

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, September 20, 2021, at 5:04 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 Phipps.

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**Mayor Lyles** welcomed everyone to the September 20, 2021 Zoning Meeting and said this meeting is being held as a virtual meeting in accordance with all of the laws that we have to follow, especially around an electronic meeting. The requirements also include notice and access that are being met electronically as well. You can view this on our Government Channel, the City's Facebook Page, or the City's YouTube Page.

Mayor Lyles introduced the newest staff person Brandon Brazil who will be our consultant on our Transportation projects and other aspects of transportation in our rezoning efforts. Welcome Brandon, and how long have you been here?

**Brandon Brezeale** said I have been with the City for about six years, and I've been in my new role Land Development Section Manager for C-DOT (Charlotte Department of Transportation) for about two months.

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#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilmember Eiselt gave the Invocation followed in the Pledge of Allegiance led by Mayor Lyles

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#### **AWARDS AND RECOGNITIONS**

##### **ITEM NO. 1A: UNC CHARLOTTE DAY PROCLAMATION**

**Councilmember Johnson** said I just want to take a moment this evening to recognize The University of North Carolina at Charlotte for its 75<sup>th</sup> Anniversary. As you all know I am the District 4 University Representative and I'm just very proud to have this honor to recognize them tonight.

A few facts about UNC-C, the University has returned to face-to-face instruction and there is a feeling of excitement on the campus in being back. I had the pleasure of driving through the campus on "move-in day" and there is excitement, and we are just happy to welcome all the students and thank you to all of the staff. UNC-Charlotte set a record enrollment for the third year in a row with 30,448 undergraduates and graduate students. They had a record graduate enrollment of 6,332 graduate students. There are 4,256 first-year students and that is the highest number in the school's history. They have an average weighted GPA (Grade Point Average) of 3.95.

The University Honors Program grew by more than 21%. There are 2,605 transfer students and nearly one-third of all new students are in [inaudible] major so we've got a great future here in the City of Charlotte. Lastly, 87% of the faculty and the staff are vaccinated and 81% of the residential students and 74% of the students who are on-campus classes are vaccinated. The data from the on-campus testing only shows a 1.8 positivity rate in the case and that was as of September 16, 2021. It is their 75<sup>th</sup> Anniversary and I'm honored to read this proclamation.

**WHEREAS**, the University of North Carolina (UNC) at Charlotte opened its doors in 1946 as the Charlotte Center of the University of North Carolina, serving World War II veterans going to college, funded by a City and then a County tax; and

**WHEREAS**, with the support of local and regional business leaders and a donation from the Mecklenburg Board of County Commissioners, the college acquired land on what would become the 1,000-acre campus, and facilities were built with the passage of bonds by Mecklenburg County voters. Charlotte College opened on this site in 1961 and in 1964, became a four-year degree-granting, state-supported institution. In 1965, the North Carolina General Assembly voted to make Charlotte College the fourth campus of the UNC system, and the UNC Board of Governors approved programs leading to master's degrees in 1969, authorizing UNC Charlotte to offer doctoral programs in 1992; and

**WHEREAS**, public-private university partnerships have been the hallmark of the university's 75-year history with successful and bold initiatives being accomplished through collaborative leadership, including the extension of the LYNX light rail to campus and a comprehensive City, County, State, and University partnership for the Center City Campus, now known as the Dubois Center and the investment in the new conference center; and

**WHEREAS**, the mission of the University is to provide quality educational opportunities, strengthen the region through research and discovery, and lead in equity and engagement. With more than 165,200 degrees awarded, a student body that has grown to more than 30,000 students and over 3,700 talented faculty and dedicated staff, the University is driving economic growth, opportunity, and success; and

**WHEREAS**, in the 75-year history of the University, five leaders have made their mark with strong civic and business engagement and visionary leadership to build what is today a nationally recognized public research university founded by Bonnie Cone, led by Dean Colvard into university status, propelled into graduate education by E.K. Fretwell, advanced into doctoral programs by James H. Woodward, significant student growth and launching Division 1 football by Philip L. Dubois, and shaping what's next for the University's future by Sharon L. Gaber:

**NOW, THEREFORE, WE**, Vi Alexander Lyles, Mayor of Charlotte, and George R. Dunlap, Chair of the Mecklenburg Board of County Commissioners, do hereby proclaim September 24, 2021, as

**“UNC CHARLOTTE DAY”**

in recognition of the 75<sup>th</sup> anniversary of our region's university.

**Mayor Lyles** said it is truly a gift to have the Educational Institution of UNC-Charlotte within our City and to serve our community.

I would also like a moment to recognize the loss of a Mayor in our State, Chuck Allen was the Mayor of Goldsboro and he served on the North Carolina League of Municipalities Board and worked tirelessly for his community, but all communities across the state. Chuck was fallen by cancer and it was a very, very quick and very difficult time, but as we say he gave his great service while he was here, and we hope his family accepts our condolences and his City continues to value the service that he gave to them.

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**Councilmember Phipps arrived at 5:11 p.m.**

**EXPLANATION OF ZONING MEETING**

Mayor Lyles explained the Zoning Meeting Rules and procedures.

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**INTRODUCTION OF ZONING COMMITTEE**

**Keba Samuels, Chair of the Zoning Committee** introduced the member of the Zoning Committee. They will meet on Tuesday, October 5, 2021, to make recommendations on

the petitions hearing 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.

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### DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt, and carried unanimously to defer decision on Item No. 2, Petition No. 2019-179 by Ronald Staley, Jr. or Verde Homes, LLC. To October 18, 2021, decision on Item No. 3, Petition No. 2021-022 by OMS Dilworth, LLC to October 18, 2021, decision on Item No. 4, Petition No. 2021-044 by Tribek Properties to October 18, 2021, decision on Item No. 5, Petition No. 2020-038 by Clover Group, Inc. to October 18, 2021 decision on Item No. 14, Petition No. 2021-062 by Childress Klein Properties and Dominion Realty Partners to October 18, 2021, hearing on Item No. 21, Petition No. 2015-027 to March 21, 2022, hearing on Item No. 22, Petition No. 2021-060 by SRL Central Avenue Properties, LLC to October 18, 2021, hearing on Item No. 23, Petition No. 2021-092 by The Charlotte Mecklenburg Hospital Authority, and Item No. 24, Petition No. 2021-014 by Whitestone Holdings, Inc. to October 18, 2021.

**Councilmember Watlington** said I have a question for Mr. Pettine as far as 2021-062 deferral, was that initiated by the petitioner? If you know what for you can let us know now or you shoot me a note.

**David Pettine, Planning** said we received an update from the petitioner right before the start of the meeting. I can follow up or they can follow up directly with the details.

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### **ITEM NO. 6: ORDINANCE NO. 135-Z, PETITION NO. 2021-036 BY OPTIMISTIC VENTURE GROUP, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.30 ACRES LOCATED ON THE SOUTH SIDE OF HOSKINS ROAD AND WEST SIDE OF GOSSETT AVENUE FROM R-6 MF (CD) MULTIFAMILY RESIDENTIAL CONDITIONAL) TO UR-2 (CD) URBAN RESIDENTIAL, CONDITIONAL.**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be both consistent and inconsistent with the Thomasboro/Hoskins Area Plan (2002) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends multifamily residential uses for the site. The petition exceeds the maximum recommended density for the site of 12 dwelling units per acre. The petition does not meet the General Development Policies (GDP) criteria for multifamily residential of greater than 17 dwelling units per acre (DUA). However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because while the petition exceeds the recommended 12 dwelling units per acre for this site, it proposes to adaptively reuse an existing historic building built-in 1905. The proposed rezoning is adjacent to the historic Hoskins Mills property, which was previously repurposed for residential uses. The proposed residential use is compatible with existing uses in the area. The approval of this petition will revise the adopted future land use as specified by the Thomasboro/Hoskins Area Plan, from multi-family residential up to 12 DUA to multi-family residential up to 22 DUA for the site. As part of the redevelopment of the property, the petitioner has committed to improving the back of the curb Hoskins Rd sidewalk by constructing a 6' sidewalk behind a 22' planting strip while preserving many of the mature trees onsite. Approval of this petition will revise the adopted future land use as specified by the Thomasboro/Hoskins Area Plan, from multifamily residential up to 12 DUA to multifamily residential up to 22 DUA for the site.

Motion was made by Councilmember Newton, seconded by Councilmember Eiselt, and carried unanimously to approve Petition No. 2021-036 by Optimistic Venture Group, LLC and adopt the following Statement of Consistency: This petition is found to be both consistent and inconsistent with the Thomasboro/Hoskins Area Plan (2002) based on the information from the final staff analysis and the public hearing, and because the plan recommends multifamily residential uses for the site. The petition exceeds the maximum recommended density for the site of 12 dwelling units per acre. The petition does not meet the General Development Policies (GDP) criteria for multifamily residential of greater than 17 dwelling units per acre (DUA). However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because while the petition exceeds the recommended 12 dwelling units per acre for this site, it proposes to adaptively reuse an existing historic building built in 1905. The proposed rezoning is adjacent to the historic Hoskins Mills property, which was previously repurposed for residential uses. The proposed residential use is compatible with existing uses in the area. The approval of this petition will revise the adopted future land use as specified by the Thomasboro/Hoskins Area Plan, from multi-family residential up to 12 DUA to multi-family residential up to 22 DUA for the site. As part of the redevelopment of the property, the petitioner has committed to improving the back of curb Hoskins Rd sidewalk by constructing a 6' sidewalk behind a 22' planting strip while preserving many of the mature trees onsite. Approval of this petition will revise the adopted future land use as specified by the Thomasboro/Hoskins Area Plan, from multifamily residential up to 12 DUA to multifamily residential up to 22 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64 at Page(s) 359-360.

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**ITEM NO. 7: ORDINANCE NO. 136-Z, PETITION NO. 2021-048 BY THE DRAKEFORD COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.65 ACRES LOCATED ON BEATTIES FORD ROAD ETWEEN FRENCH STREET AND BROOKSHIRE FREEWAY FROM B-1 PED (NEIGHBORHOOD BUSINESSES, PEDESTRIAN OVERLAY) TO NS PED (NEIGHBORHOOD SERVICES, PEDESTRIAN OVERLAY)**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Chirinos) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the West End Land Use and Pedscape Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends multifamily residential, office, and retail land uses for the site. therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the proposed single-family attached units complement the mix of uses in the Beatties Ford Road corridor, which include commercial, institutional, single-family residential, and multifamily residential uses. The site is less than ¼ mile from a future Gold Line stop and in close proximity to bus stops for CATS Route 7. The petition is committing to constructing a CATS bus waiting for a pad onsite. The petition is committing to improving the Beatties Ford Road streetscape with an 8' planting strip and 8' sidewalk.

Motion was made by Councilmember Graham, seconded by Councilmember Johnson, and carried unanimously to approve Petition No. 201-048 by The Drakeford Company and adopt the following statement of Consistency: This petition is found to be consistent with the West End Land Use and Pedscape Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends multifamily residential, office, and retail land uses for the site. therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed single family attached units complement the mix of uses in the Beatties Ford Road corridor, which include commercial, institutional, single family residential, and multifamily residential uses. The site is less than ¼ mile from a future Gold Line stop and in close proximity to bus stops for CATS Route 7. The petition is committing to constructing a CATS bus waiting pad onsite. The petition is committing to improving the Beatties Ford Road streetscape with an 8' planting strip and 8' sidewalk.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 361-362.

