a TR for a drive-through in the CC-District and go backward from that do we continue to do that in another place? Do we review these on a case-by-case kind of basis? This is not an uncommon challenge that we are dealing with as a staff right now, where we've got understanding the needs of what some of that market pressures is for additional drive-through locations, but also trying to consider to facilitate the goals that we have a city with less auto dependency, more pedestrian-oriented type uses particularly in those TOD District. So, I think that's where we Kind of have a bit of a challenge bouse we don't want to because we don't want to continue to see that degradation of those TOD District two. Some of the auto-oriented ones, but we certainly recognize we have the challenge to continue to address the need for drive-through facilities from some of these locations.

Mr. Driggs said and we have a shorter-term COVID problem. Then this branch is going to be there for a long time. So, we really need to think also over the entire term.

**Councilmember Ajmera** said this question is for Mr. Collin Brown. Keep it on this slide. Where we have by-right versus the conditional zoning, it looks the same except for the drive-through. So, with open space, the public art option, and the transit improvement, would that all still be part of the by-right development or that would only be incorporated with this conditional rezoning?

Mr. Brown said that was the purpose of the conditional zoning so that we could make those offers and make them part of the rezoning. I don't think if they build the stand-alone, they are going to do a poor job on the open space, right. But I do think if approve, part of the rezoning would be amenitizing that and then providing this additional community benefit, whether it be this coordination with CATS or something else that we are currently discussing.

Ms. Ajmera said I mean from the drawing it looks the same to me, but I'm sure we can't see the public art and the improvement to the transit stop. I think in this case we got to balance the market demand with the transit-oriented use. That's not an easy ask here because we have the goals for transit-oriented development, but at the same time, we are trying to balance it with where the market is going. I see there is more demand that is coming in for drive-throughs. As a new mother, I can relate to what one of the speakers said about using drive-through because you don't want to expose little kids under five years old to COVID. There is the time I've used more drive-throughs now than before. So, I can relate to that and I see there is a shift in demands. So, I'm struggling with this one, but I strongly appreciate the incentives here. Which is open space, public art, improving the transit stop, and we also have to keep in mind that we are reviewing this rezoning petitions on a case-by-case basis. So, just because we approve this, we don't have to necessarily approve others. So, I'm open to this.

**Councilmember Bokhari** said I just think again in the Fintech and banking space where I exist every day, I probably would have had a very different position on this petition two years ago. The trend in everything that was happening was shuttering branches, online capabilities, and less drive-through, less branch at all. We just saw something so unique through the COVID period that it wasn't just kind of walking back of that in general. It had a disproportionate impact on those that are underbanked and unbanked particularly of which we've heard in that part of town is there. So, if you've been around Woodlawn if you've gone to the restaurants and the things that are in this general area right there, this is the kind of part of town that is underbanked and unbanked to an extent. If they don't have an option that's open to them no matter what the future has in store from a COVID perspective or beyond they are going to go to check cashing locations. There is one right down the street from this there. Those are where unbanked and underbanked folks go. Again, none of us know what the trend is going to be long-term post COVID, but I think a lot of us had our eyes open that we need to be prepared for uses like this because it's the least of those that get hurt the most without having them. So, I think in general this is a

theme that in banking is not going to have the high volume as it's said with drive-throughs for restaurants and things like that, but it has a very different value proposition in having that capability. My hope is that with our partners from the county here, I think this is a really viable connection point between our bodies which is what's the long-term play here. What ultimately is the county going to start laying out the guidance of this is what we are seeing the new normal being in certain peak points when we are going to bring back mandates, we are going to do certain things. As things close down it would be helpful for us to have that kind of in site from the medical folks long-term as we are thinking about land-use decisions as they touch those really realistic bases for us.

**Councilmember Winston** said I'm going to try this one again. Last time this came up I got scolded by one of my colleagues that I was too mean to this new partner that's coming into our community. Which I encourage and I try to say it last time. This has nothing to do with the landholder here. I beg my colleagues to really look at this policy, I know we have expertise in Fintech and all of this, but I think I'm the only person who has any experience in a dense urban environment that has transit-oriented development, has lived amongst it. Some of the philosophy that I'm hearing here to hear that I think to go against the staff non-support of this proposal is that one, the unbanked and the underbanked folks seeing that replacing transit-oriented development to give an auto-centric approach, the auto-centric solution doesn't equate. You are supposed to create an infrastructure that removes the need for a car. That is how families can save \$4,000 a year right there.

So, if you start to build infrastructure that supports that type of housing over time that is how you actually better serve that population. So, by having a drive-through, you are not better at serving this population. I appreciate like I said this new company that has this bank Fifth Third as [inaudible] market, but it does seem like we are going to play a friendly game of chicken here. They say they have this property. They're going to have this property for a long time. We have this policy. We can butt up against it or see who blinks first. Seems like there are some of us that are going to blink. If we do that, I want you to hear what the staff said, you're going to degrade the policy over time. I think will have been the second TOD condition zoning would have been a condition to put a drive-through through. I think probably the second one that Mr. Brown worked on. I've known Mr. Brown for a long time you start to get expertise on how you can use conditional rezonings to get away from the intent of the policy in the first plan. This was what we were trying to solve. So, yeah we can deal with this on a case-by-case basis, but if you do two a year, then you do four a year, then you do six-year, then you do 20 a year. If you look at the zonings that are all around you have across the street, one of those strip malls that is not optimized use on the TOD zoning and other types of strip malls, kind of auto-centric type of development that was characteristic of where we were going. On top of that across the street, you see residential zonings. You want that transit-oriented development to take hold over time. So, folks that exist in that residential will do things like walk to the train station, and on the way to walking to the train station, they might stop at the bank. They might get a cup of coffee or bacon, egg, and cheese at the store on the way. If so if you don't let these land-use policies take hold over time, you will degrade it. You will never get to the intent of the policy and you will create holds and one-offs here and there that

again, degrade the intent of this policy. So, I hear what the petitioner is saying and what Mr. Brown is saying. I think there is a reason why we drew up these TOD policies in a fashion that didn't allow for these drive-throughs and these other auto-centric infrastructures and developments. I would really, really beg my colleague to really consider that in the decisions that we make here specific to this one. I don't think it meets the muster of the requested condition.

**Councilmember Egleston** said one thing for Ms. Leonard. If this is something you know and could answer now, great. If not I'd be interested to know if you have this data, but anecdotally I had heard from folks in the banking industry that during COVID much of the business had moved to as Mr. Bokhari referenced online banking more so than walk up or drive-up banking. So, do you have any statistics about how much of your banking traffic increased through drive-ups or walk-ups versus online or app-based banking over the course of COVID?

Ms. Leonard said I don't have that specific information for you, but I'll be happy to get it for you if we have it in our database. What we did see is definitely the shift from anyone feeling comfortable coming into a facility versus wanting to go out and stay remote within their car.

Mr. Egleston said yeah, no doubt at all that the traffic in the branch itself would have decreased. I guess I'm just curious if you will have data about where that traffic went percentage-wise from online to in-person, but outside of the bank. I can get that from you later and appreciate the follow-up on that. I guess to the point of maximizing our TOD zoning, I agree with the idea of high-density development and continuously support a high-density development along the transit line. In this case, I think we need to as it was pointed out consider the two potential outcomes here. They are both of the same density. It's simply a matter of whether or not we're going to have drive-up access for customers because they own it and they are going to build the bank either way. Then we are not choosing between this proposal and something that would be much more high density. Which some of us might prefer to see with this proximity to the light rail. So, the density is what the density's going to be regardless of whether we approve this or not. We are simply making a binary decision between whether or not we are going to have drive-up access for customers. I think there are valid arguments on both sides. That's it for now and I will look for a follow-up on the information about the data that demonstrates the necessity for the drive-up option.

**Councilmember Watlington** said much of what I was going to say has already been mentioned. I appreciate my colleagues paying close attention to this one as well. We have reiterated already similar lots to this one. I certainly can appreciate like others have said the staff's position on trying to hold the line. Also, we have Council votes for a reason, right. As Councilmember Ajmera mentioned at the end of the day we look at these on a case-by-case basis because at the end of the day our solely decision should reflect what our community actually wants and what the need is. In this case, we need additional banking options in our area. Councilmember Egleston astutely said we're choosing



between a bank with a drive-through or a bank without a drive-through. So, I think that creates a situation where we have an opportunity to really consider this specific case.

When I think about TOD in particular, especially as I see how it does impact existing neighborhoods and considering that we are in need desperately of a fully workable and convenient transit system, I hesitate to force walking on people when that's already an option here. Having a drive-through here does not prevent people from using other modes of transportation to get here. I could see if the drive-through was perhaps the only option and you could only get there by highway or driving a car. That's one thing, but in this case the option to walk, the option to bike, or use your scooter is still going to exist. So, I don't think our role necessarily here is about eliminating options just because they are not to our personal liking, but about preserving options for the people that live there and are going to be using this. I don't see how this particular drive-through will be creating car trips. As you all know this is right off of the highway. People that are going to be exiting the highway and driving home or to their next destination are going to be in their cars anyway. They not going to leave somewhere so they can walk specifically to the bank. So, I think in this case this bank drive-through would be an additional option for accessibility. I look forward to some of the other infrastructure investments that Fifth Third is working to make possible.

Also, to the proposed art installation as well. So, I think that this one enhances bus and transit options, while also acknowledging the very real climate that we are in from a market standpoint. Also, not making it an undue burden to their customers to be able to get to the bank without having to walk a mile or wherever they are coming from in particular. So, I'll be supporting this one.

**Councilmember Phipps** said this question is for the staff. Were there no transitional provisions from nonconforming uses as a result of corrective rezonings to TOD? As been stated the bank signed a long-term lease prior to us initiating those corrective rezonings. So, what was the relief if any that the bank received as a result of the corrective rezoning?

Mr. Pettine said so essentially, we'd be dealing with completely new use of the nonconformity really wouldn't be necessarily applicable in this case in terms of trying to add, A, the financial institution, B, the drive-through component. They wouldn't fall under any kind of non-conforming use. So, they wouldn't typically get into a situation like that. Now, I do know nonconformity is under TOD that has drive-throughs that want to go in and redo and upgrade them. That is a challenge that they are continually working through right now as well. So, it wouldn't really fall under any kind of nonconformity. It really is just following under the new ask for a district that would accommodate a drive-through facility versus one that wouldn't.

Mr. Phipps said my use of the term non-conforming in this instance applies to whereas when they sign the lease they were able to I guess implement their plan. But for our corrective rezoning, they are currently not able to do it. So, that's why I thought in that corrective rezoning and non-conforming uses.

Mr. Brown said if they had pulled their building permit they would have been okay. But they hadn't got a building permit yet when the zoning changes,

Mr. Phipps said also in terms unbanked and underbaked have been thrown around. Do we know around a certain radius, how many financial institutions there are already in the area? It's been reported in various media over the last few weeks that several large financial institutions are closing down their brick-and-mortar structures across certain parts of town. So, do we know in fact? Is this area unbanked or do we have any metrics to support that assertion?

Ms. Leonard said I can provide a map that can show that detail as needed.

Mr. Phipps said thank you.

Ms. Leonard said as it stands right now the way that we are looking at it, I think there are two branches in the area and one of them is actually closing.

Mr. Phipps said thank you.

Mayor Pro Tem Eiselt said I have a couple of questions. Mr. Winston mentioned living in dense cities and I two have lived in two very dense cities. It's great when the infrastructures are there. We've had these conversations. As we transition to what we all really want to see. A more walkable city that uses public transportation and has public transportation which is efficient, reliable, predictable, that's a very different scenario. We're not there yet. So, I do struggle sometimes with saying, no, no, no, we are going cold turkey on some of these things on some of these decisions. That said I think we have to think very carefully before we go back on our TOD rezonings because we just passed it. This isn't something that got passed in 2000. We just passed this. So, as I look at this A, I want to ask what happens if the property sales and we have seen that with zoning recently. That we rezoned it and then the property sold. So, now you're not necessarily dealing with that bank. You can say that you're going to keep it but would we all be making the same decision if it got sold for a different use that can now use a drive-through. So, does anybody else have the right to build a drive-through?

Mr. Pettine said the way I understand it, it would only be a drive-through for a financial institution. So, it could only be another bank with another drive-through. It couldn't be then a fast-food drive-through come in or another drive-through use.

Mayor Pro Tem Eiselt said okay, well that's good. Secondly, I really like the idea. This goes back to the transition because we had a lot of things that we need in this city. One of them is pedestrian safety. So, I like the idea that you were talking about the community benefits of crosswalks or whatever it is. But I really feel like I need to hear more about that before I can make that decision. The question is if you were to sell the property after it was rezoned. Do those community benefits go with it? Stop me if I'm asking too much from a legal standpoint, but if we approve something thinking well, the benefit is it's going

to be safer for pedestrians that do want to walk to the bank or whatever. That for me would help me make up my mind.

**Terrie Hagler-Gray, Senior Assistant Attorney** said are you asking if you can ask for additional benefits?

Mayor Pro Tem said no I'd like to know what they are going to promise and then does that get written into the plan. So, specifically. So, no matter who bought that property they would have to include that in there.

Mr. Brown said that is why we're doing this as conditional zoning. So, it's not just a community benefits agreement. So, what we agreed to will be in the zone that will run with the land and will restrict the uses. I think the benefits we're looking for them to be infrastructure. So, that they are installed and remain.

Mayor Pro Tem Eiselt said and we'll know that before this comes for a decision?

Mr. Brown said we are trying very hard to know this now.

Mayor Pro Tem Eiselt said that for me would be really critical to get to a yes for this. Then I'll just say the last thing about drive-throughs is that I really do hope that we are not going to cave just wholesale on drive-throughs. Especially restaurants and things like that. I love the idea, whoever pointed it out Ms. Leonard I think that for people that are disabled and Ms. Ajmera, I remember having my three kids in the car and the last thing I wanted to do is get them out of those cars' seats. So, I do appreciate with young children and things like that being able to have a drive-through. I wouldn't want to get stuck behind the guy opening up a checking account in a drive-through. Just from a time standpoint but also from an admission standpoint. I think that's the problem with drive-throughs, right. Your going to get stuck behind somebody who's got their car running for 20 minutes while they are opening a checking account doesn't sound like it's going to help us meet our SEAP (Strategic Energy Action Plan) goal. So, I would encourage whenever we look at these that we push our petitioners to talk to their clients to say can you even do something where they do a lot of this online? If you go through the drive-through, you sign it and then you move on. So, we are moving these cars in and out of there. Instead of having people lined up from somebody that's trying to open a checking account. I don't think that's what we want is cars lined up at drive-throughs.

So, overall, I'm still undecided on this one. I just would need to see what the benefit is for that trade-off because I do agree that we really want to get towards being a more pedestrian-friendly city. If there is nothing there right now we have to be a little bit flexible on some of these deals.

**Councilmember Johnson** said I just wanted clarification. I just want a newer councilmember. I know that historically that councils have been opposed or there have been restrictions surrounding drive-throughs. Can I get the policy on why that was

developed or why we are anti-drive through in the City of Charlotte? You mentioned SEAP and I don't know other reasons, but I would love to know why that is our position in this city and when that policy was designed? We know [inaudible] that things have changed. Fifth Third got a significant presence in the city and I know they are coming regardless of if we have a drive-through or not. I am looking forward to that, but I really want to know the benefit of us not considering changing our policy surrounding drive-throughs because I know that we've had several petitions. I just don't know why we as a city or City Council or City staff is opposed to drive-throughs here in Charlotte. I'd love to know that policy or know the history or know the position why that was established.

Mayor Pro Tem said just for self-stated, it's not a policy. It's a practice and Taiwo is going to talk about that as to the why. I also just want to say that I really think it's not a great idea to focus on the who because again this property can get sold and it could be any bank. So, we have to make a good decision on land use.

Ms. Johnson said and I know that. One of the things you said, if the bank were sold and it was another type of establishment then they would have permission to have a drive-through. So, I want to know what would be the problem with that? Why is Council historically opposed to drive-throughs?

**Taiwo Jaiyeoba, Assistant City Manager/Planning Director** said I don't think there is any specific City policy that opposes drive-throughs. However, there are a set of policies document that the Council has adopted in the past, but by themselves do not lend certain sites and certain uses to support. For example, transit-oriented development was specifically that policy and the supportive ordinance were developed to encourage or rather to discourage primarily auto uses within certain radiuses of transit stations where you've invested billions of dollars. So, that is one. Secondly is the City has its Strategic Action Plan which talks about achieving certain goals by 2030 around city facilities and by 2050, to be less than 2% carbon admissions. Auto uses are primary auto [inaudible] uses that do not necessarily support the achievement of that goal. [inaudible] those policies were adopted by Council prior to the pandemic obviously. The pandemic has put a lot of pressure on us considering a number of things such as what you have in front of you tonight.

However, this is not unique to Charlotte. Every major city in the country is actually pushing back against drive-throughs for that very reason. Environmental friendliness and investment in transit. Now again, we have to definitely consider the fact that the pandemic has put a lot of pressure on how we consider this. Which is why we are here tonight frankly discussing this. So, there is no specific policy that says where the city is anti-drive-through. It's essentially just saying that there are policies that if adopted do not support the primary use of automobiles near some facilities such as transit stations.

Ms. Johnson said thank you for that explanation. I appreciate it.

Mayor Pro Tem Eiselt said and to that point Dave, why couldn't we have just kept it as TOD-CC conditional to allow for this drive-through? I think part of the problem is changing the TOD.

Mr. Pettine said the only way to achieve it is to go to the zoning district that allows a drive-through. So, CC doesn't allow a drive-through. So, you can't condition a use that is otherwise not permitted.

Mayor Pro Tem Eiselt said and so would that change anything else around there to now say, well they have TOD-TR, why shouldn't we get it?

Mr. Pettine said I think that's part of where some of the concerns come from with staff is that that would be the step that couldn't unlock additional asks like that. Then we fall into that as Braxton kind of alluded to as well. You do two, then you do four. So, that's where I think the staff is concerned is we'd rather kind of stay where we are with what we think is the proper limitation of the TOD ordinance and goals. Obviously, we know that there's going to be things that come up like this, but our position is that we'd like to see those things come to better floriation over time rather than chip away at them little by little with petition one, two, or three a year or more.

Mayor Pro Tem Eiselt said I think that's an important point that we need and it's really about changing the code and then we have to decide if it's worth it in this case.

Mr. Bokhari said I think just one follow-up on that. We know that restaurants aren't going to be the next condition on the sale or something like that, but just from the banking world, I want you to make it real clear. Banks are not falling over each other to go into underserved communities and open branches right now. So, this is not something where it's like well we don't know who the next bank is going to be. There is an element of we should be awfully thankful that banks are still actually doing new projects like this in an environment where that financially on their balance sheet no longer makes sense. This is truly something that if you are in this space you are deeply immersed in that and you understand it. So, I get what Mr. Winston says about the ultimate end goal. While I'm 100% on that. I think the pragmatic nature if we are going to be at this decision point countless times over the next 5 years is going to be well, the end vision is great. I love it and I believe in it, but if want to sit on the curb of Woodland and eat an egg and cheese sandwich right now you will likely die. It's not the environment for walkability. It is if you have been over there you understand exactly what I'm talking about. So, having one bank in an environment where other banks really aren't doing this, have the option to have a drive-through that literally can change in the 10 years from now when they evolve to the actual environment we are talking about, to me I mean, I can't believe we are still talking about it.

**Councilmember Driggs** said I just wanted to say to your question about the precedents. Our approval of this would not confer any kind of rights on anybody else. So, it would not entitle them to come in and demand look you did this for them. For me what we know in

practice is that people will come along and they will say, hey what about that. Often, they do that under circumstances that are not exactly the same. If the circumstances were exactly the same we'd probably be willing to say yes again. If they are not exactly the same we would explain why. So, I'm not too bothered about the precedent concept to be clear. And to be clear it does not confer any rights.

Mr. Winston said that be the last comment. to Mr. Bokharis point and to counter his point if you listen to the petitioner, this drive-through is not a need. It is a want. Their condition of opening the 30 other branches has no relation to this drive-through. In fact, it is not even a need for this branch right here, that they will build this branch, and they will continue to be a good partner in this city regardless. We have to balance the wants of certain petitioners to the needs of our City and the policies that we have created.

