

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, October 19, 2020 at 5:02 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, Matt Newton, Victoria Watlington, and Braxton Winston II.

**ABSENT UNTIL NOTED:** Councilmember James Mitchell

**Mayor Lyles** said good afternoon, everyone, thank you for tuning in to the October 19th City of Charlotte Zoning Meeting. Tonight's Zoning Meeting is being held as a virtual meeting in accordance with the electronic meeting statute. The requirements around notice, access, and minutes are being met electronically. You may view it on the Government Channel, the City's Facebook page, or the YouTube page for the City.

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### **INVOCATION AND PLEDGE**

Councilmember Ajmera gave the Invocation and the Pledge of Allegiance to the Flag was led by Councilmember Bokhari.

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

Mayor Lyles explained the Zoning Meeting rules and procedures.

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### **INTRODUCTION OF ZONING COMMITTEE**

**Keba Samuel, Vice Chair, Charlotte Planning Commission** introduced the members of the Zoning Committee. They will meet Wednesday, November 4, 2020, to make recommendations on the petitions heard in the public hearings tonight. The public is invited, but it is not a continuation of the public hearing. For questions or to contact the Zoning Committee, information can be found at [charlotteplanning.org](http://charlotteplanning.org).

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## DEFERRALS / WITHDRAWALS / NEW PUBLIC HEARING DATE

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to defer: a decision on Item No. 3b, Petition No. 2020-049 by The Keith Corporation to November 16, 2020; a decision on Item No. 8, Petition No. 2019-179 by Ronald Staley, Jr. of Verde Homes, LLC to November 16, 2020; a decision on Item No. 9, Petition No. 2020-014 by Carolina Builders, LLC to November 16, 2020; a decision on Item No. 16, Petition No. 2020-066 by Yoruk Development Company, Inc. to November 16, 2020; a hearing on Item No. 27, Petition No. 2020-037 by Renee-Pride Dunlap to November 16, 2020; a hearing on Item No. 30, Petition No. 2020-052 by Selwyn Property Group, Inc. to November 16, 2020; a withdrawal of Item No. 3a, Petition No. 2020-062 by i3i Ventures, LP; and, withdrawal of Item No. 26, Petition No. 2020-045 by Andrew Klenk.

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## DECISIONS

**ITEM NO. 4: ORDINANCE NO. 9903, PETITION NO. 2020-104 BY CHARLOTTE PLANNING, DESIGN AND DEVELOPMENT FOR A TEXT AMENDMENT TO CHAPTER 13, "SIGNS" SECTIONS 13.2, 13.3, 13.4, 13.5, 13.6, 13.7, 13.10, 13.12, 13.15, TABLES 13-1, 13-2, 13-3, AND THE TABLE OF CONTENTS OF THE ZONING ORDINANCE. TO PROVIDE ADDITIONAL FLEXIBILITY; PROVIDE BETTER SCALE FOR CERTAIN SIGN TYPES; PROVIDE GREATER UTILIZATION OF BUILDING WALL SPACE FOR SIGN AREA; ADDRESS UNINTENDED CONSEQUENCES; CLARIFY THE ENFORCEMENT PROCESS; AND UPDATE, ADD, AND DELETE DEFINITIONS AND GRAPHICS.**

The Zoning Committee voted 7-0 (motion by Kelly, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the Centers, Corridors and Wedges Growth Framework goal to support a diverse and growing economy based on the information from the post-hearing staff analysis and the public hearing and because provides additional flexibility. For example, extending allowances for A-frame signs, and lowering the building height required for a skyline line; Allows innovative design by introducing vertically-oriented marquee elements, and allowing certain wall sign types to project above a building roofline; Provides better scale for certain sign types. For example, increasing the maximum size of skyline signs based on building height, and allowing placement of the signs in a larger area; Provides greater utilization of building wall space for sign area by amending what is considered to be a wall sign; and Addresses unintended consequences such as adjusting sign area allowance for detached pole signs, and also exempting logos and labels not regulated by the Zoning Ordinance which are located on mechanical equipment, trash containers, and similar equipment. Therefore we find this petition to Choose an item. public interest based on information from the post-hearing

staff analysis and the public hearing and because: Clarifies the enforcement process by specifying notice procedures, making it easier to understand. Updates, adds, and deletes definitions and graphics adding further clarity.

**Councilmember Mitchell arrived at 5:17 p.m.**

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-104 by Charlotte Planning, Design and Development and adopt the following Statement of Consistency: This petition is found to be consistent with the Centers, Corridors and Wedges Growth Framework goal to support a diverse and growing economy based on the information from the final staff analysis and the public hearing and because Provides additional flexibility. For example, extending allowances for A-frame signs, and lowering the building height required for a skyline line; Allows innovative design by introducing vertically-oriented marquee elements, and allowing certain wall sign types to project above a building roofline; Provides better scale for certain sign types. For example, increasing the maximum size of skyline signs based on building height, and allowing placement of the signs in a larger area; Provides greater utilization of building wall space for sign area by amending what is considered to be a wall sign; and Addresses unintended consequences such as adjusting sign area allowance for detached pole signs, and also exempting logos and labels not regulated by the Zoning Ordinance which are located on mechanical equipment, trash containers, and similar equipment. Therefore we find this petition to Choose an item. public interest based on information from the final staff analysis and the public hearing and because Clarifies the enforcement process by specifying notice procedures, making it easier to understand. Updates, adds, and deletes definitions and graphics adding further clarity.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 333-353.

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**ITEM NO. 5: ORDINANCE NO. 9904-Z, PETITION NO. 2018-034 BY CHARLES & ELLEN GRAY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.71 ACRES LOCATED ON THE SOUTHERN CORNER OF THE INTERSECTION OF UNIVERSITY CITY BOULEVARD AND JOHN KIRK ROAD FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO B-1 (CD) SPA (NEIGHBORHOOD BUSINESS, CONDITIONAL, SITE PLAN AMENDMENT).**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Kelly) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the University City Area Plan with respect to land use, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential uses up to 22 dwelling units per acre (DUA)

for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the request for retail uses at this site matches the land use context of three of the four corners (with the fourth being controlled by the university) at the intersection of John Kirk Drive and University City Boulevard. The request maintains existing retail and zoning uses that were previously in operation on this corner. The petition is consistent with land use and development policy (policy area 10c). While it recommends this area as a "Primarily Residential Character Area", it acknowledges supportive land uses such as retail, office, and civic/ institutional uses along University City Boulevard. The amendment's commitment to exclude fueling stations is consistent with land use and development policies regarding retail uses in area 10c. The current conditional plan for this site severely limits the types of uses permitted at a location that is walkable for students and residents. Approval of this plan amendment would assist the owners in finding a suitable tenant for a long-closed former student bookstore.

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

1. Accessory Drive-thru window(s) was removed as an allowable accessory use.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously not to send this petition back to the Zoning Committee.
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Motion was made by Councilmember Johnston, seconded by Councilmember Watlington, and carried unanimously to approve Petition No. 2018-034 by Charles & Ellen Gray adopt the following Statement of Consistency: This petition is found to be inconsistent with the University City Area Plan with respect to land use, based on the information from the final staff analysis and the public hearing, and because the plan recommends residential uses up to 22 dwelling units per acre (DUA) for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the request for retail uses at this site matches the land use context of three of the four corners (with the fourth being controlled by the university) at the intersection of John Kirk Drive and University City Boulevard. The request maintains existing retail and zoning uses that were previously in operation on this corner. The petition is consistent with land use and development policy (policy area 10c). While it recommends this area as a "Primarily Residential Character Area", it acknowledges supportive land uses such as retail, office, and civic/ institutional uses along University City Boulevard. The amendment's commitment to exclude fueling stations is consistent with land use and development policies regarding retail uses in area 10c. The current conditional plan for this site severely limits the types of uses permitted at a location that is walkable for students and residents. Approval of this plan amendment would assist the owners in finding a suitable tenant for a long-closed former student bookstore, as modified.

**Councilmember Johnson** said I just wanted to thank the developer for those changes that were made.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 354-355.

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**ITEM NO. 6: ORDINANCE NO. 9905-Z, PETITION NO. 2019-163 BY NOVANT HEALTH AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 23.75 ACRES LOCATED AT THE WEST CORNER INTERSECTION OF NORTH TRYON STREET AND WEST MALLARD CREEK CHURCH ROAD FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).**

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Kelly) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the Northeast Area Plan (2000) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office/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 the Northeast District Plan (2000) calls for a variety of job types in the district in order to retain a strong employment base. This petition proposes general and medical

office uses, health institutions, emergency rooms, surgery centers, and clinics on this site, providing medical jobs as well as medical services in this area of Charlotte. This petition commits to maintaining connectivity on the existing and proposed public network by providing a direct pedestrian connection between the proposed buildings and N. Tryon Street, the proposed public street B, and W. Mallard Creek Church Road, to the sidewalks along each respective street. The petition commits to providing urban open space, a minimum 8-foot wide planting strip, and a 12-foot multi-use path along the Site's frontage on N. Tryon Street and W. Mallard Creek Church Road.

**Mayor Lyles** said because I am on the board of Nova on Health, I'm going to ask the Mayor Pro Tem to conduct this vote.

**Councilmember Eiselt** said I'm having technical difficulties. That's why you have heard me.

Mayor Lyles said if you're having technical difficulties, do you mind if Mr. Driggs does the vote or record?

Ms. Eiselt said no, that's fine.

Motion was made by Councilmember Johnson, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2019-163 by Novant Health and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast Area Plan (2000) based on the information from the final staff analysis and the public hearing, and because the plan recommends office/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 the Northeast District Plan (2000) calls for a variety of job types in the district in order to retain a strong employment base. This petition proposes general and medical office uses, health institutions, emergency rooms, surgery centers, and clinic on this site, providing medical jobs as well as medical services in this area of Charlotte. This petition commits to maintaining connectivity on the existing and proposed public network by providing a direct pedestrian connection between the proposed buildings and N. Tryon Street, the proposed public street B, and W. Mallard Creek Church Road, to the sidewalks along each respective street. The petition commits to providing urban open space, a minimum 8-foot wide planting strip, and a 12-foot multi-use path along the Site's frontage on N. Tryon Street and W. Mallard Creek Church Road.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 356-357.

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**ITEM NO. 7: ORDINANCE NO. 9906-Z, PETITION NO. 2019-167 BY GRUBB MANAGEMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.7 ACRES (TWO LOTS) LOCATED ON THE SOUTH SIDE OF STATE STREET AND NORTH SIDE OF KATONAH AVENUE FROM I-2 (GENERAL INDUSTRIAL) AND R-8 (SINGLE-FAMILY RESIDENTIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).**

The Zoning Committee voted 4-3 (motion by Kelly, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent for a portion of the site and inconsistent for a portion of the site with the Central District Plan, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends multi-family land uses for most of the site, including portions recommending greater than 25 DUA; and The plan recommends single-family residential up to 8 DUA for a portion of the site. 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 given the consistency to the Central District Plan and its proximity to the Lynx Gold Line, this is an appropriate use of that space. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from a portion of the site from single-family residential up to 8 DUA to residential over 22 DUA.

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

1. Provides a range of amenities to encourage multimodal transportation and a car-free lifestyle including:
  - A minimum of one bike rack space per bedroom in a climate-controlled area.
  - A minimum of two ride-share parking and loading spaces.
  - A minimum of three visitor parking spaces including one ADA space.
  - A minimum of seven spaces reserved for cargo/e-bike or similar multimodal transportation aids.
  - A minimum of one electronic multimodal transportation aid charging station.
  - Bicycle maintenance program available to residents.
  - Approximately 60 oversized refrigeration and package system lockers to allow for grocery and food delivery.

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

**Mayor Lyles** said Staff recommends approval of the petition upon resolution of outstanding issues related to the site and building design. Mr. Pettine do you want to explain the staff's exception or approval of the outstanding issues?

**David Pettine, Planning, Design & Development** said we do still have some outstanding issues from the original staff analysis through the Zoning Committee. Those include items that relate to building height, and we had some understanding that is not likely to change. But since that wasn't addressed, we still have to list those as outstanding issues, the staff is comfortable with the project as it's presented. Even with those outstanding issues, we feel like they've done enough work to make this be able to be a successful car-free venture. So, again, we do support the concept of the project. We just need to continue to note that that building height has not been addressed since that plan was initially submitted and it does still remain an outstanding item.

**Councilmember Graham** said this is in the heart of District 2 and one of the hallmarks of district representation is listening to your constituents. And this one has gotten a lot of conversation since it was introduced to us several months ago, and notwithstanding all the changes that were implemented, the central issue still remains, which is parking. And I think the minority opinion in our booklet from the Zoning Committee kind of sums it up. The Committee members appreciated the affordability and the innovation of the petition, however, without the resolution of the burden of parking. Creating the transfer of cars to the neighborhood streets, the scale of the buildings, not having the infrastructure to support and lack of community support, and to underscore that, the lack of community support, a majority of the Zoning Commission minority voted against the petition and I will tonight.

I clearly understand the innovative nature of the project, but it is simply the right project on the wrong site. There will be an overwhelming burden of cars that will flow over into the neighborhoods. There's no doubt about that, notwithstanding the restriction of those who live there. Even a third of the resident had a guest over for dinner, just one guest on a Sunday, that's about 45 cars. All those cars will be within the neighborhoods surrounding the development.

If Blue Blaze Brewery had an event and those cars were there, it's just going to really create an unusual and difficult parking situation for those who live there and their guests and the neighborhoods who live in the surrounding areas. I certainly understand the forward-thinking of a carless environment. If this was closely associated with a transit line like on North Tryon Street, there are some apartments where you can literally just walk across the street and jump on the train, that may make a difference. But again, I believe this is a good project. It's certainly on the wrong site and I'll be voting against it.

**Councilmember Egleston** said I certainly respect, I know Councilmember Graham does his due diligence on all of our votes, but particularly in his District and I certainly think that the concerns that have been voiced are valid. And I'll be voting for it and I want people to know why I think that several of us will be, because if we've got priorities that we have around affordable housing, around being a more environmentally friendly, sustainable community, about being a more transit-oriented and less car-centric city, we're going to have to (A) try things. I think you've seen that with a mixed response on things like our bus line pilot on Central Avenue and Fourth Street. I think this is an innovative way to tackle some of the challenges and aspirations that we have in front of us. We've got to be



willing to try things and let them play out to see if they work to be proof of concept for some of these ideas. We've got to push ourselves a little bit beyond our current comfort zone. I think this does that. Again, I don't minimize the concerns of the neighbors there, but I think that people when they realize that where their friend lives is a place where they don't have somewhere that they can easily park, it will encourage them to take the Gold Line, which will be built out at that time to that area. It will encourage them to take an Uber and Lyft or an E-scooter.

There's plenty of places in this country, some of the people's favorite cities in this country and around the world where the best neighborhoods and the ones that everyone wants to live, work and play in are places where you cannot park or certainly not easily. And yet people find a way to get there and to live there. So, I don't envision us being Manhattan, but I do think that we can push ourselves a little bit further out of our comfort zone. I think this does this and will be proof of the concept that there are people who want to live a carless lifestyle. So, I will be supporting this with that in mind tonight.