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**ITEM NO. 8: ORDINANCE NO. 137-Z, PETITION NO. 2021-049 BY TE WASH HOLDINGS, LLC AND ROC WASH HOLDINGS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.25 ACRES LOCATED AT THE NW INTERSECTION OF ALBEMARLE ROAD AND BEAVER FARMS ROAD IN EAST CHARLOTTE FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).**

The Zoning Committee voted 6-1 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the Albemarle Road/I-485 Interchange Study 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 multi-family/retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the request is consistent with the context of surrounding land uses found along this portion (east of I-485) of Albemarle Road. The request's site plan layout presents a building face against Albemarle Road while providing parking in the rear, accomplishing the same result from approved architectural standards from petition 2020-007. The request will help achieve the Plans land use recommendations for Zone A by allowing retail uses to be oriented along Rocky River Road and Albemarle Road.

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. To address the remaining outstanding issues, the petitioner provided architectural details for both the expected end use (car wash) and additional potential non-residential uses that match the previous approved plan (2021-007).

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

Motion was made by Councilmember Driggs, seconded by Councilmember Eiselt, and carried unanimously to approve Petition No. 2021-049 by TE Wash Holdings, LLC and ROC Wash Holdings, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Albemarle Road/I-485 Interchange Study with respect to proposed land use, based on the information from the final staff analysis and the public hearing, and because the plan recommends multi-family/retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the request is consistent with the context of surrounding land uses found along this portion (east of I-485) of Albemarle Road. The request's site plan layout presents a building face against Albemarle Road while providing parking in the rear, accomplishing the same result from approved architectural standards from petition 2020-007. The request will help achieve the Plans land use recommendations for Zone A by allowing retail uses to be oriented along Rocky River Road and Albemarle Road as modified.

The ordinance is recorded in full in Ordinance Book 64 at Page(s) 363-364.

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**ITEM NO. 9: ORDINANCE NO. 138-Z, PETITION NO. 2021-052 BY WOODLAWN COMMUNITY FELLOWSHIP, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.74 ACRES LOCATED ON THE SOUTH SIDE OF THE INTERSECTION OF SELWYN AVENUE AND EAST WOODLAWN ROAD, EAST OF PART ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South District Plan. However, the petition is consistent with General Development Policies which support the requested density, based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends single-family residential use up to 3 dwelling units per acre. The General Development Policies support over 17 units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the petition proposes up to 38 single-family attached dwellings for a density of 21.83 units per acre. The proposed product type is consistent with existing development in the subject area. The site plan provides commitments that help ensure compatibility with neighboring single-family homes, including a 10 ft wide landscape area within a 12 ft wide separation from the southern property line, limiting the height of the southernmost units to 40 feet, 8 internal visitor parking spaces, and traffic calming measures internal to the site and along Pinehurst Place. There are other multi-family residential and urban residential zoning and uses nearby along Woodlawn Road. The increased density supports the existing shopping center approximately 1,500 feet to the west of the site. The site is in a location ideal for pedestrian activity with the Cross Charlotte Trail/Little Sugar Creek Greenway 820 feet to the west and Briar Creek Greenway 1400 feet to the east. The site is located at the intersection of two major thoroughfares and is not ideal for single-family residential. Works to preserve the character of existing streetscape by committing to protect and preserve existing trees along Woodlawn Road and Selwyn Avenue by utilizing best practices including bridging sidewalks where necessary. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single-family residential less than or equal to 3 units per acre to residential use less than or equal to 22 units per acre for the site.

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

1. Reduced number of units from 38 to 36 reducing the proposed density from 21.83 to 21.26 units per acre.
2. Increased the number of internal visitor parking spaces from 8 to 9.
3. Increased the percent of masonry materials to be used on front facades facing right of ways from 25% to 30%.
4. Specified a max of 3 units per building when fronting a public street.
5. Increased the separation from 37 units to the property line from 12 feet to 20 feet.
6. Added a note prohibiting the use of chain link fencing as a screening material facing right of ways.
7. Added a note that front entrances along public streets will be elevated a minimum of 12 inches above adjacent sidewalk grade.
8. Added a commitment for a minimum 2 car garage for each unit.
9. Provided a full view of conceptual elevations and site cross-sections at the southern property line.
10. Added potential street trees along Pinehurst Place and Woodlawn Road.
11. Committed to a 20-foot setback from the back of the curb along Pinehurst Place.

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

Motion was made by Councilmember Bokhari, seconded by Councilmember Bokhari, and to approve Petition No. 2021-052 by Woodlawn Community Fellowship, Inc. and adopt the following Statement of Consistency: This petition is found to be inconsistent with the South District Plan. However, the petition is consistent with General Development Policies which support the requested density, based on the information from the final staff analysis and the public hearing and because the plan recommends single family residential use up to 3 dwelling units per acre. The General Development Policies support over 17 units per acre. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the petition proposes up to 38 single family attached dwellings for a density of 21.83 units per acre. The proposed product type is consistent with existing development in the subject area. The site plan provides commitments that help ensure compatibility with neighboring single-family homes, including a 10 ft wide landscape area within a 12 ft wide separation from the southern property line, limiting the height of the southernmost units to 40 feet, 8 internal visitor parking spaces and traffic calming measures internal to the site and along Pinehurst Place. There are other multi-family residential and urban residential zoning and uses nearby along Woodlawn Road. The increased density supports existing shopping center approximately 1,500 feet to the west of the site. The site is in a location ideal for pedestrian activity with the Cross Charlotte Trail/Little Sugar Creek Greenway 820 feet to the west and Briar Creek Greenway 1400 feet to the east. The site is located at the intersection of two major thoroughfares and not ideal for single family residential. Works to preserve character of existing streetscape by committing to protect and preserve existing trees along Woodlawn Road and Selwyn Avenue by utilizing best practices including bridging sidewalks where necessary. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential less than or equal to 3 units per acre to residential use less than or equal to 22 units per acre for the site as modified.

**Councilmember Bokhari** said this is in my four years of rezoning the most real-time, last-minute negotiation that I have ever participated in, so I greatly thank the neighbors for all the work over the weekend and the petitioner as well. This site is one that is in a good spot for density, and we are going to get density. Is it possible we could have gotten more, potentially, but we also have to blend in with the neighbors that live right there and their personal concerns about traffic and parking and things of that nature? We have just come to a compromise in the last literally 10-minutes that the petitioner and the neighborhood have agreed on that now, as you've heard from Mr. Pettine, the neighbors have related to me that they are supportive of this organization. A spokesperson related that on behalf of the neighbors so I think that is a great thing because as a District Rep it

is always so much better to find the middle ground so we can stand here tonight and do the same request from two parties.

I will also add that Councilmember Eiselt has raised today, and the last time we discussed this in the public forum, in fairness, issues about stormwater. While I will agree with her wholeheartedly that we must push on Charlotte Stormwater and the things that we need to accomplish, particularly in these parts of town where the stormwater issues are real and the infrastructure issues are real. I would just relate it with this case, this project meets our criteria for stormwater as an individual petition and as a project, while it also reduces impervious area from the current state that it exists in today. So, while I agree that is an issue that we need to push forward, that is our issue to solve, and pushing that on the outside of our policies, petitioners like this only will have one outcome which is to increase and further hurt affordability. With that, I would encourage you all to join with me and I would thank wholeheartedly the neighbors and the petitioner for their around-the-clock work to get to this point.

**Councilmember Eiselt** said thank you Mr. Bokhari for sharing that. I'm conflicted on this one, but that is not because I don't think the developer has been working to try to address things that I had concerns about. Stormwater being one of them. This is one of those times when I'm struggling with a petition, but I think the City needs to address why I'm struggling and, in this case, it has to do with stormwater. If we are going to really embrace a more-dense City, more livable City, 10-minute neighborhoods, we have got to address the infrastructure issues that are out there right now that are building up and that become more and more of a backlog. At one point, and Mr. Driggs might remember this number, I think we had a billion-dollar backlog in stormwater and at some point, this is going to come to burn us. That is not the responsibility of any one developer or any one neighborhood, but I just put that out there in this case and that is why I feel so conflicted about this. I do appreciate that the developer had a project that has less impervious space than what is there right now, and I would ask that when they are doing this development if they could please work with the neighborhood to put some kind of drainage in there because it is a heck of a lot cheaper while you are building. Please put some drainage in there that is going to help those neighbors across the street who get all the water that ends up on their yard. In the State of North Carolina wherever the water ends up, it is their responsibility. So that is how I feel about this right now. I just personally don't feel ready to take a vote on this, this is not to say it is not a good project, I'm just not ready to support it but I do thank everybody who has been working on it and I hope that if this does pass that the developer will continue to work with those neighbors that are most impacted by the discussions that they've been having on this.

**Councilmember Phipps** said I want to get clarification on the number of parking spaces for this site. You said it is 36 units now times two-car garages and nine visitor spaces. Is that the total amount, like 82 spaces we are talking about?

**David Pettine, Planning** said the garage units would count for meeting the requirements for the dwellings, they would just be garages individually for those housing units that will be built. The nine spaces are just dispersed throughout the project just to provide visitor overflow parking.

Mr. Phipps said the fact that you have two-car garages doesn't mean that is allowing for two spaces per unit.

Mr. Pettine said the two-car garages, yeah, would accommodate the two spaces required but it would include within the unit versus being an individual parking space either on the street or in an actual parking area.

**Councilmember Driggs** said I appreciate Councilmember Eiselt's concerns on stormwater and I agree that we need to address those issues aggressively, but I think to be fair we need to acknowledge all the progress that has been made in that area since the time that we identified a billion-dollar backlog potentially. We have greatly reduced that through various steps that were taken to change eligibility to review the ones that were outstanding and are now in a mode where we can see the backlog declining, the



waiting list declining. So, we are taking this very seriously. I personally intend to support this petition because I think it has merits that outweigh the reservations that I might have about stormwater. I hope we can approve this and that we will continue our fight to get the stormwater situation in hand going forward.

**Councilmember Johnson** said I just wanted to acknowledge what Ms. Eiselt said. I think those are very serious issues, not just for this petition, so we hear lack of infrastructure continuously and I'll just ask my colleagues, what is the answer? When we talk about infrastructure, this is stormwater, this is a petition, but when you get calls from your residents that the water is on their yard because of growth and because of settling and there is nothing that can be done. We know the schools are overcrowded, we know that the traffic, there is not the support there and the sidewalk. So, when do we as Council really start to step back and take a look at those concerns? I know it is a challenge of a growing city, but what you just said is very significant and I understand that this developer can't bear the brunt of the City's growth so what is the solution? We as Council have to in our Strategic Planning Sessions, these are great questions. We were on the BPC call last night and we talk about education, we know that our children are failing in school. It is a systemic issue and at some point, we as Council really need to take a hard look at hard development in the City.