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

\* \* \* \* \*

**ITEM NO. 23: HEARING ON PETITION NO. 2021-028 BY CHILDRESS KLEIN PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 287.71 ACRES LOCATED NORTHWEST OF HIGHWAY 85, SOUTH OF MALLARD CREEK ROAD, AND EAST OF RIDGE ROAD FROM CC (COMMERCIAL CENTER), R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL), R-22MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) WITH 5-YEAR VESTED RIGHTS.**

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

**David Pettine, Planning** said as mentioned on Ridge Road and Mallard Creek. It fronts I-85 as well. It is just in the counties line, close to Concord Mills Mall as well. Several zoning district CC and RA, the proposed is I-1. It's an R-22MF, both conditional. As mentioned with five-year vested rights. Northeast Area Plan. It does recommend the single and multifamily institutional office and retail up to 12 plus DUA for the site. There is also a small area that's recommended for greenway uses. The development proposal for this petition is for 2.7, about 2,750,000 square feet of warehousing, warehouse distribution logistics, office manufacturing, and other uses permitted in I-1. It does the prohibition on uses such as sale, auto truck and utility trailer rental, automotive repair garages, sales and service station, manufacturing housing sales and repair, petroleum storage facilities, and recycling or drop off centers.

There is another development area. It's development area two. That one is 36.67 acres. That is proposed for up to 488 multifamily residential units. That comes in at about 13.3 dwelling units to the acre. There is a host of transportation improvements that are included along with this. They are all outlined in great detail in your staff analysis, but mainly involve

intersection improvements and road improvements for Ridge Road, Kings Grant Drive, and Quay Drive. Also, there are internal streets that are proposed to be an interconnector throughout the project. We do have open space commitments. About 46.65 acres, which is 15% of the site. Minimum will be set aside as open space with tree save, buffers, stream buffers, landscape areas, and a minimum of 5% of that 46 plus acres, which comes in at about 15.5 acres will be developed as improved open space that would include things like landscape areas, walking paths, seating areas. You can see those kinds of sprinkled intermittently throughout the site as well. Then there is also a trail network proposed within those open space areas. That will link the multifamily residential and industrial areas. That will connect to a 12-foot multiuse path. There is a 100-foot class buffer in the development area one along the western boundary and then a 100-foot class C buffer between the residential warehouse distribution areas as shown on the plan. There's also architectural standards related to both the industrial logistic side of things as well as the residential component of the project.

As mentioned, the staff does recommend approval of this petition. We do have some outstanding issues related to the site and building design and technical revisions that need to be worked through. As mentioned, it is inconsistent with the Northeast Area Plan, but it is consistent as far as the residential component goes. The staff does recommend approval and we will be happy to take questions following the presentation by both the petitioner and the public.

**Collin Brown, 1420 East 7th Street**, said it's good to be back in the chambers. My colleagues and I have had great pleasure in working with Childress Klein on this exciting project. We will consolidate our time. We are pleased. We appreciate Dave's presentation. We are pleased to have the staff's support on this exciting proposal. Zoning of this kind really does take a long time. We've actually started the process with the staff almost over 13 or 14 months ago. With that time has passed. The 2040 Plan has passed. Now the jobs in manufacturing and industrial study work has now been presented recently. We are pleased that our zoning is supported as the staff analysis says, supports several of the 2040 Plan goals. Notedly with regard to resilience, in diverse, economic development and jobs. As well as the opportunity to have those jobs near residential housing. As far as the jobs plan that also reflects the fact that this site this area is well suited for the logistics distribution jobs particularly because of the interstate access. I'm going to come back and address a few things in a second. In the meantime, I would like to turn it over to Landon Wyatt with Childress Klein.

**Landon Wyatt, 301 South. College Street** said I'm responsible for the industrial logistics business at Childress Klein. When you think of Childress Klein you probably associate us with more visible projects such as Lowes Design Center in South End, or Duke Energy Headquarters downtown, or perhaps Apex in South Park, or even Waverly in South Charlotte, but our largest business is actually industrial logistics. It's not nearly as visible. I will say in the 40 years we have been in business the city, this is by far the best industrial site we've had the chance to work on. With the immediate proximity through two interstates and a third interstate, just five minutes away at interstate 77. The companies

that want to locate industrial facilities and provide industrial jobs are increasingly boxed out of North Charlotte because there's a lack of availability for land and a lack of availability for future development. This which what we believe will create ultimately 2,500 jobs. Those jobs otherwise will probably go to Cabarrus County or even Rowan County north of that. This is the third time in this area where we have put multifamily and industrial together. It wouldn't have made sense 20 years ago, but today the opportunity to live and work in the same environment shouldn't be limited to white-collar office jobs, but increasingly is available for more industrial mid-level approachable jobs.

Finally, we were aware keenly aware that in an environment like that we've got to have open space to support the community and create connectivity. We have certainly had our team focused on providing that.

**Elaine Powell, 5453 Marengo Circle** said I'm going to go through a few items if I could. This slide actually just reflects again the unique location. It's near [inaudible] the Concord Mills Mall and the interstates, but also near the Concord airport and other types of uses that's shown here.

The summary of a unique location, interstates is very important as we've mentioned and as Landon mentioned. Also, the fact that the job study and others [inaudible] 2040 Plan wants us to locate these jobs on the interstates and on major thoroughfares, that results in frankly the ability to respond to the market demand, but also in this instance very little to no disruptions of communities nearby. So, that is another item that we think is very important. Landon mentioned the 25 what we call for lack of a better term, middle-tier jobs. We will talk a little bit about the nature of those jobs in just a second.

I mentioned the fact and as Dave mentioned the residential component closes to Concord Mills. There's also within the quadrant bounded by Mallard Creek, a couple of other apartment projects, our spine road though you will see a little bit in another slide connects to those apartment communities. So, the ability to have people within this quadrant be able to be close to these jobs and walkable with multi-use paths and things of that nature is part of what we are about. We will talk a little bit about the traffic. An important component to be aware of is again by the nature of this project we'll be having most of the trips will go toward the interstate as opposed to scattered throughout.

Dave highlighted this in the staff analysis, but it is very important to know that we are not taking R-3 land in this instance that's zoned for R-3 and trying to take it into the types of uses that we are talking about today with the location on the interstate. This was actually approved for a very intense development in 2003. A development that as you can see from this slide would have substantially more development impact from a traffic perspective than what we are proposing. Substantially more and that was highlighted in your staff analysis.

From a community outreach perspective, we have been at this for a while. We've had two community meetings in which we used a list broader than what the city gave us to try to



be inclusive of other property owners within the quadrant. We've talked to the apartments that you see up in the northern corner of the site. Discussions with Hickory Grove Baptist Church because with their facilities, they are supportive of the rezoning. Again, we've had two community meetings as well. We've had discussions with the members of the prosperity village association and leadership. We appreciate the commissioner here. Commissioner Powell is here today to talk about the open space. We are also appreciative of the fact that frankly with these outreaches and these efforts, we haven't had an opposition that we are aware of from others in the community.

This is the slide and again, I have talked about this in my opening about being responsive to several of the items within the 2040 Plan. It's a little tight I realize, but Landon was able to work with the alliance and others to come up with a sample of the types of jobs we are talking about here. That's on the left-hand side of your page. That gives you a flavor. These are jobs that you don't have to have a college degree and some opportunities that squarely we believe within the 2040 Plan goals and objectives.

Open space. Dave mentioned these items and it's important. We appreciate Commissioner Powell. We've had a good discussion with her this morning about the active open space elements. We're talking about close to 50 acres, 45 minimum. We think it's going to be more of natural open space areas with the creeks and others. We will have tree save areas. As the next slide shows, we are going to improve these areas. You can see the main spine road. We'll have a 12-foot multiuse path with a bike and walking, to be able to connect up to the two residential communities at the top. You'll see trails also connecting the residential, closer to Concord Mills. Also gathering spots. So, we are dealing with almost two miles of trails and paths. So, we are trying to activate the area as well as preserving the open space through the tree efforts.

We learned just recently of Park and Rec [inaudible] and I think Commissioner Powell talking about the importance of parks in the area. We appreciate that. We are not able to provide a park in this particular location, but we are able to provide however an opportunity for these types of green space connectivity. We have already started the discussion with Berkland, who is the capital planning director about the greenway possibilities and being able to connect. I want to move quickly through traffic and then wrap up.

I mentioned that the current zoning which is very intense for the site would generate substantially more trips. So, in other words, this zoning would result in far fewer trips than is currently zoned. This tries to give you a flavor. The trucks we are estimating 90%-95% if not more of the trucks will go to the interstates. That's why Landon said this is such an exceptional site. The other passenger vehicles would also largely go to the interstate and the neighborhood of 68%-70% is what the estimate is. Why is that important? It's important because as you go down Mallard Creek Road, there will need to be improvements long-term as you can approach the Concord Mills Malls. We are going to make some of those improvements in connection with this plan and the [inaudible] project is doing some of those improvements by 2024. The primary logistics work and employees

will largely go toward the interstate. That's an important ingredient. Which wouldn't be the case if it was developed by the existing zoning where cars will be going in a lot of directions.

This is a listing. I'm not going to go through these. Your staff analysis goes through intimate detail of the substantial improvements that we will be making as part of the phased development of the project. This next slide shows you those phased improvements more in a graphic form. I'm not going to go through each one of these. I do highlight the one in blue. Whereas part of the early development of a traffic signal at the King Grant Drive and Mallard Creek will take that level of service for that intersection substantially up to a level of grade service B. So, that's an improvement that will be made earlier in the process.

**Commissioner Elaine Powell** said it's interesting to be standing on this side again. The first thing I want to say is hello to everyone and thank you for your service. I want to thank especially right now, Councilman Egleston for his prayer tonight. The [inaudible] Indians have been very influential in my life and are part of the reason that I am standing here today and part of the reason I have a copy. Councilman Winston knows this, I have a copy and I am committed to showing up and speaking up and making sure that the UDO (Unified Development Ordinance) reflects the importance of how do we go from vision to action on goal seven. Which is why I am here today. I want to thank Mr. Brown. I want to tell you a little bit about where this is because it is in Chairman Dunlap's district, but it marries up to mine. My parks, my district are being loved to death because of the density and the community needs in my area. In fact, I have met with several of you, and especially with Councilman Winston and the area where it being love to death and they want more park space.

Mr. Brown said that and thanked him for meeting with prosperity village because that is in my district and he met with them and took some input. As a result of their input I think on appearance, I think there have been some improvements that are shown here. He mentioned that there is a decreased availability of land. Yes, like there is a huge decreased availability of land for all of us and for our park space. This rezoning have a traumatic impact on Mecklenburg County. This is outside of the city limits. It is an ETJ (Extraterritorial Jurisdiction) and it is married up to my district.

Last Monday a City Councilperson who was really paying attention to this called me to say what do you think of this? I say I don't know. I haven't seen it yet. Then I got an email from Mr. Brown, telling me that this was on the agenda tonight and did I have any comments? So, this is the first time I've heard of it was one week ago today. So, I sent Mr. Brown a request that came from Park and Rec. It's stunning to me, it's just stunning that the staff wasn't aware of what, and I mean the City staff wasn't aware of the request from the Park and Rec. I'm going to read the request because something needs to change. The fact that a City Councilperson caught it and the Staff didn't is shocking. Here is the request from our Park professionals in Mecklenburg Park and Rec.

Mecklenburg County Park and Recreation request a dedication of a minimum of 23.75 acres for future public neighborhood park within or adjacent to the area requested for multifamily rezoning as this site is within a gap area for Park and Recreation facilities in Mecklenburg County. This number is based on a minimum park acreage standard set by Mecklenburg County Park and Recreation Master Plan Meck Playbook of 19 acres per 1,000 people. This parcel shall be adjacent to a public right of way and be developable for typical neighborhood park amenities and shall not be encumbered by tree save. We would be happy to discuss this in more detail with the petitioner. This rezoning is in a gap area for public open space. Please contact Mecklenburg County Park and Recreation with any questions or comments. That is the request. Mr. Brown responded to me last night telling me that was the first time they had seen that. I believe him. So, when I emailed him back on Tuesday and told him this is the request. He said he hadn't seen it. I don't know how that happens, but things like this cannot happen on something so big. Balanced development is important. Quality of life for the future of Mecklenburg County is something that we all have to think about. Parks are critical infrastructure to the healthy development of our community. We cannot provide or improve access for the public if commitments aren't made at this stage. Not conversation, commitments. This area is rather remote as you can see. Being cut off by I-485 and Mallard Creek Road and the county line. This project is Park and Recreation's only opportunity to fill this gap in park access for current residents and those who will eventually live there in the new development. Again, I think you all know parks are critical infrastructure. Park professional feedback needs to be taken seriously. No commitment for park space has been made that I'm aware of for programmable open space. I'd like to encourage a pause in this so that we can obtain a commitment before moving forward. And that is my ask. I think that Mr. Brown did an excellent job with everything else. It's just this is just a really important missing component. So, I just ask you again, I don't think I took up all of my whole 10 minutes, to please pause and have a discussion until we get a commitment because the conversation had no [inaudible]. That concludes my comments.

Mayor Pro Tem Julie Eiselt said thank you, Commissioner. Mr. Brown, you're invited back down for two minutes for a rebuttal. Then I see Mr. Pettine there. I'm sure has some comments because this is a topic we brought before. I think it's really important to know what we can and can't do or ask for.

In rebuttal, Mr. Brown said thank you very much., I appreciate that and thank you Commissioner Powell for your time and Commissioner Rodriguez McDowell as well. I appreciate the fact that we did reach out to Chairman Dunlap, whose district this is in the summer and earlier. I do apologize we didn't also reach out to you. The minute we were in this discussion we did so. The posting, was an error I believe by way of some transition and maybe staffing with Park and Rec. These were posted in a very obscure spot, not part of the normal place that the petitioners would have seen anything about this. It wasn't posted for many months into the rezoning process. But that's neither here nor there right now. We received the comments and immediately started a discussion about what we are doing positively for this site. Which is 50 acres minimum of natural open space that as you can tell, will be programmed in a way that will include trails, gathering places,

picnic area, and others. We have already reached out immediately to land design and our team to [inaudible] with the capital planning to talk about what opportunities there may be for a greenway. But there is another land in the area, but we are not in a position of being able to provide for a 23-acre park on land that has to be purchased by the developer from the existing user. We are doing a really good job. However, on open space in a way that we think the community will receive Mr. Egleston said a community benefits from the efforts that we are undertaking. We do appreciate the desire for a park, components throughout this area. We think we are adding value across the board from jobs for those who need it most, in a location that your policy says is appropriate, and also accomplishing the open space needs that we think will provide community benefit as well. So, thank you very much.

Mr. Pettine said I just wanted to address the item that Mr. Brown just alluded to as well. We went through this rezoning process. This is a petition that came in back in the March submittal group. So, this is back at the end of March when we started their review process. We went through several reviews, both in March and April, and received no comments on any request for additional land set aside for a county park facility. I didn't receive that until the end of September. So, you know again, it was in an area that isn't typical to our process. We have gotten memos in the past that outline those asks in a more formal submittal from that review process and it just could have been lost in some of that potential transition. So, we did notice it as Mr. Brown mentioned. I coordinated with him pretty immediately to let them know and turn them over to work with our partners at the county on it and I think we will hopefully get some successful resolution on all of that. But I just want to address where that generated from. Hopefully like I said we can get to a reasonable outcome for all parties on it at this point.

Mayor Pro Tem Julie Eiselt said thank you. We'd love to hear more about that. Before I go to questions, I just wanted clarification from Commissioner Powell. Is that recommendation from Park and Rec, that they want to purchase that land? Just to set aside the land so that the developer would purchase it and then make it into a park?

Ms. Powell said thank you for asking. Mecklenburg County Park and Recreation requested dedication. When they say dedication, sometimes there are part of the parcel the developer wants to donate because it is undevelopable. But we did not request a donation. You can speak to the professional, but they requested a dedication.

**Councilmember Ajmera** said thank you Commissioner Powell and thank you Commissioner Rodriguez McDowell. I appreciate your input throughout this process. We have been communicating over the last couple of days. I have questions about the process. I do know that we have sections for Mecklenburg County Parks and Recreation Department to provide their comments for all of our rezonings. Was that missed? So, staff if you could walk me through the process and what that looks like.

Mr. Pettine said sure they get distributed to all parties for review. It was sent out to all parties including our partners at the county back in March and back in April. We received

no comments on both reviews from the staff. Then received a comment as mentioned in the September distribution at the end of September, but again, it was not submitted in a way that is part of our normal workflow. So, we are kind of coordinating and making sure that everybody understands where that process falls and how to better coordinate on these so we don't have that issue come up in the future.

Ms. Ajmera said thank you for looking into that process and figuring out what steps need to be addressed here because this is such a big rezoning and we have to make sure that we get this right. We are talking about almost 300 acres here. What I like about this rezoning is that it provide mid-tier jobs that we need. Certainly, we have a gap between the high-paying jobs and minimum wage jobs are really that mid-tier that doesn't necessarily require a college degree, but someone can still make a decent living. I appreciate that component of this rezoning. However, I am concerned about the issues that's been raised by County Commissioners around the gap area and specifically around the parking space. So, from what I hear from the Commissioners is that they are asking for dedicated space and it doesn't necessarily mean a donation. So, the petitioner, is that something that you are willing to work with our County Parks and Recreation? From what I am seeing they are not necessarily asking for a donation here.

Mr. Brown said in terms of what we understand the request, again, we are better trying to understand what the seven or eight-line note that we received at the last minute on this really means. Our interpretation frankly is that it would be something that would be asked for us to be providing without compensation. What we really would hope the Council and others will focus upon is the fact that we are in fact, providing for substantial open space that we are going to be activating. It's not going to be activating the sense of a public park, but we are going to be providing for tremendous activation of this space to trails, multiuse paths, in ways in which the community can participate and we have offered up the opportunity to talk about greenway dedications. But that's really where we are in terms of our efforts. We will continue to have these conversations, but I'm not aware that this is a request that the capital planning of the Park and Recreation has money set aside to purchase the land and frankly I think it would be difficult for the petitioner to accomplish the other goals that we are seeking to provide through that effort when we are already also creating 50 acres of active open space in the context of the creeks tree save and the trails.

Ms. Ajmera said so what I hear is that parking space is not something visible with an open space that is already been proposed. Is that correct?

Mr. Brown said currently our open space plans that we have been working on for a number of months are not contemplating, for example, ball fields and things of that nature. I will point out, however, very close by it is land owned by the church, there are other facilities that are in the area for active open space and the ball fields up on Mallard Creek Church Road.

Ms. Ajmera said yeah that's all I have. I struggle with this one, especially since we have a specific ask from Park and Recreation and that's part of our normal process. So, I struggle with this one because this is a once-in-a-lifetime opportunity. Once we develop this land I don't know if we will ever have the parking space, especially in the gap area. You already know how our region is ranked when it comes to our parks space. So, I struggle with this one. I look forward to hearing what the district Councilmember has to say.

**Councilmember Driggs** said I think it's worth noting that this in my mind is a very exciting opportunity for us. We are talking about an investment of a very large amount of money, the creation of jobs. The kind of thing that we normally look for and I appreciate the [inaudible] interest in making that investment in Charlotte. So, I would just like to put that out there. I also think that large-scale development like this offers benefits in terms of being able to coordinate the uses. Having that open space in there as opposed to a more piecemeal approach to it. So, those are things that we welcome. The issue of parks is a tough one and Commissioners you remember, I was on a call. We talked about this. I think we have a shared interest, the City and the County in addressing a shortage of parks. There's no question that we have that issue, but you may also recall that I describe my understanding in that conversation that the way this works is the county buys land. The land is private property. There is no mechanism for the sort of requiring somebody. So, as far as I'm concerned you can have a conversation with the developer about their willingness to dedicate land or the potential for the dedication of land. Which would have to be voluntary, but it's particularly difficult for us in my mind to tie that to our land-use decision and to create even the appearance that we are applying pressure on the petitioner in the land use process to make the dedication of land. I really hope that you can talk to them and work something out. I appreciate and recognize the open space. It's not a park. It's not identical. So, I wouldn't accept that as being entirely equivalent, but it is better than high-density development with no open space. That's as far as we can go. At some point Parks and Rec needs to take some leadership here and say, we have identified a location, we are negotiating for the land, and I promise you if there is any land-use decision from us, you will get it. We are absolutely committed to more parks, but I don't think it is up to us. We are not in a position financially or in terms of our authority to oblige people or to make that happen. So, I would suggest if you can reach an agreement about the dedication of land but understand that we couldn't make our decision about the land use contingent on a dedication or donation, whatever we are calling it of land. It would have to be something voluntary in my mind.