**Councilmember Driggs** said I have to say, I'm with the District Rep on this, Mr. Graham. I appreciate his engagement with the community. I think when it comes down to pushing against some of our practices and norms, we may choose to do that, I'm not sure that we should impose that on residents. I still think there's a solution here to achieve a lot of what is proposed that does not involve zero or only six parking spaces. I think something, where you have a ratio of .3 to .5 of parking spaces and those, are offered at extra cost to people who choose to use them, should allow the other apartments to be offered for the non-users at the same price as you would if there was no parking and would afford relief to people nearby.

I also wanted to comment, I'm kind of interested in the staff recommendation because the staff recommends approval and we read the rationale and it says the scale of the proposed building does not adequately provide a high transition to the adjacent single-family homes. While the site is within a half-mile of future LYNX Gold Line stop and bus routes and adjacent, it is anticipated that the majority of residents will own automobiles. My understanding was the premise of this whole thing is that they would not, that in fact, we talked about how to ensure that only people who didn't own automobiles would live in this building.

Then the site provides 50% of the units that would be affordable, up to 80% of AMI (Area Median Income). Good. But then it says the size and scale of the building, as well as the lack of reasonable parking, may provide land use to incompatibilities and parking strain. So, that's about the weakest endorsement I've ever seen from the staff. In fact, I don't see a whole lot of compelling reasons why we should support it based on the recommendation we have from the staff. I'm kind of curious that they actually came down in favor of this and therefore I'm not going to be able to support it.

**Councilmember Watlington** said I keep signing up to ask questions and then I hear my colleagues and I appreciate your comments. So actually, I am OK. I really am.

Motion was made by Councilmember Mitchell and seconded by Councilmember Egleston, to approve Petition No. 2019-167 by Grubb Management, LLC and adopt the following Statement of Consistency: This petition is found to be consistent for a portion of the site and inconsistent for a portion of the site with the Central District Plan, based on the information from the final staff analysis and the public hearing and because the plan recommends multi-family land uses for most of the site, including portions recommending greater than 25 DUA; and The plan recommends single-family residential up to 8 DUA for a portion of the site. 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 given the consistency to the Central District Plan and its proximity to the Lynx Gold Line, this is an appropriate use of that space. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from a portion of the site from single-family residential up to 8 DUA to residential over 22 DUA, as modified.

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

YEAS: Councilmembers Ajmera, Bokhari, Egleston, Eiselt, Mitchell, and Winston.

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

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 358-359.

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**ITEM NO. 10: ORDINANCE NO. 9907-Z, PETITION NO. 2020-023 BY PHILLIP NEAL SPARROW AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.918 ACRES LOCATED ON THE SOUTHERN SIDE OF JOHN GLADDEN ROAD, NORTH OF WILKINSON BOULEVARD, AND WEST OF SAM WILSON ROAD FROM R-MH LWPA LLWPA (RESIDENTIAL MANUFACTURED HOUSING, LAKE WYLIE PROTECTED AREA, LOWER LAKE WYLIE PROTECTED AREA) TO I-2 (CD) LWPA LLWPA (GENERAL INDUSTRIAL, LAKE WYLIE PROTECTED AREA, LOWER LAKE WYLIE PROTECTED AREA).**

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Dixie Berryhill Strategic Plan with respect to proposed land use, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential uses up to four dwelling units per acre (DUA) for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the proposed use while inconsistent with the adopted land use, is compatible with the adjacent industrial developments in the area. Numerous

industrial developments have been developed recently along Wilkinson Boulevard adjacent to this site which makes this site a logical transition to an industrial use. The site is separated from the rear yards of existing single-family homes by a public street (John Gladden Road). In addition, a buffer is required along the street frontage on John Gladden Road and there will be no access from the parking area to this street frontage. The approval of this petition will revise the adopted future land use as specified by the Dixie Berryhill Strategic Plan from single-family residential uses up to four DUA, to industrial uses for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, to approve Petition No. 2020-023 by Phillip Neal Sparrow and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Dixie Berryhill Strategic Plan with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the plan recommends single-family residential uses up to four dwelling units per acre (DUA) for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed use while inconsistent with the adopted land use, is compatible with the adjacent industrial developments in the area. Numerous industrial developments have been developed recently along Wilkinson Boulevard adjacent to this site which makes this site a logical transition to an industrial use. The site is separated from the rear yards of existing single-family homes by a public street (John Gladden Road). In addition, a buffer is required along the street frontage on John Gladden Road and there will be no access from the parking area to this street frontage. The approval of this petition will revise the adopted future land use as specified by the Dixie Berryhill Strategic Plan from single-family residential uses up to four DUA, to industrial uses for the site.

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

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

NAYS: Councilmember Winston.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 360-361.

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**ITEM 11: ORDINANCE NO. 9908-Z, PETITION NO. 2020-035 BY CCP UNIVERSITY LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 49 ACRES LOCATED ON THE SOUTH SIDE OF IBM DRIVE, WEST OF NEAL ROAD, AND NORTH OF UNIVERSITY CITY BOULEVARD FROM R-4 (SINGLE-FAMILY RESIDENTIAL) AND RE-2 (RESEARCH) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) AND R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Kelly) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Northeast District Plan (1996) recommendation for single-family residential uses at up to four dwelling units per acre. However, the increased density is consistent with the General Development Policies which support up to eight dwelling units per acre for this site, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential at up to four dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes up to 250 single-family attached (townhome) units and 50 multi-family dwelling units, with a density of 6.1 dwelling units per acre (DUA). While this petition is inconsistent with the Northeast District Plan's (1996) recommendation of single-family residential uses up to 4 DUA, the petition is supported by the General Development Policies which support up to 8 DUA for this site. This petition is adjacent to recently approved and currently pending rezonings that were also rezoned to R-8MF(CD) to build single and multi-family housing. Petition 2019-108 was rezoned from R-3 to R-8MF(CD) in 2019, and is currently under the pending rezoning petition 2020-102, along with two additional adjacent parcels zoned R-3 and RE-2. This petition is adjacent to the area boundary for the University Research Area Plan, which favors higher density in the mixed-use designated areas directly adjacent to this petition. A slightly higher density of 6.1 DUA and multi-family housing options are an appropriate transition from the adjacent mixed-use area to the lower density, already established single-family neighborhoods to the south and west of this petition. This petition will increase the number and diversity of housing units within walking distance to the four schools across Neal Road and to the employment center University Research Park. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan (1996), from single-family residential up to 4 DUA to residential up to 8 DUA for the site.

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

1. The petitioner revised the site plan to coordinate the street network connection with the rezoning petition 2020-102.

2. The petitioner revised the site plan to dedicate right-of-way for a future 8-foot planting strip and 12-foot multi-use path along the site's IBM Drive.

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

**Councilmember Johnson** said I wanted to thank the developer on this project as well because they really work for the City.

Motion was made by Councilmember Johnson, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2020-035 by CCP University LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northeast District Plan (1996) recommendation for single-family residential uses at up to four dwelling units per acre. However, the increased density is consistent with the General Development Policies which support up to eight dwelling units per acre for this site, based on the information from the final staff analysis and the public hearing, and because the plan recommends single-family residential at up to four dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes up to 250 single-family attached (townhome) units and 50 multi-family dwelling units, with a density of 6.1 dwelling units per acre (DUA). While this petition is inconsistent with the Northeast District Plan's (1996) recommendation of single-family residential uses up to 4 DUA, the petition is supported by the General Development Policies which support up to 8 DUA for this site. This petition is adjacent to recently approved and currently pending rezonings that were also rezoned to R-8MF(CD) to build single and multi-family housing. Petition 2019-108 was rezoned from R-3 to R-8MF(CD) in 2019, and is currently under the pending rezoning petition 2020-102, along with two additional adjacent parcels zoned R-3 and RE-2. This petition is adjacent to the area boundary for the University Research Area Plan, which favors higher density in the mixed-use designated areas directly adjacent to this petition. A slightly higher density of 6.1 DUA and multi-family housing options are an appropriate transition from the adjacent mixed-use area to the lower density, already established single-family neighborhoods to the south and west of this petition. This petition will increase the number and diversity of housing units within walking distance to the four schools across Neal Road and to the employment center University Research Park. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan (1996), from single-family residential up to 4 DUA to residential up to 8 DUA for the site, as modified.

**Councilmember Johnson** said I wanted to thank the developer on this project as well because they really worked with the community. I just want to express my appreciation.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 362-363.

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**ITEM NO 12: ORDINANCE NO. 9909-Z, PETITION NO. 2020-055 BY RANGEWATER REAL ESTATE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 27.97 ACRES LOCATED ALONG THE EAST SIDE OF IBM DRIVE WEST OF INTERSTATE 85, SOUTH OF WEST W. T. HARRIS BOULEVARD FROM RE-2 (RESEARCH) TO R-17MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by Kelly) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 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 residential/office/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 the subject site is located on IBM drive and West W.T. Harris Boulevard and proposes up to 300 multi-family residential dwelling units, with a density of 10.72 dwelling units per acre (DUA). This proposed use and density are appropriate for the University Research Park Area Plan's recommendation of residential/office/retail for this site, with a density of up to 22+ units per acre. The addition of multi-family uses in this area will increase the mix of uses in the University Research Park area. The petition proposes an open space area improved with landscaping, seating areas, hardscape elements, and shade structures as applicable and appropriate to the proposed amenity area. The petition's orientation towards IBM drive and commitment to a 12-foot multi-use path and an 8-foot planting strip increases the walkability of the area. The Petitioner commits to conveying to Mecklenburg County for the development of a greenway the portion of 100-foot SWIM buffer associated with Doby Creek and the east/west tributary stream that runs parallel to W. T. Harris toward IBM Drive located on the Site. This area will be dedicated and conveyed to Mecklenburg County prior to the issuance of the first certificate of occupancy for the Site.

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

1. Petitioner revised site plan to commit to providing improvements that meet Chapter 19 ordinance requirements, per Section 19-173 of the City Code, along the site's W. W.T. Harris Boulevard frontage.

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

Motion was made by Councilmember Johnson, seconded by Councilmember Mitchell, and carried unanimously approve Petition No. 2020-055 by RangeWater Real Estate 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 final staff analysis and the public hearing, and because: The plan recommends residential/office/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 the subject site is located on IBM drive and West W.T. Harris Boulevard and proposes up to 300 multi-family residential dwelling units, with a density of 10.72 dwelling units per acre (DUA). This proposed use and density is appropriate for the University Research Park Area Plan's recommendation of residential/office/retail for this site, with a density of up to 22+ units per acre. The addition of multi-family uses in this area will increase the mix of uses in the University Research Park area. The petition proposes an open space area improved with landscaping, seating areas, hardscape elements and shade structures as applicable and appropriate to the proposed amenity area. The petition's orientation towards IBM drive and commitment to a 12-foot multi-use path and an 8-foot planting strip increases the walkability of the area. The Petitioner commits to conveying to Mecklenburg County for the development of a greenway the portion of 100-foot SWIM buffer associated with Doby Creek and the east/west tributary stream that runs parallel to W. T. Harris toward IBM Drive located on the Site. This area will be dedicated and conveyed to Mecklenburg County prior to the issuance of the first certificate of occupancy for the Site, as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 364-365.

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**ITEM NO. 13: ORDINANCE NO. 9910-Z, PETITION NO. 2020-057 BY LAKEMONT PROPERTY INVESTORS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 44 ACRES LOCATED WEST OF INTERSTATE 485, ON THE NORTH SIDE OF OLD DOWD ROAD, AND EAST OF SAM WILSON ROAD FROM R-4 LLWPA LLWCA AIR (SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA, LOWER LAKE WYLIE CRITICAL AREA, AIRPORT NOISE OVERLAY) TO I-2 (CD) LLWPA LLWCA AIR (GENERAL INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA, LOWER LAKE WYLIE CRITICAL AREA, AIRPORT NOISE OVERLAY).**

The Zoning Committee voted 7-0 (motion Nwasike, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Dixie Berryhill Strategic Plan with respect to land use, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office/retail/light industrial 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 proposed conditional site plan prohibits the more intense heavy industrial uses allowed in the I-2 zoning district and allows light industrial uses including office/warehouses. Industrial development has been approved recently in the area adjacent to this site. The character of the surrounding area is predominantly industrial. The proposed site plan provides adequate buffers with existing residential uses adjacent to the site. Running through the site is a heavily used Norfolk Southern railroad line, with a 200-foot right-of-way. The approval of this petition will revise the adopted future land use as specified by the Dixie Berryhill Strategic Plan, from office/retail/light industrial to industrial - heavy use for the site.

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

1. A revised site plan was submitted showing a future planting strip and sidewalk.

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

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-057 by Lakemont Property Investors, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Dixie Berryhill Strategic Plan with respect to land use, based on the information from the final staff analysis and the public hearing, and because the plan recommends office/retail/light industrial 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 proposed conditional site plan prohibits the more intense heavy industrial uses allowed in the I-2 zoning district and allows light industrial uses including office/warehouses. Industrial development has been approved recently in the area adjacent to this site. The character of the surrounding area is predominantly industrial. The proposed site plan provides adequate buffers with existing residential uses adjacent to the site. Running through the site is a heavily used Norfolk Southern railroad line, with a 200 foot right-of-way. The approval of this petition will revise the adopted future land use as specified by the Dixie Berryhill Strategic Plan, from office/retail/light industrial to industrial - heavy use for the site, as modified.

**Councilmember Watlington** said I just wanted to note that this one, in particular, does have community support. If you look at the location of this one, it is consistent with what the community feels like should go in this particular area.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 366-367.



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**ITEM NO. 14: ORDINANCE NO. 9911-Z, PETITION NO. 2020-059 BY HANOVER R.S. LIMITED PARTNERSHIP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.474 ACRES LOCATED ON THE SOUTHEAST SIDE OF EUCLID AVENUE, SOUTHWEST OF ROYAL COURT, AND NORTHEAST OF MOREHEAD STREET FROM B-1 PED (NEIGHBORHOOD BUSINESS, OPTIONAL, PEDESTRIAN OVERLAY) AND MUDD (MIXED-USE DEVELOPMENT DISTRICT) TO MUDD-O (MIXED USED DEVELOPMENT DISTRICT, OPTIONAL).**

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by Barbee) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the Midtown Morehead Cherry Plan based on the information from the post-hearing staff analysis and the public hearing and because the petition is consistent with the Midtown Morehead Cherry Plan recommendation for a mix of residential/office/retail uses for the area in which the site is located. 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 is consistent with the current mix of uses in the area and the adopted plan recommendation. The petition proposes a project that supports a desired mix of housing types. The project is coordinating with other requests in the immediate with respect to the streetscape and pedestrian improvements. The proposed building height is consistent with the height allowed for the building on adjacent property within the same block of Morehead St., Euclid Ave. and Royal Ct.