**Mayor Lyles** said I think you will get complete agreement on the comments around this dais has been exceptional with accurate and thoughtful. For me, this is the continuation of deciding how do we grow the City and how we want to change so that everybody can have a place where they are not seeing the flooding or the result of it. I would encourage us to our Planning Retreat Session that we begin to think about, know we focus on housing, we are focusing on transportation, how do we focus on growth, and I think some of this is around having a very specific task. Mr. Driggs has done this several times as a Budget Committee person chairing, and I think Ms. Eiselt is certainly correct and all of us understand this is an issue and climate change hasn't made it any easier. I would suggest that the Council really begin to frame the questions that you have and think about these places you want to go to resolve those questions and be prepared to discuss them in our Planning Retreat.

Ms. Eiselt said that is exactly right Madam Mayor; this is our job, and it is not up to one developer to fix. We have to insist what we fix the problems, and Mr. Driggs, I might be wrong, but a lot of that backlog went away because we told them we can't help you. So, we got rid of the I think CDE case and that is not the fault of stormwater. They really worked hard to catch up, they offered incentives for people to participate to do it. I really applaud the Stormwater Department's efforts, but we have a Stormwater Department because we realize we had a problem with stormwater. That is our job as policy makers if we feel this is a problem. If we feel we have a bus system that doesn't meet the needs of this community which it for sure does not, then we as Councilmembers have got to say this is what is important. All these other things to come are great, but we've got to step up and say we want to invest in a bus system that we can be proud of. We need a Stormwater system so we can handle all the growth coming to this City and that is just our job. Again, I don't want to be on record as voting against this because it is a bad project, it is not, it is just these that are what my concerns are.

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

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

NAY: Councilmember Eiselt.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 365-366.

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**ITEM NO. 10: ORDINANCE NO. 139-Z, PETITION NO. 2021-053 BY CATALYST CAPITAL PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY**

**OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.06 ACRES LOCATED ON THE EAST SIDE OF UNIVERSITY EXECUTIVE PARK DRIVE, SOUTH OF W. T. HARRIS BOULEVARD, AND EAST OF NORTH TRYON STREET FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL (AND O-2 (CD) (OFFICE, CONDITIONAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER).**

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by Rhodes) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the University City Area Plan (2010), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends residential, office, and 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 site is less than a ½ mile walking distance from the McCullough transit station, which will provide appropriate transportation service for residential development. The proposed rezoning for transit-oriented development is consistent with the mixed-use land use recommendation for this site. As written, TOD-NC may be applied to parcels within a 1-mile walking distance of an existing rapid transit station. The use of conventional TOD (Transit Oriented Development) zoning districts applies standards and regulations to create the desired form and intensity of transit-supportive development, and a conditional rezoning is not necessary.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, to approve Petition No. 2021-053 by Catalyst Capital Partners, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the University City Area Plan (2010), based on the information from the final staff analysis and the public hearing and because the plan recommends residential, office, and 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 site is less than a ½ mile walking distance from the McCullough transit station, which will provide appropriate transportation service for residential development. The proposed rezoning for transit-oriented development, is consistent with the mixed-use land use recommendation for this site. As written, TOD-NC may be applied to parcels within a 1-mile walking distance of an existing rapid transit station. Use of conventional TOD zoning districts applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

**Councilmember Phipps** said why are we referencing a 2010 University City Plan when there is a more current Plan of 2015 available? Isn't the 2015 Plan more relevant than the 2010 Plan?

**David Pettine, Planning** said it would certainly be the more up-to-date Plan, I would just have to see, this parcel may have still fallen under the 2010 Plan, I'm not sure if the boundaries overlapped or if they had a difference in areas. I can check real quick to see which plan applied, but I would imagine if there are two Plans that are in place one may be for certain areas of the University City Area and one may be [inaudible] location up there that was a little bit more up to date. The info that I've got is the 2010 Plan, but I can go back as them to verify while we are working through the rest of the discussion on this one.

Mr. Phipps said I do know that there is a 2010 University Research Plan. I don't know if maybe they were interchanged erroneously or not, but it looks like this one being close to Tryon is outside that Research Park Plan. If you could check that I can get an answer offline.

Mr. Pettine said I just looked on our GIS site and it does reference the 2015 Plan as well which is for mixed-use, residential, office, and retail. It may just be that the staff captured the University City Area Plan, but it does look like it is the Blue Line Extension University

City Area Plan from May 11, 2015, which recommends residential, office, and retail which TOD would be consistent with.

**Mayor Lyles** said thank you Mr. Phipps for bringing that to our attention, if there needs to be an additional correction, we can amend that in the recommendation.

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

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 367-368.

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**ITEM NO. 11: ORDINANCE NO. 140-Z, PETITION NO 2021-054 BY SPACE CRAFT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .75 ACRES LOCATED NEAR THE SW TERMINUS OF NORTH BREVARD STREET AT PARKWOOD AVENUE WITH FRONTAGE ALONG BLUE LINE FROM TOD-M (O) (TRANSIT ORIENTED DEVELOPMENT MIXED, OPTIONAL TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT, URBAN CENTER)).**

The Zoning Committee voted 6-0 (motion by Welton, seconded by Ham) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Parkwood Transit Station 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 transit-oriented development – mixed uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the requested zoning designation (TOD-UC) is appropriate in that the site is less than a .25-mile walk to the Parkwood Transit Station. The requested district is contextually appropriate with existing zoning districts NE of Parkwood Avenue. The context and location of the site ensure that existing Belmont and Optimist Park neighborhoods remain protected. The request is consistent with the Plan’s land use recommendation promoting a mix of transit-supportive land uses (residential, retail, civic, and office) from Parkwood Avenue to East 24th Street.

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt, and carried unanimously to approve Petition No. 2021-054 by Space Craft, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Parkwood Transit Station 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 transit-oriented development – mixed uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the requested zoning designation (TOD-UC) is appropriate in that the site is less than a .25-mile walk to the Parkwood Transit Station. The requested district is contextually appropriate with existing zoning districts NE of Parkwood Avenue. The context and location of the site ensure that existing Belmont and Optimist Park neighborhoods remain protected. The request is consistent with the Plan’s land use recommendation promoting a mix of transit-supportive land uses (residential, retail, civic, and office) from Parkwood Avenue to East 24th Street.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 369-370.

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**ITEM NO. 12: ORDINANCE NO. 141-Z, PETITION NO. 2021-057 BY PROVIDENCE GROUP CAPITAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.13 ACRES LOCATED AT THE SOUTHERN INTERSECTION OF SOUTH TRYON STREET, RAMPART STREET, AND DUNAVANT STREET, WEST OF SOUTH**

**BOULEVARD FROM TOD-NC (TRANSIT ORIENTED DEVELOPMENT – NEIGHBORHOOD CENTER) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT – URBAN CENTER).**

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 consistent with the New Bern Station Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends transit-mixed use for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the site is within a ½-mile walk of the proposed Rampart Station. The TOD-UC district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The proposal allows a site that was previously used for auto-repair commercial uses to be redeveloped with a transit-supportive project. The parcels were rezoned from I-2 to TOD-NC as part of petition 2019-102. The use of conventional TOD-UC zoning applies standards and regulations to create the desired form and intensity of transit-supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-057 by Providence Group Capital, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the New Bern Station Area Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends transit-mixed use for this site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is within a ½-mile walk of the proposed Rampart Station. The TOD-UC district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The proposal allows a site that was previously used for auto-repair commercial uses to be redeveloped with a transit supportive project. The parcels were rezoned from I-2 to TOD-NC as part of petition 2019-102. The use of conventional TOD-UC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 371-372.

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**ITEM NO. 13: ORDINANCE NO. 142-Z, PETITION NO. 2021-058 BY 501 BRIAR CREEK, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.26 ACRES LOCATED ON THE WEST SIDE OF BRIAR CREEK ROAD, NORTHEAST OF MONROE ROAD, AND WEST OF INDEPENDENCE BOULEVARD FROM 0-2 (OFFICE) TO B-2 (GENERAL BUSINESS)**

The Zoning Committee voted 7-0 (motion by Rhodes, 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 Independence Boulevard Area Plan (2011) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office and retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because the site is adjacent to several parcels zoned as general and neighborhood business zoning districts. The uses allowed

in the B-2 zoning district are compatible with the existing retail and office uses surrounding the site. The general business zoning district is appropriate for parcels adjacent to major thoroughfares. The B-2 zoning district allows for various office and retail uses.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-058 by 501 Briar Creek, LLC and adopt the following Statement Consistency: This petition is found to be consistent with the Independence Boulevard Area Plan (2011) based on the information from the final staff analysis and the public hearing, and because the plan recommends office and retail uses for the site. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because the site is adjacent to several parcels zoned as general and neighborhood business zoning districts. The uses allowed in the B-2 zoning district are compatible with the existing retail and office uses surrounding the site. The general business zoning district is appropriate for parcels adjacent to major thoroughfares. The B-2 zoning district allows for various office and retail uses.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 373-374.

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**ITEM NO. 15: ORDINANCE NO. 143-Z, PETITION NO. 2021-063 BY PROLOGIS, L.P. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 105 ACRES LOCATED BETWEEN SHOPTON ROAD AND BEAM ROAD FROM B-D (CD) AIR (DISTRIBUTIVE BUSINESS, CONDITIONAL, AIRPORT NOISE OVERLAY) TO I-1 (CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY).**

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded on Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Southwest District Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office and industrial uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the petition is consistent with the office/industrial recommendation for the site and is compatible with the existing industrial development in the area. The site is located within an Industrial Activity Center, as per the Centers, Corridors, and Wedges Growth Framework. The proposed industrial development is appropriate at this location as it is supported by the Charlotte-Douglas International Airport Area Strategic Development Plan (AASDP) and is within the airport noise overlay (AIR). The petition commits to multiple transportation improvements including Beam Road and Shopton Road frontage upgrades, the dedication of right-of-way for the future Shopton Road extension, and construction of a portion of the Shopton Road extension. The petition commits to coordination with Mecklenburg County to dedicate or provide an easement for the future Coffey Creek Greenway.

Motion was made by Councilmember Watlington, seconded by Councilmember Johnson, and carried unanimously to approve Petition No 2021-063 by Prologis, L.P. and adopt the following Statement of Consistency: This petition is found to be consistent with the Southwest District Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends office and industrial uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the petition is consistent with the office/industrial recommendation for the site and is compatible with the existing industrial development in the area. The site is located within an Industrial Activity Center, as per the Centers, Corridors and Wedges Growth Framework. The proposed industrial development is appropriate at this location as it is supported by the Charlotte-Douglas International Airport Area Strategic Development Plan (AASDP) and is within the airport noise overlay (AIR). The petition commits to multiple transportation improvements including Beam Road and Shopton Road frontage upgrades, dedication of right-of-way for the future Shopton Road extension, and construction of a portion of the Shopton Road extension. The petition commits to coordination with Mecklenburg County to dedicate or provide an easement for the future Coffey Creek Greenway.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 375-376.