**Councilmember Winston** said I was very grateful last week to receive this intergovernmental email chain. I think myself and many of us on this Council have been trying to figure out, especially around land-use decisions, how do we do this better? I think for the constituents out there it is important to recognize that what you are seeing right here is good governance and also a good partnership with a private company that wants to be a good neighbor and a good partner. As Mr. Brown said they have been working on this for a long time and they have been engaging us on Council around this for a long time. Something that was mentioned there alluded to but we really haven't gotten to dive

into it is that we have been challenged with finding good industrial use, especially for modern industry, especially as it relates to millions if not billions of dollars of infrastructure that have been put into this county and this region, right. Where this is on I-85 wasn't said is in proximity, very close proximity to our airport and our intermodal port. Which would really maximize the benefit of that. That intermodal port at the airport are also a regional asset, right. So, this development doesn't have to go in Mecklenburg County. It could go in Cabarrus County. It could go in Rowan County where honestly it might be easier to do more bi projects like this. They would get the benefit of our airport and our intermodal port, but we get Charlotte and Mecklenburg County is that something that we are trying to figure out, and it is something that Ms. Watlington often brings up, right. How do you take advantage of that airport infrastructure without condensing it around District 3 and around the airport? So, you have a diversity of land use options. Also, what hasn't been said out here is that Commissioner Powell noticed she had to come to a land-use meeting and stand as she mentioned on that side of the dais and talk to us. We don't have any framework for us to do this intergovernmental work. That's a problem.

What you see here right now is our staff, they have a lot on both floors of the building, have a lot of work to do. Honestly, things get lost. That's why from a community place, right you have elected people who are not there, not just to work within a policy, but are there to advocate positions within the community. We have to figure out ways to do this intergovernmental work without one of us finding this by chance. I'm glad you came here. A couple of years ago in my first term, there was a topic around 287 G and the sheriff. I decided I didn't have a way to talk to the County Commission. So, I had to do the same thing as you did. I came to a public forum, and I stood in front. Some of your staff after that told me don't do this again. One we can't take any of their funding and you have ways of doing this on your own. Well, I'm glad many years later your staff has figured out, yeah you can pull back funding to influence decisions and I'm glad you as a County Commissioner have said you are citizens as well and you need to use this forum if we are not going to figure out how to do this in an official happenstance. So, I think that is the main issue here. I think this is something that we talked about, right. The challenges that Mr. Driggs alluded to. He is right on point when we are making these land-use decisions. We have to figure out how to be better process-oriented when it comes to government. I'll take it even a step further. This could be a great exercise for us that there is an additional regional piece of this. If you looked at the slide presentation there is a piece of this that goes into Concord, right. So, why are we not engaging them in these decisions as well as we try to think of other issues around the Transformational Mobility Network? These are all issues that we keep bringing up, but it is up to us not to just deal with this on a case-by-case basis. With that all said, I think we have one, two, three willing partners that want to come up with a solution. We have made the investment. This is all home team stuff. I would hope that either between now and December or now and January we can all work together to find some type of intergovernmental framework to solve this solution. If we can come to a common ground solution with all of this, then we can apply that from a policy basis over and over and over again. I think that's why this conversation that we are having today around this particular petition is so important.

I hope you learned something from this tonight because I sure have in watching this conversation go this past seven to ten days.

**Councilmember Egleston** said I have one question for Commissioner Powell. So, while she is coming back down I have two for Dave. One of which would be whether in this circumstance or another. Is there some third option that I am not aware of because people keep using the word dedication, but as far as I'm aware there's either land purchase or land donation? There is not like some grey area in the middle, right?

Mr. Pettine said not that I am aware of, no.

Mr. Egleston said It felt like there was some differentiation being applied there that I don't think exist. If a petitioner were to donate land for a park or in a lot of cases we see in greenway, but does that count towards their open space or their tree save requirement or would they be doing that and in addition be obligated to have still the same level of tree save and open space requirements?

Ms. Powell said I think it could be captured as covering both areas and covering the request met and then also the ordinance requirement. I would have to double-check, and we could follow up and give you clarification and confirmation of that.

Mr. Egleston said just to me it would seem like a pretty important distinction from the perspective of the landowner's case. My question for Mr. Powell, just for me to understand what the funding schedule is and what year is the funding scheduled for the development for a park in this general vicinity that yall have identified as having a need?

Ms. Powell said so it's a gap area and in the past 12-15 months we had a consultant come into a group to identify our gap areas. So, I can't tell you exactly what the funding year is. This is just a priority. You know it's a priority to get park space because it's so difficult in gap areas. I'm looking in the audience. If we have a park professional here? Okay, so we have a park professional here to answer the dedication question. Which I think is really what Councilman. Driggs was talking about. When you asked for a dedication then there is a dialogue between the developer and Park and Rec. Well, no dialogue happened until the past couple of days because of what this man next to me said. It's my understanding he said it was not in the plan then.

Mr. Egleston said I think he said the notes were added.

Mr. Pettine said It just wasn't in a typical spot the staff looks through or retrieves comments on plan reviews.

Ms. Powell said typically there would be a discussion about, okay well we have identified this space. It might be whatever number of acres we have identified this; we can commit to this. We'd like to talk to you about work and I don't want to misspeak because



dedication does not mean donation. So, the Capital Planning Division Director is here if you'd like to ask him.

Mr. Egleston said if that's appropriate I would because I really [inaudible] understand the third option between someone giving you land or you buying land from them. I don't know what other option exists. So, if there is one I would like to know and I guess just as a follow-up to the timeline question. I guess then the ask would be that this land be conveyed to Parks and Rec.

Mayor Pro Tem Julie Eiselt let me just ask Ms. Hagler-Gray can we have someone else speak if Mr. Egleston has a question?

**Terrie Hagler-Gray, Senior Assistant Attorney** said if this gentleman wasn't signed up to speak was he?

Mr. Winston said the representative from Parks and Rec has a section in the petition that acts like Charlotte Water.

Mr. Pettine said yeah like Storm Water staff being asked or C-DOT (Charlotte Department of Transportation) staff being asked a question.

Ms. Hagler-Gray said I think Ms. Powell is speaking in her personal capacity.

Mr. Egleston said can we just call it a staff resource since this is a -?

Ms. Hagler -Gray said sure you can ask for a staff resource from the county.

Mr. Egleston said so I guess the question is, is there a third option besides being given land or purchasing land? If so, please explain it to me and the timeline question is would the ask be contingent upon approval of this rezoning, the landowner would convey this portion of that property to Parks and Rec free and clear? Then at some unknown point in the future Parks and Rec might create a park out of it.

**Bert Lynn, Capital Planning Division Director** said yes from a purchase standpoint. I did have a conversation with the petitioner's team late last week. Shared some information and we were going to get back. From a land standpoint, the land could be reserved for purchase by the county. It could be donated to the county fee simple or an easement could be acquired on the land. So, the underlying landowner could retain ownership rights, but Park and Recreation would have to opportunity to go in and improve the land. From a funding standpoint, we would need to have the property either fee simple or through easement first. Then we would look for funding through a number of mechanisms. Our most common mechanism is our capital improvement plan. Which is a five-year funding cycle. That new cycle will begin in July of 2023.

Mr. Egleston said so, is there any, and if it's not then no is a [inaudible]. Is there any way to project what kind of distance we might be time-wise from something like that actually being able to take place up there if you had the land?

Mr. Lynn said no, the staff can make recommendations from a funding standpoint. Ultimately that goes to the County Board of Commissioners for funding.

Mr. Egleston said and Dave, I guess if they set it aside and left it undeveloped or uncleared or whatever, but you knew eventually it was allowable for a park, I guess it goes back to the question it might be follow up, which is could they count that as tree save or open space or whatever if you knew later that it might become a park?

Mr. Pettine said I believe they can count it as some tree save degree. Again, we would have to take a look-see how the two kinds interrelate. Obviously, we would want to make sure we have that dialed incorrectly if we do know long term it's going to be conveyed for some recreational use. But yeah, we can certainly get back to you and give your clarification on that.

Mr. Egleston said I think that's it for now. Thank you.

**Councilmember Phipps** said Ms. Powell or the gentleman from Parks and Rec. I have a question. So, recognizing that this was identified as a gap area for parks, was there any attempt to pursue acreage other than with this particular rezoning? I thought you said that you all did a consultant study that identified this area as a gap. But my question is, was there an effort after that consultant study to approach whoever to try to remedy that gap in this area?

Ms. Powell said the park gaps have just been identified this year, in the past few months. We look for land wherever we can. There's decreased availability of land. It's like I said if you look at a satellite view of this area right now this is like the only significant chunk left in this area. So, this project is our only opportunity to fill the gap. That's why I'm here.

Mr. Phipps said okay. Looking at the I guess the petitioner's development plan; they got a total of eight buildings proposed. I'm just wondering as part of the I guess park locational policies, I'm trying to figure out, given this development plan, I really don't see where 23 acres contiguous park space could be apportioned given the overall positioning of these buildings as presented here. So, I was just curious about even if you do identify a gap, is there a practice of suitability for park space in a contiguous acreage? As they have it here, they have open space scattered throughout the site. So, I'm trying to figure out where a contiguous amount or 23 acres could be given this development plan.

Ms. Powell said it doesn't say contiguous but here is our Capital Planning Division Director.

Mr. Lynn said the conversation I had late last week was that it did not need to be contiguous. We can do a fairly small park, but local park 2-5 acres. Then use some of the proposed trail connectivity within the area to make up the remainder of the acreage and make connections from the proposed housing, existing housing in the area, and the industrial uses to that [inaudible].

Mr. Phipps said that's all of the questions I had for that, but I wanted to transition to some other questions that I had. In our packet that said that this was a two-phase development about the total development land was like, they have in here about 288 acres. I thought I heard someone say it was 300 acres. This amount that's in the book is this just the acreage within the ETJ for Mecklenburg County?

Mr. Pettine said this is just in Mecklenburg County, correct. There is about I believe 10 acres just next door over the county line in Cabarrus County and Concord.

Mr. Phipps said thank you. You also mentioned was I guess a substantial, Mr. Brown, substantial infrastructure improvements to various roads around the site. Do you have any guestimate of the cost of those infrastructure improvements?

Mr. Brown said yeah that's a great question. Thank you because those will be straight from the private sector. I don't know whether members of the Childress Klein team have that, if not readily available, we could quickly get those. They're going through the types of development planning cost estimating. As you can even see Councilmember Phipps, from the drawing that's up there we have a spine road obviously it's going to be providing connectivity with the 12-foot multiuse path. We've got widening of Ridge Road. There's substantial improvements including some improvements to Mallard Creek as well. Traffic signals. So, let us get you that number for you. I will be happy to do that. Thank you for your question.

Mr. Phipps said another question related to transportation. In your conversation within -.

Mr. Brown said I just slurred that may be in the access of 2.5 million.

Mr. Phipps said 2.5 million, okay thank you. In your conversations with NC-DOT (North Carolina Department of Transportation), did they elaborate on their plans for widening Mallard Creek Road from the I-485 interchange to the Derita Road?

Mr. Brown said a lot of those improvements from the interchange passed [inaudible] school connectivity there. On closing out towards King Grant Drive and Carolina Lilly have been made. In 2024 as our understanding and Mr. McKenny or others with Ms. [inaudible] and they may be able to elaborate. We understand that 2024 will be additional improvements to this part of the state. A [inaudible] project that will continue down Mallard Creek Road, further beyond Carolina Lilly and then that direction. We are actually front-ending some of those improvements with the traffic signal, for example at King Grant Drive and some other widening improvements in the area. Our project phasing, the first

large phase is just a general phase in the project will come online at the end of 2023 and on into 2024. So, the first phase timing comes in line pretty good with the transportation efforts that we think the state are underway. The next phase would take many more years to come. So, I think we've done a good job. C-DOT or NC-DOT have signed off on the improvements we've made together with the phasing as it relates to some of those efforts you are talking about.

Mr. Phipps said could you please describe your housing options proposal for the site in as much as you are going to be adjacent to the distribution center or a couple of million square feet or whatever. Is there a workforce component or is this an all-market rate? What are the housing options that these employees are expected to embrace being that close or adjacent to this employment site?

Mr. Brown said the multifamily, first of all, there is some other multifamily communities nearby that we will be connecting by way of this trail or multiuse path in order to encourage others, not just our proposed units. The units that we are talking about would be 480 units in Mecklenburg as Dave indicated. It was 10 acres that we are already starting through the process with Concord and have had detailed discussions with them that will bring in other units. So, it's an all totaled 1700 units. Which would be multifamily. It's proposed to be multifamily units as you can see on the top end of the site. I can let the Childress Klein multifamily folks speak further on this, those will be units that we feel like will have, I call approachable rent that we work nicely with the jobs that we are describing on this project. In terms of the affordable, we have had discussions continuing on to go into discussions about the possibility of an official affordable housing, more of a workforce housing commitment. We have not determined exactly what amount that might be or whether it can be done. We are still working through cost, but those discussions are continuing and are underway at the present time. But it is very important not only as Landon Wyatt mentioned on several projects that they've done already; they have had the multifamily near the logistic distribution jobs and they work very nicely and there's a lot of crosses over for the reasons we've described. But we will try to get back to you on further details on your question.

Mr. Phipps said thank you.

**Councilmember Bokhari** said one, it's really frustrating, especially in our last Economic Development Committee meeting where we brought the planning staff with the ET staff to talk about industrial and light manufacturing and all of these things, how much every time we are on monthly rezoning meetings, no matter how much people love the jobs and want us to be bigger in that space, we always make this as painful as humanly possible in Charlotte for people who want to have manufacturing and industrial jobs that they bring here. We have got to figure out this because this sends a clear message which is hmm you know we are always going to find a problem with it. No matter how well-done you guys have done to get to this point, these last-minute curve balls that we are experiencing too. Mr. Pettine, I just want to say to you and everyone that I know how hard you guys work and I know the disconnection. I won't go into some things that Mr. Graham will

probably say, but I wholeheartedly agree cause he says it regularly on the answers between county and city communication issues and things like that. But what I will say is it seems pretty clear what happened here in relation to this and your staff and apologies for how that was framed for you and you all. We appreciate how much you do.

Finally, I think this is the most important part is when it comes to things like this, the community benefit is the jobs. The community benefit is the industrial manufacturing that's here. So, let's not lose sight of that when it comes time because we consistently in these rezonings and other conversations we have basically try to hold up and shakedown to get what we ultimately think we want and need. We forget that what we actually want and need is what the private sector doing for us on a daily basis. So, thank you, guys.

**Councilmember Graham** said I guess he use one of the words I was going to use if I kind of took note. What's really frustrating, right because the project in itself does so much good for the community in terms of jobs and housing and 50 acres of open space. If I'm correct Dave, it's been so long in the discussion, I think there was some communication with Parks and Rec about comments and none was given early in the process. Am I correct in saying that?

Mr. Pettine said that is correct, yeah.

Mr. Graham said and so to be here in November and I'm a park guy, I started my career as a member of the park advisory board way, way back then, right. So, I get parks. I love parks. I think we need more parks. I think we need more active parks. I love greenways to death but I think we need more investments in recreations centers and those other types of things. Tennis courts, I digress. I don't think we should hold this project up. I think Mr. Driggs kind of clearly outlined I think the next steps, right. That there should be some hones discussion between Park and Rec and the developer as he moves forward. But to delay I think from my perspective would be a little bit unfair at this point as we are having this discussion. We are doing a lot of discussions that should have to happen probably in February and March and April, right versus around the dais tonight. It doesn't seem that the ball was dropped on this side of the aisle. I'm not sure. Correct me if I'm wrong, but it does put it to that something that Mr. Winston alluded to, didn't say it as well as Mr. Bokhari. Why we should consolidate right so we won't be having these issues anymore. That we are working from one playbook, city, county, government, right. So, that the left hand can know exactly what the right hand is doing and we kind of do it together. I'm digressing again, but if you want to solve these types of issues, they will happen over and over again whether it's parks or housing or economic development, or just basic policy making. We have grown to size in this community that we have to really address governance issues in a really big way. It has nothing to do about what we are talking about right now, right. But I am digressing for the third time but it's just kind of frustrating that we keep having these same conversations over and over again and no one wants to really kind of talk about the elephant in the county and the city.

**Councilmember Johnson** said I have a question about the traffic. I have discussed this with the petitioner. I see that Ms. Hull is on the line. I don't know if she can elaborate on the state project for widening Mallard Creek. I think you Jack and the staff for the presentation. We've spoken several times. My concern about this project is the infrastructure. That's kind of the magic word of tonight. Mallard Creek, the two-lane highway in that area, and I see all of the traffic improvements, but we still don't necessarily at this time have the infrastructure. I know that just six months ago there was a three-hour wait to get out of Concord Mills parking lot. I drive this street, Mallard Creek, and that area. You see cars coming out of different driveways that are dangerous because it's a two-lane highway that's back-to-back. There's also a lot of developments in this area currently that may or may not have triggered a traffic study, but this area is exploding. So, I would be concerned about the infrastructure and the ability to support this kind of growth. I know that I think 68% of the traffic is going to go to the highway. But there is 32% that's not and it borders [inaudible] and I'm concerned about the infrastructure. I also see on page nine of this development some information about the sanitary sewer system capacity. So, Dave can elaborate on that, on what the goal is for the sanitary sewer because right now it says that there is limited sanitary sewer system capacity. So, I understand that we have a vision of where we want to be, but we have to be realistic in what the city can currently hold. I've talked about this before, responsible on strategic growth. We continue to grow without really addressing those issues that the current residents are left with. I appreciate the job, but I hope you all know that [inaudible] districts [inaudible] jobs. We have like six to eight thousand jobs in the last couple of years. So, I appreciate that, but we have to be realistic in what we can support. So, my questions are for Ms. Hull, if she is able to give us some information on the widening of Mallard Creek where this is a two-lane highway? Also, if they can talk about the sew capacity, I would appreciate it.

**Lakisha Hull, Transportation Engineering Manager** said actually my colleague Brandon Brezeale is on the status of the Mallard Creek project. So, I will turn it over to him. He is in the council chamber right now.

**Brandon Brezeale, Transportation Engineering Program Manager** said so the petitioner was required to mitigate the trips that will be generated from the proposed development. What you see with all of the different improvements that are on the site plan, but the state's project to widen Mallard Creek Road is going to widen it from a four-lane road, which is two lanes in each direction as you previously mentioned to a six-lane section. So, that will be three lanes in each direction. The limits of it will be from I-485 to Concord Mills. It is currently funded and there wrapping up the right-of-way phase right now according to the latest stip. Which is public information. That's the transportation improvement program. Construction on that is scheduled to begin right now in 2025 and wrapping up in 2027.

Also, I do want to note that there is an additional project of the states to widen Mallard Creek from I-485 down south to Mallard Creek Church. That is a committed project. It's

in the back half of the steps as to the last five years of a ten-year program. So, once funding becomes available and allocated then they will get going on that project.

Ms. Johnson said before Dave talks about the sewer, I would say if this is an opportunity for the intergovernmental team or staff or us, to work with mainly the state, I know there is going to be new funding with the [inaudible] recent infrastructure improvements, you know 2025 it's too long. This area is exploding, and this is a good project, but we have to be realistic in what this area can sustain. So, if there is an opportunity for us to work with the state representatives and try to give this a priority because of the benefits of the jobs and the housing, then I think this is an opportunity for us to really try to push this. If you drive out this way, I'd ask my colleagues to drive out this way. I have taken pictures numerous times since I've heard about this development. I don't think the infrastructure can currently hold this type of growth at this point. I've mentioned that to the developer, and I mentioned that several times. I believe this area was recently changed to an industrial area. I recently think that [inaudible] planning or something. So, I think that's what Jeff Brown meant when he said per policy. But this area is concerning. I would ask my colleagues to drive out this way when they have an opportunity. There are [inaudible] of this street that aren't four lanes, two lanes in each direction. There are portions of this section that are two lanes, one lane in each direction. So, if you can give us some information Dave, about the sewer system capacity I would appreciate it.