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

1. Added an optional provision to allow vehicular circulation and maneuvering between the building and street to accommodate valet parking/rideshare service.
2. A new note to install 4-inch caliper street trees along Euclid Ave pending approval of Urban Forestry and other applicable agencies. If approvals cannot be granted, then the street trees to be installed along the Site's frontage on Euclid Avenue shall only be required to meet the minimum caliper specifications of the Ordinance.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously not to send this petition back to the Zoning Committee.
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**Councilmember Egleston** said Dilworth Community Association as well as the developer for continuing to work on the outstanding issues. We had a couple things that were not ironed out when we had the hearing last month. The Dilworth Community

Association and the petitioner continued to hammer out the details on this one. So I appreciate both of them staying at the table to get it to a place where everybody was comfortable with it, as well as the folks at Royal Court.

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2020-059 by Hanover R.S. Limited Partnership and adopt the following Statement of Consistency: This petition is found to be consistent with the Midtown Morehead Cherry Plan based on the information from the final staff analysis and the public hearing and because the petition is consistent with the Midtown Morehead Cherry Plan recommendation for a mix of residential/office/retail uses for the area in which the site is located. 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 is consistent with the current mix of uses in the area and the adopted plan recommendation. The petition proposes a project that supports a desired mix of housing types. The project is coordinating with other requests in the immediate with respect to streetscape and pedestrian improvements. The proposed building height is consistent with the height allowed for the building on adjacent property within the same block of Morehead St., Euclid Ave. and Royal Ct., as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 368-369.

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**ITEM NO. 15: ORDINANCE NO. 9912-Z, PETITION NO. 2020-060 BY WESTPLAN INVESTORS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 11.65 ACRES LOCATED EAST OF INTERSTATE 85, NORTH OF BERKELEY PLACE DRIVE, AND SOUTH OF MALLARD CREEK CHURCH ROAD FROM CC (COMMERCIAL CENTER) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Northeast District Plan (1996) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends Office/Retail and Office/Retail/Industrial-Warehouse-Distribution uses. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the subject site sits on the corner of Berkeley Place and Wright Hill Road, to the east of an Interstate 85 interchange, and proposes up to 198 multi-family residential units for a density of 17 dwelling units per acre. Before the approval of rezoning petitions 2008-087 and 2015-015, which changed the land use to office/retail and office/retail/industrial-warehouse-distribution, the Northeast District Plan (1996) recommended multi-family uses for the site. The petition meets the General Development Policies locational criteria

for consideration of up to 17 dwelling units per acre. The petition proposes an open space area on the site with several amenities including landscaping, seating areas, walkways, and lighting. The petition commits to providing pedestrian connectivity by proposing a sidewalk and cross-walk network that links to the building on the site along the site's internal parking area and to the sidewalks along the abutting public streets. Both petitions 2008-087 and 2015-015 rezoned the site to be suitable for a storage facility. Only one part of this facility was built, leaving the rest of the parcel fit for residential use. Residential use for this parcel will more appropriately fulfill the area plans' goal of concentrating high-density residential "close to or along the major thoroughfares, particularly at major intersections or interchanges, close to public transit (future), near public open spaces, and in close proximity to employment and retail centers." The approval of this petition will revise the adopted future land use from office/retail and office/retail/industrial-warehouse-distribution to residential use up to 17 DUA for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-060 by Westplan Investors and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northeast District Plan (1996) based on the information from the final staff analysis and the public hearing, and because the plan recommends Office/Retail and Office/Retail/Industrial-Warehouse-Distribution uses. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the subject site sits on the corner of Berkeley Place and Wright Hill Road, to the east of an Interstate 85 interchange, and proposes up to 198 multi-family residential units for a density of 17 dwelling units per acre. Before the approval of rezoning petitions 2008-087 and 2015-015, which changed the land use to office/retail and office/retail/industrial-warehouse-distribution, the Northeast District Plan (1996) recommended multi-family uses for the site. The petition meets the General Development Policies locational criteria for consideration of up to 17 dwelling units per acre. The petition proposes an open space area on the site with several amenities including landscaping, seating areas, walkways and lighting. The petition commits to providing pedestrian connectivity by proposing a sidewalk and cross-walk network that links to the building on the site along the site's internal parking area and to the sidewalks along the abutting public streets. Both petitions 2008-087 and 2015-015 rezoned the site to be suitable for a storage facility. Only one part of this facility was built, leaving the rest of the parcel fit for a residential use. A residential use for this parcel will more appropriately fulfill the area plans' goal of concentrating high-density residential "close to or along the major thoroughfares, particularly at major intersections or interchanges, close to public transit (future), near public open spaces, and in close proximity to employment and retail centers." The approval of this petition will revise the adopted future land use from office/retail and office/retail/industrial-warehouse-distribution to residential use up to 17 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 370-371.

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**ITEM NO. 17: ORDINANCE NO. 9913-Z, PETITION NO. 2020-067 BY TERRANOVA GROUP, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.96 ACRES LOCATED AT THE 2400 BLOCK OF MECKLENBURG AVENUE, JUST EAST OF ITS INTERSECTION WITH MATHESON AVENUE NEAR THE CHARLOTTE COUNTRY CLUB FROM R-3 (RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0(motion by Blumenthal, seconded by Barbee) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to inconsistent with the Central District Plan (1993) with respect to land use, but consistent with the plan's recommended density, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends detached single-family residential uses up to four dwelling units per acre (DUA). Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because although the request for a mix of single-family detached and duplex units is inconsistent with the plan recommendation for single-family detached, the requested density is under the recommended density for the subject property. The proposal achieves the Central District Plan's policy of promoting opportunities for residential density infill in the interior of neighborhoods to preserve the existing neighborhood character. This petition accomplishes that preservation of character by rehabilitating the historic Shaw House and providing two other detached homes along the frontage of Mecklenburg Avenue while positioning the planned multi-family portion in the rear of the property. In order to preserve the character of neighborhoods in the area, the Plan recommends the preservation of "the unique historical and architectural quality of these neighborhoods." The preservation of a historic home is a key element of this rezoning proposal. The Central District Plan recommends consistency with existing land uses. While the immediate area surrounding this petition lacks residential infill activity seen in adjacent neighborhoods, there are several concentrations of single-family housing, multi-family housing, and infill development in the general area. Consistency with the existing neighborhood and surrounding residential context are maintained by fronting Mecklenburg Avenue with two additional single-family detached homes. The approval of this petition will revise the adopted future land use as specified by the Central District Plan from single-family detached residential up to four DUA to residential uses up to four DUA for the site.

**Councilmember Egleston** said just a reminder that this petition does include a preservation covenant and in the deal that will ensure the preservation of the Victor Shaw House in perpetuity, which is the home of Mayor Lyle's predecessor about 60 years before you were Mayor. Mayor Shaw resided there. So glad to be saving this significant home.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-067 by Terranova Group, LLC and adopt the following Statement of Consistency: This petition is found to inconsistent with the Central District Plan (1993) with respect to land use, but consistent with the plan's recommended density, based on the information from the final staff analysis and the public hearing, and because the plan recommends detached single-family residential uses up to four dwelling units per acre (DUA). Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because although the request for a mix of single-family detached and duplex units is inconsistent with the plan recommendation for single-family detached, the requested density is under the recommended density for the subject property. The proposal achieves the Central District Plan's policy of promoting opportunities for residential density infill in the interior of neighborhoods to preserve the existing neighborhood character. This petition accomplishes that preservation of character by rehabilitating the historic Shaw House and providing two other detached homes along the frontage of Mecklenburg Avenue while positioning the planned multi-family portion in the rear of the property. In order to preserve the character of neighborhoods in the area, the Plan recommends the preservation of "the unique historical and architectural quality of these neighborhoods." The preservation of a historic home is a key element of this rezoning proposal. The Central District Plan recommends consistency with existing land uses. While the immediate area surrounding this petition lacks residential infill activity seen in adjacent neighborhoods, there are several concentrations of single-family housing, multi-family housing, and infill development in the general area. Consistency with the existing neighborhood and surrounding residential context is maintained by fronting Mecklenburg Avenue with two additional single-family detached homes. The approval of this petition will revise the adopted future land use as specified by the Central District Plan from single-family detached residential up to four DUA to residential uses up to four DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 372-373.

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**ITEM NO. 18: ORDINANCE NO. 9914-Z, PETITION NO. 2020-072 BY FREEMORE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.48 ACRES LOCATED NORTH OF FREEDOM DRIVE, SOUTH OF THRIFT ROAD, AND EAST OF BERRYHILL ROAD FROM I-1 (INDUSTRIAL) TO MUDD-O (MIXED-USE DEVELOPMENT DISTRICT - OPTIONAL).**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Barbee) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Bryant Park Land Use & Streetscape 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 a mix of office, retail, and industrial uses. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the Bryant Park Land Use & Streetscape Plan supports retail use on the site. While the land use plan doesn't account for residential use on the site, recent developments, including the approved rezoning 2017-080, have brought residential uses closer to the site. The proposed retail at the site would support the growing number of residential units that have been developed in the vicinity of the site in recent years. The petitioner is proposing to preserve the form of the existing structure, which was built in 1954. The approval of this petition will revise the adopted future land use as specified by the Bryant Park Land Use & Streetscape Plan, from a mix of office, retail, and industrial uses to a mix of residential, office, and retail for the site.

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

1. A revised site plan was submitted showing a 22' setback to accommodate a future 8' planting strip, 12' multi-use path, and 2' sidewalk utility easement.

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

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-072 by Freemore, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Bryant Park Land Use & Streetscape 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 a mix of office, retail, and industrial uses. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the Bryant Park Land Use & Streetscape Plan supports retail use on the site. While the land use plan doesn't account for residential use on the site, recent developments, including the approved rezoning 2017-080, have brought residential uses closer to the site. The proposed retail at the site would support the growing number of residential units that have been developed in the vicinity of the site in recent years. The petitioner is proposing to preserve the form of the existing structure, which was built in 1954. The approval of this petition will revise the adopted future land use as specified by the Bryant Park Land Use & Streetscape Plan, from a mix of office, retail, and industrial uses to a mix of residential, office, and retail for the site, as modified.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 374-375.

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**ITEM NO. 19: ORDINANCE NO. 9915-Z, PETITION NO. 2020-074 BY REDWOOD USA, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 21.08 ACRES LOCATED OFF HARRIS HOUSTON ROAD IN THE UNIVERSITY CITY AREA FROM R-3 (SINGLE-FAMILY) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Northeast District Plan with respect to proposed land use but consistent with recommended density, based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family residential uses of up to four dwelling units per acre (DUA). Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because although the petition proposes multi-family dwelling units, the DUA for this project does not exceed the recommended land use density of four DUA. The petition assists in achieving the Northeast District Plan's goal of attractive and diverse neighborhoods by offering a type of housing not currently found in the area. Additionally, the proposal enhances mobility by committing to the construction of a 12' multi-use path to accommodate bike and pedestrian travel. The petitioner commits to provide accessible public open space by dedicating a 50-foot easement along the eastern property boundary for future greenway use. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan, from single-family residential up to four DUA to residential up to four DUA for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-074 by Redwood USA, LLC and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northeast District Plan with respect to proposed land use but consistent with recommended density, based on the information from the final staff analysis and the public hearing, and because the plan recommends single-family residential uses of up to four dwelling units per acre (DUA). Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because although the petition proposes multi-family dwelling units, the DUA for this project does not exceed the recommended land use density of four DUA. The petition assists in achieving the Northeast District Plan's goal of attractive and diverse neighborhoods by offering a type of housing not currently found in the area. Additionally, the proposal enhances mobility by committing to the construction of a 12' multi-use path to accommodate bike and pedestrian travel. The petitioner commits to provide accessible public open space by dedicating a 50-foot easement along the eastern property boundary for future greenway use. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan, from single-family residential up to four DUA to residential up to four DUA for the site.

**Councilmember Johnson** said I want to thank the developer and also Lakeisha Hall and the C-DOT (Charlotte Department of Transportation) staff. They really tried to work with the [inaudible]. The residents are requesting sidewalks and right now, although we weren't able to accommodate that, a lot of consideration and communication with the community. So, I just wanted to say thank you.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 376-377.

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**ITEM NO. 20: ORDINANCE NO. 9916-Z, PETITION NO. 2020-075 BY MATTAMY HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 19.6 ACRES LOCATED ALONG THE SOUTH SIDE OF RIDGE ROAD, NORTH OF INTERSTATE 485, AND WEST OF MALLARD CREEK ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (CD) (SINGLE-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by McMillan, 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 Prosperity Hucks Area Plan (2015) recommendation of residential use, but at 7.1 dwelling units per acre (DUA), it is inconsistent with the recommended density of 4 DUA based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential uses at a density of 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes up to 139 single-family attached dwelling units for a density of 7.1 dwelling units per acre (DUA). While a DUA of 7.1 is higher than the Prosperity Hucks Area Plan recommendation of residential uses up to 4 DUA, the plan also states that "small clusters of slightly higher density residential are appropriate at strategic locations as elements of a larger development" This petition can be considered to be in a strategic location, as it is in close proximity to the I-485 outer ring, and is adjacent to petition 2017-135, which was rezoned to R-8MF(CD) in 2018. To the east of the parcel is the commercial activity center which focuses its activity around the northern end of Mallard Creek Road. Typically, higher density developments are appropriate in areas proximate to commercial centers. The petition proposes one connection to an adjacent development (approved Petition 2017-135) and commits to building three stub connections for future developments that may be constructed to the east of the parcel. These stub connections for concurrent and future housing developments will establish connectivity throughout the neighborhoods, provide safer routes for pedestrians walking, and give alternate routes to neighborhood drivers other than Ridge road. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan (2015), residential uses up to 4 DUA to residential uses up to 8 DUA.



Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-075 by Mattamy Homes and adopt the following Statement of Consistency: This petition is found to be consistent with the Prosperity Hucks Area Plan (2015) recommendation of residential use, but at 7.1 dwelling units per acre (DUA), it is inconsistent with the recommended density of 4 DUA based on the information from the final staff analysis and the public hearing, and because the plan recommends residential uses at a density of 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes up to 139 single-family attached dwelling units for a density of 7.1 dwelling units per acre (DUA). While a DUA of 7.1 is higher than the Prosperity Hucks Area Plan recommendation of residential uses up to 4 DUA, the plan also states that “small clusters of slightly higher density residential are appropriate at strategic locations as elements of a larger development” This petition can be considered to be in a strategic location, as it is in close proximity to the I-485 outer ring, and is adjacent to petition 2017-135, which was rezoned to R-8MF(CD) in 2018. To the east of the parcel is the commercial activity center which focuses its activity around the northern end of Mallard Creek Road. Typically, higher density developments are appropriate in areas proximate to commercial centers. The petition proposes one connection to an adjacent development (approved Petition 2017-135) and commits to building three stub connections for future developments that may be constructed to the east of the parcel. These stub connections for concurrent and future housing developments will establish connectivity throughout the neighborhoods, provide safer routes for pedestrians walking, and give alternate routes to neighborhood drivers other than Ridge road. The approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan (2015), residential uses up to 4 DUA to residential uses up to 8 DUA.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 378-379.