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**ITEM NO. 16: ORDINANCE NO. 144-Z, PETITION NO. 2021-065 BY ANTHONY DEROSA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13 ACRES LOCATED WEST OF QUAY ROAD, EAST OF MALLARD CREEK ROAD, AND NORTH OF RIDGE ROAD FROM CC (COMMERCIAL CENTER) AND R-3 (SINGLE FAMILY RESIDENTIAL) TO R-22 MF (MULTIFAMILY RESIDENTIAL).**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Spender) 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) recommendation of Single-Family/Multi-Family/Institutional/Office/Retail, but it is inconsistent with the plan's recommendation of 12+ dwelling units per acre based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single-family, multi-family, institutional, office, and retail use up to 12+ dwelling units per acre for residential. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because while this petition is inconsistent with the 12+ DUA recommended by the area plan, a density of up to 22 DUA would be allowed for the portion of the site zoned CC SPA. Increasing the density on this site would be compatible with the existing higher-density development on the southwestern side of the site. The existing commercial amenities to the north of the site will support higher residential density in this area. This petition fulfills the area plan's goals of recognizing and encouraging compatible land uses across county lines and creating new developments that are compatible with existing developments. The approval of this petition will revise the adopted future land use as specified by the Northeast Area Plan (2000), from Single-Family/Multi-Family/Institutional/Office/Retail to Residential up to 22 DUA for the site.

Motion was made by Councilmember Eiselt, seconded by Councilmember Phipps, and carried unanimously to approve Petition No. 2021-065 by Anthony DeRosa and adopt the following Statement of Consistency: This petition is found to be consistent with the Northeast Area Plan (2000) recommendation of Single Family/Multi-Family/Institutional/Office/Retail, but it is inconsistent with the plan's recommendation of 12+ dwelling units per acre based on the information from the final staff analysis and the public hearing, and because the plan recommends single family, multi-family, institutional, office, and retail uses up to 12+ dwelling units per acre for residential. However, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because while this petition is inconsistent with the 12+ DUA recommended by the area plan, a density of up to 22 DUA would be allowed for the portion of the site zoned CC SPA. Increasing the density on this site would be compatible with the existing higher-density development on the southwestern side of the site. The existing commercial amenities to the north of the site will support higher residential density in this area. This petition fulfills the area plan's goals of recognizing and encouraging compatible land uses across county lines and creating new developments that are compatible with existing developments. The approval of this petition will revise the adopted future land use as specified by the Northeast Area Plan (2000), from Single Family/Multi-Family/Institutional/Office/Retail to Residential up to 22 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 377-378.

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**ITEM NO. 17: ORDINANCE NO. 145-Z, PETITION NO. 2021-066 BY TE WASH HOLDING, LLC AND ROC WASH HOLDINGS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.74 ACRES LOCATED ON THE WEST SIDE OF W. T. HARRIS BOULEVARD, SOUTH OF MOUNT. HOLLY-HUNTERSVILLE ROAD, AND WEST OF INTERSTATE-77 FROM B-2 (CD) (GENERAL BUSINESS, CONDITIONAL) TO B-2 (CD) SPA (GENERAL BUSINESS, CONDITIONAL SITE PLAN AMENDMENT).**

The Zoning Committee voted 5-2 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan (2008), based on the information from the post-hearing staff analysis and the public hearing and because the plan recommends office/retail use. Therefore, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition proposes constructing a car wash, relocating the car wash approved to be constructed in a different Development Area from Rezoning 2017-182 to this location. This petition's proposal is consistent with the current land use of office/retail. The site's proximity to Interstate 485 and the adjacent QuikTrip gas station makes relocating this car wash to this development area an appropriate use. The petition commits to establishing a Class B buffer (56.25 feet) and building an 8-foot masonry wall along a portion of the site's northern border to maintain an appropriate transition between the single-family neighborhood that lies adjacent to the site.

Motion was made by Councilmember Graham, seconded by Councilmember Eiselt, and carried unanimously to approve Petition No. 2021-066 by TE Wash Holding, LLC and ROC wash Holdings, LLC and adopt the following Statement of Consistency: This petition is found to be consistent with the Northlake Area Plan (2008), based on the information from the final staff analysis and the public hearing and because the plan recommends office/retail use. Therefore, we find this petition to be reasonable and in the public interest based on information from the final staff analysis and the public hearing and because this petition proposes constructing a car wash, relocating the car wash approved to be constructed in a different Development Area from Rezoning 2017-182 to this location. This petition's proposal is consistent with the current land use of office/retail. The site's proximity to Interstate 485 and the adjacent QuikTrip gas station make relocating this car wash to this development area an appropriate use. The petition commits to establishing a Class B buffer (56.25 feet) and building an 8-foot masonry wall along a portion of the site's northern border to maintain an appropriate transition between the single-family neighborhood that lies adjacent to the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 379-380.

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**ITEM NO. 18: ORDINANCE NO. 146-Z, PETITION NO. 2021-067 BY TERWILLIGER PAPPAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATE 3.45 ACRES LOCATED ON THE EAST SIDE OF SOUTH TRYON STREET AND NORTHWEST OF YANCEY ROAD, WEST OF OLD PINEVILLE ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT – NEIGHBORHOOD CENTER).**

The Zoning Committee voted 7-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Scaleybark Transit Station Area Plan (2008) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office, industrial, and warehouse distribution uses for 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 the site is just over a ½-mile walk of the Scaleybark Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop. The petition would allow for the redevelopment of the site to transit-oriented uses. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its lesser intensity. The use of conventional TOD-NC zoning applies standards and regulations to create desired form and intensity of transit-supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the adopted future land use as specified by the Scaleybark Transit Station Area Plan (2008), from industrial uses to transit-oriented development for the site.



Motion was made by Councilmember Watlington, seconded by Councilmember Egleston, and carried unanimously to approve Petition No. 2021-067 by Terwilliger Pappas and adopt the following Statement of Consistency: This petition is found to be inconsistent with the Scaleybark Transit Station Area Plan (2008) based on the information from the final staff analysis and the public hearing, and because the plan recommends office, industrial, and warehouse distribution uses for 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 the site is just over a ½-mile walk of the Scaleybark Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop. The petition would allow for the redevelopment of the site to transit oriented uses. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its lesser intensity. The use of conventional TOD-NC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the adopted future land use as specified by the Scaleybark Transit Station Area Plan (2008), from industrial uses to transit oriented development for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 381-382.

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**ITEM NO. 19: ORDINANCE NO. 147-Z, PETITION NO. 2021-068 BY DREAMKEY PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.24 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF MALLARD CREEK ROAD AND HUBBARD ROAD, SOUTH OF WEST W. T. HARRIS BOULEVARD, AND EAST OF WEST SUGAR CREEK ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO INST (CD) (INSTITUTIONAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Ham, seconded by Welton) to recommend approval of this petition and adopt the following Statement of Consistency: The petition is consistent with the Northeast District Plan (1996) recommendation of residential use, but inconsistent with the plan's density recommendation of up to 4 dwelling units per acre (DUA), and inconsistent with the General Development Policies criteria for over 17 DUA. The plan recommends single-family residential up to 4 dwelling units per acre. However, we find this petition to be reasonable and in the public interest based on information from the post-hearing staff analysis and the public hearing and because this petition's proposal of 107 age-restricted dwelling units meets the Northeast District Plan goals of adding more residential development along Mallard Creek Road and increasing the mix of housing types available to residents. While the petition's proposed 20.4 DUA does not meet General Development Policies criteria for allowing over 17 DUA, the petition's location alongside Mallard Creek Road and its proximity to R-8MF (CD) zoning across the street and R-17MF(CD) to the south make the higher density compatible with the surrounding areas. The petition proposes a 32-ft Class C buffer or reduced buffer with a compatible fence or berm (per the zoning ordinance) as an appropriate barrier between the site and the adjacent single-family homes, therefore mitigating impacts to the surrounding neighborhood. This petition's commitment to constructing age-restricted dwelling units will help to accommodate the growing senior population in Charlotte. The petition is committed to increasing pedestrian mobility and safety by including an eight-foot planting strip and a 12-foot multi-use path alongside Mallard Creek Road, and an eight-foot sidewalk and planting strip alongside Hubbard Road. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan, from Single-Family Residential up to 4 DUA to Residential up to 22 DUA for the site.

Motion was made by Councilmember Graham, seconded by Councilmember Eiselt, and carried unanimously to approve Petition No. 2021-068 by DreamKey Partners and adopt the following Statement of Consistency: The petition is consistent with the Northeast District Plan (1996) recommendation of residential use, but inconsistent with the plan's density recommendation of up to 4 dwelling units per acre (DUA), and inconsistent with the General Development Policies criteria for over 17 DUA. The plan recommends single family residential up to 4 dwelling unit 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's proposal of 107 age-restricted dwelling units meets the Northeast District Plan goals of adding more residential development along Mallard Creek Road and increasing the mix of housing types available to residents. While the petition's proposed 20.4 DUA does not meet General Development Policies criteria for allowing over 17 DUA, the petition's location alongside Mallard Creek Road and its proximity to R-8MF(CD) zoning across the street and R-17MF(CD) to the south make the higher density compatible with the surrounding areas. The petition proposes a 32-ft Class C buffer or reduced buffer with a compatible fence or berm (per the zoning ordinance) as an appropriate barrier between the site and the adjacent single-family homes, therefore mitigating impacts to the surrounding neighborhood. This petition's commitment to constructing age-restricted dwelling units will help to accommodate the growing senior population in Charlotte. The petition is committed to increasing pedestrian mobility and safety by including an eight-foot planting strip and a 12-foot multi-use path alongside Mallard Creek Road, and an eight-foot sidewalk and planting strip alongside Hubbard Road. The approval of this petition will revise the adopted future land use as specified by the Northeast District Plan, from Single Family Residential up to 4 DUA to Residential up to 22 DUA for the site.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 383-384.

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**ITEM NO. 20: ORDINANCE NO. 148-Z, PETITION NO. 2021-069 BY SELWYN PROPERTY GROUP, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.19 ACRES LOCATED ON THE WESTERN CORNER OF MORRIS FIELD DRIVE AND JASON AVENUE FROM I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO I-2 (GENERAL INDUSTRIAL).**

The Zoning Committee voted 7-0 (motion by Welton, seconded by Chirinos) to recommend approval of this petition and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan (1993) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office and industrial land uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the proposed rezoning to I-2 (general industrial) is consistent with the adopted land use for the site and surrounding area. The area is already developed with industrial uses and is adjacent to I-2 zoned property. The site is located less than one mile from Charlotte-Douglas International Airport.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2021-069 by Selwyn Property Group, Inc. and adopt the following Statement of Consistency: This petition is found to be consistent with the Central District Plan (1993) based on the information from the final staff analysis and the public hearing, and because the plan recommends office and industrial land uses for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the proposed rezoning to I-2 (general industrial) is consistent with the adopted land use for the site and surrounding area. The area is already developed with industrial uses and is adjacent to I-2 zoned property. The site is located less than one mile from Charlotte-Douglas International Airport.

The ordinance is recorded in full in Ordinance Book 64, at Page(s) 385-386.