Mr. Pettine said yeah, we'll have to get that in a follow-up report for you. We don't have anybody here that's an expert in discussing the sewer capacity issues that may be in that area. So, we will certainly follow up with our partners in CLT Water and get you some information in a follow-up.

Ms. Johnson said some notes in the rezoning do say that Charlotte Water has determined it to have limited sanitary sewer system capacity, right.

Mr. Pettine said that is correct.

Ms. Johnson said alright.

Mr. Pettines said that details of what that means and how it relates to this project will have to get them to provide a follow-up for you.

Ms. Johnson said okay and we have this discussion in several meetings that we know that we have challenges with our sewer system. We talk about these big issues. Then it's almost like we ignore those issues. One Monday per month when we are approving developments. So, I just really want to take a comprehensive look at not just this petition, but all of our petitions and consider those and be proactive when we know that there are issues with traffic, issues with infrastructure, and issues with the sewer system. I really like to put our votes where our mouths are.

Mayor Pro Tem Julie Eiselt said I just going to say really fast because we are still only on our second hearing. We have a lot of complicated issues that we got to get a pass on. I would love to see a better process to talk about parks and how we reserve that space, and who buys the land. We desperately need it as I think this is pointed out. We also desperately need jobs at different income levels. Logistics and distribution is a high-wage growth industry and probably my biggest concern aside from open space in this city is that we are not providing jobs for people at different income levels. That's what creates an affordable housing crisis. Is when people don't have jobs at different levels of pay. So, I like the jobs that this would bring. I like that it's near the interstate because it complies with what we say our goals for SEAP (Strategic Energy Action Plan). So, oftentimes some of our goals collide with each other and that's the challenge. Lastly, let's remember that this is all private land and it could go by right if this doesn't get built. So, that's also a consideration is what would go there. So, I will wrap it up with that.

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

\* \* \* \* \*

**ITEM NO. 24: HEARING ON PETITION NO. 2021-087 BY NOVANT HEALTH FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.91 ACRES LOCATED AT THE INTERSECTION OF AMHERST PLACE AND LILLINGTON AVENUE, WEST OF EAST 3RD STREET, AND NORTHWEST OF QUEENS ROAD FROM O-6 (CD) PED (OFFICE, CONDITIONAL, PEDSCAPE OVERLAY) TO MUDD (CD) PED (MIXED-USE DEVELOPMENT, CONDITIONAL, PEDSCAPE OVERLAY).**

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

**David Pettine, Planning** said just under two acres on Lillington and Amherst. It's currently zoned o-6 conditional with a pedestrian overlay. It's being proposed for a MUDD conditional. That pedestrian overlay would still be in that area. The adopted future land-use is from the Midtown Morehead Cherry Area Plan. It does recommend residential or office uses at this site. The proposal is for up to 15,000 square feet of proposed medical office or institutional uses which would include health clinics and similar uses. I would be limited to just two buildings on site. Each building would have a max height of 30 feet. Vehicular access would come to one point on Amherst Place and a maximum of two points of access on Lillington Ave. Set back would be 16 feet on both Amherst Place and Lillington Ave. planting strips to be maintained as existing. That would help to maintain the streetscape and tree area that's out there currently on site. They would also put a new sidewalk along both frontages. We do have some architectural standards that are being proposed that address facades limitation on blank wall expanses as well as a pedestrian connection between street-facing doors and corner entrances to those sidewalks on both Amherst and Lillington. Detached lighting would be a full cut-off. That would exclude any



decorative lighting that would be along a driveway, sidewalks, or the parking area. And all lighting would be limited to 25 feet in height.

The staff does recommend approval. We do have some outstanding issues related to the site and building design, and land-use as well as some technical revisions to keep working through, but it is consistent with Midtown Morehead Cherry Area Plan and recommendation. Like I said we do recommend approval upon resolution of those issues. We will be happy to take questions following the petitioner's presentation.

**Dan Blackman, 619 South Cedar Street** said here representing the client Novant Health. With me today I also have Lloyd Rader and I apologize I don't know the neighbors' name, Barbara Rainey. I'll be very quick. I didn't realize that we have a member that was going to be joined in the three minutes time.

I think that you already know the location of this site. It's in the Cherry neighborhood. Third Street is to the north. Amherst and Lillington are the two properties that we front. A closer view of the property, surrounded by office and multifamily. It's also residential single-family and multifamily to the southeast of a medical office building and other office buildings across the street on Lillington Avenue. About two blocks away from PMC, Novant main campus in Uptown Charlotte, very close to Uptown. As so close to Queens Road.

We've already heard about the zoning. We are surrounded by residential, multifamily, single-family. We have also currently zoned O-6 ED. That zoning designation does not exist in the zoning ordinance today. Part of the reason why we are asking to rezone. To get to the crux of this we really are requesting to change from an old zoning designation to a new zoning designation. We are actually down zoning by giving up entitlement to the existing property. The existing property allowed for 31,000 square feet approximately three stories and would have included twice as much parking is what we are proposing. But what we are proposing is half the parking, half the building. Also, based on Charlotte DOT's trip generation counts we would be also reducing parking by half of what the current entitlement are. Our intent is to provide a health care center that is quiet. This is not a place where ambulances come to. This is an outpatient facility.

**Barbara Rainey, 317 Baldwin Avenue** said I am here on behalf of the Cherry Community Organization. Just wanted you to know that we are in support of the petitioner. We will submit our comments in writing.

**Councilmember Egleston** said that might have been all you wanted to say, but I was going to buy you some time by asking you a question of what are your thoughts on this petition. If you have anything you would like to add.

Ms. Rainey said well just that they did come and meet with the community and we did like the size and footprint of the proposed building, one story. Which they could have built by-right three stories. We ask for the placement of a sign to designate staff parking. The

petitioner commitment to being available to address sight issues raised by neighbors throughout the development process. We are in support.

Mr. Egleston said I appreciate you being here and I will say that Novant has been a good partner with the communities there and I know there was some concern expressed early on about some storm water impacts that has been resolved with the neighbors who have brought back concern forward. So, thank you to Novant for being willing to sit down and work through the questions that folks had. This one has been pretty well squared away.

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

\* \* \* \* \*

**ITEM NO. 25: HEARING ON PETITION NO. 2021-092 BY CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY FOR A CHANGE IN ZONING FOR APPROXIMATELY 14.28 ACRES LOCATED ON THE SOUTH SIDE OF SOUTH MCDOWELL STREET, EAST OF EAST MOREHEAD STREET, AND WEST OF INTERSTATE 277 FROM MUDD-O PED (MIXED-USE DEVELOPMENT, OPTIONAL, PEDESTRIAN OVERLAY), B-2 PED (GENERAL BUSINESS, PEDESTRIAN OVERLAY), B-1 PED (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY), AND O-2 PED (OFFICE, PEDESTRIAN OVERLAY) TO MUDD-O PED WITH 5-YEAR VESTED RIGHTS (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL, PEDESTRIAN OVERLAY).**

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

**David Pettine, Planning** said off McDowell Street. It also has frontage on East Morehead and Baxter. As mentioned, this has several different zoning districts, MUDD-O, B-2, B-1, MUDD-CD. All with a PED overlay. The proposed zoning is to bring all those different districts together under one MUDD-O. It would still carry the pedestrian overlay on it. Also requesting five-year vestee rights. Midtown Morehead Area Plan does recommend residential office retail for a portion of this site. As well as a residential office for a portion of this site. So, the proposal itself is for optional provisions that would relate to valet parking, vehicular circulation, existing buildings, parking, and building heights. Those would all be things that would be [inaudible] through optional provision to help facilitate the long-term development of the site. It proposes different building heights in the different development areas. Area A would be up to 325 feet. That's the one closest to I -277 and John Belk Freeway. Area B would be 225 feet in height. Area C would also be up to 225, and then Area D which is that area that primarily fronts East Morehead would be up to 100 feet in building height.

We do have prohibitions and limitations on uses throughout each development area. It does propose a maximum of over 1 million square feet of non-residential use. 150,000

square feet max of that would be devoted to things like retail sales, personal service uses, eating and drinking and entertainment establishes both type one and two. It does have a maximum of 1,000 dwelling units on the site. As well as a maximum of 600 hotel rooms. It does connect Baxter Street with Pedestrian improvements, cycle tracks along Baxter Street, over to the existing trail park way. As well as pedestrian improvements along that road on Pearl Parkway. It also commits to a number of transportation improvements. Which would be things like a new traffic signal at South McDowell and Baxter Street. Architectural design standards would be found throughout the project. Those will be things that address articulation, height, transparency. As well as where the building will be sited throughout the project. Also requires the installation of planning strips and sidewalks along the street frontages. Also, preserve a minimum of 10% open space on site.

The staff does recommend approval. We do have some outstanding issues related to transportation, site, and building design. As well as some technical revisions related to the site and building design and land use. Mostly just some note clean-up on those technical revisions. As mentioned, it is consistent with the majority of the are plan for residential office retail. There is some that's the residential office where it is inconsistent, but overall, generally consistent with the adopted area plan. Again, the staff does recommend approval and we will be happy to take questions following the presentation by the petitioners.

**John Carmichael, 101 North Tryon Street** said I'm pleased to be here on behalf of the Charlotte Mecklenburg Hospital Authority. Also known as Atrium Health. With me tonight are Bennet Thompson and Hillary [inaudible] of Atrium, and Ms. Miller of Wexford Science and Technology, Atrium's development partner, and C. Blakeney, and Ryan Louis of Kimberly Horn and Associates.

This site contains just over 14 acres. It's essentially located at the intersection of South McDowell Street and East Morehead Street. It's across East Morehead Street from Covenant Presbyterian Church. This site is outlined in green on this aerial photograph. Once again, it's just over 14 acres. This is the zoning map. This site is currently a mixture of zonings. All of which are non-residential. The request is to go to MUDD-O PED.

The purpose of the rezoning request is to accommodate a multi-use development that would contain a medical school, research, a medical office, office residential, retail, and hotel uses, among other uses. In terms of allowable density if this were approved a maximum of just over 1.3 million square feet of non-residential uses would be permitted. Of that non-residential square footage, a maximum of 150,000 square feet could be devoted to retail sales, personal service uses and eating, drinking, and entertainment establishments. Also, a maximum of 1,000 multi-family units. Six hundred hotel rooms would be permitted on the site. There would be conversion rights as well. The medical school would be the Wake Forest University School of Medicine, Charlotte. It's a very exciting opportunity and we are pleased to share it with you tonight.

This is a little washed out I apologize, but access to the site would be from South McDowell, Baxter Street, and East Morehead Street. The site is divided into four development areas, A, B, C, and D. a reason for doing so was to specify the permitted uses within each development area and to be more restrictive ask to those permitted uses in development area D. Which is next to East Morehead Street at the request of the Dilworth neighborhood.

Once again you can see the four development areas. Development area A is at the top of the page next to I-277. Development area B is in the center of the page. It is a yellowish hue. That's B. Development area C is in the red between B and D. Then D is next to East Morehead Street. So, this provides the maximum building heights in each development area. The height steps down as you move from I-277 to East Morehead Street. As Mr. Pettine mentioned the maximum height in A is 325 feet, B is 225 feet, C is 225 feet, and then D is 100 feet. There is a provision on the rezoning plan that provides that any building in development area D that exceeds 80 feet in height would be required to have a minimum 10-foot step back from the building façade facing East Morehead Street above 80 feet. That's just to provide a little more articulation on Morehead Street for building in excessive of 80 feet in height.

This is a connectivity exhibit. Among other things, it shows the internal pedestrian circulation which are the red lines, the vehicular circulation which is represented by the yellow lines. There is a dash green line, which represents a cycle track and a multi-use path that would come down Stonewall, go into the site and connect to an existing cycle track on Baxter Street. The purple sub-circle in the middle of the site represents a pedestrian plaza.

These are simply conceptual images of the medical school building, the research building, and the plaza area between these two buildings. That really focuses on the plaza area between the two buildings. You can see a very active open space area that could be enjoyed by the folks that work, live, and go to school on this site, as well as the community at large. We have had extensive community outreach. In addition, to the required community meeting, the rezoning team has met with Covenant Presbyterian Church and the Dilworth Land Use Committee on multiple occasions. We've met with the Dilworth community at large, the Myers Park HOA (Homeowner Association) Board, and most recently the Cherry Community. Although not required under the traffic study, the petitioner has agreed to include a note on its revised rezoning plan that provides that subject to the approval of C-DOT, the petitioner will provide traffic calming measures on Dilworth Road in the form of striping on Dilworth Road between Morehead Street and Romney Road. We will continue to speak with the Dilworth Land Use Committee and C-DOT about this matter and other matters and we will continue to speak with any other neighborhoods or residences that may or may not have any concerns.

This is what we feel is a pretty unique educational, employment, and residential opportunity for our community. As Mr. Pettine stated there are detailed architectural standards that are on the plan. There really derived from our TOD (Transit Oriented

Development) ordinance. That was the direction we go from our Urban Design Planning Department. There was a traffic study that's been completed for this development. It includes a TDM or transportation Demand Management Plan that has unique ways to reduce the traffic demand that would be generated from the site. We have Mr. Blakeney here from Kimberly Horn and he is happy to answer any questions that you may have. We will not take the entire 10 minutes and we will answer your question whenever you are ready for us to do so. Thank you for your consideration.

**Sylvia Bittle Patton, 1623 Luther Street** said I'm here on behalf of the Cherry Community Organization simply raising some concerns about this petition in its current form. I want to start by acknowledging and thanking the petitioner for offering various opportunities for community input. We look forward to additional discussions and work sessions. That being said there are some concerns related directly to the proposed project including the following.

Really none of these will come as a surprise to the petitioner. We've actually talked about a number of them. Number one is the importance of remembering and respecting Brooklyn. It's easy for those who are not natives of Charlotte or new to the area to understate the importance of this land. Brooklyn was one of Cherry's sister communities and we would be remiss if we did not remind you of the ugly history of this city and how this land was acquired through eminent domain and urban renewal. Yes, that may have been decades ago, but for Charlotte's black community, the betrayal is still fresh in our minds. So, when city staff and others make statements like, no displacement is occurring or this land is underutilized, please be mindful of what once stood there before this city decided that this land was too valuable for black communities to remain.

We must be intentional about righting this wrong. More than a public apology from city leaders is needed. Secondly, affordable housing must be an integral part of this plan. A commitment of 5% affordable housing is simply not enough. If this is to be a place for people to live work and play then all people who will work there must have an equal opportunity to live and play there as well.

Third, there must be a commitment to mitigate the disruption and gentrification of established surrounding communities, namely Cherry and Dilworth. We must take a look at what has happened in other cities, Winston Salem and Philadelphia for example to see how surrounding communities have been impacted and be intentional about learning the important lessons. We've started with Winston Salem, but more questions need to be asked and answered.

Fourth, the Board of Education must be given a seat at the table. Too many meetings have occurred without their presence. If we are talking about steam education, needs to be a public education model and discussion. Then fifth, the inclusion of a free or reduced fee clinic on the campus and within the innovation district, will be staffed by med students, residents, and faculty. Charlotte needs more options for affordable healthcare. These are all land use issues and a great time for us to apply community benefits agreements. We

don't see CBA (Community Benefits Agreements)'s as being shakedowns and we hope that you don't get frustrated as we begin this public process. We trust that you will give our concerns thoughtful consideration. We ask for your support and helping to make this project the best that it could be. This is yet another pivotal decision that will certainly reflect how this City Council defines equity. Just remember that equity is what we do, not what we say. When we look at the Comp 2040 Plan checklist there are certainly more opportunities for us to check more of the boxes. Thank you so much for your thoughtful consideration.

In rebuttal, Mr. Carmichael said I don't have a rebuttal, but I just have a response in that we are happy to engage in further conversations with representatives of the Cherry community and other City Councilmembers about the issues that were raised by Doctor Bittle-Patton. We do understand to a certain extent the history of the site, the Brooklyn community that was there. There would be an effort to recognize that history in connection with the development of the site. What that would look like, I can't answer that at this time. There is certainly nothing in the rezoning plan that speaks to that, but that is something that the team could get together and discuss and have some sort of answer for you prior to the vote. We are happy to have those discussions. She is right that was brought up at a meeting we had last week, but we would need to look into the items a little more

Mayor Pro Tem Julie Eiselt I think it brings up an interesting point because there have been discussions about that. I've brought up when we had a conversation today about that with CMS (Charlotte Mecklenburg Schools) and with the schools. I think it's a really great point about including them and I think what's important here is that the Council is being asked for two things. Tonight, it's rezoning, but at some point, it is also a TIG (Tax Increment Grants) and so is the county. So, what I had said is we have to know for certainty what we are getting because we will have to give some certainty as to what we are willing to do. I'd like to ask our City Attorney. I don't know if those conversations are right for tonight for rezoning or we should have those when we talk about investment grants. I want to make sure we stay within our lanes here of when it's the appropriate time to talk about it.

**Terrie Hagler-Gray, Senior Assistant Attorney** said the certain concerns that are not directly related to rezoning and the land use, it probably would be better for you to discuss it in the TIG conversation.

Mayor Pro Tem Julie Eiselt said okay. So, with regards to free clinics, reduces fee clinics, affordable housing, I know we can't talk about affordable housing in connection to land use and with regards to CMS. So, all of those conversations would really be better in the context of the tax incentive.

Ms. Hagler-Gray said There are things that the developer can certainly volunteer. Obviously, as we discussed in the previous hearing things that can't be required or demanded.

Mayor Pro Tem Julie Eiselt said and I know that there have been issues that have come up also from Dilworth. Maybe not within the land use committee, but we've got some to the emails that county commissioners have about that open space and where it is and so again, we just need more certainty about that.

Ms. Hagler-Gray said the developer could hear the concerns that were raised by the community at the public hearing and respond to those accordingly, but I would caution too much discussion about actually requiring those things.

Mayor Pro Tem Julie Eiselt said so the public hearing for the TIG, the investment grant.

Ms. Hagler-Gray said right and what they've heard from the community. They can certainly have discussions with the community directly.

Mayor Pro Tem Julie Eiselt said okay, thank you for that clarification.

**Councilmember Graham** said I make a commitment tonight to not talk about the displacement or affordable housing, or the impact on surrounding neighborhoods and feedback from the Board of Education, or free and reduced clinics because that would be inappropriate tonight. We will have that conversation. Thank you.

Mayor Pro Tem Julie Eiselt said thank you for not talking about that tonight.

**Councilmember Ajmera** said I follow on Mr. Graham's leads here. The speaker did bring up some valid concerns that I will ask during the TIG conversation.

**Councilmember Winston** said thank you to the petitioner and the community for again coming at this by being good community partners. I think this innovation district and the potential development that will come with this land use will be dynamic. That is something that this city needs. We've grown in a way surrounded by financial institutions. This new path of development is going to provide so many opportunities. I still do not really think the community understands what kind of change this could potentially bring about because I do believe that we will do as well as this has been stated very well that there are two different tracks here. There is an economic development track and we are dealing with the land use track. I will mention some things because I think we really do ourselves a disservice when we try to silo the issues. That's why we literally passed what called a comprehensive land-use plan a couple of months ago. While we did so much community outreach here. Everything is interconnected. If we resist that we just encourage us to make the same mistakes that we continue to make, generation after generation. When it comes down to it, this land-use change is only made possible by the displacement and the change in land use many generations ago.

While it might not be [inaudible] proximate to us right now, there were conditions that we as a city put on those land-use changes. Atrium formerly known as the Charlotte Mecklenburg Hospital Authority are a political organization of a government entity, something like that.

Mr. Carmichael said quasi-judicial.