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**ITEM NO. 21: ORDINANCE NO. 9917-Z, PETITION NO. 2020-078 BY CITY OF CHARLOTTE, AVIATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 19.5 ACRES LOCATED TO THE NORTH AND SOUTH OF OLD DOWD ROAD, JUST WEST OF INTERSTATE 485 FROM I-1 LLWPA (LIGHT INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA), R-3 LLWPA (SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO I-2 LLWPA (GENERAL INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA).**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Dixie Berryhill Strategic Plan based on

the information from the post-hearing staff analysis and the public hearing, and because the plan recommends a mix of office, retail, and light industrial 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 site is adjacent to property zoned I-2(CD) to the west and I-1 to the east on the other side of Interstate 485. While there is the property zoned R-3 and R-MH to the north and south of the site, there is no current residential use on those properties. The future land use plan calls for a mix of office, retail, and light industrial on the adjacent parcels with residential zoning. The rezoning would support the growth of the airport, one of the largest economic engines of the city and region. The approval of this petition will revise the adopted future land use as specified by the Dixie Berryhill Strategic Plan, from office, retail, light industrial uses to industrial use for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-078 by City of Charlotte, Aviation and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Dixie Berryhill Strategic Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends a mix of office, retail, and light industrial 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 site is adjacent to property zoned I-2(CD) to the west and I-1 to the east on the other side of Interstate 485. While there is property zoned R-3 and R-MH to the north and south of the site, there is no current residential use on those properties. The future land use plan calls for a mix of office, retail, and light industrial on the adjacent parcels with residential zoning. The rezoning would support the growth of the airport, one of the largest economic engines of the city and region. The approval of this petition will revise the adopted future land use as specified by the Dixie Berryhill Strategic Plan, from office, retail, light industrial uses to industrial use for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 380-381.

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**ITEM NO. 22: ORDINANCE NO. 9918-Z, PETITION NO. 2020-080 BY THE COURTYARD AT PARK ROAD, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.376 ACRES LOCATED ALONG THE WEST SIDE OF PARK ROAD, EAST OF MCDONALD AVENUE, AND SOUTH OF IDEAL WAY.**

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Kelly) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the Dilworth Land Use and Streetscape Plan, based on the information from the post-hearing staff analysis and the public hearing and because the

petition is consistent with the Dilworth Land Use and Streetscape Plan (2006) recommendation of residential/office/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 the rezoning request is consistent with the adopted land use plan recommendation and with the current mix of uses in the shopping center. The proposed NS district allows all uses in the B-1 zoning district. The request will provide more parking than required under the proposed NS district. The request does not involve the expansion of the existing building.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-080 by The Courtyard at Park Road, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Dilworth Land Use and Streetscape Plan, based on the information from the final staff analysis and the public hearing and because the petition is consistent with the Dilworth Land Use and Streetscape Plan (2006) recommendation of residential/office/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 the rezoning request is consistent with the adopted land use plan recommendation and with the current mix of uses in the shopping center. The proposed NS district allows all uses in the B-1 zoning district. The request will provide more parking than required under the proposed NS district. The request does not involve expansion of the existing building.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 382-383.

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**ITEM NO. 23: ORDINANCE NO. 9919-Z, PETITION NO. 2020-084 BY D. R. HORTON AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.09 ACRES LOCATED ALONG THE WEST SIDE OF REAMES ROAD, NORTH OF SUNSET ROAD, AND SOUTH OF LAWNMEADOW DRIVE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by McMillan, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the Northwest District Plan (1990) land use recommendation of single-family residential use up to 4 dwelling units per acre, but consistent with the General Development Policies, 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 the plan recommends single-family residential use up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes up to 72 for-sale townhome units for a density of 8

dwelling units per acre (DUA). The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. While the petition is inconsistent with the future land use recommended density of 4 DUA, it 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. This petition commits to connectivity between future developments by proposing to construct a street stub on the northeastern part of the development. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan (1990), from Single-family up to 4 DUA to Residential up to 8 DUA for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 9919-Z by D. R. Horton and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Northwest District Plan (1990) land use recommendation of single-family residential use up to 4 dwelling units per acre, but consistent with the General Development Policies, 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 use up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes up to 72 for-sale townhome units for a density of 8 dwelling units per acre (DUA). The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. While the petition is inconsistent with the future land use recommended density of 4 DUA, it 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. This petition commits to connectivity between future developments by proposing to construct a street stub on the northeastern part of the development. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan (1990), from Single-family up to 4 DUA to Residential up to 8 DUA for the site.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 384-385.

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**ITEM NO. 24: ORDINANCE NO. 9920-Z, PETITION NO. 2020-087 BY PLAINWOOD, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.81 ACRES LOCATED ON THE EAST SIDE OF BROOKSHIRE BOULEVARD, NORTH OF DAKOTA STREET, WEST OF TENNESSEE AVENUE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: The western portion of this petition is inconsistent with the Thomasboro-Hoskins Area Plan (2002) recommendation of single-family residential up to 5 dwelling units per acre. The eastern portion of this petition is inconsistent with the Northwest District Plan (1990) recommendation of single-family residential up to 6 dwelling units per acre. The petition is consistent with the General Development Policies (GDP) recommendation for residential uses at up to 17 dwelling units per acre, based on the information from the post-hearing staff analysis and the public hearing, and because the Thomasboro-Hoskins Area Plan recommends single-family residential up to 5 dwelling units per acre. The Northwest District Plan recommends single-family residential up to 6 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 93 townhome dwelling units on this site for a density of 11.9 dwelling units per acre. The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 12 dwellings per acre. The petition commits to increased pedestrian connectivity by committing to install an 8-foot-wide planting strip and a 6-foot wide sidewalk along the Site's frontages on Plainwood Drive and Black Avenue. This petition proposes to complete the street network along Plainwood Drive and Black Avenue. These streets will be for public use. The Thomasboro-Hoskins Area Plan (2002) has a goal to prioritize infill development to stabilize the neighborhood's housing stock. This petition will increase housing options in this area and establish valuable street infrastructure for future development to the north of the site. This petition's proposal of townhome uses with a density of 11.9 DUA is an appropriate transition to the non-residential uses along Brookshire Boulevard to the north of the parcel. The approval of this petition will revise the adopted future land use as specified by the Thomasboro-Hoskins Area Plan (2002) and the Northwest District Plan (1990) from single-family residential up to 5 DUA and single-family residential up to 6 DUA to residential up to 12 DUA.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2020-087 by Plainwood, LLC and adopt the following Statement of Consistency: The western portion of this petition is inconsistent with the Thomasboro-Hoskins Area Plan (2002) recommendation of single-family residential up to 5 dwelling units per acre. The eastern portion of this petition is inconsistent with the Northwest District Plan (1990) recommendation of single-family residential up to 6 dwelling units per acre. The petition is consistent with the General Development Policies (GDP) recommendation for residential uses at up to 17 dwelling units per acre, based on the information from the final staff analysis and the public hearing, and because the Thomasboro-Hoskins Area Plan recommends single-family residential up to 5 dwelling units per acre. The Northwest District Plan recommends single-family residential up to 6 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 93 townhome dwelling units on this site for a density of 11.9 dwelling units per acre. The General Development Policies (GDP) provides policy guidance for evaluating proposed residential densities greater than four units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 12 dwellings per acre. The petition commits to increased pedestrian connectivity by committing to install an 8-foot-wide planting strip and a 6-foot wide sidewalk along the Site's frontages on Plainwood Drive and Black Avenue. This petition proposes to complete the street network along Plainwood Drive and Black Avenue. These streets will be for public use. The Thomasboro-Hoskins Area Plan (2002) has a goal to prioritize infill development to stabilize the neighborhood's housing stock. This petition will increase housing options in this area and establish valuable street infrastructure for future development to the north of the site. This petition's proposal of townhome uses with a density of 11.9 DUA are an appropriate transition to the non-residential uses along Brookshire Boulevard to the north of the parcel. The approval of this petition will revise the adopted future land use as specified by the Thomasboro-Hoskins Area Plan (2002) and the Northwest District Plan (1990) from single-family residential up to 5 DUA and single-family residential up to 6 DUA to residential up to 12 DUA.

The ordinance is recorded in full in Ordinance Book 63, at Page(s) 386-387.

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## **ITEM NO. 25: ACTIVE TRANSPORTATION PROJECTS**

**Mayor Lyles** said you have in your document a report on the Active Transportation Projects in each District.

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## HEARINGS

**ITEM NO. 28: HEARING ON PETITION NO. 2019-085 BY AMERICAN ASSET CORPORATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 23.89 ACRES LOCATED ON THE SOUTH SIDE OF W. ARROWOOD ROAD, WEST OF WHITEHALL EXECUTIVE CENTER DRIVE FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).**

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said this is just under 24 acres, as mentioned on West Arrowood Road, just off the I-485 interchange. This petition is currently zoned MUDD-O. The proposed zoning this evening is a MUDD-O Site Plan amendment. This petition is part of the Steele Creek Area Plan, which was adopted in 2012. That plan does recommend the residential, office, and or retail land uses for the site. The proposal in front of us this evening is for a multifamily community with no more than 352 dwelling units, as well as any incidental or accessory uses. We do have some optional provisions that would permit parking and vehicular circulation to be between the buildings and the required streets.

We are also looking at eight-foot sidewalk and eight-foot planning strip along public street frontages within the site, architectural design standards, as well as the construction of an amenity area, including a pool and clubhouse. There will also be a trailer around Moody Lake, which is just off-site between this property and the top golf facility of Savoy Corporate Drive. They also talk about full cut-off lighting fixtures that will have a max height of 21 feet. The staff does recommend the approval of this petition. We do have some outstanding issues related to transportation, site, and building design and some technical provisions to work through, it is consistent with the Steele Creek Area Plan. Again, we do recommend approval and be happy to take any questions following presentations from the petitioner and community.

John Carmichael, 101 N. Tryon Street Suite 1900 said I represent the petitioner of American Asset Corporation. With me tonight, are David Jr. and Paul Herman of the Petitioner and Nathan [inaudible] of Kimberly Horn and Associates, they're available to answer your questions. The site contains approximately 23.89 acres and is a portion of an approximately 60-acre site the council rezoned to MUDD-O in 2009. The site is located on West Arrowood Road, which is to the right of the green line right there is a curved road. West Arrowood road is just east of I-485 and the site is located on West Arrowood Road, generally on the southeast quadrant of the I-485 West Arrowood Road interchange. Top Golf is located just north of the site, which you can see up in the left-hand corner. The site is adjacent to Mood Lake, which is in blue. Savoy Corporate Drive is that road right between Top Golf and the lake. The petitioner owns the rezoning site, and the land between the site and Savoy Corporate Drive. The petitioner has owned the land in excess of 30 years. The 60.3 acres that were rezoned to the MUDD-O zoning district in 2009 are

located essentially South of Moody Lake on this aerial photograph. Towards the bottom of the slide, you can see a multifamily community. That was part of this rezoning in 2009. The petitioner sold that site to a third party who as we understand it developed the multifamily community and sold it to the current owner of the multifamily community.

The sites currently zoned MUDD-O, as Dave indicated, and the rezoning site is outlined in red on this slide. You've got MUDD-O to the north, BPCD, which is a business park district to the North. BPCD and I-1CD to The East and to the South you've got R17-MFCD. I will say across I-485 to the West you see, O2-CD and I1-CD. That is the Whitehall Corporate Center and that is owned by and was developed by the petitioner.

I think it's instructive to go over the currently approved rezoning plan for the site. This is the current rezoning plan for the site. The 60.3 acres are outlined in the dash and heavy line there. The dashed line goes to the center of Moody Lake. You can see there are a lot of buildings proposed for the site under this rezoning plan. I'll go to that little more detail. Once again, this is the currently approved rezoning plan for the site from 2009. This was an exhibit with that 2009 rezoning plan. You can see it proposed a bunch of tall buildings that are very urban and dense development. Under the currently approved rezoning plan for the 60 acres, up to 1.8 million square feet of office use could be developed. 40,000 square feet of freestanding retail uses could be developed, and 400 multifamily dwelling units could be developed. I think about 300 of those multifamily dwelling units were developed by the third party to whom the petitioner sold some of the 60.3 acres. Additionally, up to 50,000 square feet of ground-floor commercial uses could be located in the office buildings proposed for the site. Those retail and restaurant use would serve the office buildings that were planned for the site. Once again, it's going to be a dense urban development with structured parking. Two buildings could be up to 180 feet to 12-story in height. Six could be up to 120 feet in height and 8 stories. The remaining buildings could be five stories and 85 feet in height.

So, what's being requested tonight is a site plan amendment to the currently approved rezoning plan for almost a 24-acre portion of the 60-acre site to accommodate a maximum of 352 multifamily dwelling units on the site. If this petition were approved, it would be the only permitted use on the site. This is just from Charlotte Explorer and shows the land use plan recommendation for the site. As Mr. Pettine mentioned Steele Creek Area Plan recommends residential office and retail and this request is consistent with the land use recommendation in the Steele Creek Area Plan.

This is what you find online with the Planning staff. This is the rezoning plan, and this is the rezoning plan overlaid on an aerial for a little more context. The petitioner would build a public street from West Arrowood Road into the sit. It would be a two-lane road and it would comply with the requirements of the area plan. The proposed multifamily buildings are in brown. Then you can see the proposed amenities for this multifamily community next to Moody Lake. As Dave mention, architectural standards for the proposed buildings are a part of the petitioner's conditional rezoning plan. The petitioner would install a minimum 12-foot wide pedestrian walking trail adjacent to and around the entire perimeter



of Moody Lake. It's outlined a sort of in yellow on this plan, although not shown on the plan, the petitioner would install a minimum 12-foot wide pedestrian walking trail through the open space, which is North of the lake to the sidewalk along West Arrowood Road. So, there would be a 12-foot wide pedestrian trail connecting the public sidewalk on West Arrowood Road to the 12-foot wide trail around the entire perimeter of Moody Lake.

The petitioner would also install picnic tables and benches in three locations near the lake and adjacent to the trail. The thought being, to provided amenity not only to the apartment community but to the community at large. The petitioner would install an eastbound right turning lane on West Arrowood road into the site and its westbound directional crossover or leftover into the site from West Arrowood Road onto the public street that was constructed within the site. The Planning staff does recommend approval. We will address the remaining, I think there are only two outstanding site plan issues this week, with the Planning staff. I say two. There were initially three.

The County Park and Recreation asked the petitioner to consider dedicating two acres of the site or a public park. I talked to Kevin Brickman last week. I sent him our rezoning plan and after he became aware of the trail system, he said that they were good, and we appreciate that. We have met with the Steele Creek Residents Association on two occasions with the most recent meeting having been held on September 1, 2020. I appreciate the time that they have given us to discuss this matter. We are happy to answer any questions. Once again, I've got David Jared, Paul Herndon, the petitioner, and Nathan [inaudible] to Kimberly Horne with me. Thank you for your consideration.