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### HEARINGS

**ITEM NO. 25: HEARING ON PETITION NO. 2021-137 BY THE CITY OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.73 ACRES LOCATED NEAR THE NE INTERSECTION OF UNIVERSITY CITY BOULEVARD AND NORTH TRYON STREET IN THE UNIVERSITY CITY COMMUNITY FROM B-2 (GENERAL BUSINESS TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT – NEIGHBORHOOD CENTER).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said this is in the University City Area, it is currently zoned B-2, and the proposed zoning is TOD-NC, Neighborhood Center. The adopted future land use is from the Blue Line Extension University City Area Plan that does recommend office and retail uses. It does allow residential dwellings units up to 17 units per acre under those office and retail zoning districts. This is a conventional petition; staff does recommend approval while it is inconsistent with the Blue Line Extension Area Plan, we do feel it is consistency with guidance under the TOD Ordinance that this district will allow for all those mixes of uses permitted in TOD-NC and will be located within no more than one mile to a transit station. This petition is part of properties that were presented to Council I believe back in either May or June about the City pursuing some properties that were City-owned for possible affordable housing. This property is one of two this evening that is going through the rezoning process proactively to be rezoned so it can be included in an RFP (Request For Proposal) for future development that the City will undertake through Housing and Neighborhood Services. I'm not sure if Miles and Pam joined us on the call. We did send the invite to them and the link. They may be able to answer some questions, I can try and answer some additional questions that you might have as well.

**Councilmember Graham left the meeting at 6:30 p.m.**

**Councilmember Ajmera** said Mr. Pettine, how far is this site located from the Light Rail Station?

Mr. Pettine said it is within one mile for the TOD-NC District. I can try to measure it here while we are online to see if I can get a final measurement, but it is within one mile of the Station for them to pursue that TOD-NC. It looks like it is just around a half-mile to the University City Boulevard Station on North Tryon Street.

Ms. Ajmera said since it is within that one-mile radius it meets the TOD requirements, right?

Mr. Pettine said correct.

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

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**ITEM NO. 26: HEARING ON PETITION NO. 2021-138 BY THE CITY OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.60 ACES LOCATED ON THE SOUTH SIDE OF PROVIDENCE ROAD WEST, NORTHEAST OF MARVIN ROAD, AND WEST OF JOHNSTON ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-22 MF (MULTIFAMILY RESIDENTIAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this about 2.6 acres on Providence Road West, just northeast of Marvin Road and west of Johnston Road. The current zoning is R-3, the requested zoning is R-22 MF. The adopted future land use from the South District Plan does recommend single-family with a density around three DUA (dwelling units per acre). We did run GDP (Gross Domestic Product) and while it wouldn't support the 22 dwelling units per acre under the R-22 MF zoning, there were some other criteria that we also looked at to recommend approval of the petition, given the location of it on Providence Road. It would serve as a good transition and allowed land use and density between the multifamily that is to the west and institutional and commercial uses to the east. That institutional use is a newly built CMPD (Charlotte Mecklenburg Police Department) Station. The site is located adjacent to the commercial node and within walking distance to retail amenities, employment opportunities, etc. It is also located on a major thoroughfare that connects to Johnston Road and Lancaster Highway. Also due to the site location and surrounding development staff felt that single-family is a less likely outcome on this piece of property and a multifamily project could be supported. It does provide some opportunities for additional diverse housing options in the area. Again, this is the City of Charlotte initiated petition through Housing and Neighborhood Services. It is one of the properties that was discussed as part of the package for potential RFP's I believe in November that would go out for properties that the City-owned that could be used for the development of affordable housing. It may not be a guaranteed 100% affordable project, but there would be affordable requirements built into the RFP that would need to be responded to. This is the second one this evening that would fall under that process that they are working through right now through Housing and Neighborhood Services. I will be happy to take any questions you might have.

**Councilmember Driggs** said we don't have to have a community meeting for this, but is there any way that people who live in the area are aware of taking shape here? I'm supportive of our intentions, but I don't like the idea that there is a perception by the neighbors that this just sort of happened to them. Can we establish a list of contacts as we would for a conditional meeting or is there some way that we can actually engage the people nearby?

Mr. Pettine said that is one of the items that we did bring up when we talked about this property with Housing and Neighborhood Services that a conventional could be supported, but it would lack that community meeting that we felt would still be important. I do believe they are working to have a community meeting just to give folks an opportunity to understand what is potentially coming on the property in terms of the RFP process and any development that would take shape. I can circle back with Housing and Neighborhood Services to see where they are with that and give you a follow-up offline outside of this meeting. I know that is something they were trying to put together as well, particularly since this was conventional and not a conditional petition that would require that upfront.

Mr. Driggs said I would register that I would strongly encourage that, particularly given that we are stretching the limits on land use in the normal sense. I recognize this is actually a good location right next to a Police Station and on the other side the homes back onto this, but there is more than just a fence between the site and the nearest homes. I see the advantages; I just don't want a situation where people feel as if they

were kind of ambushed by this whole thing. So, if you could pursue that I would appreciate it.

Mr. Pettine said it looks like we did capture, now that we are using Next Door to go beyond the mailing requirements to some that were close to that one as well. We can provide some additional mailings, but it directs me to continue to work with Housing and Neighborhood Services on.

Mr. Driggs said please make sure I get any notices you send out regarding a meeting or otherwise, just so I'm aware of [inaudible].

**Councilmember Johnson** said I just want to piggyback off Mr. Driggs. I would like the same notice for the previous zoning petition, the same situation on the one previous. If I can get copied on the notice to the community for that conventional zoning as well.

Mr. Pettine said will do.

Motion was made by Councilmember Eiselt, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.
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**ITEM ON. 27: HEARING ON PETITION NO. 2020-144 BY HOPPER COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.285 ACRES LOCATED ALONG EAST 16<sup>TH</sup> STREET AND LOUISE AVENUE IN THE BELMONT NEIGHBORHOOD FROM I-1 R-5, AND R-17 MF (LIGHT INDUSTRIAL, RESIDENTIAL, MULTIFAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 1.3 acres in the Belmont Community on East 16<sup>th</sup> Street and Louise Avenue. The current zoning is a mix of R-5 and R-17, there is a small sliver of I-1 there as you head towards Pegram Street. The proposed zoning is for UR-2 (CD) and the adopted future land use from the Belmont Area Plan does recommend single-family uses up to five DUA for the site. The proposal with this petition would be for 24 attached single-family units along any incidental and accessory uses permitted by the ordinance, also proposes vehicular access from East 16<sup>th</sup> Street and Louise Avenue. That would improve a portion of Louise Avenue that is not previously constructed. The site would be served by a network of internal drives with internal sidewalks and pedestrian connections. Also, this plan illustrates and is requesting concurrently through C-DOT's (Charlotte Department of Transportation) abandonment process abandoning of an alley that is on the northern property line of the property that is right adjacent to the school. Also commits to the installation of ADA (Americans with Disabilities Act) curb at the corner of East 16<sup>th</sup> Street and Louise Avenue as well as eight-foot sidewalk and eight-foot planting strip along the frontage on East 16<sup>th</sup> Street and the improved portion of Louise Avenue, and also commit to architectural standards that would include a maximum height of 49 feet as well as limitations on things like vinyl, minimal blank wall expanses, garages, and stoops for each unit. It also does allow for some rooftop terraces on the units that are being proposed.

Staff does recommend approval of this petition; we do have some technical revisions related to the site and building design that need to be worked through. While these are inconsistent with the Belmont Area Plan recommendation it is consistent with the recommendation for single-family. It is also generally consistent with some of the R-17 zonings that would be on the back side of the property as well as some of the R-17 that is adjacent to the property just off Louise Avenue. I will be happy to take any questions following the petitioner's presentation.

**John Carmichael, 101 North Tryon Street** said I represent the petitioner, Hopper Communities. With me tonight are Bart Hopper and Clay McCullough of Hopper Communities and Nick Bushon of Design Resource Group. As Dave said the site contains just under 1.3 acres, located on the northside of East 16<sup>th</sup> Street between Pegram Street and Louise Avenue. That is Hawthorne School to the northeast, and this is just a zoomed-in aerial of the site. The petitioner is requesting that the site be rezoned from I-1, R-17 MF, and R-5 to UR-2 (CD) to accommodate up to 24 townhome units on the site and this is a recent addition, two flat style dwelling units as well. The two flat-style units will be affordable units, and this was added in conjunction with working with the Belmont Community on the rezoning request. We've had several meetings with their Land Use Committee and met with the HOA (Homeowner Association), and of course, we had a neighborhood meeting, and we are going back in October to meet with the HOA and community organization again.

This is the site plan before the addition of the two affordable units, you can see there are 24 townhomes proposed. They would be front on 16<sup>th</sup> Street; Louise Avenue would be improved to the east of the site. There would be an eight-foot planting strip and an eight-foot sidewalk located along the site's public street frontages. The site would be accessed from Louise Avenue and East 16<sup>th</sup> Street. If there were rooftop terraces, they would have to be located on the inner half of the buildings that face the exterior property line. This is not rendered, and I apologize for that, but once again this is a recent addition. The plan is identical to the one you just saw except we've added a single building here that contains two dwelling units. They would be flats, two bedrooms each and they would be affordable, for sale dwelling units.

These elevations are a part of the petitioner's rezoning plan, there would be no vinyl, it would be Cementous siding and masonry as you can see. The building containing the affordable units would be architecturally compatible and consistent with the townhomes in terms of architectural style and exterior building materials. If you have any questions, we will be happy to answer them. We appreciate the Planning staff's favorable recommendations. There are two site plan issues which we will resolve this week and once again we appreciate your consideration.

**Councilmember Ajmera** said Mr. Carmichael, could you show us where the stoop flat style units are located?

Mr. Carmichael said sure, you see the box at the top, you see the townhome buildings and then the flat building is to the right of the northern most townhome building or to the east I guess, and then to the north of the buildings that fronts that alley from Louise Avenue.

**Councilmember Egleston** said it is the only square.

Mr. Carmichael said thank you, that is a better description, thank you Larken.

Ms. Ajmera said the flat side, is that the townhome?

Mr. Carmichael said it would really be a condominium building. The legal structure hasn't been resolved, but it would be for sale for families at 80% AMI (Area Median Income).

Ms. Ajmera said can you go back to the next slide, the one with the picture? Where is the flat in here?

Mr. Carmichael said it is not, those are the townhome buildings. We are going to have a note that says it is going to be because literally, this was an addition within the last 10-days or so, but it would be consistent in terms of the style and materials as the townhome units, and the developer would want them to be.

Ms. Ajmera said so the flat is the affordable unit?

Ms. Carmichael said yes, the community wanted us to include an affordable element and Bart Hopper and Clay were happy to work with them and come to this solution.

Ms. Ajmera said I appreciate that for including an affordable unit. Thank you.

Mr. Egleston said I was just going to say the same, appreciate you all working with us to get the affordable units in there. I think the Council has talked a lot about the need for affordability, not only in rental projects but in ownership opportunities for people with different income levels and I think this helps us do that in a neighborhood that has been losing a lot of affordability. So, thank you.