Mr. Winston said yeah, something like that. So, we are both government entities that have responsibilities in those land-use changes that we have made over time. A lot of those have gone on fulfilled, but like I said the petitioner has been a great partner in this. Community benefit agreements is a term that is used in a lot of ways and in some ways can mean different things. A lot of ways that we talk about it in this project are going to be related to the economic development portion of this. We have all discussed many initiatives that will create opportunities for this community. Again, to this point, it has been tied to the public investment more than the rezoning of or the land-use changes. In talking about the innovation campus, our team, and our city staff we started to think through ways that are overall initiatives that both help us achieve our goals on-site as in jobs, historical recognition, an opportunity for all, and created opportunities for all parts of our community. That doesn't mean that we yet have an equity lens that we are looking through or the city does not have any kind of equity policy when it comes to economic development or land use, but we have said that we are going from one. That was again at the center of the Comprehensive 2040 Plan. So, I think this project really does provide the type of opportunity to put that lens into focus. Again, if we continue to work together in good faith as good-faith partners. As part of that economic development portion, right, there would be a community advisory board as part of the innovation campus. This is something that the petitioner and the community have really been able to find common ground on [inaudible]. They both understand and again as this development goes up it's going to be dynamic. There's going to be a new building every year or every couple of years for a long time and that in itself is going to continue to change the aspects of our neighborhood and aspects of our city We are going to have different types of challenges at the beginning, middle, and ultimate end of building out that district.

So, this community advisory board has the opportunity to stay engaged and aligned throughout the building phase of the campus and beyond, right. Specific input and partnership from this community advisory board but not limited to some really major themes here right. A mechanism for education, talent pipelines, and workforce development insuring that the district appropriately recognizes the history of the site and surrounding area and linking district success to impact this community as a whole. We as a city can really help in that if we follow through on our promise of putting an equity lens on our work and fulfilling those promises that we did give to the Brooklyn community many generations ago but have failed to deliver on. This community advisory board can ensure that programs discussed now are constructed in a way that provides opportunities. Real equity inclusion for all parts of our community. Not just folks that are going to be directly involved with this innovation campus. Also, we can think beyond just building programs and develop models that ensure companies that grow within and are recruited to this innovation campus that will build this innovation campus within the land-use that is proposed become the corporate partners that we really do desire, right.

We will instill those expectations through this community advisory board about community involvement with our corporal partners and support priority such as housing and



education. Now, again this was a track that I am talking about from an economic development standpoint. In this land-use policy [inaudible] this Comp 2040 Plan where there was a lot of discussion around this idea of community benefits agreements. Again, which is very different than what we talked about right here. Now one of the points of friction was like well a community benefits agreement is not anything that we as the government do. This is a contract on an agreement between the community and the petitioner and a land-use situation. Who is the community? That was something that nobody could ask. Well again from this hard work and being good faith perhaps in that economic development track, we have identified a way that we can concisely and continuously bring that community to the table. Again, by this community advisory board that the petitioner and the community are working on together. I would like to see in this land-use policy some type of recognition that we could bring some definition to what this community benefits agreement can and should look like to ensure that that equity, that pays back, right that we do owe to our community is seen. So, I've talked to the petitioners. They've been so gracious with their time and their willingness to listen and push back and ask and come to some understanding as well as community members that realize have dealt with change generation after generation. I'm not fighting change, but I think are just asking for what they are due. So, I know there has been a lot of trepidation as has been seen as some of these legal definitions of what we can and can't talk about. Everybody seems really nervous just to talk. I can tell you the petitioners are not afraid to talk. The community is not afraid to talk. We are pass a land-use policy that says we should not silo the conversation and the work in the ways that we have just tried to do. So, I'm asking for us. Let's explore this idea of a community benefits agreement tied to the land use and let's lean on the economic development portion to bring us guidance and continue to find those common grounds that we can say. Again, how can we bring equity in this development with this land-use change that isn't just related to the innovation district, right? It might be about education right to say, hey you're getting this, where is there an option for all CMS students to have access to this campus in the future? Is there a way to look, again putting an equity lens on this work to say hey how do we look at the social determinist of health? How can we look at how those determinants are correlated to this land use? We have the ability to do this. This is why we did all of this work over these past five years of panels of studies, of policy guidance. This is our opportunity to do it. Not just for this, but to bring real focus into this for land-use decisions that will come and big projects. The idea of a community benefits agreement isn't for partial to partial. It's for situations just like this. So, let's keep going together. Let's not be afraid. Let's not roll our eyes about things and when we want to try new things. Let's not try to put it back on the lawyers to say we can't talk about things. Let's put it all on the table and come together and figure it out because when we do I think that's the experience that we have been having from the developer standpoint. Please am I somewhat accurate in my estimation and if I'm not please correct Mr. Carmichael.

Mr. Carmichael said I want to be careful how I respond for a couple of reasons. One, there was a lot there, but I promise you I listened. I will be totally candid with you. I don't fully understand CBA's. I looked in the graph UDO. I didn't see it in there. I could be wrong in terms of whether it will be codified. I saw a definition in the 2040 Plan. What I don't

want to do, I want to be honest with you and not set a false expectation as well because there's a lot to do but there is a short period of time because there's a fuse that's burning by which- of course, we've got to get your approval.

Mr. Winston said can you define what is that short period of time?

Mr. Carmichael said we'd like to get approval next month because the medical school I think wants to open in 2024. I think the honest answer is we would be happy to talk about all of these things and I'm not trying to punt it. But I am also not educated enough to give you a rational response to some of the things you said. I'm not educated enough about some of those items to be totally frank.

Mayor Pro Tem Julie Eiselt said, and I just want to say something here. None of us are afraid to say anything. I think the best conversations often happen one on one or in groups or whatever. There is nothing that prevents us from doing that and we've all been doing it. There are rules at the dais that violate our laws. And we were to get sued it could be worse for the community, frankly because we lose then. So, I do think that there are rules that we have to follow up here. Sometimes people would rather talk here and that's not always the most productive. We have absolutely every opportunity to speak with you directly and we should and be very frank about it. I think a lot of us have been up until this point. So, we do have other Councilmembers that want to speak and I don't know that anybody feels like this discussion is over. We will reach out to you to continue to. I understand there is a time issue, but we have a responsibility to the community too.

Mr. Carmichael said I didn't mean to imply that you didn't. The beauty of the legislative process is you come here and you speak. But this isn't everything.

Mayor Pro Tem Julie Eiselt said absolutely.

Mr. Carmichael said you all know as well as I do that most of the work doesn't occur during the 10 minutes or 20 minutes that you are here.

Mayor Pro Tem Julie Eiselt said and that's what I'm trying to say is the best work gets done when we are meeting with the community when you are meeting with the community. You know how we are going to feel. You guys know it. That's why the community is often confused when we just zoom through and approve decisions because they don't get to that point blindly, right. There is a lot of negotiation that went on and generally a developer or petitioner going to pull something that is not going to get approved. So, you guys are going to know that. I encourage every one of us to continue to have those discussions and be very frank in what we want and you're going to hear what 11 of us, 12 with the Mayor want, what the county commissioners want. And you'll know. Your deadline is your deadline.

Mr. Carmichael said that's how we would want it to be.

**Councilmember Phipps** said I know we have talked a lot. Even in these few petitions that we have done so far. I noticed that we didn't have any comments from Mecklenburg Parks and Recreation, but I do see here that you all are doing some considerable things with parks in this plan. So, I was wondering if you could briefly describe what you are doing in this open space and what you are doing for Pearl Park in this plan right here.

**Dennis Miller, Covert Operation Division** said thanks for the question in reference to the park. We acknowledge that we are adjacent to Pearl Park, the first African American Park in Charlotte. It is approximately nine acres. So, we have been very intentional about wanting to compliment that park. Not to compete with that park. So, what we currently have contemplated is that there would be about 10% of open space. There is actually an image on the screen here. That open space is strategically situated in between the educational building, the research building, and we are referring to this as [inaudible] the mixing bowl. It would be space which would be programmed, it be activated, it would be green space as well as hard space. From a sight line perspective, it will have visual connectivity to Pearl Park as well as there will be enhancements for sidewalks, connecting to Pearl Park. As well as connecting to uptown and Kenilworth. It will be bike lanes which are included and a slightly different approach with the bike lanes. The bike lanes will be integrated with the pedestrians. Therefore, increasing the protection for the bikers versus having the bike lanes integrated with the vehicles.

**Councilmember Bokhari** said I'm just going to quickly say as you some all of this up in the conversation we are having today, I think it is very important for us to recognize and understand the relevance of land-use decisions in the past. While also understanding as it relates to this land-use decision before us now the community benefit first and foremost is the jobs. It is the innovation district. It's the transformation that this community will fill over 20 years much like we felt the transformation in Johnson and Wells and the culinary world here or Fintech and how that has evolved on its own.

So, I think it is just really important we send the right message to all of the people in the private sector who are lined up next for their transformational deal that Charlotte is indeed appreciative of their efforts and open for business.

Mr. Graham said I think you said it earlier. Again, I was tongue in cheek. I think you got what I was saying that these conversations were happening over the last several months. So, we are not avoiding them. We are just respecting the boundaries that we have to work within tonight. Certainly, this is a land-use discussion. I think it's a very, very great project. I have been on record of supporting it. There is some dotting of the I's and crossing of the T's that has to occur. That will occur in a different setting. Thank you.

**Councilmember Driggs** said just briefly I want to affirm our appreciation for the very large investment that Atrium is considering and the benefits that we can expect from it. Here that there is a diversity of opinion around the dais. We have things we need to resolve among ourselves, but I believe the petitioners are entitled to rely on the rule that are out there and operate within that framework rather than be expected to respond to

unresolved issues that we're still talking about here. So, I for one really do appreciate this opportunity for Charlotte and want to make sure you understand there is a diversity of opinion here but there is also a lot of appreciation for the investment. Thank you.

**Councilmember Egleston** said I think it's mostly been said. But call it what you want but every single time we talk about incentives from local government or every single time we talk about TIGs we talk about how is it going to benefit the community. So, you can put a label on that if you want. The fact of the matter is we don't approve those things without believing there is a genuine and substantial benefit to the community. We will continue to do that. I think there's nothing heeding advice of our lawyer. It's not fear to talk about anything. Those conversations have been taking place and they will continue to take place in the appropriate time and space.

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

\* \* \* \* \*

**ITEM NO. 26: HEARING ON PETITION NO. 2021-097 BY MATTAMY HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 56.98 ACRES LOCATED NEAR SE INTERSECTION OF THE PLAZA AND E. W.T. HARRIS BOULEVARD IN THE HICKORY GROVE COMMUNITY FROM R-3 (SINGLE-FAMILY RESIDENTIAL) & MX-2 (MIXED-USE) TO R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

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

**David Pettine, Planning** said about 57 acres right on the Plaza. It does have some frontage on Harris Boulevard and adjacent to Rockmoor Ridge Road. It's currently zone R-3 and MX-2. The proposed zoning is for all of the sites to be brought in under the R-8MG conditional zoning district. The East District Plan, which is one of our oldest area plans recommends single-family up to four DUA as well as residential uses up to 8 dwelling units per acres. That's the area in green there. Given the age of the plan, we do apply the general development policy. It does support criteria or consideration for over 17 dwelling units per acre. The proposal is for a residential community containing up to 260 single-family attached dwelling units. That comes in at about 4.5 DUA.

There are transportation improvements including things like streetscape improvements to James Road which would be a curb and gutter an 8-foot-wide planning strip and a 6-foot-wide sidewalk. Also, the construction of a 100-foot right turn lane and concrete median would help enforce a right in, right out condition. Also, construction of a 150-foot left turn lane and 100-foot right turn lane storage that access A. They have internal sidewalks purposed for all internal streets. Also, those transportation improvements outlined in the conditions would be substantially complete by the issuance of the 50<sup>th</sup> certificate of occupancy for buildings on the site.

Architectural standards that are worked into the plan. That includes things like blank wall provisions no more than five town units per building. Also a recessed garage for architectural treatment along street frontages and also .25 acres of improved open space, which may include trails, hardscape features, seating, or enhanced landscaping. The staff does recommend approval of this petition. We do have some outstanding issues related to transportation and sight and building design to work through. But again, we do recommend approval and we will be happy to take questions following the petitioner's presentation.

**Collin Brown, 1420 East 7th Street** said on behalf of the petitioner Jerry Whelan with Mattamy Homes and Matt Mandle with ESP are joining us virtually. I'll try to move quickly. We do have some slides. As Dave mentioned this is a well-located site. Walking distance to Reedy Creek Park. Just south of the middle school, walking distance to grocery store retail, medical offices, and post office. So, literally every item you are looking for we can check. I will go ahead and skip all the way to slide 15 if you can. We initiated this position with one parcel. You can see if you see that parcel to the left that is mostly green. It is currently zoned for townhomes. We are essentially bringing that into our rezoning petition, but we are not building much on it. Which leaves it almost all open space.

A couple of items that I wanted to mention, were showing potential connectivity here. There is a lot of sensitivity when you connect to existing neighborhoods as you know. So, to meet the requirements of the ordinance you are showing two. However, we are asking for a subdivision exception request. We already have one connection to the neighborhood to the south of us. They would like us to limit that as much as possible. The connection I have highlighted there, we are showing. The staff has asked us to show it. It does cross a sensitive wetland area. So, we are seeking an exception to that request. If that is approved we would provide what is in the bottom right-hand corner which is just an area there without a vehicular connection. Again, we already have the other vehicular connection to [inaudible] more to the west.

The theme tonight on the county, believe it or not, we found a last-minute county request that was not in a memo. We found it as a kind of obscure line item on one of the comment memos that Brittany help them find. So, we got that very late in the game. [inaudible] move very quickly and they are showing on the next slide potential to accommodate a two-acre park with access to Harris Boulevard. It is not currently in our plan, but we'll try to get it in the plan before the zoning committee. Thank you. I am happy to take questions.

**Councilmember Newton** said I wanted to thank the petitioner for working with the community as closely as they have on this petition for literally months now. I also want to thank them for their dedication to green space to the west. Given the substance of conversations we've had thus far tonight, this is just I think really opportune timing and once again I want to thank them for that. As it pertains to Dusty Pine Drive, that has been the subject of a lot of conversation within the community. There already is an existing connection on Rockmoor Ridge Road, Dusty Pine. So, Dusty Pine connection would certainly be more expensive, but at the same time I think would increase the

environmental impact on site. There are wetlands there in the interest of our SEAP and our community benefit goals I think an [inaudible] exception here makes a whole lot of sense to me. I just wanted to pose the question to Mr. Pettine. Outside of just the simple black letter of our ordinances and kind of sticking to just that language of the ordinances, what benefit if any would there be to having this connection just outside of just adherence to the ordinance itself?

Mr. Pettine said there is always benefits to multiple points of connectivity to either existing or new neighborhoods just to provide other means of getting to point A to point B if there's an emergency or traffic blockage of some sort. The more points you have a connection to kind of get through the better. But as Mr. Brown alluded to a lot of times when you are tying into existing neighborhoods those cause quite a bit of consternation. So, we try to work through that as best as we can. Obviously, there's some wetlands that would be involved in a connection here as well. So, could be some rationale for maybe not providing that. Just giving the environmental sensitivity. But anytime we try to find existing connections and tie into those for new development, we try to do so. But we also try to be somewhat sensitive to what that means contextually to the existing single-family homes or other homes or uses that might be adjacent. So, really again the benefit is just to provide as many points to get from one place to another and just give the options to vehicles to get through should there be an emergency or blockage of some sort.

Mr. Newton said to that point I look at this. We are not talking about a completely insulated community being proposed here. We have a number of connections off of the Plaza, off of James, off of W.T. Harris. I think are alternative ways that would be used anyway outside of this small interior connection point. So, I would just put that out there as a point of reference may be moving forward as the variance and or exception is considered here because I do think given the circumstances here and that environmental impact, it makes a lot of sense that we would make the exception under these circumstances. So, that's all I have. I will second any motion to close this hearing.

**Councilmember Ajmera** said just a quick question. Is there some sort of connection to the Reedy Creek Greenway that we just were told about? Which is all the way from Rocky River Road to the Plaza [inaudible] extension. So, I wasn't sure if there was any connection to this park.

Mr. Brown said If we can bump back to slide 15, maybe that'll work. I saw Berk here tonight. He and I discussed this earlier. So, Reedy Creek would be the north if you see that far northeast arrow. The Reedy Creek Nature Preserve is up there. The county is working to bring that more to fruition. You can see through our site there is an essentially green belt that would run-up to that connection point. Then it kind of made sense when we got the request for the park, that if we could fit it on the Harris side then potentially you have a new kind of pocket park with frontage on Harris that connects to our internal trail system that can connect up to the middle school and Reedy Creek. It makes a lot of sense.

Ms. Ajmera said so this is connected to the Reedy Creek Greenway?

Mr. Brown said well the site is connected and maybe I should let the parks expert answer if you have detailed questions on that. But the Reedy Creek Nature Preserve is on the north side of the Plaza.

Ms. Ajmera said can we get the Park and Rec staff member to respond to that. I know we just got an invitation to the Reedy Creek Greenway. Would there be a way to connect to this park here?

Mr. Brown said yes the intention would be for the greenway to eventually connect into this new neighborhood. The existing neighborhood along Plaza Road and Plaza Road extension as well as the elementary school, middle school, and the CPCC (Central Piedmont Community College) campus in this area.

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

\* \* \* \* \*

**ITEM NO. 27: HEARING ON PETITION NO. 2021-102 BY ARDENT ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.96 ACRES LOCATED ALONG THE SOUTH SIDE OF HAMILTON STREET, NORTHEAST OF BROOKSHIRE FREEWAY, AND WEST OF STATESVILLE AVENUE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

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

**David Pettine, Planning** said just under seven acres on Hamilton Street. As mentioned, it is zoned R-5 currently. The proposed zoning is for UR-2 conditional. I do have a request for five-year vested rights. The Central District Plan from 1993 calls for single-family residential up to four DUA. We do run GDPs under this giving the date of the plan. That does support residential density up to 12 dwelling units per acre. So, it would support the requested density proposed in this project.

This project is proposing up to 83 townhome units. That comes in at just under 12 DUA at 11.93. the next building height would be 50 feet. We do have an 8-foot planning strip and 6-foot sidewalks along Hamilton's Streets frontage. The walkways would connect all of the residential entrances to those sidewalks along public streets. I do have a class C buffer that would abut the single-family homes that are behind off of Polk Street. It commits to urban open space here as seating pedestrian walkways and landscaping. It also provides visitor parking. Each unit will have a two-car garage. Architectural details include things like primary building materials, usable front porches, pitched roofs, and other items.

The staff does recommend approval. We do have some outstanding issues related to land use. As well as some technical revisions related to sight and building design. While it is inconsistent with the Central District Plan, it is consistent with the general development policies that support up to 12 DUA. We will be happy to take any questions following the presentation by the petitioners as well as members of the public. Thank you.

**John Carmichael, 101 North Tryon Street** said I represent the petitioners; Ardent Acquisitions. With me tonight are Tyson Reilly, the petitioner, Dan Putman of VSP Associates, Thomas, and Caroline Sadler, and Charles Burris of the Greenville community. They will address you shortly.

The site contains just under seven acres. It's located on the South Side of Hamilton Street between Burton Street and Polk Street. This is an aerial of the site. As you can see the site is adjacent to I-277 and is located across I-277 from the Music Factory. The site is currently zoned R-4 and the request is to rezone the site to UR-2 CD. The purpose of the rezoning request as Mr. Pettine stated is to accommodate the development of up to 83 single-family attached townhome dwelling units on the site. The overall density would be 11.93 units an acre. The general development policy supports up to 12 units an acre on this site.

This is the rezoning plan. Hamilton Street is to the north and west. I-277 is to the south on this plan. Access to the site would be from Hamilton Street. It would be about the way of the main street that would have private on-street parking. Alley's would feed off to the main street and serve the units. Each dwelling unit will have a garage. The dwelling units that are adjacent to Hamilton Street would front Hamilton Street. The tree-save areas would be located on the site as generally shown on this plan. A tree save area would bisect the middle of the site along the existing stream. There would be a tree save area in the northeast corner of the site as you can see. There would also be a 30-foot-wide landscape area plant to the standards of a class C buffer along a portion of the eastern edge of the site. The landscape area, the tree save area, and just allow the site, we think would provide a good bit of separation between the proposed dwelling units and the single-family homes located to the east of the site.

Architectural standards are a part of the petitioner's rezoning plan. A [inaudible] would not be a permitted exterior building material other than on windows, doors, garage doors, [inaudible] trim, and railings. A usable front porch or stoops would be a part of the architecture for this project. An eight-foot planning strip and a six-foot sidewalk will be installed along with the site's frontage on Hamilton Street.