**Amy Rickers, 1065 East Morehead Street** said I appreciate your time and the opportunity to address you this evening on this item. As I stated, my name is Amy Rickers. I'm here to represent Bell Whitehall Limited Partnership. This client owns the Whitehall Park Apartments between Arrowood Road and I-485, West Up Whitehall Executive Center Drive. This apartment complex is directly adjacent to the property in the rezoning petition, under consideration in both the apartment complex itself and this property is under the rezoning, as you heard Mr. Carmichael say, were part of the rezoning petition in 2008 as 2008-053. We're here because the proposed rezoning is inconsistent with what the City Council was promised in 2008 and approved in 2009 as the Whitehall Corporate Center Phase 2. It's also inconsistent with what Whitehall, my client was promised when it purchased Whitehall Park Apartments as to what this area was going to be developed into.

Furthermore, despite staff recommendations that it is consistent with the Steele Creek Plan, we would suggest that it is actually inconsistent with the Steele Creek Area Plan. In that, while the Steele Creek Area Plan does use the idea of mixing different uses, in particular when it focused on this development itself, it focused on the need to have these integrated together rather than one type of use. Again, you've seen this in Mr. Carmichael's presentation. This was the original area that was proposed in 2008 for rezoning, the 60-acres that were rezoned to MUDD-O. This is an aerial to kind of show you again what that area was like and you'll see in this aerial the Whitehall Park

Apartments that my client owns and operates there. That is 298 units. Notably, in the original 60-acre rezoning petition, this was the only area of that rezoning petition that was designated for multifamily use and multifamily development and it was subsequently, as you can see, developed in that 11-acre area as a multifamily use.

In 2009 the Charlotte City Council approved that rezoning petition for the Whitehall Corporate Center phase 2. As the name suggests, it was intended to be a Corporate Center as well and that was what was intended and what was approved. The City Council was promised mixed-use, 1.8 million square feet of office space, 400 units of multifamily housing, urban open space development, as well as 40,000 square feet of standalone retail. The very envelop of mixed-use development and something that is very appealing to the City and was later adopted into the Steele Creek Area Plan.

The Steele Creek Area plan sets the stage for managing future development. It was compliant with the center's corridors and wedges framework that the City envisioned, and it was Steele Creek's vision for what they would develop in that area. But more importantly, the development at this very site was integrated into that plan. So, when the Steele Creek Plan says that it was establishing a land-use pattern that would give opportunities for live, work, and recreate in close proximity, it was utilizing that as to this particular site. It recommended a mix of residential, office, and retail land uses and appropriate activity centers where the Moody Lake Office Park is located. That is how the site is referred to in a Steele Creek Area Plan as the Moody Lake Office Park. The plan itself recognized that the Moody Lake Development would give these mixed development uses. It noted that the vast amount of office space and retail space that was supposed to be listed, as well as the 400 units of multifamily.

Since the approval of that 2000 rezoning petition, the Whitehall Park apartments were developed almost 300 of the 400 allotted units. In the petition currently before the City Council, 24 of the acres in that remaining 60-acres are supposed to be redeveloped. When this rezoning petition was filed in May 2019, it was for 28-acres and it included mixed uses. It had multifamily, it had hotel uses and it had retail and service users as well.

In December, that rezoning application was revised. It was lowered to approximately 24-acres, but the new version, it removed the hotel building and removed all of the retail use as well and only asked for the multifamily units. In that version, it was 322 multifamily units. The red outline on this aerial is to show you what remains of the 60-acres, in that 60-acres, almost half of it is being requested to be rezoned for this multifamily use. Leaving approximately half of that 50-acres that is left for any additional development.

I apologize, the number here is incorrect. I'm just finding out that this is actually going back to 352 units that are being proposed. So, that would mean that there are 352 units. That would be 250 units over the initial rezoning request in 2008. So, that's quite an increase in multifamily units. It's like doubling what's out there already and further, it

removes the hotel office and retail uses. This is redefining this area of development as not a mixed-use development, but rather a multifamily development over the 60-acres.

Approving this rezoning request is going to undermine the work in progress of both the citizens in Steele Creek area and their hard work with the City and developing the Steele Creek Area Plan. It's also going to undermine the vision of the City and moving towards a live, work, and play, a less automobile-centric living space and I don't want to [inaudible]. My client is not against development in this area by any means. In fact, when they purchased the property, they expected that there would be developed in this area, but rather they are concerned about the way in which the phasing in which this development is occurring. If we simply saturate a multi-family market without giving the infrastructure and the other amenities to support that, it will undermine the multifamily development itself.

And so we would just ask the City Council to consider whether developing additional multifamily housing on this site, and that was not what was proposed originally, is going to be beneficial to the City and the area, or if rather the petition should either be denied or should the petitioners should be required to do other development first, make other units available in order to support a multifamily request.

In rebuttal, Mr. Carmichael said I have an exhibit I want to show you; there is the 60-acre site that was rezoned in 2009. There's a 21-acre portion of the 60 acres that's still available to be involved with the office and ground-floor retail and restaurant uses. That's the area in pink, on this exhibit. The 21-acres are still available to be developed under an existing plan. To the left of the pink, you'll see a gray hatch area that's other land owned by the petitioner. If you combine that land with the area in pink, then there's 33-acres the petitioner can develop for office uses. In the case of the pink area for retail and other commercial uses, that's 33 acres. The petitioner will continue to actively, and [inaudible] market this property for office and ground-floor retail and restaurant uses. The petitioner is a very successful office and retail developer and has been in the Charlotte market for decades, but this property was rezoned in 2009 and there has not been much interest to date despite their efforts. But they'll continue to make efforts. The petition did not sell the adjacent multifamily sites to Ms. Rickers's clients. They certainly haven't made any representations to her client regarding what would go on the site. Neither petitioner's marketing materials nor the rezoning plan suggests that a lifestyle center of any sort. It's suggested that 95% of the square footage would be office and there would be some incidental freestanding retail, 40,000 square feet, and some ground-floor retail.

The Petitioners has owned the site, adjacent parcels of land, Whitehall Corporate Center, and other development in the Steele Creek for years. It's a longtime owner of property and will continue to be because the petitioners are a long-term holder of property he owns and develops. The petitioner is committed to the area and it's certainly interested in making sure that the site and the surrounding areas develop in the right way.

**Councilmember Watlington** said I've got a couple of quick questions. If you could pull back up Mr. Carmichael's presentation you just had with the pink and the gray area. I want to make sure I understand, because in the previous conversations that we've had on this and with the community, there seems to be a bit of a discrepancy on this grey part. The hacked gray, is that portion of the site buildable?

**Paul Herndon, 5950 Fairview Road, Suite 800** said yes, not only is it buildable, but the site right next to the lake is also fully graded out when we were working with Top Golf to put in a street and put in their site, we went ahead and pre-graded that site to be able to try and market it even more easily to a hotel use or restaurant uses, which we have the rights to do there. It's a smaller site, So, that's really what we did. Then the site upon Arrowood Road that's crosshatch, we've been marketing that for 20 years for an office building. We've had a lot of people talk to us. We've just never had anything planned. As John pointed out, we have almost a million square feet of office on the opposite side of I-485. So, we're out in this market constantly marketing for that use. It's just not been something that's landed yet, but we will continue to do so. So, those sites are buildable and we've been marketing them for many years.

Ms. Watlington said Ok, then my follow up question for the pink area, considering what you just shared. My question is, and this may be for staff, had the pink area been developed first, would that have required a rezoning? No. okay, so then is it fair to assume that if the pink area was something that was marketable, you would have done it first?

Mr. Herndon said we market the entire site, so we really kind of first-come, first-serve. We've had some of the large single tenant office building users that have wanted to have maybe visibility from I-485 talk to us through the years and if they would have wanted to come on one of those sites next to the freeway, we would have extended the infrastructure and built the building. Again, we've had no one land yet out on this site for office, but we market the whole site or wherever the user wants to go. We're more than open to making that happen.

Ms. Watlington said okay, I'm a little bit concerned about this particular petition simply because as I think about the work that we're doing with the Comp plan and it seems that there were intentional efforts made with the Steele Creek Area Plan that the community bought into, that this would be a mixed-use area. I certainly can appreciate the market conditions that would require you or compel you to want to do something with this particular parcel. I just worry that even as we talk about not having a lot of space for industrial use in particular, or I'll say light industrial because I think that that might be something that could be attractive at this site. I'm just a little bit worried that we seem to be moving in a direction where even with our area plans that have come within 10 years, we're making adjustments to them that will ultimately change the intended character or fabric of this particular area.

Mr. Herndon said light industrial is forbidden to be built in this particular area of the City, and so it's a good point. In fact, it's something we looked at as an alternative years ago,

like a business flex product here, but it's not allowed within the City's plans. The ability to do mixed-use is still a very important aspect of what we're trying to do here.

Ms. Watlington said I understand. I appreciate that, sir. I understand where you're coming from. I do have one additional question as it relates to the housing here. What is the mix of this housing? Is it all market rate or do you have any affordable units here?

Mr. Herndon said It would be a market-rate apartment project, mostly one, and two-bedroom apartments.

**Councilmember Driggs** said Ms. Rickers, I was listening attentively to your statement on behalf of your client in opposition. A lot of the points you made had to do with the fact that this is different from a decision that was made in 2008 and 2009. I'm not sure from a land-use standpoint that would guide our final decision because time has gone by, and as we heard, the commercial realities there changed. So, I don't regard it by itself as being unacceptable that we would decide to approve a different use or a change in those plans. Any kind of commercial understandings or differences you might have with the petitioner are also not really land-use considerations.

So, I guess what I'm interested in hearing from you is, in what ways is your client adversely affected in the context of how we make land-use decisions? We'll think about things like if a high rise building goes up next to a single-family home and that's offensive to the owners of the home or if there is a traffic situation that you think would have adverse consequences on the tenants of the apartments that you have, but the fact that this is not in accordance with an understanding that was never rose to the level of contract and wouldn't be for us to decide, it's not really a land-use issue. So, could you just explain in land-use terms why your client believes that we should not approve this?

Ms. Rickers said so, while I understand that whatever representations or beliefs, we may have had based on what was passed in 2009 may not be contractual, it certainly guides development throughout the City. I think the City Council would agree that when they have approved rezonings and planning area plans that show how an area will be developed, that's what encourages your developers and your investors to come into those areas. That's what encourages the building up of those communities. So, certainly, when this area was designed and was envisioned to be a mixed-use development project, I think that is a factual overall and land-use planning as to the direct effect on my client as a property owner, in addition to our almost 300 units right there in this initial rezoning package across Executive Center Drive there is another multifamily project of over 300 units has been developed there.

So, you've already got quite a mix and quite a lot of stock in multifamily housing in this area. The concern that my client has as the developer of these types of projects is that if you saturate the market too much with too many units but haven't developed the infrastructure to support the resources, the entertainment, the retail market, the office space that these people can work at, then they start to lose their value, they lose their

stock, they become harder to rent because there's too much available in the area with too few other resources around. As the City tries to move towards that live, work, play atmosphere and those are important considerations.

Mr. Driggs said thank you. I'm certainly prepared to discuss this with you a little further offline. I would just suggest to you that that you be clear about what obligations you think we have to ourselves as a result of the actions we took in the past. What obligations you think we have to your client and how your client is adversely affected in land-use terms by any decision we might make about this. I'm not prejudging the decision. I can just tell you that from what you told us, when I think about the kind of land-use criteria, that we apply it, I don't yet see a case that says that we should not do this because of concerns of your clients. There may be other reasons why we would choose not to, but I'm happy to talk to you again offline and hope that you'll think some more about what I just said. Thank you.

**Councilmember Johnson** said I think Ms. Rickers' concerns only underscore what we have spoken to Taiwo about in the need for area plans. While this developer purchased there and built their development around 2008, there may be some that thought and are developing in 2018 or 2017 or something more recent. And like Ms. Rickers said that is a consideration when a property is built and the developer has that vision. So, I am asking again if we can have some type of interim plan and the public can see an interim to plan. So, they see where we're moving towards because some of these uses are going to change and we know that. I just think that in order to seek transparency and communication with the public, we need to have something in the interim so that we have something to lean on when we're making these decisions legally, but also so the public knows what the vision is for the City.

Ms. Watlington said I just want to underscore what Councilmember Johnson just said because I can appreciate my colleague's comments. But I think that fundamentally this is a land-use issue because in my mind, the point of this proceeding is to plan our City and we've talked about moving from being a deal-making City to a plan making City. But if people cannot rely on our plans as they make investments in our community, I would go so far as to say we don't need plans. I'd like to understand whether I guess this is City Assistant City Manager Mr. Jaiyeoba, I'd like to understand how we can stake our claim on a Comprehensive Plan that's coming if we have a plan as recent as 2012 that we've made zoning petition decisions upon, that people have built upon, and yet we continue to adopt Statements of Consistency that appear to override the plan. Can you help me understand what's going to look different as we go forward?

**Taiwo Jaiyeoba, Assistant City Manager** said so, the question is, if you have a Comprehensive Plan, what will be different?

Ms. Watlington said yes, when we go through these plans and we clearly are making decisions that are different than what was aligned to at the time of the plan, how then are

we going to look at the comprehensive plan and expect that when we assign place types to the areas that those place types are going to remain?

Mr. Jaiyeoba said yes. So, number one, you do have a 2012 Area Plan is not recent, especially in a fast-growing city with all the associated transportation issues, Steele Creek especially. But the geography is also not very helpful because of where it's located. So, even if Steele Creek itself, with its area plan, is current today, you have to be mindful of mobility between South Carolina and here. However, though, as we walk through the place type effort, what that does for the community is it allows them to have a say in what they envision their community to look like now and in the foreseeable future.

That place type on however will eventually give Counsel; you would not have to necessarily do as many rezoning as you will be doing because then the community knows what it wants, it's codified into place type. The developer also understands what the community's vision is, as you are ensuring in that place type and of course in the Comprehensive Plan, therefore, there will be no need for them to becoming forward with rezoning in the future unless they want to change their land-use, which the Council may say, well, we just adopted this Comprehensive Plan with its place type. We will not necessarily support that.

So the goal behind the Comprehensive Plan and the place type is obviously to update what we have today, which is old but also to be able to show in graphic font, which you don't necessarily have today, what an area is supposed to look like, what types of use is allowed in those areas, what amount of traffic that will generate specific to that particular area. So, you will have more information and more details than what you have today with the area plan document. But again, I go back to what Ms. Johnson said. Whether I want to really be able to give the Council some guidance to make a decision, I also don't want us to rush the Comprehensive Planning process because then it puts us back to where we are today. Where we are piecemealing different parts of the City and really building them differently.

We will work towards getting you some guidance, but I want us to be as careful as possible that we're not trying to be reactive rather than letting the Comprehensive Plan itself [inaudible] being responsive as we see things happen. It's not going to get rid of the rezoning, but it would at least allow the community to know what it wants to see and then what the developer to work along with the community as to what is laid out in that place type. So, that would be the main difference. We don't have place types today.