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

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**ITEM NO. 28: HEARING ON PETITION NO. 2021-061 BY SUNNY INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.05 ACRES LOCATED ON THE EAST SIDE OF PROSPERITY CHURCH ROAD, SOUTH OF I-485, AND WEST OF MALLARD CREEK ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just over three acres on Prosperity Church Road. The property is currently zoned R-3, and the proposed zoning is UR-2 (CD). The adopted future land use from the Prosperity-Hucks Area Plan calls for residential up to four dwelling units per acre. The proposal with this petition is to allow up to 24 townhome units. It would provide a minimum of a six-foot sidewalk, eight-foot planting strip along the site's frontages as well as construction of an ADA compliant CATS Bus pad along Prosperity Church Road. It would have a 10-foot landscaped buffer to the abutting single-family residential homes. The units would be rear-loaded on Prosperity Church Road and Prosperity Ridge Road Extension, that is that kind of yellow dotted line you can see just above the sketch drawing that is overlaid on the slide there for you.

Architectural standards would be included as part of the project as well and as we mentioned at Prosperity Ridge Road was part of a larger rezoning that took place within the last year or so. It was for a very large mixed-use development that had commercial as well as multifamily residential and townhomes. It was a fairly large project that stretched between Prosperity Church Road and Ridge Road and this petition would tie into that through that road connection there.

Staff does recommend approval of this petition upon resolution of outstanding issues related to transportation and site and building design. It is consistent with the plan recommendation for residential, but inconsistent with that eight dwelling units per acre request that they have with the zoning. While the proposed density is inconsistent staff did feel that a site with higher density would be appropriate transitioning from the single-family into that large mixed-use project next door that we just talked about. That was through rezoning Petition No. 2020-088. That petition also included an area for a future County Park. Again, staff felt that transition from lower density to some moderate density into that mixed-use project made some reasonable sense in this location and henceforth did recommend approval. We will be happy to take any questions following Mr. Holcomb's presentation.

**John Holcomb, 200 South Tryon Street** said I am representing this petition for a rezoning request for 24 market-rate townhomes. At this time the developer does not have building elevations to share with you but again the idea is a nice market-rate product as you transition from that existing neighborhood into the proposed mixed-use development next door. As Mr. Pettine mentioned, we do have some outstanding site plan comments from transportation and from site and design that we will be addressing this week and

have been in touch with some of the staff earlier today to talk through. I am here really for any questions Council may have and will appreciate you taking a look at this and hope we can have favorable votes and look forward to that.

**Councilmember Johnson** said I have a question for Mr. Holcomb, I wanted to know what was the feedback from the community?

Mr. Holcomb said more just interest in what the intent of the project was and if we are proving a buffer between the townhomes and the existing lots which we are. If we could go back to the map you can see a large tree save area in between most of those homes and the parking lot preserve. The other request that the community had was that we meet with Councilmember Johnson before coming to our meeting, which we did a few weeks ago on a phone call and talked through the project. I did also want to note and reiterate, we are contingent and acknowledge we are contingent on the Prosperity Ridge Road Extension and utility improvements of that project. We would not be able to move forward until that access point would be in place since we are not requesting any additional curb cuts of saving curb cuts along Prosperity Church Road that exist today.

**Councilmember Phipps** said speaking of the Prosperity Ridge Road Extension, what is the projected timeline for completion of that particular road extension?

Mr. Holcomb said my understanding is they are currently either getting ready to or have made a first submittal of those plans as it relates to those plans. It is done by another development team but the Phase I of their project would be the Prosperity Ridge Road Extension and the utilities along with it separate from any "on-site development". They've got some townhomes planned and an apartment adds planned along with that property as well as the rest of the mixed-use development. For now, they are either in or will be in for the first review of their plans and call it four to six months for the approval process and then the start of that project, and I would assume that project will take anywhere from six months to a year to construct.

Mr. Phipps said you indicated that you would not start your project until that project is complete so, outside your plan for development starting would be two years from now.

Mr. Holcomb said I would say approximately a year from now. They could start at risk from a standpoint, I will use an example, if the curb is in place and they are working on paving or such I could see them starting, knowing that the improvements are underway, and utilities are in and a good amount of that work has happened. I would respond just a little different than we are waiting until that is in place, I think just to minimize risk if that project were to stall because all of our access and some of the utilities will come from that project. I want to make sure that I have a good feeling that that is actually occurring and will be in place by the time they start construction.

Mayor Lyles said Mr. Brazil and Mr. Pettine, I think Mr. Holcomb just explained or described a development around that highway and as well a schedule for that highway, could you please provide that information to the full Council as a part of the follow-up report so that we all have the same information? I couldn't catch all of it but is there already permitted and the land use plan and development plan as well as Prosperity Church project as well.

**Councilmember Ajmera** said I was just going to ask for that information, but I do have a follow-up question. This project's timeline, from what I understand is contingent upon the other infrastructure project. Am I correct Mr. Pettine?

Mr. Pettine said their access is based off of the construction of Prosperity Ridge Road Extension so once that construction is underway and in place, they can then start their project to gain access to develop the townhomes that are being proposed here under this petition. Yeah, there is a relationship between them, it just depends on the timing and once that section of the road gets done, they can start construction that ties into it and get access.



Ms. Ajmera said got it, but our approval is not contingent upon this adjacent property timeline, correct.

Mr. Pettine said correct, yeah, that has no bearing on it.

Ms. Ajmera said another question, I see this one, the petitioner is under contract, so they are not the property owner. I guess if [inaudible] object to the rezoning approval.

Mr. Pettine said I would defer to Mr. Holcomb.

Mr. Holcomb said I apologize, I don't have that answer and if the developer isn't signed up to talk; we can follow up and get you that information offline, but I don't have that answer today.

Ms. Ajmera said if you could provide that in the follow-up report, please.

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

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**ITEM NO. 29: HEARING ON PETITION NO. 2021-070 BY CITY OF CHARLOTTE – AVIATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 44.61 ACRES LOCATED NORTH OF MCALPINE DRIVE, EAST OF JOY LANE, AND WEST OF BEAM ROAD FROM R-3 AIR (SINGLE FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY) TO I-2 AIR (GENERAL INDUSTRIAL, AIRPORT NOISE OVERLAY).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just under 45 acres about 44.6 acres off of McAlpine Drive, east of Joy Lane, west of Beam Road. The existing zoning of this parcel is R-3, it does have the Airport Noise Overlay and the proposed zoning is I-2 industrial, and that would also carry that Airport Noise Overlay with it. The adopted future land use is from the Southwest District adopted back in 1991. That is one of our oldest plans on file that does recommend institutional uses for the majority of the site. That recommendation came as it was owned by the City and then a portion of the site was in the FEMA (Federal Emergency Management Agency) Flood Plain is recommended for greenway use and then a small portion of the site is recommended for office business park and industrial uses by the Westside Strategic Plan that was adopted in 2000.

As mentioned, staff does recommend approval of this petition, it is conventional so there are not conditions to work through, no outstanding issues. It is inconsistent with the institutional land use. For most of the site, as per the Southwest District Plan, it is consistent with the remaining portion recommended for office business parks, industrial land uses found in the Westside Strategic Plan. As mentioned, Stuart Hair is on the call this evening to answer any questions and I will be happy to take any that you might have as well.

**Mayor Pro Tem Eiselt** said Mr. Hair were you going to speak or just address any questions?

**Stuart Hair, 5601 Wilkinson Boulevard** said I'm just here to address any questions, no presentation.

**Councilmember Winston** said I got some feedback from folks in the community concerned about, not necessarily the rezoning in itself, but with the conventional nature of I-2 rezoning of this size, there is a lot that can happen there without any kind of any oversight. Is there anything more that we can do about what we or the Airport intends to do with this piece of property?

Mr. Pettine said I will defer some of that to Stuart, just to let you know I think we did discuss at length some of those same concerns about having just a conventional I-2, I think there are some challenges in terms of how the property then gets turned around for market-rate possible tenants. I think I will let Stuart kind of talk through what their process is on putting those properties up for future sale or development, but it was something we did discuss as far as conventional versus conditional, but I know there are some challenges with that just given the process at the Airport goes through. I will turn it over to Stuart to kind of talk through that a little bit.

Mr. Hair said I appreciate that Dave and I appreciate the feedback, Mr. Winston. I completely understand where the community is coming from with those concerns and conventional rezonings versus conditional really do have a whole different set of decision processes and concerns as we think about the development in this space. As you may be familiar, we did rezone the property to the west of this approximately two years ago now to a conventional I-2 rezoning class. We have taken that property through a request for information process and then a request for proposal process. Through that RFP process, we have identified a potential developer for this site and are in final negotiations with that developer to reuse the site. It was identified that they needed a little bit more land to have the maximum good effect out of their development plan and so we plan in probably the October 25<sup>th</sup> meeting to bring to you a request for Council Action that would allow us to sell the site to the west that was rezoned two-years ago and a portion of this rezoning that we are in front of you tonight on. We do plan to ask that request for Council action to sell on October 25<sup>th</sup> and would be able to go into the whole development plan for it at that point.

Mr. Winston said you kind of Segway into a follow-up question that I had. Being that these I-2 zones are so vast and really some of our oldest zoning districts, obviously we are under a kind of a different pardine, we are in a transitional period. The City, if and when does sell these I-2 properties would that conventional nature of the land use remain, or are we going to have the opportunity or the ability to look at it from a conditional standpoint?

Mr. Hair said we would be bringing you a specific sale of the property that does have a [inaudible] site plan attached to it and would be able to talk more about that site plan at that point.

Mr. Winston said so what I'm hearing is that the land use would remain the same, but we potentially from an economic development standpoint we could consider ourselves into the deal, but from a land-use standpoint, the status quo would remain the same to conventionally rezone I-2 property in perpetuity until a future owner or ourselves decide to change that.

Mr. Stuart said right.

Mr. Winston said I look forward to learning more about what we are doing over there. I know that that there are a few homes over there that would probably be considered Naturally Occurring Affordable Housing (NOAH's) and again as we are kind of transitioning and thinking about the way we are looking at land use, we've talked about I-2 or industrial zonings near residential. I don't know if particularly ask ourselves what do we think about industrial zones encroaching on NOAH properties. Is that something we have thought about or considered getting guidance for? How do we deal with that?

Mr. Pettine said that didn't come up too much in the conversation, we did mention just the industrial next to some of this residential. I don't think it came up in terms of the residential being NOAH housing or what guidance we would get for that, but I think we just talked about the general outcome of the industrial rezoning next to that residential properties that are out there currently. I don't know if there is anything else from Housing and Neighborhood Services or anything that has been discussed in that kind of context.

**Taiwo Jaiyeoba, Assistant City Manager and Planning Director** said nothing, but I will also add that in the petition analysis we did include that template on the 2040 Plan, and

you noticed that where housing is concerned we did not check anything. I don't really know how many single-family homes currently exist on the site. My assumption is that by the time we come back to you like Stuart was saying at some point in the future we may be able to fill in more of that information for you. It is something we definitely will keep in mind.