The petitioner has been in discussions with the City staff regarding the Urban Arboretum trail and other community improvements in this area. The petitioner has also been in discussion with Mr. Thomas Sadler regarding the place of the Peace Garden. The proposed location for that is to the west of the site as you can see on this areal photograph. This is a proposed neighborhood amenities, plan B located once again to the west of the rezoning site. As we understand it Mr. Sadler has been working with the



Charlotte Urban Design Center on this proposed amenity. As a result of conversations with Mr. Sadler and City staff and the desire to bring this amenity to the neighborhood, the petitioner has agreed to fund the \$100,000 cost to complete the plan improvements to the Place of Peace Garden. This is a photograph from the place of Peace Garden location to downtown as you can see. It would include a gazebo and gathering areas, benches, open space areas, and landscaping. As we understand it, the urban Arboretum Trail would go to the Place of Peace Garden.

This is a site plan that was provided to the petitioner that shows the proposed improvements to the Place of Peace Garden. This is a [inaudible] that shows the gazebos, landscaping, and some of the seating elements. The petitioners also having discussions regarding contributing towards educational and historic markers along the Urban Arboretum Trail that would be located in this area. The petitioner will know more about this prior to your decision on this rezoning request. I'm going to turn it over to the Sadlers and Mr. Burris. We are happy to answer your questions. Thank you for your consideration.

**Caroline Sadler, 1416 Whisnant Street** said thank you so much for hearing us this afternoon. I've lived in the Greenville community for 40 years. A little bit better. I was part of the old Greenville when they tore down the first Greenville. I've watched each segment of Greenville be built. It brought new neighbors. It brought new housing. Each time we go better. I am here to support the 83 homes that are going to be built because that would give us a bigger voice. This is the last piece of land that Greenville has. It would give us 83 new neighbors that is going to be rooted there in the community that could pick up the ball and carries on. We are aging out and the next segment that comes in, the next generation does not want their grandparent's houses. To have new construction bring new vitality to the community, would sort of ensuring that Greenville will live on. That's why I'm voting for the new homes.

**Thomas Sadler, 1416 Whisnant Street** said I'd like to say good evening. I was born in raised in the Greenville community. My grandparents all Greenvites. As well as my great grandparents moved away when urban renewal came off in just a short time. We moved back in 1980. We wanted to be a part of the new direction that Greenville would take to become a more desirable place to live and raise families. We'll embrace and change today because I was there when it was considered slum and blighted. Now we've reached a place where it's become this desirable, and we want to continue with the progress that's been made. After study after study have concluded that we need more rooftops in order to gain more amenities in the neighborhood. We are here to support this project and to let you and the developers know that not everybody's opposed to townhomes that's been proposed.

**Charles Burris, 905 Canton Place** said I've lived in the Greenville neighborhood for 20 years. Just short and sweet I'm for this change. I think change is good. We look forward to it. Thank you.

**Shelia Johnson, 918 Canton Place** said I live in the Greenville community and I'm a Charlotte native. [inaudible] can even call me an overachiever because I purchased my home when I was 21 in Greenville. So, I'm vested in Greenville. I'm against the rezoning petition. The proposed rezoning and number of units with almost double the number of residents in the community. Yes, they give us more. They give us more voices at the table. But that's a lot of people in a small area. So, Greenville is open to inclusiveness and current demographics in the community represent diversity.

The initial intent behind an urban renewal in Greenville was affordable housing. Now during that time, it consisted of blue collars, pink collars, and some folks with no collars. I believe that the parcel can still be developed with the current zoning. Now gentrification is trending in charlotte. Wesley Heights was once 90% African American. It is now 25% African American. Wilmore which is now recognized as a historic community, African American representation over there is 20%. So, as a citizen and as a social worker, I see to understand where are those African American families.

Now I got these numbers from a recent airing on WBTV on Your Side segment, Friday Evening. Now Mr. Derrick Russell reported a story and I take him to be a credible reporter. In closing, I'm not sure when affordable housing became a stigma. It's a leg up. It's reaching back and helping someone. So, I believe everyone should have an opportunity for home ownership just like I did with my three sons. Now, the mindset has somehow pivoted from reaching back and helping someone else. It's more of a mindset, I've got mine. You get yours. Two bad To Sad. Now, I believe two zoom meeting does not equal relationship building in a community. It does not. Now, this Peace Garden, it's a good concept. But in the original plans and I heard you Mr. Graham state that you like the outdoors things and tennis courts. We'll that was in the original plans when they did Urban Renewal. Where are they? Where are the tennis courts? Where are the water Fountains? And where are the restrooms that we were promised and the park? So, in the order I think to get bored, it's going to need to be more transparency, more relationship building. So, the struct can be established. Mr. Graham, you know I've reached out to you. I have left you two voice messages on two different numbers. I sent you an email. To use the verbiage of our young people; I feel like I have been ghosted. You haven't returned any of my communications. Until we can dialogue, then I can better understand the cause I seek to understand. I thank each and every one of you for your time this evening. May the Lord keep you.

**Janice Pharr, 1306 Polk Street** said I will be brief. I've been in Greenville since 1980. So, I have been over there for 40 years also. But the thing that I noticed greatly is that Hamilton Street is now a thorough fare for all of the traffic going to the Music Factory, Advent, live events, the club, and so forth. These people park on Hamilton Street already. Not only on Hamilton Street but also in the parking lot at the school because we have to walk to [inaudible] school on Hamilton Street too. So, we have the school, we have the condos or what we want is single-family homes because there will be less traffic that leads to Advent and the Music Factory, and comedy zone and so forth. So, we are not the only ones here tonight that feel like that will not be the best for our community. We worked

hard. We did as a community to go out into the neighborhood and get these petitions signed so that you all would know that we are in agreement to no for rezoning. We have petitions signed. We also have signs in our yards saying that single-homes, yes. Because this is what our neighborhood is built for, but condos and townhouses we know that would be just too much traffic for us. We can't get out as it is already. So, this is all I have to say, and thank you for letting me speak to you all. I did send you some emails and I didn't get an answer, but I'm here tonight to speak for my community. Thank you.

**Renee Williams, 1537 Hamilton Street** said I lived on Hamilton Street for over 29 years and was not notified about all the acquisitions about the 83 townhomes that they wanted to develop only on Hamilton Street. It wasn't until James and Sheila knocked on my door or else I wouldn't be standing here today. According to Mecknc.gov, the medium household for Greenville residence in 2009 was \$26,914. The City of Charlotte Website says that 55,000 Charlotte residents don't currently have an affordable place to live. That's ¾'s of the Panthers Stadium. Greenville is affordable. Green Haven apartment is an income-based affordable housing opportunity.

Many of us in Greenville receive the House through a program when there was no skyline. Even newcomers are opposing the development. Eighty-three townhomes, pricing between \$300,000 and \$400,000 will change the face of Greenville. It will bring height taxes. I believe it will be an extra 200 cars in the community. There has been an increase in speeders. Cars have been hit. A car ran into my neighbor's house and many, many [inaudible]. This came along when the North Carolina Music Factory came into existence. We all know Charlotte is a hot market. Let's not forget the Greenville residents who lived here for years. The retirees, the single moms. We don't want you to price us out. From what I see some developers see the skylines and dollar signs. I'm asking you to vote no to rezoning. Thank you.

**James Lockhart, 1205 Polk Street** said thank you, guys. Very quickly, tonight we've heard about a lot of different issues that the Council has heard about. We heard about marginalized communities, and we've heard about urban renewal. Of course, that is taken place and has taken place in Greenville. The issue here is whether not to rezone this six, almost seven acres for DD-2 townhomes. If as our leaders you get out and talk to our community, which we have less than 250 homes. I've covered about half of them on foot. They will tell you they don't want this and they will tell you why. As our leaders, we are asking you to vote with your constituents and not you are conscious. We have leaders in the community that may not be with us but again, this is a democratic society. It should be majority wins. I employ you before you make this vote to get out in Greenville, talk to the residence, look at the signs. Half of the residents don't even know about rezoning or how this process works. So, we have had to work behind by trying to get them educated on what we can do in order to stop this. So, I'm just asking each Councilmember on this vote right here, please don't just vote with your conscience. Please vote the way that the neighbors and your constituents want you to. That means you need to get out and talk to us.

In Rebuttal Mr. Carmichael said we appreciate their comments. We don't have a rebuttal. Thank you.

**Councilmember Winston** said I have a question. There's a little sliver of land that is not part of the petition that is still going to be zoned R-5. Can you tell me?

Mr. Carmichael said it's little. It's about 7/10's of an acre. I have a slide that shows where it is Councilmember. So, it is to the west, but it's a place that would be a garden with gazebos and seating that would serve the neighborhood and the community that Mr. Sadler's been working on and when the petitioner spoke with the City staff about the Urban Arboretum trail they mentioned that opportunity. Are you talking about the Place of Piece Garden?

Mr. Winston said there's a little silver. I don't think it is part of the property.

Mr. Carmichael said ooh you are talking about right there between the road. That is a right-of-way. I'm sorry.

Mr. Winston said thank you to the community members that came to speak. I had the pleasure of living in Greenville for a year. So, I know how wonderful that community is and how it is changing. I think it's another reminder that one of the difficulties that we have here is that we don't have an equity policy when it comes to any land-use decisions. We are trying to solve these things, but until we come up with that we're not given many options here. One of the difficulties is that again this is another neighborhood that is directly affected by urban renewal and the promises that we made, but still can't keep. It is not surprising that this is coming before us now. Because what do you have? You have millions of dollars that have been put around this area with infrastructure improvements with the new bridge going over I-77. You have millions of dollars of investment that's going on in Camp North End. You have the Music Factory. So, every land-use decision that we have is going in some situations, going to make things more inequitable. I will say that the market would say if there was an option for single-family homes now, it would have been happened.

That land over there provides I think some difficulties from a development standpoint. I do have some concerns though. I don't think this is the petitioner's concern, I know that lot is often used as overflow parking when there are festivals that happen. So, I don't know how we account for that with that land-use change. Again, it just highlights that we continue to not be able to fulfill our promises because we have not done the equity policy work that we have promised our community. Thank you.

**Councilmember Egleston** said I wanted to first thank Ms. Johnson for being an advocate of affordable housing. I appreciate you saying that's something we need more of. I guess where we get torn sometimes is because if someone were to build, and to Mr. Winston's point if this were necessarily the best option, they could do it without having to come through a rezoning process, but if someone were to build the 34 single-family houses that

are allowed today instead of the 83 townhouses, it certainly would have less of an impact traffic-wise to the answer you made earlier. But it would also mean that those houses would be likely 50%-100% more expensive than the units that would be built under this proposal. So, I caution. We have to figure out how to strike a balance between the density, the traffic, and the impact of that density. But also, the affordability. Also, when we take a parcel of seven acres and we put less units on it, those units are going to be more expensive and less attainable for people in our community. I see that in my neighborhood as people build grotesquely large single-family homes. And are selling them for four times what I paid for my very small home. So, don't want us to go so far in the direction of trying to minimize traffic impacts and the impacts to a density that we make it so that even fewer people can be in, as what Mr. Winston said, is a great community with good access to a lot of the amenities or our center city.

Part of our housing crisis is simply we don't have enough housing. So, I want to make sure that we are mindful of that. So, the points about traffic and there is a real traffic issue over there with the Music Factory. As a matter of fact, I will be over there with a friend tomorrow night for [inaudible] at the comedy zone. I've driven in and out both ways on Hamilton and where it turns into Music Factory Boulevard. I think that's an issue that we can try to collectively help address outside of this rezoning. Often times there's an issue that has been building and it takes a rezoning here for it to sort of bubble up and for us to hear about it. But it sounds like it's already an issue regardless of what happens with this parcel of land. So, I think regardless of what happens this rezoning, it's an issue that we can help you guys tackle working with our department of transportation or get some traffic calming solutions. Make it less appealing for people to use the residential exit from the Music Factory. Make it more appealing for them to use the more commercial exit on Music Factory Boulevard. I think that is something we're committed to assisting with regardless of how this plays out. That's it.

**Councilmember Graham** said let me thank the residents of Greenville on both sides for being here tonight. I apologize if I missed a phone call, but as you know we spent an hour together at the neighborhood meeting with the residence for and against. As well as the developer. I think it was like an hour and a half that we talked about the issues. I did also, drive the route that I said I would and drive through the community so I can actually see the lot, the entrance in and out of the neighborhood via Hamilton etcetera. So, I'm very familiar of the landscape over there. I have a couple of questions. The first one would be, was a traffic study performed?

Mr. Carmichael said Councilmember Graham was not required to be performed by C-DOT because it didn't meet the trip threshold. Which doesn't come anywhere close to it. Which is 2,500 daily trips. According to C-DOT, the current and entitlement would generate 390 trips. The propose would generate 590 trips. But the petitioner did ask Kimberly Horne to do an analysis to see what the peak hour impact would be of the proposed development versus developing under the existing zoning because C-DOT doesn't typically do that in their memo. According to Kimberly Horne, it was seven additional a.m. peak hour trips compared to if the site was developed under the existing

zoning and eight additional p.m. peak hours. So, seven in the a.m., eight in the p.m. Then of course there's about a 200 daily trip differential.

Mr. Graham said so the park, will be built simultaneously with the townhomes?

Mr. Carmichael said So, it would be a contribution to a foundation. I don't know exactly. We can find that out for you. I don't know the answer to the question. I know the contribution would be made prior to the first CO. But in terms of when that would actually be constructed, I can follow up with you on that.

Mr. Graham said have you guys established a price point for the townhomes?

Mr. Carmichael is sad mid-300s.

Mr. Graham said I think that's the point Councilmember Larkin made is correct, right. If there were less units on that lot, the price of the homes would be significantly higher. So, it's a delicate balance between the two, right. [inaudible] a \$300,000 townhome, which is very expensive to some versus a \$500,000 home that would increase the properties for everybody around at the same time. Just a point of observation.

A tough issue for sure. There are friends on both sides. Supporters on both sides. I appreciate the honest dialogue that we did have via the virtual town hall meeting. We will see what happens when we make the final vote. Thank you everyone for coming.

**Councilmember Bokhari** said I just want to mention something more broadly. Not necessarily related to this, but something after hearing you guys speak. I've had a concern that a lot of our communities haven't fully engaged in what we do and voted on in the 2040 Comp Plan. What we are going to embark on in the UDO. If you are not familiar with it again, several of you expressed your feelings about single-family homes in your area. The majority of this council has moved forward to abolish single-family zoning as an approach so that duplexes, triplexes, and even quadplexes can potentially be built by right in any of those areas that are there. Several of us that have fought against this are of the belief that many in our community do not yet know or understand that. But if you think about it, I mean all of those single-family homes you're picturing that weed the fabric of the character of your neighborhoods right now. There won't be anyone in front of us having a discussion. They'll be able to come in and doze them over and instead of buying one \$300,000 single-family lot or home, they'll sell three \$300,000 triplex units. I think this is the reality by which most people in east and west, and parts of north Charlotte truly feel. I don't think we got that finger on the pulse of it. I'm so grateful that you guys came down and said that and I hope my colleagues as we go into the UDO of this will remember it's not about how many people played the board game and then they said yeah that would be great and that's this. It's the people when they realize you can do what next door to my house? Without me having any view or opinion on it. So, I hope this is an opportunity beyond the tactical nature of what you've discussed and what's happening here that you get versed in what's going on and spread that word.

**Councilmember Ajmera** said I appreciate the speakers on both sides here. There are some valid concerns around displacement. To the petitioner, is there any component of affordable housing? I didn't see that in the notes here. Or is that something that you would be willing to consider?

Mr. Carmichael said there's currently no provision in the notes for an affordable component. There tended to be for-sale units, councilmember. It's something that we could have a discussion about. But at this point, there is no plan to do that. That being said we are happy to talk about it and follow up.

Ms. Ajmera said sure I would be interested in the follow-up if there is a willingness to consider adding that to address some concerns that's been raised by our speakers.

**Councilmember Johnson** said one of the speakers mentioned that the average area median income in that area was \$26,000. I'd be interested in learning the area median income for that area because that is something that we as Council might consider as what the average home prices are currently versus the proposed petition. There were speakers on both sides. There are homeowners that want to see increased value in their neighborhoods. But what happens is when the tax rate increases, they are displaced. So, maybe that's something that we as Council can take a look at. What is the area median income? What is the average home prices? How are \$350,000 units going to affect their tax rate? How can they realistically afford it? One of the things that I work with the City Manager on from Hidden Valley, they are part of a pilot. An anti-displacement pilot. So, perhaps we can take a look at those tools when there is development in these specific pockets. I appreciate the speakers. I appreciate the history. This is something that we can take a look at. One of the speakers also said equity is not what we say, it's what we do. So, I think these were powerful presentations. I think we need to take a look at this one and look at the area median income.

**Mayor Pro Tem Julie Eiselt** I'm going to ask our city attorney to weigh in on that because we might be crossing the line on that.

Ms. Johnson said crossing the line on what?

**Terrie Hagler-Gray, Senior Assistant Attorney** said Ms. Johnson, talking too much about a price point outside of just policy and specific to the particular rezoning is something that you have to be careful with. To talk about the median income and the development in that area in general as a policy is fine. But with respect to a particular rezoning, you have to be very careful

Ms. Johnson said well someone asked the price point about the unit. So, I just repeated it. But anyway, I'm more interested in looking at the average price of the homes or the area median income currently. I think we should come up with some type of policy and maybe that's for the anti-displacement committee. But that's something when you know that there is going to be an imbalance. We can't ignore that. So, I just think that that's

something that we should consider. Maybe take a deeper dive in looking at that. But if we know that more expensive units are going to increase the tax rate for these residences significantly, then it's up to us as Council to really try to protect these residences. So, we can work with the City Manager or something for some anti-displacement. Maybe tax subsidies or something because their area is going to change. The 2040 Plan and we've made policies. Most areas are going to change if they don't have the deed restrictions. Areas like this with affordable land are going to change. The issue is how do we protect residents so that they can benefit from the increased value in their neighborhood. So, I just like to really take a deeper look at that and comparing the current versus the future and how we as the City can develop policies to bridge that gap.

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

\* \* \* \* \*

**ITEM NO. 28: HEARING ON PETITION NO. 2021-116 BY KEVIN BOYD FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.05 ACRES LOCATED AT THE INTERSECTION OF EAST 35TH STREET AND WHITING AVENUE, SOUTHEAST OF NORTH MCDOWELL STREET FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL).**

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

**David Pettine, Planning** said it's on East 35<sup>th</sup> and Whiting Avenue in the Noda community. It is currently zone R-5. The proposed zoning is for MUDD optional. The proposed future land use from the 36<sup>th</sup> Street Transit Station Area Plan. It recommends residential uses up to five dwelling units per acre for this site. The proposal is to allow for adaptive reuse of an existing building that is 740 square feet. There is some notes to allow future expansion of up to 60 square feet. So, that would total 800 square feet when it's all said and done.

We do have prohibitions on some uses like gas stations, self-storage buildings, accessory drive-through windows. It does limit building height to 40 feet and hours of operation is from 7 a.m. to 10 p.m. We do have illustrations for locations of trees to be removed. As well as enhance landscaping areas. Proposed accessible ramps would be installed at 35<sup>th</sup> and Whiting frontages. So, you'd have ramps on both corners there. Then also optional provisions would allow for the existing building to remain without conformance to the MUDD standards would eliminate parking requirements for uses contained in the existing building. Outside areas allow deviations from typical streetscape requirements and coordination with C-DOT and also allow deviations from the site triangle requirements. Those are all optional provision that tries to get to the point to reuse an existing building that didn't conform to ordinances and wants to basically just stay in its current state but be reused for some purposes.



So as mentioned the staff does not recommend approval of this petition in its current form. The staff that's supportive generally of the concept of reuse to this building for nonresidential uses. Historically that's been the traditional uses that have been in there. It's kind of a various list of different uses that operated more as legal nonconformities. This rezoning would allow for some of those uses to be reestablished, but there are some things looking at the site plan that we would like to see better addressed that went beyond just recommending approval with the resolution of those issues being taken care of. We felt that just the way it was presented just needed some additional tweaks and hopefully we can get there to a point where we will reevaluate our recommendation before the Zoning Committee Meeting should those issues get addressed to satisfaction. Then that recommendation could potentially change and be more favorable. But we do support the reuse of the building. We just again, want to see it tightened up and dialed in a little bit better. It would offset some of this potential impacts to those adjacent residences. So, with that, I will conclude our presentation, turn it over to the petitioner and the public. We will take any questions at the end of that. Thank you.