Ms. Watlington said So, I'm going to push back just a little bit. I know that the Comprehensive Plan, the intention is to review that every five years. When to your point, 2012 seems like a long time ago, considering how the pace of our growth. Our growth is not slowing down. Is the intent then every five years to review the entire City? Because my concern is that places that maybe were not in the last five-year cycle will then quickly have the same out of date considerations that you just talked about.

Mr. Jaiyeoba said So the plan behind the Comprehensive Plan is that we will revise or update it, so to speak, every three to five years. That's really what's standard for a Comprehensive Plan of that nature, we want to make sure that as market changes, you want to make sure they reflect that in your land-use plan. We don't have that today. That's why we have a lot of what is old.

**Councilmember Mitchell** said my question is for Mr. Carmichael; you hear our discussion around the land-use plan. Can you share your interpretation, please?

Mr. Carmichael said the current zoning, the primarily office, I would say consistent with the Steele Creek Area Plan. The proposed zoning is also consistent with the Steele Creek Area Plan that Mr. Pettine indicated because it recommends residential office and retail. So, in and of itself and it's a standalone petition for the 23.89 acres, this petition is consistent with the Steele Creek Area Plan that was adopted in 2012. If you look at the whole site that's on your screen now, that would be consistent, too, because you've got entertainment with Top Golf. You're going to have an office, which is around Moody Lake or some office type of use. Then at the bottom of the site, at least it is shown on the site plan, you've still got MUDD zoning that allows office and ground-floor retail. So, this area can still be a mixed-use area. Once again, the current petition is consistent with the Steele Creek Area Plan. Another thing I do want to mention is an adjacent property owner doesn't have a vested right to the zoning of an adjacent piece of property. I also want to make it clear that this petitioner made no representations to the adjacent property owners to what would happen here. There's 100 multifamily units left on this site under the current [inaudible]. What this would do would allow an increase of about 252 units. So, once again, I just want to stress that this petition, by and of itself, is consistent with the Steele Creek Plan, as Mr. Pettine indicated, as is the current zoning of the site. And I'm happy to answer further questions.

Mr. Driggs said I just want to say briefly if we're going to start incorporating considerations from the 2040 Comprehensive Plan into our current decisions, which can happen because so many of our area plans are basically irrelevant. We need to communicate to petitioners very clearly what that looks like. We can't just sort of come into our meeting at a time like this and start introducing requirements or priorities that were not made known before. So, I just hope that we will make sure that prior notice has been given before we give any account to that.

Ms. Watlington said I think that's what CM Johnson and I are asking for. But I also hear that Mr. Jaiyeoba's concerns about letting the process happen. I do want to ask a question. What is the requirement for acreage, for something to be considered mixed-use? Say, if someone was to come back tomorrow in the pink area and asked for it to be rezoned to residential because there is still acreage left that could potentially be office or commercial, is there a limit to residential? What constitutes a mixed-use? Is there a percentage or proportion?



Mr. Pettine said there's no acreage requirement, particularly for a mixed-use project. I think as we looked at this petition, we looked at the broader area overall, including the area being rezoned and then the areas outside of that rezoning. As we looked at it, we saw still the ability to build retail, office, and some other uses, not just within this MUDD-O property, but within the BP conditional area. We also had a pretty substantial mixed-use project just on the north side of Arrowood and I-485. That includes office, industrial, residential. We also have existing office parks across the street and a large commercial center down the road that's connected via sidewalks. So, we kind of looked at this as a more macro viewpoint of mixed-use.

Now, if we did get a petition to rezone that pink area to go all residential, we would probably start to have some concerns about the integrity of that overall intention. But this individual petition, we still felt maintain some of those mix of uses outside of the boundaries of the rezoning. But again, if we got a petition to change that pink area, that gray area to go all residential, that's where we would start to begin to have a little bit of a concern that that was starting to erode the intention and the integrity of that mixed-use plan away.

Ms. Watlington said to Mr. Driggs's point then, as we think about the Comp Plan, I'm hoping that we can add a little more granularity or at least some direction to what that looks like.

Mr. Johson said I just want to add again, I'm not trying to hold this developer or ask them for any requirements or expectations that would be toward the 2040 Comprehensive Plan. I'm speaking in general. That I spoke and I talked to Taiwo about this already. We do need to community to the developers and the public and the landowner. I know as a former Realtor if I am selling a piece of property and my client asked me, what are they going to be building over there, I can only rely on what the information is that's available. So, I think just out of respect the transparency and integrity of the information that we're providing, if we can get something to the public for those plans that are going to change significantly sooner than later, it just helps everyone in making informed decisions.

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

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**ITEM NO. 29: HEARING ON PETITION NO. 2019-128 BY PULTE GROUP, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 240.32 ACRES LOCATED ON THE WEST SIDE OF STEELE CREEK ROAD, SOUTH OF SLEDGE ROAD, EAST OF SHOPTON ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO MX-3 (MIXED USE) AND UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said is about 240 acres on Sledge Road and Shopton Road. It does have frontage on Steele Creek Road as well. The existing zoning on this property is currently R-3. The requested zoning is for MX-3 mixed-use as well as UR-2 CD. The land-use plan for this area again is the Steele Creek Area Plan from 2012. It does recommend residential uses up to four units per acre for the site. The petition itself is defined by two main development areas. Area (A) contains 550 single-family dwellings. No more than 200 of those would be attached or townhomes. Also, accessory recreational uses in the area (B) contain 150 restricted dwelling units. We do have transportation improvements incorporate into this project that is stemming from an approved traffic impact study. Those improvements would be made in three phases at a number of different intersections, C-DOT will be commenting on some of those later on in this presentation.

We also have a commitment to right away dedication as well as an eight-foot planning-strip, 12-foot multiuse path on Sledge Road, Shopton Road, and Steele Creek Road along the site's frontage. Architectural standards are incorporated into the plan and a series of passive and active recreation spaces in development area (A). The staff does recommend the approval of this petition.

As mentioned, we do have some outstanding issues related to transportation to still resolve. It is consistent with the Steele Creek Area plan that recommends residential uses up to four dwelling units per acre. This comes in just under four dwelling units per acre. So, it is consistent with the Steele Creek Area plan. Again, we'll be happy to take any questions following the presentation by the petitioner.

I did want to, before we get into the petitioner, to refer to C-DOT really quick for some information on transportation.

**Lakisha Hull, Charlotte Department of Transportation** said C-DOT has been working very closely with the state and DOT and reviewing the TIS for this project, and planning provided an overview of the proposed density and intensity. So, as C-DOT reviewed this petition, we realize that there are 15 intersections that are being improved and seven of those intersections are off-site. So, what off-site means is that it's basically off-site from the project itself at other intersections. So, as you can see what the graphic, we've called out specifically those intersections that are being improved as part of this proposal. Five of those intersections actually are lined up with potential CIP projects. So, we feel very comfortable that this project is mitigating its trips and it's also providing additional improvements, including adding new signals at intersections that don't have signalized intersections, adding additional left-turn lanes to be able to delay, reduce future delays in the area and allow for more through movements.

So, that's just kind of the things that this project is providing in this area that is heavily being impacted by congestion and also just working with the state and trying to expedite some projects along NC-160.

**Bridget Grant, 100 N. Tryon Street**, said Jeff Brown with Moore Van Allen here tonight with [inaudible] with Pulte, as well as Matt Mandell with ESP and Randy Godard with GRG. The staff did a great job highlighting our plain consistency and the lower proposed density, So, I'm going to keep things fairly short.

We are pleased to be here tonight with a positive recommendation from the staff and with a letter of support from the Steele Creek Residents Association. We've been working for some time on this petition and we think that with the numerous meetings that we've had with the Steele Creek Residents Association and with a well-attended virtual community meeting, we believe the residents have a better understanding of the degree of improvements and benefits that may be best reflected by having no speakers in opposition this evening.

A quick summary again, this is a change from R-3 to MX-3 to allow flexibility and lot sizes, which also has given us the ability to provide increased open space. The UR-2 allows for a senior living component. When you look at just a single-family or attached side, we're down to 2.4 dwelling units per acre. We have a robust street network, greenway connections, and extensive transportation improvements. Overall the proposed trips are lower than what's permitted by right. The improvements that are being made to mitigate traffic or at a higher level than what you would get with a by-right development.

Several of the improvements go well beyond mitigation. As Lakisha mentioned, we are making improvements at 15 intersections and access points. So, with that I'm just going to close by saying we think we are clearly utilizing the conditional rezoning process as intended to raise the bar. We intend to work to address any of the outstanding issues. We appreciate everyone's time tonight and look forward to answering any of your questions.

**Councilmember Watlington** said so, first of all, I just want to say I'm very, very, very excited to see the work that you all have done in conjunction with C-DOT to really start to take a comprehensive view of how else beyond the site, how else can we work to try to mitigate some of the impacts of growth and the delay of 160? We understand, obviously, that NC-DOT has its own woes and certainly our local efforts are not going to compensate completely for 160. But this certainly feels like the right direction. So, thank you for leading the way on there and in fact, raising the standard.

I did want to just make sure I understood when you talk about mitigation here and maybe this is a question for Ms. Hull. When you talk about maintain future delay or reduces future delay, I just want to make sure that I'm interpreting this correctly. Well, I'll just ask you, can you explain what this verbiage means?

Ms. Hull said yes, basically, as you know, different roads have a different level of service gradings. So, the mitigation that's provided at multiple intersections are basically creating a condition where the level of service will be improved. So, just basically trying to create better movement patterns, an area that will reduce further delay moving through those intersections by some of those enhancements.

Ms. Watlington said so, as we think about, and I don't want to get too far into the weeds, but I think it's important for residents to understand as they're contemplating these petitions, these delays or calculations for the future also include other development that occurs. Correct?

Ms. Hull said yes, so they're basically background trips and then we also look at the horizon year and how this project can mitigate their trips through their build-out. So, it takes a lot of the surrounding context into consideration as we're doing the traffic impact study.

Ms. Watlington said okay, so we could then interpret this as the improvements here is not just about the additional cars from Pulte's rezoning, but also considers that there is other development, whether it's by right or potentially other rezonings that's calculated into the study?

Ms. Hull said yes, the staff reviews surrounding petitions to make sure that this project is mitigating anything above and beyond what they have put on the road network. Some of these improvements are actually creating a better condition, better than a no-build scenario, as we like to call it. So we looked at different alternatives of what it looks like with this petition and what it looks like without having this petition built. So, it does take the entire context into consideration.

Ms. Watlington said Thank you. And then lastly, I absolutely love this approach taking the comprehensive look, would you be able to provide this holistically, I won't say for all of Steele Creek, but for the area in which we've got a number of petitions coming up?

Ms. Hull said yes, ma'am. C-DOT is more than happy to provide a better comprehensive look in the Steele Creek area. We're more than happy to work with your office on that.

Mayor Lyles said I have a question, it's probably in the materials, I just can't read the font in some of this on the site. Where is the closest grocery store, dry cleaners? Where's the neighborhood services area?

Ms. Grant said number three, shows the area where there are a number of neighborhood services. There's also stuff moving up along the Steele Creek Road corridor.

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

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**ITEM NO. 31: HEARING ON PETITION NO. 2020-089 BY PULTE GROUP, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.42 ACRES LOCATED ON THE WEST SIDE OF BRIAR CREEK ROAD, NORTH OF GREEN OAKS LANE, AND EAST OF WEMBLEY DRIVE FROM R-22 MF (MULTI-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said this is on Brier Creek Road, it's just under 3 acres. The current zoning, as mentioned, is R-22MF. The request for the proposed zoning is UR-2 CD. The land-use plan for this project is from the Central District Plan, which recommends multifamily residential. There is no real specified density listed in that plan. We did look at the general development policies as well due to the date of the Central District plan, and it does meet the General Development Policies for consideration of over 17 dwelling units per acre. We do have some of that information listed in the staff report for you. The proposal itself is for 66 single-family attached dwelling units townhomes. They would have a maximum building height of 48 feet, as well as a private street which would connect to Brier Creek Road and some internal system of alleys and sidewalks, including walkways throughout the development, a 12-foot multiuse path along Brier Creek Road with an eight-foot planning strip.

We do have a proposed CAT's bus waiting pad on Brier Creek Road as a result of this project, architectural elements incorporated into the conditional notes, and tree safe and usable common open space throughout the project as well. As mentioned, the staff does recommend the approval of this petition. We do have some outstanding issues related to transportation and site and building design to work through. It is consistent with both the Central District plan recommendation for multifamily residential and consistent with the General Development Policies that recommend residential over 17 units per acre. Staff will be happy to take any questions following Mr. Brown's presentation.

**Collin Brown, 1420 East 7th Street, Suite 100** said on behalf of Pulte Group, the petitioners, we have a presentation which we can move through quickly. The staff did a very nice job on this.

As Dave mentioned, here's the site, the current site of the Commonwealth Baptist Church, 3.4-acre site, currently houses an institutional use. You're here for rezoning, as Dave mentioned the properties currently zoned R-22MF. So, it is zoned for a kind of medium density multifamily use. The land-use plan is also if developed by right, you could yield at about 70 units. We're actually looking for fewer units than allowed by right, looking for the flexibility. Pulte intends to do a for sale townhome community. Dave walked you through the highlights of the rezoning plan. There's a colored up version that presents a little better.

We have held, I think, two community meetings and good feedback from the neighborhood. I think the product type and work in conjunction with urban planning staff.

It was a nice improvement to the site. Really having a nice frontage [inaudible] Briar Creek, providing right away for future C-DOT improvements in the area and if you have any questions, we're happy to answer.

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

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**ITEM NO. 32: HEARING ON PETITION NO. 2020-090 BY REMOUNT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.566 ACRES LOCATED ALONG THE SOUTH SIDE OF WATSON DRIVE, THE WEST OF REMOUNT ROAD, AND NORTH OF WEST BOULEVARD FROM R-22 MF (MULTI-FAMILY RESIDENTIAL) TO TOD-TR (TRANSIT-ORIENTED DEVELOPMENT - TRANSIT TRANSITION).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said 1.56 acres, it's on Remount Road, just at the intersection of Remount Road and Watson Drive, as well as the intersection of Kimberly Drive. This petition is currently zoned R-22 MF. The proposed zoning is for TOD-TR. The adopted future land-use is from the Central District Plan that's 1993, it does recommend multifamily uses up to 22 DUA. On January 2019, the CAT staff did recommend that the Silverline continue through uptown Charlotte to Wilkinson Boulevard. The MTC adopted that recommendation, which formally created that project.

In 2020, CATS and Partners started to do TOD planning and design services in order to advance that project, and Petition 2020-090 in front of us this evening is located within .5 miles of the proposed LYNX Silverline Light Rail Corridor, as well as a station at Remount and Wilkinson Boulevard. CAT'S staff is in the process of refining that plan.