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

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**ITEM NO. 30: HEARING ON PETITION NO. 2021-072 BY NRP PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.92 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF SOUTH TRYON STREET AND TRADE PARK COURT, EAST OF INTERSTATE-77 FROM I-1 (LIGHT INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just under three acres on Tryon Street and Trade Park Courte as mentioned. The current zoning is I-1, light industrial and the proposed zoning is TOD-CC, transit-oriented development community center. The adopted future land use from the Newbern Station Area Plan does recommend the office and industrial warehouse distribution uses for this site. It is in an area where TOD has transitioned into this area with TOD-CC, TOD-TR as well as TOD-UC in the general area, just kind of north and south of this site along Tryon Street up next to the rail line.

Staff felt while it is inconsistent it was within a half-mile walk of the Newbern Station and just over a half-mile from Scaleybark so the TOD-CC district was an appropriate district as we continue to see that type of development in this general area. This is another conventional petition so no outstanding issues or conditions. We will be happy to take questions following Mr. Carmichael's presentation.

**John Carmichael, 101 North Tryon Street** said with me tonight is Jason Mochizuki with NRP Properties. As Mr. Pettine said the site contains about 2.9 acres, is located on the west side of South Tryon Street between Trade Park Court and Herman Avenue, just to the north of Clanton Road as you can see from this map. This is an aerial photograph of the site or [inaudible] rather. Clanton Road is to the south and you can see the site outlined in green on the west side of South Tryon Street. The site is within a half-mile of the Newbern Transit Station, the green line reflects the way you would walk to the station from the site. The site is currently zoned I-1, the request is to rezone the site to TOD-CC to accommodate uses allowed in the TOD-CC district. On the site you can see there is industrial zoning to the east and north. TOD zoning is also to the southeast and then there is BD zoning to the west. There is some MUDD-O zoning to the northwest and south of Clanton Road there is some TOD zoning as well.

We are happy to answer any questions you may have. We appreciate the Planning staff's favorable recommendation and we certainly appreciate your consideration.

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

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**ITEM NO. 31: HEARING ON PETITION NO. 2021-073 BY PERIOD DESIGN CONCEPTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATE 0.5 ACRES LOCATED SOUTH OF ROZZELLES FERRY ROAD, NORTH OF STATE STREET, AND WEST OF WEST TRADE STREET FROM B-1 PED (NEIGHBORHOOD BUSINESS,**

**PEDESTRIAN OVERLAY) TO TOD-CC PED (TRANSIT-ORIENTED DEVELOPMENT – COMMUNITY CENTER, PEDESTRIAN OVERLAY).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just about a half-acre of Rozzelles Ferry Road as well as north of State Street, just west of West Trade Street. As mentioned, currently zoned B-1. There is a pedestrian overlay currently on the site. The proposed zoning would be for TOD-CC and the pedestrian overlay would still be in tack on the site as well. The adopted future land use from the West End Land Use and Pedscape Plan does recommend the multifamily, office, and retail land use for the site. The site is also within a quarter-mile of the transit stop along the Gold Line, so it is applicable for the TOD-CC district that they are proposing.

Staff does recommend approval of this petition; it is conventional so there are no outstanding issues or conditions. It is consistent with the mixed-use land recommendations for this area per the West End Land Use and Pedscape Plan. It is within a quarter-mile walking distance from the LYNX Gold Line transit stop and it is also less than 300-feet from the West Trade/Rozzelles Ferry C-NIP fund at Five-Point Pedestrian Plaza which is set to open in November 2021. As mentioned, there are no speakers so staff will be happy to take any questions you may have.

**Councilmember Egleston** said I don't know who I'm saying this too because there is no one on the call representing the petitioner, but if they happen to be watching, I know this is conventional and they are not committing to anything with a conventional petition but looking at the photograph I hope they will consider reusing what looks to be kind of a cool old auto service station. There are a lot of examples in West and East Charlotte of those being repurposed into really neat adaptable reuse projects, so I hope that is part of their plan.

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

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**ITEM NO. 32: HEARING ON PETITION NO. 2021-074 BY ARDENT ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.58 ACRES LOCATED ON THE WEST SIDE OF SOUTH BOULEVARD, EAST OF OLD PINEVILLE ROAD, AND SOUTH OF ARCHDALE DRIVE FROM B-2 (GENERAL BUSINESS) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).**

**Mayor Lyles** declared the hearing open.

**David Petting, Planning** said this is just over 10.5 acres on South Boulevard just east of Old Pineville Road and south of Archdale Drive. Currently, the property is zoned B-2, and the proposed zoning is for TOD-NC. The adopted future land use from the Tyvola and Archdale Transit Area Plan does recommend office and retail uses for the site. It is an area where you can see we've got TOD mixed as well as retail and other TOD uses kind of in that general vicinity along South Boulevard and Old Pineville Road.

The staff does recommend approval of this petition. It is another conventional so no outstanding issues or conditions to discuss. While it is inconsistent with the recommendation for office and retail uses it is just over a half-mile to the Archdale Station and approximately three-quarters of a mile to the Arrowood Station on the LYNX Blue Line. Directly north of the site, we do have TOD-CC zoning and then the TOD-NC zoning applies standards and regulations to create that kind of form and intensity as well as that transition from the CC that we have just north of the site. So, staff thought it was an appropriate use of TOD and again we do recommend approval. I will be happy to take any questions that you may have.

**John Carmichael, 101 North Tryon Street** said I am here on behalf of Ardent Acquisitions and Tyson Reilly, the petitioner is here as well. As Mr. Pettine stated the site contains just under 10.6 acres located on the west side of South Boulevard between Old Pineville Road and South Boulevard, south of Wisteria Drive and south of Archdale Drive. That is an aerial of the site that you can see. It is just over a half-mile from the Archdale Transit Station, and you can see you can walk up from the north on South Boulevard to Archdale and then take a left and you would be at the Transit Station. The site is currently zoned B-2, and the request is to rezone the site to TOD-NC. There is TOD zoning to the north, south, and northwest as well. The purpose once again would be to accommodate uses allowed in a TOD-NC zoning district on site.

Tyson and I are happy to answer any questions that we are able to answer. We appreciate the staff's favorable recommendation, and we appreciate your consideration.

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

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**ITEM NO. 33: HEARING ON PETITION NO. 2021-076 BY WHITE POINT PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.74 ACRES LOCATED AT THE SOUTHEASTERN INTERSECTION OF SOUTH TRYON STREET AND EAST PETERSON DRIVE, AND THE SOUTH SIDE OF EAST PETERSON DRIVE, NORTH OF YANCEY ROAD FROM I-2 (TS-O) PED (GENERAL INDUSTRIAL, TRANSIT SUPPORTIVE OPTIONAL, PEDESTRIAN OVERLAY DISTRICT, O-2 (OFFICE) AND R-8 (SINGLE FAMILY RESIDENTIAL) TO TOD-NC PED (TRANSIT ORIENTED DEVELOPMENT- NEIGHBORHOOD CENTER, PEDESTRIAN OVERLAY DISTRICT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this 5.74 acres off of East Peterson Drive, south of Tryon Street located in that area off Yancey Road. The current zoning has several districts on it, I-2 with transit-supportive optional, O-2 Office, and R-8 single-family residential. The proposed zoning is to consolidate all three of those zoning districts to the TOD-NC district. The adopted future land use from Scaleybark Transit Station Area Plan does recommend the office and industrial warehouse distribution as well as residential uses up to eight dwelling units per acre for this site. As mentioned, this is just for a TOD-NC, you can see we do have some existing TOD zoning in the general area along East Peterson Drive as you get closer to Old Pineville Road. We just had a petition just south of this that was zoned I-2 going to a TOD district as well. We are certainly seeing some of that transition down Yancey Road and East Peterson Drive on South Tryon Street.

The staff does recommend approval of this petition. It is within a half-mile walk from the Scaleybark Station and that NC district can be applied within one mile of that rapid transit station or within a half-mile of the existing streetcar stop so it would be applicable. As staff has mentioned it was a good, continued transition of the TOD district in this area. We will be happy to take any questions following any presentation by the petitioner.

**Collin Brown, 1420 East 7<sup>th</sup> Street** said I am here on behalf of the petitioner, Miss Lins was married over the weekend and is now Mrs. Peter so she is taking a break tonight. Jay Levell from White Point may be on. White Point Partners have done adaptive reuse and have done many of our kind premiere reuse projects in the area including [inaudible] which is right down the street from this on the other end of Yancey Road, so they are active in the community. As Dave mentioned we are seeing a lot of this has occurred, we've seen a lot of redevelopment sometimes under existing zoning. Just south of the site we've had some TOD and so the idea is that we are going to bring these into the TOD-NC. As you know a community meeting is not required for this convention, however, we did host a community meeting with both in-person and online participation. We had several neighbors attend, again it wasn't required, and I didn't want to show up tonight and have a lot of neighbors show up and say what is going on. Our biggest concern was

this piece of residential down Peterson Drive and any concerns they may have. I think generally the consensus is most folks there are reading the tea leaves and seeing that this more intensive development is valuable for their properties. We do not know of any opposition and I can't go into site plan details, but again TOD as proposed, we have hosted a community meeting and we are happy to have staff's support.

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

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**ITEM NO. 34: HEARING ON PETITION ON. 2021-077 BY LUCERN CAPITAL PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.07 ACRES LOCATED AT THE NORTHEASTERN INTERSECTION OF RESEARCH DRIVE AND WEST W. T. HARRIS BOULEVARD, WEST OF INTERSTATE-85 FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO RE-3 (CD) (RESEARCH, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just over three acres on Harris Boulevard and Research Drive. Currently, it is zoned B-1(CD), and the proposed zoning is for RE-3, which is research, conditional. The adopted future land use from the University Research Area Plan 2010 does call for office and retail for this site. The proposal associated with this petition is for up to 152 multifamily dwelling units in one building. There is a provision that if those multifamily units aren't developed the site can continue to be used as an EDEE (eating/drinking/entertainment/establishment) use. That is what is currently out there on the site right now. There is a structured parking facility included as part of the proposal, it does commit to providing a 12-foot multiuse path and eight-foot planting strip alongside Research Drive as well as two pedestrian connections from Research Drive. Also commits to a financial contribution towards the pedestrian crossing of W. T. Harris Boulevard. It does maintain that 75-foot setback along Research Drive as well as 125-foot setback along West W. T. Harris Boulevard also includes 5,000 square feet of open space with benches, seat walls, landscaping, and other amenities. The building height would be limited to 75-feet and the proposal would also include standard architectural details such as building elevations, building materials blank wall expanses, and the normal architectural items that we usually see for these multifamily projects.

Just next door to this project we did see another rezoning just recently that converted the extended stay units that were on the parcel adjacent into residential multifamily units as well, so we are seeing a little bit of residential multifamily infill here on Research Drive. Staff does recommend approval of this petition, as mentioned we do have some outstanding issues related to transportation to work through. It is inconsistent with that recommendation for office and retail, but staff does feel like we are continuing to get an opportunity to expand some housing choices and allow for a mix of land uses in this area and we would get an opportunity to increase that housing supply within that area of University City. With that staff will be happy to take any questions following the petitioner's team presentation.