**Collin Brown, 1420 East 7th Street** said on behalf of the petitioner. Also, Kevin Boyd, the petitioner is available virtually if you have questions. This is kind of a cool corky spot in Noda. Here is an aerial photo to the left there you see that big building. That is the Congregate. There was a pretty controversial rezoning in Noda a couple of years ago that allowed the adaptive reuse of that old church building. So, that has been completed. It is now a coworking space. There's a good bit of surface parking there that would allow some potential parking sharing with this use. Then a townhome development that have developed around that. Our site is that tiny triangle there with the star on it. Originally this parcel was larger. The property right behind it you can see is zoned urban residential. So, this parcel actually used to be larger. Someone rezoned that so that they could fit a home on it. So, it was rezoned to accommodate that home that is now next to this structure. This is one of those structures.

If you drive through you see these kinds of cool, corky buildings that's been a lot of things. I think that building probably predates the zoning ordinance. So, it was there at a time when we had different uses interspersed into neighborhoods. It's been a variety of different things. Most recently and most highly public it was going to be a soda shop. Which would have added some food and beverage in the neighborhood. Unfortunately, that project did not go forward. When it ceased to be used for commercial purposes for over a year. It lost its nonconforming status. So, now virtually nothing can be done on the property. Mr. Boyd is not a prominent developer, but he is local. He kind of drove by like a lot of folks and had a vision for the site. So, he has purchased the property.

This is what it looks like today. So, as Dave mentioned a little 700 square foot commercial building sitting on the corner. Trying to figure out what could be done with it. So, we quickly realized to do anything we would need a rezoning. So, approached the staff and the community about this. This to me strikes me as the type of thing that we want to see in Noda and that community always says why don't you bring us something cool and unique and genuine? Why do you guys always wipe out Noda's history? And why don't? Egleston

said we have some cool stuff? So, it's been interesting to work with them. We held a community meeting onsite. So, if you would come out to see it. True story, folks ride up on a bicycle and they go ooh you know make it an Italian bistro or a French bistro. There's a lot of excitement about it. I know some of the adjacent, you may hear from some folks that are not excited. That doesn't mean there's not excitement in the community about it. So, I'm happy to continue working with the team.

So, really the goal is to preserve the existing building, add some streetscape, some pedestrian improvements. Preserve existing trees. As Dave has mentioned the staff is not supportive in its current form. We're continuing to work through some additional items. Here is our development standards. These are some of the changes in response. Initially, our goal was to have a roof terrace also. Seven hundred feet is not very much. So, we are trying to get some additional square footage. We've taken that off of the table. So, there's no roof top. Councilmember Egleston who as supportive I think of funky uses said hey this is a cool idea. But can't go late at night. I have heard from the neighbors on that. Don't want to bar or anything like that. So, he had a suggestion on hours. We have limited those from 7 a.m. to 10 p.m. We've got prohibited uses. All of the big ones that you would not want. I think if there is feedback from the neighborhood, you will hear from some folks tonight that do not want food and beverage sales. They don't want a kitchen on the property. Frankly, that is the only way to make this viable. So, we are still requesting that. We are working on sidewalk, pedestrian ramps. Working with C-DOT to have it more pedestrian-friendly. We are working on a location and screening for the trash [inaudible] which we will continue working on. Hopefully get a new plan to you all next week.

**Jacob Horr, 3401 Benard Avenue** said I'm on the board of the Noda Neighbor and Business Association. I'm representing our president. Over the past few months, the petitioner has engaged with Noda to present their plans and address the concerns of the association. I sent a letter to Council and staff this morning. The [inaudible] Noda NBA is in support of the petition. It was supported by 3 or 4 [inaudible] associations as well as unanimously supported by our board.

As mentioned by both Collin and Dave, this petition focuses on the adaptive reuse of a pretty small existing building that was previously used for commercial such as yoga studios, art studios, event space, and then others. It furthers the goal of preserving the neighborhood character while providing a vibrant, urban environment. It also has the opportunity to provide a home for a local small business. Additionally recognizing the potential impact to the immediate single-family zoning. The petitioner has put in some restrictions for operating hours, certain uses, and so forth.

There are a few areas given that proximity that we would like to see further included in the plan. Many that are on this page right here. It just needs to be put in the conditional notes that include the more suitable location for the trash enclosure. Stretching operating hours to 10 p.m. as well as restrictive roof top expansion. Which have all been noted. We thank the petitioner for their efforts to work with the neighborhood on the project and

address our concerns. We look forward to welcoming a new small business in the neighborhood.

**Kevin Boyd, 1420 East. 7th Street** said I'm here. I just wanted to thank everyone for the opportunity and I look forward to this process. Again, I'm not a developer of any [inaudible] of the imagination. I am truly committed to benefit of the community in whatever comes with that property. So, thank you for your time here and I'll save the rest of the minutes.

**Michael Reid, 3202 Spencer Street** said thank you in advance for listening to our concerns. Cory and I are representing a number of the residents. You can see there is a number of residence with actually a lot of kids and babies in the area. So, it just gives you an idea of what the neighborhoods are currently like. Basically, if you walk through the neighborhood at about 8'oclock at night it's very quiet and peaceful.

So, Cory and I just want to make it personal that we are adjacent to this property, but we are representing the greater neighborhood. There is my house. I live there with my wife and moved in three years ago. You can just see the views. I can see directly across from my house. I look right at the soda shop. We called it the soda shop because it was going to be a soda shop. You can see the view from the actual property over to my house. So, it's very close. So, I would be obviously not as excited as the Noda Business Association of [inaudible]. But I must say it's important, I did purchase the home with the understanding of the historical uses of that property. It was a soda shop. I knew there was history. It had uses in the past. It was an office, yoga studio, art gallery. I was perfectly happy with those uses.

I'll just talk about my concerns with some potential uses such as a bar or restaurant. The noise and hours of operation smell and grease from the hood, trash. Obviously, there would be more trash with a bar and a restaurant. Then that would potentially impact the properties in the area in terms of [inaudible]. But we are not against rezoning the purse. We want it basically to Mr. Egleston said rezoned in a similar fashion to the congregate workspace or stipulations there, and hours of operation. You couldn't have a bar or brewery, restaurant, etcetera. So, we think it's just reasonable. You would apply the same kind of logic to the congregate workspace which is right beside it. So, that's my piece. I will hand it over to Cory.

**Cory Lail, 914 E. 35th Street** said I'm at the adjacent resident right beside. Thank you for your time tonight. So, yeah, I own the residential property at 914 East 35<sup>th</sup> Street. Which is directly adjacent. This petition is written by family and many surrounding neighbors. A [inaudible] is not reflected in the Noda NBA vote.

That being said, I talked with Kevin many times about this personally. It is that me and my family want a successful business here. I don't want to walk outside of my front yard and see an abandoned lot. I don't want this to be a money pit for Kevin. I don't want this to be a failing establishment. All we are asking for is some limits that Michael talked about, that were [inaudible] congregate space and to add some stipulations that will maintain the

nature of the neighborhood. As I promised Kevin the owner before that I promise with the backing of this very two to a three-block radius, we will make this a successful business. We will have his back unless they go around my family's home.

So, this is my property here along with my wife and my four-month-old daughter Margo. If you see the very top picture on the right. The second-story window is Margo's nursery. So, she is four months old today. If you look directly in the front there at the little window that's everywhere around Noda. Right outside of the front porch is going to be the back side of what we call the soda shop. That's just another picture there.

That goes to another point that Michael has made recently. Recently my biggest concern is the commercial kitchen. I know that we are not going to have an exhaust fan that's going to pump out to 35<sup>th</sup> Street. We are also not going to have an exhaust fan to pump out to Whiting Avenue. So, the only option for an exhaust fan for a commercial kitchen is going to be directly into my house, onto my driveway, into the side of my house, and onto Margo's window. So, that is one of the biggest concerns that has not really been established in the limitations so far.

Here is another look at just how close it is. It is just about a 10–12-foot difference between the back of the adjacent property's wall and the of my wall that is my car directly right there. There has been no approval into any type of landscape barriers whatsoever. Right now, there has been talking but nothing is written down. This also is a place where their planning on putting their trash. Which is also going to be directly below my four-month-old daughter's room and beside my wife's car right there. With the addition of trash, we also have a rat issue. Which is also an issue that I have literally had to call the exterminator approximately two months ago with the sewer system in Noda. In addition, as a close community that supports local [inaudible] right down the street about a block away. We just don't need another restaurant in that area. They battled through the pandemic and did a great job. We really just don't feel like there is a need there. As an end, I want to make a few things clear on my perspective. We as neighbors want a successful business at this location. We just want some guidelines to protect us, our families, and our property value. My daughter is my main priority and I know the neighbors around me who have infants and toddlers would agree with that. And those who have accepted me into their family as their family will say that this property petition as written will have a direct and negative impact on our children.

My last point, I'll raise the question if this was your home what protection would you want? I doubt they would be too different than mine. Thank you for your time and have a great evening.

In rebuttal Mr. Brown said I don't think we have a rebuttal. We are happy to answer any questions.

**Councilmember Egleston** said I think primarily Mr. Brown, I hope we are actually not too far apart here because the first thing we discussed as you mentioned was the hours.

I can appreciate the folks who live right here don't want to hear folks at 11, 12 o'clock at night. So, I appreciate the willingness there. I'll say too as someone who also represents the Belmont community, and I'm sure most of you have been to the Belmont community. I think one of the things that makes the Belmont community unique and special is that there is, what I believe to be, and I think most of the neighbors would agree, is an appropriate mix of uses in that community. So, if you look at page number three. If you look at Sweet Lou's Barbecue, Bottle and Bloom, which is a florist bottle shop, Culture Shop which is wine and cheese, and sort of provisions store, all of those are in legacy corner stores. Which were headaches to the community and their past iterations but are now amenities to the community of both old and new residences. I think they wouldn't trade those for anything. I think it increases their property value. I would love to live next to one of those places. They all actually sale alcohol too, but they all have similar limitations on hours. I don't know if those are self-imposed or rezoning imposed. I don't recall, but either way, I've never encountered an intoxicated person at any of those four businesses despite the fact that they all sale alcohol and they're not there late. So, I do think that something like this can work and can work well and be something that's an amenity to the community.

I will ask a couple of things, Mr. Brown, based on some of the comments. I can certainly appreciate as someone who has worked in restaurants most of my entire life, the concerns around trash location and around an exhaust fan. So, I guess one thing that maybe you already have and if you haven't, I appreciate you exploring it is as you look at the church across the street from [inaudible] adaptively reused and opportunities to do a shared parking agreement there, would there be an opportunity to do some sort of a shared trash location agreement? A shared dumpster agreement. Something like that where if there were fryer grease that needed to be disposed of. If there were particularly food trash that needed to be disposed of, could it be taken across the street at the end of the night and put somewhere there in some sort of an agreement that may be is in addition to the parking agreement. The exhaust fan, I don't know if you've got something in mind I response to that. If there is an idea of where that might be or some of these businesses like a culture shop in Belmont I presume doesn't have an exhaust fan because they probably don't have a hood system. I think it's mostly like a sandwich grill or press type of kitchen setup. I do think that is a question that would need to be answered in the screening between the, I'll call it the soda shop too, and Dr. Lail, the immediate neighbor there that's 12 feet. I do think some sort of a screening arrangement there be it fence or landscaping or whatever that is mutually agreeable would be appropriate. Has there been any other discussion on the exhaust fan?

Mr. Brown said I got a communication from Kevin, who indicated the building was plums for grease and it was upfitted for the soda shop. Still not sure if their actually plans for the exhaust fan. This may not have an exhaust system at all. But that is something we will look into. As I've mentioned we have talked to congregate about sharing parking that they were [inaudible] in a lease arrangement maybe. It's an interesting question about the trash. Which I haven't contemplated, but we will certainly talk with them.

Mr. Egleston said I don't know if that is a thing. I don't know if people do that but, it seems like it would be possible. I think then it removes some of the order concerns, some of the pest concerns at least to a degree. So, I am in general support of finding a new use for this. I am personally and I can appreciate that there are people that disagree. Comfortable with it being an eating and drinking establishment. I do think continuing to hone in on what the prohibitions are around amplified sound at a certain time, indoor versus outdoor, seating [inaudible] the hour. Again, I am appreciative of that. In finding some of these things, particularly as it relates to smells and exhaust and trash, I think are reasonable compromises. But a building that is 70 or 80 years old, it sounds like the neighbors are going to agree with me on this part, I certainly want to make sure that we preserve it. I'd also be curious if there were an opportunity for some sort of preservation covenant on that building. I think A, as a preservationist is appreciated for the long-term maintenance of the building, but also, I think could maybe alleviate some concerns of future changes to the site that could occur. So, I think that's primarily my questions for now.

**Councilmember Ajmera** said I see that the staff could support this petition before the verification of proposed use. So, I'm just trying to understand from the staff are there any specific concerns that the staff has in terms of the certain use that could be harmful to the neighbors?

Mr. Pettine said we just need to go through the list and MUDD and dial that in a little bit more. I think we do want to talk a little bit about the difference between the EDEE (eating/drinking/ entertainment establishment) that could be proposed and just kind of have a little bit more of a conversation and understanding. We certainly realize that we may not know exactly what the end-use will be, but I think we kind of know what the petitioner would like it to be. So, I think we can start there and kind of work backward to see are other uses in MUDD that we need to further restrict. MUDD is a pretty open district. So, all uses in that may not be. If it's not an EDEE, what are the other uses in MUDD that it could be, and do those cause concerns? I think we need to just scrub through that list a little bit more intently.

Ms. Ajmera said what they are proposing here, what are your thoughts on that?

Mr. Pettine said I think it's as we kind of alluded to and certainly kind of echoed some of the comments from Councilmember Egleston. I think that makes some sense, but I think there needs to be a little bit more clarity on what kind of activities will go on, on that outdoor patio area. Are we talking about amplified sound, live music? Things that could be a little bit more of a problematic or concern for area neighbors. I think also screening and location of where the trash pick up is and all of that is certainly very critical to a building that's got close proximity to residential behind it. So, we need to get that a little bit better dialed in. I think overall is reused with a potential for some type of eating and drinking establishment. I don't think we see that as too far of a stretch or ask. So, I think we just need to dial in the parameters to make sure that it operates in a way that's about as harmonious as you can get with existing residential.

Great and I do look forward to like Mr. Egleston said, I think are certain concerns that's being raised by neighbors, especially around trash and fan exhaust and other things. I look forward to getting an update on those and looking forward with getting those addressed by the petitioner. Thank you.

**Councilmember Phipps** said I had the opportunity on Friday to speak with some neighbors on another petition and they recommended that I go drive by to look at this particular petition. So, I know we have several people in the audience that I don't know if you all were with me and other neighbors on Friday. But this shows then that there are other people that are just as concerned as these folks that are in here tonight. So, I did have an occasion to go by this quaint little building there. It's a small building and I think I could agree with this staff that we have to do something to restrict the uses that currently are allowed under that particular rezoning classification because I could see that it would be easy to really decimate the character of that neighborhood. Given the location of this structure, the closeness of adjacent property owners, when you talk about screening, I would encourage my colleagues to actually go by the site and look at it. Even if you are talking about screening, I really don't see how there is enough there to be doing any screening with respect to placing a dumpster. I think that the uses that were there previously less intense uses, I think somebody said it was a yoga establishment. I think it was a small bakery at one time. I think it was an art gallery. So, those uses were not as intense as what could be allowed with a mini pub or Joop joint. Even a restaurant with a fan. I think their concerns are legitimate. They talk about grease traps and what that would cause and stuff. I would encourage my colleagues to go visit this site like I did. Noda use to be in district 4. So, it was good to go back over there and meet with those neighbors as an At Large representative. So, I want to encourage you to go by and just look at the site. And you would agree with me that site as currently is and situated it definitely does not present itself as something of intense use than what it was in the past. So, I would encourage us to see if we can narrow down those uses within this district to the point where that community and neighborhood would not be disturbed in such a way as to be detrimental to those who live in that area.

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

\* \* \* \* \*

**ITEM NO. 29: HEARING ON PETITION NO. 2021-130 BY DRB GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.6 ACRES LOCATED ON ROZZELLES FERRY ROAD BETWEEN CORONET WAY AND BUNGALOW ROAD. (COUNCIL DISTRICT 2 - GRAHAM) FROM I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL) AND R-22MF (MULTI-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

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

**David Pettine, Planning** said as mentioned it is currently zoned I-1 as well as R-22 MF. The proposed zoning for the site is to rezone to UR-2 conditional. The adoptive future land use is from the Central District Plan from 1993. That does recommend single-family up to four DUA as well as industrial, light industrial uses along Rozzelles Ferry Road. We do run the GDP for this one. It did provide support for density up to 12 dwelling units per acre. The petition is for the development of 58 single-family attached dwelling units at a density of 10.38. So, it does come in under that GDP recommendation. The building height is limited to 45 feet.

We do have a dedication of right of way along Rozzelles Ferry Road at 35 feet from the centerline. Also, an installation of an eight-foot planting strip and six-foot sidewalk along all public street frontages. An ADA compliant bus waiting for pad along the frontage of Rozzelles Ferry Road. It does commit to design standards for building materials, entryways, blank wall limitations. As well as porches and stoops on all corner units that face the public street. The light fixtures are capped at 21 feet in height. Also, commits to providing open space with landscaping and seating.

As mentioned, the staff does recommend approval of this petition. We do have some outstanding issues related to transportation and technical revision related to the environment, site, and building design to work through. While inconsistent with the adopted Central District Plan, it is consistent with the general development policies for up to 12 DUA. So, with that, we will conclude the staff presentation. We will take any questions following the petitioner and public presentation. Thank you.

**John Carmichael, 101 North Tryon Street** said I'm here on behalf of the DRB Group. With me tonight is James Martin of the petitioner. Mr. Martin for here to answer your questions. This site contains about 5.6 acres and is located on the west side of Rozzelles Ferry Road and the east side of Clyde drive, south of Coronet Way. This site is located in close proximity to the Stewart Creek Greenway.

This is a little better map of the site. It's outlined in red and once again, it is between Clyde Drive and Rozzelles Ferry Road just south of Coronet Way. This is an aerial photograph of the site. The site is outlined in green. The site is currently devoted to a large truck repair shop.

This is the zoning map approximately a little less than half of this site. I guess approximately half of the site is currently zoned R-22 MF. Which is a multifamily zoning district that would allow up to 22 units an acre. The eastern portion of the site is zoned I-1 CD. Which is an of course industrial zoning district. All the property to the west of the site is currently zoned R-22 MF. Then to the south, east, and north of the site, those parcels are zoned B-2. Which is a business zoning district.

As Mr. Pettine stated their request is to rezone the site from I-1 CD and R-22 MF to UR-2C D to accommodate up to 58 single-family attached townhomes dwelling units on the site. The overall maximum density would be 10.38 dwelling units per acre. So, from a



density standpoint, it's less than what the zoning of the western portion of the site would otherwise allow. Of course, the request is to rezone the eastern portion of the site from an industrial district to a residential district.

So, this is the rezoning plan. There would be one access point. Rozzelles Ferry is to the top of the plan. Clyde Drive is to the bottom of the plan. There would be one access point from Rozzelles Ferry Road and one access point from Clyde Drive. Originally there were two access points proposed from Clyde Drive. After meeting with area residents who expressed concern about the two access points, one of the access points from Clyde Drive was unlimited. Also, a planning plan along Clyde Drive was included on the rezoning plan as well. The single-family attached dwelling units adjacent to Clyde Drive would be set back 30 feet from the back of the curb to be more consistent with the single-family homes located across Clyde Drive from the site. [inaudible] the masing of the buildings that are next to Clyde drive. Those buildings that front Clyde drive. The maximum number of dwelling units in those buildings would be three dwelling units per building. In terms of the height of the buildings. The maximum, the building to the left, site plan left that's next to Clyde Drive and then those four buildings that front Clyde Drive, the maximum height of those units would be 40 feet and two stories. The remainder of the building is going to have a maximum height of 45 feet. Each dwelling unit would have a garage that once again, the dwelling units that are adjacent to Rozzelles Ferry Road and those adjacent to Clyde Drive, except for those end buildings, would front Clyde Drive. Architecture standards are part of the plan. A 21-foot-wide landscape area plant to the standards of a class C buffer will be established along a portion of the site southern boundary line, which is planned east, and there be an eight-foot plane strip and a six-foot sidewalk installed along the site's frontages on Clyde Drive and Rozzelles Ferry Road.