We will begin some more stationary planning in 2021. CAT'S is supportive of zoning districts that do allow transit-oriented development form and density within one mile of their stations. Again, this one is within .5 miles of that proposed station at Wilkinson Boulevard and Remount Road. The staff does recommend the approval of this petition. It is inconsistent with the Central District plan for multifamily residential uses. However, it is within .35 miles of the proposed Remount Transit Station on the LYNX Silverline and the TOD district would be supportive of the future development and land-use that supported along that Silverline as being planned out currently by CAT'S. So, I'll be happy to take any questions. This is a conventional petition, so there is no conditional site plan to really go over and discuss.

**Councilmember Eiselt** said Dave, can you go over again, what uses would be allowed in TOD Transition TT?

Mr. Pettine said sure. Residential uses dorms, multifamily single-family. We have different commercial uses, things like amusement facilities, art galleries, fitness studios, bars, financial institutions. Hotels are not permitted in the TR district. A gas station would be. I'm trying to look at some of the ones that would be probably the ones that we might have some general concerns over. Restaurants are, of course, permitted. An enclosed storage facility is a permitted use in TR. As well as a car dealership or car rental or vehicle repair facility. Those are all permitted uses as listed in the ordinance under TR and cultural facilities, community centers, daycare centers. Those are all permitted as well. Institutional uses are permitted and different public health and social services are all permitted in the district. Really in all TOD districts. But some that are NTR that are in some of the others are the more auto-oriented ones, like the storage facility, like the vehicle rental or vehicle dealership, of course, has to be enclosed. It can't be an open car lot, but some of those uses are permitted in TR that aren't permitted in districts like UC, CC, or NC. So, it's not an exhaustive list, but those are, I think, some of the highlights that we were discussing earlier.

Ms. Eiselt said I just I've got to get a better feel for this one. I thought that we used to include maps that were zoomed out a little bit more so that we really could see, especially with TOD, we really got a feel for whether there should be a community center or transition of the four different categories. So, I have to look at this better to see exactly where it lands. But I do have concerns about some of the uses, depending on how far away it is from the light rail with regard to being allowed to have storage facilities for another car vending machine, as we've seen along with light rail. So, I know it's conditional, so, we can't ask what it's going to be used for. But I do have some concerns about being wide open like that and not understanding truly what's going to go there and if it really does match up with TOD.

I forget what the second category of TOD is, but in no time, this area, it seems to me, is going to become more dense. We're going to wonder, was that the right TOD category. So, I realize that's vague, like the information we've been given is vague as well.

Mr. Pettine said I think following some of that discussion that we had earlier, we certainly want to go back and look. I think you're thinking of maybe the NC district, which is the other one that's appropriate next to single-family neighborhoods or residential, where we might want some lower building heights. So, I think the staff will also go back and evaluate the NC versus TR kind of question and see if one can maybe alleviate some of those concerns about uses that might generate some incompatibilities from a land-use standpoint. If we need to shift gears and maybe look at a different district, we, I think certainly want to make sure and evaluate that prior to this going in the Zoning Committee and any further from there. So, be happy to discuss offline with you as well if you want to follow up a bit.

Ms. Eiselt said that is great if you do that. Thank you.

**Councilmember Watlington** said yes, I share Ms. Eiselt's concerns. I will say, considering the playbook and our current investment Corridors of Opportunity at that particular intersection, Remount Road, and Wilkinson Boulevard, I would not be supporting anything that does not have conditions that prevent a gas station and cold storage or vehicle repair. We are oversaturated on West boulevard with auto-related industry, as we've indicated. That is something that we've already indicated that we would not be supportive of and is consistent with what we're doing with our playbook work that will roll into the Comp Plan and our Corridors of Opportunity. So, I would absolutely look forward to the recommendation regarding NC versus this and any exclusions that may apply.

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

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**ITEM NO. 33: HEARING ON PETITION NO. 2020-093 BY GRIFFMAN INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.41 ACRES LOCATED ALONG THE EAST SIDE OF GRIFFITH STREET, THE WEST SIDE OF LYNX BLUE LINE, AND SOUTH OF POINDEXTER DRIVE FROM TOD-M (O) (TRANSIT-ORIENTED DEVELOPMENT, MIXED, OPTIONAL) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT, URBAN CENTER).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said 1.4 Acres, as mentioned on Griffith Street, just South of Poindexter Drive. This property is currently TOD-M (O) proposed zoning is TOD-UC. The adopted future land is from New Bern Station Area Plan 2008 does recommend mixed-use, transit supported of uses. So, this petition is consistent with the New Bern Transit Station Area Plan. The staff does recommend approval. It is a conventional TOD. So, again, no site plan to be considered in the conversation for this one. But it is consistent and the staff does recommend approval. I'd be happy to answer any questions you may have.

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

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**ITEM NO. 34: HEARING ON PETITION NO. 2020-094 BY CHILDRESS KLEIN FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.54 ACRES LOCATED NORTH OF PERIMETER POINTE PARKWAY, WEST OF REBECCA AVENUE, AND SOUTH OF WEST BOULEVARD FROM I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL) AND R-22 MF (MULTI-FAMILY RESIDENTIAL) TO I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL) AND I-1 (CD) SPA (LIGHT INDUSTRIAL, CONDITIONAL, SITE PLAN AMENDMENT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said this petition is 9.54 acres on Perimeter Pointe Parkway, Glenn Lake Drive, just south of Rebecca Avenue, as mentioned the current zoning as I-1 conditional as well as a portion of the property in orange there, is R-22 MF. The proposed zoning would then be I-1 CD for the entirety as well as the site planning amendment for that area that already has the conditional I-1 zoning on it.

The proposal for this project this evening is for all uses permitted in the I-1 district except for that EDEE (eating/drinking/ entertainment establishment) accessory drive through use. We do have a limitation on retail and those EDEE uses the ground floor of the buildings. We do prohibit billboards on the site. We are maintaining some of the existing entitlements from an old 1998 petition. A total of 1 million square feet of the 1.9 million square feet have been developed thus far. So, really, we're left with just under about 900,000 square feet of entitlements.

Access to the site will be from Perimeter Point Parkway only. So, no access from that Rebecca Avenue road there, that's just north of the project. Do have 8-foot landing strip, and 6-foot sidewalk improvements being made along Perimeter Pointe Parkway. A 20-foot building and parking set back along with Perimeter Pointe Parkway, Glenn Lake as well. Also, either a class A or Class B buffer will be constructed on the site. Really, that area that's currently zoned R-22, that would be incorporated into this project is going to maintain itself primarily as a buffer to those existing single-family uses.

We do have some lighting commitments for the project, as well as constructing a bus waiting pad on Perimeter Pointe Parkway to enhance transportation and transit to the site. The staff does recommend the approval of this petition. We do have outstanding issues related to transportation to resolve. It is consistent for the majority of the site recommended for light industrial uses. That small portion that was still recommended for multifamily use and currently zoned multifamily is that one little inconsistency that we do have a note from the Southwest District plan. But the majority of the site is consistent and again, the staff does recommend approval and we'll be happy to answer any questions following the petitioner's presentation.

**Keith MacVean, 100 North Tryon Street** said I am with Moore and Van Allen; Jeff Brown of our firm and I are assisting Childress Klein properties with this petition. Tom Cole, with Childress Klein Properties are also on the meeting and available to answer questions.

I think Dave has done a great job explaining what the petition is about. A majority of the site of the rezoning is the site plan amendment on the 9.54 acres. Only 1.3 acres is actually going from R-22MF to I-1 CD. As Dave mentioned, a majority of that area actually is being maintained as buffer areas. The rezoning allows a slight expansion of the I-1 area to allow the previous uses that were approved for the site in 1998, which are office and commercial uses. As you can see in the area photographed, most of the site has already been developed with multi-story office buildings. That's the anticipated use here as well.

This is showing you the portion of the site that was the whole sector was zoned in 1998. The portion in yellow is the area that we're doing the small change on. Again, add the small area to allow the previously allowed square footage to be built on the site of the slight expansion for parking areas and while maintaining buffers to the residential uses on Rebecca Avenue. It does maintain the same limitation on EDEE use is limited to the ground floor with no drive-through uses. We will be working with the staff to address the remaining staff issues. We are glad to answer any questions

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

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**ITEM NO. 35: HEARING ON PETITION NO. 2020-097 BY 6800 SOLECTRON OWNER, L.P. FOR A CHANGE IN ZONING FOR APPROXIMATELY 12.40 ACRES LOCATED ALONG THE SOUTH SIDE OF MALLARD CREEK ROAD AND ALONG THE EAST SIDE OF PENNINGER CIRCLE. FROM RE-1 (CD) (RESEARCH, CONDITIONAL) AND INST (CD) (INSTITUTIONAL, CONDITIONAL) TO RE-1 (CD) (RESEARCH, CONDITIONAL) AND RE-1 (CD) SPA (RESEARCH, CONDITIONAL, SITE PLAN AMENDMENT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said just to clarify, this actually is in Council District 2, Councilmember Graham's District, our apologies for that. The current zoning for this petition, which is just a little under 12.5 acres on Mallard Creek Road, Penninger Circle. As we mentioned, that current zoning is RE-1 CD and institutional. That institutional is the darker blue up along Mallard Creek Road. The proposed zoning is for RE-1 conditional and a RE-1 conditional site plan amendment. The adopted future land-use for this project is from the Northeast District plan. It does call for institutional and office for this site. The proposal itself is for up to 50,000 gross square feet to accommodate uses that include

medical health clinics, offices, financial institutions, laboratories, and research uses. All uses that are found in that RE District. We do have a limitation on principal buildings to just two within that grey building envelope. We also have an installation of a leftover and right-turn lane at the proposed site access on Mallard Creek Road. There's a commitment to an 8-foot planning strip and a 12-foot multiuse path along the frontage of Mallard Creek Road, as well as an 8-foot planning strip and a 6-foot sidewalk along Penninger Circle. We have a bus waiting pad proposed on Mallard Creek Road, as well as a 75-foot Class B buffer along that frontage with Penninger Circle that abuts that multifamily district to the east of the property. Also, some architectural design standards incorporated into the conditional notes and pedestrian connections from all buildings to the adjacent streets, and then a cap on lighting fixtures at 30 feet in height. The staff does recommend the approval of this petition. We do some outstanding issues related to transportation and the environment.

It is consistent with the Northeast District plan. We do have a recommendation of institutional and office uses for the site. The proposed zoning in that RE-1 conditional plan does accommodate uses that fall within the institutional and office category. So, it is consistent with that plan. And again, the staff does recommend approval and we will be happy to answer questions following both petitioners and community presentation on this one.

**John Carmichael, 101 North Tryon Street Suite 1900** said I represent the petitioner of 6800 Solectron Owner L.P. With me tonight, are Steve Shanks, Jean Rainer, and Amelia Pascucci of [inaudible] and the petitioner and Jeff Mangas the petitioner's site engineer. They are available to answer your questions. The site contains approximately 12.4 acres and is located on the southeast corner of the intersection of Mallard Creek Road and Penninger Circle. That's a tax map of the site. Below the site is the Solectron building, which is an [inaudible] an office building that I referred to in a moment. The site is located in close proximity to the Wells Fargo facility and to Innovation Park, and the site is adjacent to the Solectron building, which is the building to the south of the site with [inaudible]. That building is also owned by the petitioner.

The southern portion of the site, as Dave mentioned, is currently zoned RE-1, CD. Research one conditional district and the northern portion of the site is currently zoned institutional CD. The southern portion of the site was rezoned in 2018. The northern portion was rezoned by the City Council in 2011.

So, I want to share with you briefly the approved RE-1 (CD) rezoning plan for the southern parcel. This is just another areal to remind you that the southern parcels are the two most southern parcels. This should be approved conditional rezoning plan for the southern parcels. Under that approved plan, the southern parcels can only be devoted to a surface parking lot to serve the adjacent Solectron building. It's a parking lot. It does have a 75-foot Class C buffer that is required next to the Penninger circle. Under that conditional rezoning plan, vehicular access from the southern parcels to Penninger Circle is permitted

only when three of the five parcels of land located on the west side of Penninger Circle are redeveloped for multi-family and or non-residential uses.

Now, as for the northern parcels, the northern parcels abut Mallard Creek Road, its zoned institutional CD, and under that rezoning plan, you could build a nursing home with independent, dependent living units. I will tell you that the rezoning plan also incorporates the southern parcels, which are rezoned to RE-1 CD back in 2018. That's the independent dependent living in a building that was proposed under the existing zoning.

So, the petitioners requesting that the site be rezoned from RE-1 CD and Institutional CD to RE-1 CD site plan amendment and RE-1 CD. The purpose is to accommodate off street parking for the site and certain adjacent parcels of land in the adjacent parcel of land containing the Solectron building. That request is consistent with the existing zoning of the southern portion of the site and also to accommodate up to 50,000 square feet of gross floor area that can only be devoted to medical office, financial institution, laboratory, and research use. As Dave mentioned, only a maximum of two buildings could be developed on the site. It's anticipated that those buildings will be located next to Mallard Creek Road.

So, this is the rezoning plan for the site. You'll see that the southern portion of the site, the rezoning plan for the southern portion of the site looks very familiar because it's very similar to the existing rezoning plan for those southern parcels. The parking area is similar to the parking area proposed under the currently approved rezoning plan. This rezoning plan maintains the 75-foot Class B buffer along Penninger Circle. However, the buffer could be eliminated when three of the five parcels located on the west side of Penninger Circle are redeveloped for multifamily and/or non-residential uses.

This rezoning plan continues the limitation on access to Penninger Circle and there are architectural standards for the proposed building along Mallard Creek Road there that are a part of the petitioner's condition zoning plan. Once again, there would be a vehicular connection to Mallard Creek Road, as Dave mentioned, and that vehicular connection is a driving factor of this rezoning request because it would disperse traffic in a better fashion rather than having all the traffic from the Solectron building going to IBM Drive.

Planning does recommend approval. The request is consistent with the Northeast District plan. Thank you for your consideration. We're happy to answer any of your questions.

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

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**ITEM NO. 36: HEARING ON PETITION NO. 2020-098 BY AHI 3100, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.18 ACRES LOCATED SOUTH OF N. TRYON STREET AND ITS INTERSECTION WITH E. 36<sup>TH</sup> STREET IN THE NODA COMMUNITY FROM B-2 (GENERAL BUSINESS), I-1 (INDUSTRIAL) TO TOD-CC (TRANSIT-ORIENTED DEVELOPMENT, COMMUNITY CENTER).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said 4.18 acres on North Tryon Street and East 36<sup>th</sup> Street, also there is frontage on Bernard Avenue. The current zoning is B-2 and I-1. I-1 is the brown portion. B-2 is the red portion up on North Tryon Street. The proposed zoning is TOD-CC, the adopt a future land-use for the property is from the North Tryon Area Plan 2010. It does recommend office, retail, as well as some park in greenway, uses for the site in that green area just out from Bernard Avenue. This is a conventional TOD request. so, there is no site plan to discuss for this rezoning.