We appreciate the plain staffs' recommendation of approval, and we'll address the outstanding issues this week. We appreciate your consideration and we're happy to answer any questions. Thank you.

**Councilmember Phipps** said so, I have here that Mr. Benji Layman also wants to speak in favor.

Mr. Carmichael said he's not here Councilmember Phipps. He's the engineer on the project.

**Lois Moore, 2901 Coronet Way** said I am President of the Eleanor Heights community. I stand before you tonight because of my community. I've lived there nearly 60 years and I'm no spring chicken. Eleanor Heights is a small, quiet community of approximately 55 homes with retirees and hard-working, low-income families. A petition number 2021-130 has been filed by the DRB Group requesting zoning of a property, as you know, on the west side of Rozzelles Ferry Road and the east side of Clyde Drive from I-1 light industrial CD and R-22 MF multifamily to UR-2 CD. So, 58 units of townhomes can be built.

Eleanor Heights will not benefit from these townhomes because of the cost. As we know, Charlotte has an affordable housing problem. We were told that these townhomes would not be affordable. With these townhomes, there will be an increase in property taxes, more pollution, more traffic increasing the danger to our children. There are already school buses that come through the neighborhood so that is already adding traffic. These townhomes bring no amenities. They are just going to be townhomes. Due to Jennifer [inaudible] many individuals, people of color, and especially the poor have been pushed out of their communities by wealthy developers.

In this instant, the developer is requesting the same zoning change that Eleanor Heights requested over seven years from 2012 until 2019. We asked to become a single family, but we were denied. Each month one, Mr. Alberto Gonzalez from the Charlotte planning department attended our community meeting. We also invited Mr. Jaiyeoba, who came to our meeting, but we were still denied. His words to me, and I quote, "We don't want to piecemeal". So, I don't really know what that meant, but that's what he said to me.

Rezoning has taken place all around Eleanor Heights, Turner and Rozzelles Ferry, and Judson avenue. At the same time that Eleanor Heights was requesting a zoning change, these properties were being rezoned as well. You could see the big yellow and blue sign, but I have yet to see a sign on the property in question. We sent a petition to the zoning department; attention, Mr. Jaiyeoba on October 22nd, but we did not get a response. We are asking you to please hear us, and please deny this because we had already asked to be rezoned before this group asked to be rezoned and we were denied. For you to approve this would be a slap in the face to the residents of Eleanor Heights. You see, we canvassed the entire neighborhood and did this petition, and sent it to the Planning Department. And we are asking you to please deny this. Thank you for listening.

In rebuttal, Mr. Carmichael said so, we are aware that Ms. Moore in Eleanor Heights had wanted to get their neighborhood rezoned from R 22 MF to a single-family district. I think it was some time ago. We've talked briefly with her about that, but she is right in that these would be market-rate townhomes. There would be an increase in traffic under the proposed rezoning from the existing zoning of about 70 vehicles per day, according to the C\_DOT memo. But in a real sense, it's a downzoning from the existing zoning because you've got industrial on the eastern portion of the site and then you've got the multifamily 22 units an acre on the Western portion of the site. But we're happy to answer any questions that you may have, and we appreciate the time that the residents and that neighborhood have given to us to talk to them about this.

**Councilmember Ajmera** said a speaker had mentioned that there was a rezoning that was denied. I didn't see that in the list of rezoning history in the area. So, staff, if you could just speak to that and why it was denied. However, this, planning staff has provided a recommendation of approval for this petition.

Mr. Pettine said yeah, there was not a filed rezoning that was denied. I believe there was some request or conversations. This predates me to change the R-22 zoning that's

currently out there, but there was not a petition that went through the process or an act of counsel that denied any request. I think it was a conversation or request the community had with the Planning Department. Again, I don't know the timeframe of it. I'm aware of some of the history, but not all the details of it, but there wasn't an action by counsel to deny a rezoning request.

Ms. Ajmera said yeah, I'd be interested in hearing what the ask was even if it wasn't in front of the Council, it was just a discussion between the community and the planning staff. I'm just interested in hearing why it was denied and this one is being suggested for approval. I mean the speaker brings up a valid concern here that needs to be addressed. So, thank you.

**Councilmember Phipps** said I noticed those townhomes look kind of tight on that site plan. I was wondering if you could elaborate a little bit on provisions for open space.

Mr. Carmichael said there'd be 10% open space and there'd be 15% tree save Councilmember Phipps. There's some separation between the units because for instance, the units and the buildings that face Clyde Drive, there are only three units per building. The density has down from the original proposal of 66 down to 58, but it would be a minimum of 10% open space. There'd be a 15% tree save requirement as well.

**Councilmember Watlington left at 9:55 p.m.**

Mr. Pettine said I noticed in our books, there's a comment in there for the Charlotte Department of Housing and Neighborhood Services. A lot of times they have no comments submitted, but in a few instances, they have a clause in there where they expressly encourage developers to consider diverse price point housing or whatever. I ask the staff, it doesn't appear that this is something that's routinely included in each section of our packet, but more or less may be selected petitions. So, in as much as we, as a city, are facing serious affordable housing issues. It appears that a lot of times petitioners come before us and I don't know, I don't get the impression that they're considering different housing options in several cases or whatever. So, is it our practice to include that language in our packet that would call for the encouragement of consideration of different housing options in some of these petitions, or do we selectively choose petitions where we would use that particular language?

Mr. Phipps said I would have to have a follow-up conversation with our folks in Housing Neighborhood Services, see what their evaluation process is for either providing that comment or providing a different set of comments for each petition. I'm not sure what criteria they review that under. If there's some predetermined set of items that precipitate that kind of response. So, I'd have to follow up with them to give you a little bit more information on it, but I'm happy to do that.

**Councilmember Egleston** said it's pretty simple. It's illegal for us to bring it up.

Mr. Phipps said well, I mean, we bring it up in our packet. That's what I'm saying. I mean, they have language in our book that has that clause in it. So, that's why I'm bringing it up. So, I would appreciate a follow-up as you had mentioned as to if there's any particular reason why some petitions have it and others don't. Thank you.

**Councilmember Graham** said just a question. Did I miss any conversation reference to parking?

Mr. Carmichael said yeah, there would be garages, the units would have garages Councilmember Graham, and then there would be some guest parking as well. I believe it is 16 guest parking spaces on site.

Mr. Graham said could you give me just an overview of the neighborhood meeting? I know there's folks here, obviously.

Mr. Carmichael said we had a zoom meeting community meeting I don't remember the specific date. I think there were two or three residents that attended that meeting. Then we had another meeting on site. I don't remember how many people were there, maybe 10 people were there. We met with the follow-up on-site to talk about things that they might want to see such as the elimination of an access point on Clyde Drive, planning's along Clyde Drive, that sort of thing. Then when those changes were made, we went to miss Moore's house a couple of weeks ago and dropped off that plan.

Mr. Graham said so, there were some requests made and concessions made based on those?

Mr. Carmichael said well, yes, sir we met exactly on the street, on Clyde Drive in front of the site, and went through the plan. One of the concerns that they had was the two access points on Clyde Drive. So that was eliminated. The engineer checked with the subdivision of C-DOT, and they said that was acceptable to eliminate that.

Mr. Graham said these issues get tougher and tougher as we begin to do a lot more infield development and rightly so, there are people really, really concerned and so am I. I'm not sure what the answer is, but obviously, there's some tension in the community relating to how we're growing. There's no doubt about that.

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

\* \* \* \* \*

**ITEM NO. 30: HEARING ON PETITION NO. 2021-187 BY DOWELL FINCH FOR A CHANGE IN ZONING FOR APPROXIMATELY 27.34 ACRES LOCATED EAST OF PAVILION BOULEVARD, NORTH OF HARRIS HOUSTON ROAD, AND SOUTH OF**

**NORTH TRYON STREET FROM MX-2 (CD) (MIXED-USE DISTRICT, CONDITIONAL) TO R-3 (SINGLE-FAMILY RESIDENTIAL).**

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

**David Pettine, Planning** said as you mentioned, it's an MX -2 existing zoning condition plan, proposing to the zone that down to a conventional R-3, which is a single-family residential. Northeast district plan recommends single-family and multifamily use up to 60 DUA and greenway uses for the site. So, the petition is consistent with that plan or recommendation. We do recommend approval. It is conventional, so no site planner or conditional notes to speak of. So, we'll take any questions that you may have following any presentation or additional information shared by the petitioner.

**Dowell Finch, 3234 Pendleton Avenue** said I'd like to thank you for your time this evening, and also for your service to our city. My name is Dowel Finch. I'm a commercial real estate broker here in Charlotte with new south properties and the actual petitioner of this site but representing the seller in a transaction of this 27-acre piece of land which is essentially being the request is for a downzoning so this can be acquired by the county for use of a park. So, I know there's been a lot of talks earlier from commissioner Powell and from a lot of folks on all sides, but it seems like there's a lot of support for parks in general. This property is being acquired by the county so it can be converted to a park. So, I'm really only here as a resource and happy to answer any questions that you may have. And I'd like to turn it over to Bert Lynn with Mecklenburg County parks and recreation.

**Bert Lynn, 5841 Brookshire Boulevard** said the county intends to acquire the piece of property for a public park. Upon acquisition of the park, we would begin meetings with the neighborhood here and start to identify opportunities.

**Terrie Hagler-Gray, Senior Assistant Attorney** said because this is a conventional rezoning, all the uses that would be allowed in the R-3 would be allowed. So, if you could make your comments broader, we don't want to hear exactly what's going to happen on the site because we can't be forced.

Mayor Pro Tem Julie Eiselt said can't make decisions based on that.

Mr. Lynn said absolutely, the site as it exists is difficult from a development standpoint with a more intense development due to topography and the existence of utilities on the site. There is adjacency to Mallard Creek for future Mallard Creek Greenway, which is also part of the cross-Charlotte trail. That concludes our comments.

**Councilmember Phipps** said I noticed the proposed zoning was R-3, but I thought that the lowest single-family zoning was -4. Is that not correct?

**Unknown** said R-3, yeah R-3 is the lowest

Mr. Phipps said I didn't think we had R-3 anymore, other than existing, you know, thank you.

**Councilmember Ajmera** said from all this conversation about parks and recreation, well, here we have a rezoning that addresses that

Mayor Pro Tem Julie Eiselt said Ms. Ajmera, we can't talk about that. Our attorney just said that we can't talk about uses. She mentioned that because the speaker was going to mention it we had to cut that conversation off.

Ms. Ajmera said well, the speaker already mentioned it, so

Mayor Pro Tem Julie Eiselt said we can't talk about it. We're the council. We can't discuss that.

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

\* \* \* \* \*

**ITEM NO. 32: HEARING ON PETITION NO. 2021-108 BY ENQUOR CONSTRUCTION, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.4 ACRES LOCATED WEST OF KORNIV DRIVE BETWEEN LAUREN KAY COURT AND COPPOLA DRIVE FROM R-3, R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-6 (SINGLE-FAMILY RESIDENTIAL).**

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

**David Pettine, Planning** said this is another conventional petition. Current zoning is R-3 and R-4. They are proposed to rezone to conventional R-6, which is another single-family residential district. The Brookshire I-485 interchange study does recommend up to for DUA. The slide doesn't reflect, but GDPs do support the request of going up to something that could result in a six-dwelling unit per acre residential project. Of course, all uses in the R-6 zoning district would be permitted should this rezoning be approved. It is consistent with the single-family land use recommendation, inconsistent with the original density, but supported by GDPs to go up to that R-6 request. So again, the staff does recommend approval. It's conventional. So, all uses in R-6 would be permitted. There are no outstanding issues because there's no conditional plan. So, we'll take any questions following the petitioner's presentation as well as the public. Thank you.

**Sean Mayo, 1207 Charles Avenue** said I'm just going speak really quickly and then the owner or the petitioner, Quiana Dixon's going to speak, she's virtual. We did not necessarily anticipate an opposition speaker, but being conventional zoning supported by the planning department, we don't have a site plan to present as you know for

conventional zoning. So, I will hand it over to Ms. Dixon to have a few comments and take any questions after that if needed.

**Quiana Dixon, Coppala Drive** said I represent Enquor Construction. Again, like Mr. Mayo said, we're going from an R-3 R-4 currently in this area to an R-6. GDP supports this. We did not anticipate opposition. However, the only thing that wasn't evaluated during the GDP was the Road work. So, I'll just kind of add that there. The reason for the rezoning is because of the improved Road work that's going into this area we have to extend Coppola Drive a whole U to accommodate the proposed single-family homes that we're going to continue in this area. It's already a neighborhood so it's just extending the back of this neighborhood to finish out what was once a proposed layout.

**Eric Thompson, 8714 Fallsdale Drive** said My grandmother, Theresa Thompson lives right off Bellhaven Boulevard by McClure Circle and that's where she's close to the property and herself and my whole family have three primary concerns with the area. Most notably there's two environmental concerns. I think the first one my dad brought up is that a lot of that area ends up draining down in the end, towards the long creek area. There is some concern over whether silt or anything else will be going down into that area during heavy rainstorms. My personal concern, I actually went down through that area during a couple of jobs I had done there and what I had noticed was there was not too much forestry around there. If you've ever been through the Bellhaven area, there's just not a lot of forest in general, and there are not even really too many trees on the sidewalk that provide shade for everybody. My final concern there is the overall walkability of the area. I don't know who's all been to the Bellhaven Boulevard area. It is the absolute opposite of walkable. Not really too many sidewalks there. The closest establishment I can really think of would be the shopping center, and that's about a 20-minute walk, to be honest with you. And then there's Calbridge Commons over that way. And that's probably 40 to 60 minutes. And looking at the area right there, that's kind of an extension of a neighborhood right there. And my personal concern there is that's only going to exacerbate the lack of walkability and with that just definitely add to traffic and that's basically my opposition.

**Councilmember Ajmera** said I have a question about the drainage issue that Mr. Thompson has raised. So, could that be addressed by the petitioner?

Mr. Mayo said I'll take that on as the engineer for the project. We'll be constructing Roads to public standards. There'll be stormwater control measures as required per the ordinance. So, in an erosion control plan or during construction to handle all drainage. So, all that will be addressed. There are no special conditions for this petition. It will all be addressed per usual construction in Charlotte and per the ordinance.

Ms. Ajmera said so, there will be a retention pond as well?

Mr. Mayo said yes, there will.

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

\* \* \* \* \*

**ITEM NO. 31: HEARING ON PETITION NO. 2021-115 BY AM REALTY ACQUISITIONS V, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.7 ACRES LOCATED ON BOTH THE NORTH AND SOUTH SIDE OF STATE STREET AT THE INTERSECTION OF GESCO STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL).**

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

**David Pettine, Planning** said Zoned I-2 currently, proposed zoning is for MUDD optional, mixed-use development optional. Adoptive future land use is from the Central District Plan. It does recommend industrial land uses for the site along State Street, Gesco, obviously a lot of that was from existing uses at the time. I've seen a lot of transition adaptive reuse projects and others in this general area. The proposal for this rezoning would propose the development of up to 265 multifamily and or single-family attached residential units along with 7,500 square feet of commercial uses, which would maintain some conversion rights for residential to commercial at one unit to a thousand square feet of commercial uses. We do request optional provisions for some streetscape flexibility to coordinate with C-DOT along with Gesco Street. Also, minimum sidewalks of six feet along all public streets. Another optional provision would allow parking maneuvering between the building and the street as shown on the plan. Also commits to design standards including specified building materials, screening of parking, building massing, and architectural features and does commit to providing open space with amenities, which can include things like hardscape and softscape, pools, seating, landscaping, garden, clubhouse, dog park, and or other amenities.

The staff does recommend approval of this petition upon resolution of outstanding issues related to transportation and technical revisions for the site and building design. It's inconsistent with the Central District Plan, but it is consistent with GDP, which would recommend density over the 17 dwelling units per acre. So again, the staff does recommend approval. We'll be happy to take any questions you may have following Mr. Brown's presentation. Thank you.

**Collin Brown, 1420 East 7th Street** said happy to take questions. I would just say, I don't know if the district lines have changed. We certainly thought this was in City Council District 3. So sorry, Mr. Brown, I hadn't reached that earlier. Happy to take any questions you have.

**Councilmember Graham** said I don't have any now, but I will. I mean 265 units.



Mr. Brown said that's correct. In fact, I'll give you the presentation then if we could kind of rewind. And I don't know if the district, the district line used to be there? I guess I should be asking you questions at a hearing, so.

Mr. Graham said We'll have a conversation.

**Councilmember Phipps** said yeah, there seems to be a conflict of who's the district representative for this petition, district two or district three?

Mr. Graham said well, I'm more concerned about the impact... two or three. It is just the impact of the proximity of other things we talked about tonight and just what's happening in that general area specifically. Just a lot of impact that's occurring that we kind of knew what was happening, but we'll be more than happy to have a conversation. I don't think this is an appropriate time to do it. I have more detailed questions

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

\* \* \* \* \*

## HEARINGS

### ITEM NO. 29: HEARING ON PETITION NO

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

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to open the public hearing and to continue the following hearings: item #'s 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 on November 22<sup>nd</sup>.

**Councilmember Johnson** said I wanted to know, I know that what we used to do is move it to the business meeting, but since we're getting so many petitions, has it ever been considered to defer until the next month and maybe cap the number of petitions per month or per meeting that we're getting? So, that we're not feeling frustrated, you know, if anyone is feeling frustrated or rushed and not giving each petition the attention that it deserves. Can we cap these or talk about capping these maybe at 30 per night, and then maybe when we do have to defer it because we still have 10 to discuss. If there's an average of six or seven speakers and the Council has questions, we [inaudible] take look at the format of our zoning meetings.

Mayor Pro Tem Julie Eiselt said I have to just say, we used to be able to get through these faster and I really feel like the Council has got to do some work ahead of time and talk to the staff about these. Everybody can have opinions, that's absolutely valid but we

can say them in fewer words and we can resolve some of our issues with the staff in advance. I feel like we are running into this problem because it feels like some of these have not been reviewed by Councilmembers in the past. So, I think that's one way to address it. But these are development issues that developers for them, time is money. And to postpone them for a month or to the next zoning meeting, I just don't know that that's appropriate. We've got to keep these on for the next week. People have shown up, they're waiting around for these things. People have been here since five o'clock tonight. So, I don't know that it's right to tell them that they're going to wait another month for that either. I just think the way that we resolve this is everybody really goes through these things, talks to the staff. I don't know how many people were on the zoning lunch today. How many Councilmembers were on today, Dave, or they had the opportunity to ask questions?

Mr. Pettine said we had Councilmember Phipps and Councilmember Winston join us today.

Mayor Pro Tem Julie Eiselt said so we had two people on today at noon. I know everybody can't get on at noon.

**Councilmember Winston** said I think this is a governance issue. There's probably staff who'll say there's probably more in the pipeline. Like we do have to have a different way of doing things, but I don't think it means delay. That might mean breaking up our week more so that we're working together more. It's easy to say people need to do more work when actually people are doing more work. I work two jobs last night. I got to be at work at 5:30 in the morning. We have a problem here and the way we go about doing our business.

Mayor Pro Tem Julie Eiselt said okay, well let's, let's get through this motion. I think we were halfway through the vote and it's a worthy conversation. We can have a conversation. I'm not sure it's good to have it right now. I have to be somewhere early, my ride's sitting outside because I can't drive. So, it's a worthy conversation, but I think tonight we got to continue these from next week. And then it's a bigger conversation as to how we do it going forward.

**Councilmember Egleston** said to clarify, you can't drive because your foot's hurt.

Mayor Pro Tem Julie Eiselt said right.

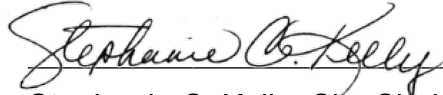
\* \* \* \* \*

November 15, 2021  
Zoning Meeting  
Minutes Book 154, Page 625

## ADJOURNMENT

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

The meeting was adjourned at 10:36 p.m.

  
Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 5 Hours, 28 Minutes  
Minutes Completed: March 8, 2022