It is inconsistent with the North Tryon Area Plan recommendation for office, retail, and park greenway uses for the site. However, the TOD district would support office and retail uses, but again that it does allow those residential uses. That's where we should develop that inconsistency with that overall area plan recommendation. However, the staff does recommend approval of this petition. It does meet the applicability requirements for the TOD-CC district. Requesting TOD zoning on this location does realize some of the listed land-use goals by capitalizing on that proximity to the Blue Line. Also, the petitioner's request for TOD will likely address many of the North Tryon Area Plan goals regarding transportation and community design. So, again, the staff does recommend approval and we'll be happy to answer any questions. should you have any?

**Collin Brown, 1420 East 7th Street, Suite 100** said on behalf of the petitioner, Avery Hall, since this is a conventional petition, I won't delve into the presentation. I think Dave gave an overview. I would just let you know for conventual zonings, even though community meetings are not required, we hosted several. This is a very active neighborhood, as you know, and get a lot of feedback from them. Happy to answer any questions you have posted.

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

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**ITEM NO. 37: HEARING ON PETITION NO. 2020-099 BY D. R. HORTON FOR A CHANGE IN ZONING FOR APPROXIMATELY 20.88 ACRES LOCATED ALONG THE SOUTHEAST SIDE OF MALLARD CREEK ROAD AND NORTH OF MORRIS ESTATE DRIVE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said 20.8 acres on Mallard Creek Road. The current zoning in place is R-3. The proposed zoning is R8-MF CD. This petition has applied the Northeast District Plan, which is from 1996. It does call for single-family multifamily uses up to 8 dwelling units per acre on the site. This proposal itself is for up to 130 townhome units. It does commit to constructing road improvements with the existing unmaintained Penninger Circle and that public right of way also commits to not extending Penninger Circle to Mallard Creek, it just shows that as a street stub. It does provide a right-in right-out only on Mallard Creek with one hundred feet of storage, also a planning-strip and sidewalk along all streets. A 50-foot Class-C buffer to an abutting single-family residential as well as architectural standards incorporated into the conditional notes.

The staff does recommend the approval of this petition. It has some outstanding issues with transportation and some technical revisions that need to be cleaned up. But it is consistent with the Northeast District Plan, which recommends a single-family or multifamily use up to 8 dwelling units per acre. This petition comes in with one 130 townhome unit. So, that would be a single-family attached product at 5.78 DUA. So, again, it is consistent with that Northeast District plan. The staff does recommend approval and will be happy to take questions following presentations this evening.

**Paul McKay, 1522 Elmwood Avenue, Albemarle, NC** said I have two basic points that I would like to make, the first would be, and I'm discussing the Penninger Circle where it is not yet completed. It doesn't necessarily show that on your map, but the Penninger Circle area at the bottom, that ultimately turns to the right to the east. I'm talking about specifically the unfinished part of Penninger Circle, which is at the bottom of the Penninger Lane now, and the proposed road that comes into that from the proposed properties, and then would be immediate to our property. It doesn't really say on there, but that intersection is what I'm talking about with my first point.

At the community meeting on the 29th of July, I discussed the problem with that intersection, specifically that any egress traffic from that road from the new buildings would shine a head-light directly into our house on the other side there and would be a significant nuisance and a problem in that all of the lightings would be directed into all of the front windows of that house. Extraordinarily intrusive. As again, I discussed at a community meeting and Mr. Crowder had said that it would not be a problem to redirect that traffic. That the intersection would be changed, that it wouldn't be a problem, the intersection has not been changed, at least not on this map it's not showing any change. And so, again, the headlights that would be coming from all of the vehicles exiting that

area on to Penninger Circle would shine immediately in front of our house there. That's the first issue. The second one is also the Penninger Circle that would be developed from the [inaudible].

Well, let me say that only this past week that I received this modified map shows not accessing from Penninger on to Mallard Creek but still at the intersection I'm talking about that is the same as it was before. So, since that traffic is no longer going to be going to Mallard Creek Road, all of the traffic, exiting that at night would shine headlights into our house area. Every vehicle that exits there would shine head lights [inaudible] by a dead in and that it would have to turn ring there and all headlights would shine into the front of our house there. So it's a very it's a significant problem. It's extraordinarily intrusive every single night having traffic moving along there. So, that's my first point.

The second point is that that part of Penninger now is only gravel road has not finished and dead-ends at the bottom of Penninger there. It is not completed, moreover, it never has been worked on in the 17 years we have owned the house there. No work, no maintenance has been done at all to Penninger Circle here. So, essentially a private road at this point. [inaudible]. So, all of the modifications and improvements to Penninger there would be moved onto our property.

**Bennie Townsend, 7132 Mallard Creek Road** said yes, again, I'd like to say thank you for allowing us to speak here this afternoon and like Mr. Mckay, I have an updated map here and I can see as it is now [inaudible] Mallard Creek onto Penninger Circle but I still like to address a couple of issues just for future reference in case that comes up.

My property is right here where you see Hubbard Road at the top, I make the other leg of this intersection, which would make it a four-way intersection if it came through my home. Our basic concern is where this Penninger Circle is in relation to the stop light and our personal driveway is less than 125 feet. One would have to merge to get over and make an entrance into this complex. But better yet, I basically wrote out my thoughts, and so let me express some of the things maybe you better understand about my wife and myself. I am Bennie Townsend and I have my wife Teresa lived here at Mallard Creek Road 7132 for some 25 years. We have seen quite a bit of change in this area, most recently, the long-awaited Mallard Creek Road project. So, we're not in objection to progress, but progress has to come about in a manner that doesn't cause overdue stress on people and the environment upon which to impose.

My home and driveway are located directly across from Hubbard Road, which is part of the Mallard Creek Hubbard Road intersection. At this intersection we have to contend with left-turns from Hubbard Road, U-turns from Eastbound Mallard Creek Road, straight away traffic from [inaudible] Mallard Creek Road. The proposed entrance to this project is less than 125 feet from this traffic light and my driveway. Our concern is that the close proximity of this entrance to the stoplight and my driveway would not allow time and space for a safe exiting from Mallard Creek Road to this proposed complex.

I'll appeal to you is to consider our request for the eliminating of this dangerous entrance proposal, which would cause countless accidents, injuries, and possible loss of life. I'd just like to say before this road was widened and Mallard Creek Road only had no light across on Hubbard Road, I can't tell you the times that we had a call 911 for someone that was hurt. I can't tell you how many times it occurs. Every time we would go [inaudible] in the middle of the night. We've had pregnant people on our lawn and on our porch until 911 comes. We've had children out in the middle of the field, there next to our house on this triangular shape here that had hidden [inaudible] and their teeth out. Our concern is the safety of the community, and since this road is opened up on Mallard Creek Road now, it is a [inaudible]. So, there was absolutely be no safe way for anyone to exit out of my driveway or these individuals that live in their Penninger Circle there out onto Mallard Creek Road safely without basically being in fear of their life with all of this going on just 125 feet from them. So, I just like for you to take into consideration that could be an entrance or exit out of this proposed complex here for the safety of the community.

Mr. McKay said yes, certainly. I'll get my second point is that the lower half of Penninger Circle that will still exist is entirely on our properties and in no way impacts the new proposed residences and I would suggest and request that road either moved over onto the new properties 20- acres plus. There's sufficient room for it, move it over or perhaps move it in between the two buildings on the bottom there, because that, again, is very significantly impacting, adversely impacting our house and is not really an appropriate thing to do right there, given that there's a space available on 20 plus acres. So, again, it's very intrusive. Everything that's going on there into the front of our home, into the parking that would be there, the sidewalks that would be there, the improvements to Penninger Circle all would adversely affect our home.

**Councilmember Eiselt** said the first gentleman who spoke. Sir, where is your house from there? I'm trying to figure out what intersection. I'm sorry, the second gentleman who spoke, I apologize.

Mr. Townsend said if you see on your map where it says Class C buffer at the top, where that green, I guess that's the first home right there next to the white area.

Ms. Eiselt said okay, on the opposite side of the road?

Mr. Townsend said no, on the side where the project is. It would but upright to the project. I'm directly across from Hubbard Road with the stop right there.

Mr. Pettine said he is essentially where the letter C is in a class-C buffer.

Ms. Eiselt said okay, I see. So, the road alignment, though, is going to come out the new road will be on Penninger Circle and you create a new road to come out of Mallard Creek?

Mr. Pettine said they would improve Penninger Circle to that T-intersection where that yellow line kind of stops before it goes up to Mallard Creek Road. Then the other yellow



lines are proposed new public streets that would eventually work their way back over to Mallard Creek Road, and then they would also stub to that property that's undeveloped between this project and Morris Estate Drive. So, Penninger Circle is only improved about halfway up and that existing right of way, they won't connect it to Mallard Creek Road. The only connection to Mallard Creek would be that where that red arrow is over there on the left-hand side of that project.

Ms. Eiselt said okay, and is there signalization that's going in?

Mr. Pettine said I would have to defer to C-DOT on that.

**Lakisha Hull, Charlotte Department of Transportation** said so as CDOT reviewed this petition, we only reviewed it in regards to connecting to Mallard Creek Road at that area that Mr. Pettine showed. So, at this time, it will not be providing a signal in that area.

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

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

**Paul McKay, 1522 Elmwood Avenue, Albemarle, NC**

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**ITEM NO. 38: HEARING ON PETITION NO. 2020-100 BY DELRAY VENTURES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.9 ACRES LOCATED ALONG THE SOUTH SIDE OF SHARON AMITY ROAD, EAST OF ADDISON DRIVE, AND WEST OF WATER OAK ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said just under 5-acres on North Sharon Amity Road. The property is currently zoned R-3. The proposed zoning is UR-2 conditional. This is from the South District Plan, which does recommend institutional land-uses for the site. That's likely due to the current institutional use that's on the site and that's historically been on that site for the majority of the time it's been developed. However, the General Development Policies do apply for this project and it does recommend densities that are supportive of the 9.6 units per acre that are part of this petition this evening.

The GDP actually supports densities up to 17 units per acre. So, this comes in well under that GDP recommendation. The proposal itself is for up to 48 single-family attached dwelling units. We do have vehicular access from a private street up on to North Sharon

Amity Road. We also have internal private streets that serve those units. CAT'S bus waiting-pad, along with a 12-foot multiuse path and a six-foot-wide planning-trip along North Sharon Amity Road. Architectural design commitments are incorporated into the conditional notes as well as a 30-foot Class-C buffer is adjacent to single-family properties on the west side of the site. Also, some undisturbed tree save areas on the back end of the project. They are highlighted in green on that southernmost portion also commits to a minimum of 5,000 square feet in a central common space. That's that kind of central green block in the middle. That would be improved with things like benches, gardens, a pet area, other amenities to make that some functional open space in the center of the project. Also, pedestrian scale lighting would be incorporated and that would be less than 15 feet in height.

The staff does recommend approval of this petition upon resolution of some outstanding issues and technical revisions. Those are related to site building design, transportation, as well as some environmental notes that would just need to be captured on the conditional plan. As mentioned, it was inconsistent with the institutional recommendation. However, under the General Development Policies, there is support for the requested density less than or equal to 12 dwelling units per acre. Again, this comes in at 9.6 units to the acre. So we are consistent with that GDP. We do recommend approval and we'll be happy to take any questions.

**Collin Brown, 1420 East 7th Street, Suite 100** said on behalf of the petitioner, this is a site they know the old Masonic Lodge site. This is actually the second development team that we worked with on this site as the project has evolved. I think we probably hosted more community meetings on this site than any project I've worked on. Councilmember Newton can attest to that as he is attending most of them. So really, we've watched this project evolve and as Dave mentioned and now, we're looking at 48 townhome units there Central [inaudible].

We've done a lot, as you can see, to buffer the surrounding edges. Worked with folks to the rear of the site to coordinate a nice tree-save buffer there. So, I'm pleased to be here. Not hearing from opposition tonight. There's a color version of the plan. This is a little bit earlier version of our current version does have 48 units, but the colored version you are able to see, I think, how we try to screen up the project focusing on Central Green. We are happy to answer any questions you all have.

**Councilmember Newton** said I appreciate it, thanks for the presentation, Mr. Brown, and I do appreciate the extensive community engagement that has been ongoing with this and the previous petitioner for quite some time. I have one question, as you know, there were concerns to the rear of the property pertaining to the runoff and the possibility of flooding with any impervious space. I know that we have the tree-save on the backside of this now. Which is something I appreciate, but I don't know if I got an update on, I think before there was a discussion, there possibly being an underground reservoir on site to cap any groundwater, or any stormwater runoff. I just want to ask about that real quick while I have the opportunity.

Mr. Brown said I did. I understood the question and I think our [inaudible] is out of town. I think Tom [inaudible] is on if you need a more detailed answer. But what I would point you to is the neighbors are absolutely correct about there being a stormwater issue. One of the things that we're coordinating on this project, if you can see this portion of our site, the right-hand side of your screen, there's an area we're steering entirely away from. That is an area of the City of Charlotte that is already involved in a significant stormwater improvement project in the area that is much needed to address those very real considerations that the neighbors have raised. So, we think that the city's project is going to solve many of those. Our design team has been working with them to make sure that our stormwater is coordinated with them. But we think the city project under which we are coordinating for easements is going to address those existing issues.

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

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**ITEM NO. 39: HEARING ON PETITION NO. 2020-101 BY WHITE POINT PACES PARTNERS LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.005 NON-CONTIGUOUS AREAS BETWEEN THREE PARCELS, BOTH LOCATED IN THE OPTIMIST PARK COMMUNITY IN THE VICINITY OF OPTIMIST HALL FROM TOD-M (O) AND I-2 (TRANSIT ORIENTED DEVELOPMENT, MIXED, OPTIONAL, HEAVY INDUSTRIAL) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT, URBAN CENTER)**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said 2020-102, TOD M (O) and I-2. It's currently three parcels. I know there was a little bit of confusion. Just want to clear this up as we kind of get started, so this little pink corner that's up in that top section on Parkwood Avenue, that's surrounded by the industrial zone indicated in brown, that's the actual third parcel. So, there's a small parcel within that large triangle on Parkwood Avenue. So, that's where we get the three. It's labeled maybe as two development areas in some of your materials, but there are three parcels included. Just want to clarify that and we'll show that better on some future maps. GIS just didn't capture that little internal parcel on Parkwood Avenue.

This is proposed as TOD UC. It's from the Parkwood Transit Station Area Plan and the adaptive future land-use that's from 2016. It does recommend TOD mixed-use, as well as office, retail, industrial, warehouse distribution uses for the site. This is a conventional TOD petition, so there's no site plan.

We do recommend approval. It is consistent with the transit-oriented section recommendations in that station area plan, but there is inconsistency with that area that's recommended for office, retail, and industrial warehouse and distribution for one of those

parcels. But again, it is consistent with the transit-oriented uses and it's supportive of the transit-oriented development that's ongoing in that area around the Blue Line Station. The staff does recommend approval and we are happy to answer any questions you may have.

**John Carmichael, 101 North Tryon Street** said I'm just hear to answer any questions. The petitioner appreciates your consideration, the petition is being developed in Optimist Park. Happy to answer any questions.

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

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### ADJOURNMENT

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

The meeting was adjourned at 8:03 p.m.



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Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 3 Hours, 1 Minute  
Minutes Completed: November 16, 2020