**Bridget Grant, 100 North Tryon Street** said I am a Land Use Consultant with Moore & Van Allen. I am pleased to be here tonight with Frank Forte, Luke Lucern as well as our team members [inaudible] Architecture and DPR. As Dave mentioned the site is at the corner of Research Drive and W. T. Harris Boulevard. It is the site of the former Macaroni Grill. You can see where we are in the broader context of the intersection of Harris Boulevard and Research Drive. The existing building is set deep into the site, so you really don't see it from the intersection when you are approaching the Research Park. We are proposing to allow a change from B-1 (CD) to RE-3 to allow that 152 residential development. It is a signature corner building with structured wrap parking and we are able to maintain the larger buffers that are consistent with the University Research Park Area.

This is an elevation we've been working with UCP and we've established a concept with wrap parking and signature building that meets the goals and objectives of UCP (University City Partners). We know we will continue to work with them as we evolve the elevations. This isn't something that we included in the rezoning, but we did want to share these conceptual images with you. With that, we are happy to answer any questions.

**Councilmember Johnson** said this question is for staff. Can you tell us just for the record what the impact on the surrounding schools or the area schools will be if this petition is approved?

Mr. Pettine said it looks like from the memo from CMS (Charlotte Mecklenburg Schools) the proposed students would generate 19 new students. Since it zoned commercial there wouldn't have been any student generation from the site so it would be a net increase of 19. The two schools that would be impacted would be Governor's Village, that would go from 101% to 102% and then Julius L. Chambers High School would remain at 126% capacity. That is increased capacity overutilization without mobile classroom units. Those are the two schools and again this project would generate 19 new students.

Ms. Johnson said when you say 126% at Julius Chambers High School, that means 126% of capacity, so overcapacity.

Mr. Pettine said that doesn't include the mobile units I think they use to offset some of those capacity issues, but we can get some clarification from CMS on how that is calculated out.

Ms. Johnson said I'm torn. District 4 is the District of the jobs, so exciting and this is in the Research Park plus close to employers. It is going to reduce traffic if people are able to take alternative transportation like walk or ride a bike to work. But last week as we watched the news, we heard certain high schools at the top of our news because of violence in these predominantly black schools. The narrative was that there is a lot of violence going on in the schools. Fortunately, it turns out the arrest for that very high-profile murder of that baby, they were adults, but we don't know what else is coming. In watching that as a member of the public there were like four or five high schools and Julius Chambers was one of them. So how do we reconcile the continual overcrowding of schools and not considering this? It is just hard, and I would like to know what it would take for a new school to be built or is our Intergovernmental Committee working together to discuss this. I would also ask the staff if we could have a report on the effect of our recent petitions, I'll say in District 4, for myself specifically. I don't know if the other Councilmembers would like the same, but the recent approvals in the last year what impact has that had on the schools? If we are at 126% in this report how many petitions do, we have pending in District 4 or that have been approved in the last year? I just really think that we as Councilmembers, when a tragedy happens like what happened last week, it is all hands-on deck.

This is a City/County School District, community, church, parents, everything, we all have to be engaged in doing what we can in our decisions. I'm concerned and I know this is not Lucern Capital Partners responsibility. I've met with them, I like the petition but when I see Julius Chambers High School at 126% of capacity and last week their name was in the top story on the news, it may not have been directly associated, but that is what we said. That is what was on the news that it was related to the school. So, now we have to take a step back and really start to look at this. Ms. Eiselt talked about stormwater and sidewalks and I look forward to solving the problem, but this one is concerning at 126% of the school that we know 70% of our black children are failing. We can't keep doing this.

I like this petition and I'm sorry Bridget, and I spoke to you and to the developer and it has nothing to do with that, but we just can't keep ignoring the lack of infrastructure, the overcrowded schools, and the burden that the growth is having. What do we do? We say enough building.

Mayor Lyles said Ms. Johnson I think you are so right, the violence and the need to have to say something about our schools being a place that we are concerned for people to be

safe is a very difficult issue. I would say to you it is complex, and you know this, it is a very complex issue. Some of the strongest schools in this state are overcrowded much more than Chambers. It is about what goes on inside the school walls, who is in charge, who attends. All these things are much more complex than just being overcrowded because you can have an excellent overcrowded school, but what is the leadership like, what are the courses that are offered, how do you assign whom to what school. I would say that we should have this conversation because it is a difficult conversation to have but one that is necessary. I think we have to look at it more than just how big or how many people go to a school but to actually figure out why are some schools more successful than others, even though they are as overcrowded, and what goes on in those situations. I completely endorse what you are saying. I think it is a little bit more difficult because the responsibility for funding and policy are very different. The state and the county funds, the policy is developed by the local school board so we sometimes, or at least I speak for myself, I look at it and think well if I did this, and then I realize that a lot of people have worked really hard, and they have thought about these things. So, I think we could start out with how do we learn what is going on in our schools as a Council and where we can have an impact and I think that is valid and needed. I really appreciate your expression of empathy and understanding for people in our school system and what they have to deal with, especially for our kids. So, thanks for that, I think we just have to figure out a path.

**Councilmember Egleston** said I just want to make sure I didn't miss something here. What I'm looking at and what I think I heard Dave say that they will have to confirm is that the school is already at 126% and this isn't projected to add any students to Chambers. Is that correct Dave or is that a typo?

Mr. Pettine said that is correct. It is at 126% without mobile units and it would stay at that rate even with the 19 students that could potentially be generated by this project. There is no increase, it is already at that number and again that is without the utilization of mobile units.

**Councilmember Phipps** said I have eaten many good dinners at this Macaroni Grill and I hate to see it go. How many proposed stories do we have in this proposal that you have for this 152 unit one building?

Ms. Grant said likewise I've had many meals in that location, and I've done work in the area. We are anticipating it to be a five-story building. Again, the idea is to create a signature building on the corner going into the Research Park.

Mr. Phipps said would you characterize the market as soft for this use in as much as you are proposing to reintroduce the site as an EDEE (eating/drinking/entertainment establishment) facility. Are you going to knock down the current Macaroni Grill building and build this facility, but if you don't lease up the units you are going to convert it to this entertainment district eating establishment or whatever? How does that work?

Ms. Grant said we are essentially leaving in the ability that in the interim before the building is developed, the current Macaroni Grill building is vacant, we would have the ability to operate it as a restaurant if we chose to go that route while we were developing the plans and until such time that this residential structure is developed on the site. It is not both of those uses, it is only one.

Mr. Phipps said essentially you are going to test the market value ability for the units while you are planning for, but still, maintain the Macaroni Grill as a restaurant?

Ms. Grant said we have confidence in multifamily in this area. It is building a little flexibility because there is an existing building on the site and if a different tenant were to come in, we just thought we would go ahead and retain the right to use it as a restaurant as this plan evolves, but we have confidence in the multifamily at this location.

**Councilmember Ajmera** said I have a follow-up to Ms. Johnson's comments here. As someone who had worked in this area in Research Park at one of the financial institutions,



this is a complex petition because we are trying to balance the supply of housing close to the employment centers such as Research Park that employs thousands and thousands of people while trying to balance the infrastructure and schools, etc. There is no easy solution, unfortunately. But we do really need a housing supply close to the employment centers. I remember when I worked in Research Park there is not something that you can walk to in terms of apartments. There have been apartments that have been built across from Trader Joe's area, but that is about it, and that is nearly nowhere where the demand for that area and I have seen pedestrians crossing really busy streets of W. T. Harris Boulevard going from Autumn Park and those areas to come to the Research Park so they can go to jobs. It is not only difficult because they are no sidewalks off of W. T. Harris Boulevard, which we have requested many many times and I know we have a huge backlog but with development also comes sidewalk improvements close to the employment centers. I understand Ms. Johnson's concerns here around school capacity, but at the same time, I'm willing to support this because it develops our infrastructure further by the private sector because of our backlog, and on top of that it provides housing near job centers. So, some very difficult problem to solve, and there is no easy solution. I just wanted to provide remarks on this as someone who has worked in Research Park for many years.

**Councilmember Eiselt** said I wanted to respond to Ms. Johnson's comments as well because we've been having this discussion for years about schools overcrowding and know the City Council can't do a lot about that, but yes, we have to work with our CMS colleagues to understand their 10-year plan. I don't know if Taiwo can comment about how the Comprehensive Plan dealt with that, but as an At-Large Member, I would ask Council to refrain from just looking at one area unless we can really show that overcrowding is directly tied to violence in schools. We have one hearing tonight in Mr. Driggs' District, the one for the City of Charlotte and it references Ardrey Kell at 164% overcrowded. We have another one coming up in Mr. Bokhari's District, South Meck is 134% overcrowded so all of our schools are overcrowded, and the bigger question is how do we distribute growth in a way that works for us but also works for our schools because it is about who is at that school, and so we can't just make an assumption that just more students is adding to the problem but adding poverty to a high poverty school is a problem. I just think it is a different conversation that we have to have as an overarching conversation maybe as a part of the mapping process in the UDO (Unified Development Ordinance) process we really get more information about what does CMS says when they get asked about these petitions? We just get told the facts, but we don't get told much about what their 10-year plan is.

**Councilmember Bokhari** said I just wanted to add and agree with Mr. Phipps that the loss of the Macaroni Grill is indeed something that I will be [inaudible].

**Councilmember Winston** said Ms. Johnson mentioned the work of the Intergovernmental Relations Committee is something that we talk about, something that we work on, but in fact, I will say to Ms. Johnson and all the colleagues, I am currently talking to Commissioner Jerrell and School Board Member De La Jara to figure out how in response to last week in general, how can we be more responsive and work together on some action now. So, Ms. Johnson, if you are inclined to do the work, I'm happy to bring you into this and any of the colleagues. We are looking to meet this work to figure some things out. I look forward to you circling up.

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

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**ITEM NO. 35: HEARING ON PETITION NO. 2021-078 BY M/I HOMES OF CHARLOTTE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 14.62 ACRES LOCATED ON THE SOUTH SIDE OF RIDGE ROAD, WEST OF MALLARD CREEK ROAD, AND NORTH OF I-485 FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8 MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning**, said this is 14.62 acres on Ridge Road just west of Mallard Creek Road and north of I-485. The existing zoning on the site is R-3, the proposed zoning is R-8 multifamily. You can see we've got that zoning district in close proximity along Ridge Road. The adopted future land use from the Prosperity/Hucks Plan calls for residential uses at four dwelling units to the acre for this site. The proposal with this petition is for up to 73 attached townhome units, would commit to an eight-foot planting strip and 12-foot multiuse path along the site's frontage on Ridge Road. It would connect the site's internal streets to the three adjacent public streets stubs within the general vicinity. So, continuing to build out the street network in this area along Ridge Road. Also provides Class C buffers to abutting single-family homes and limits building height to 48-feet. Also, architectural standards for primary building materials, covered front stoops or porches which would be attached to each unit, blank wall provisions, building and garages for each unit, and roof slope design details have been included.

Staff does recommend approval of this petition we do have some outstanding issues related to the site and building design to work through. The petition is consistent with the residential recommendation but inconsistent with a slight increase from the four DUA that is recommended. This petition comes in at 4.99. Again, we went back to that rezoning slide where we saw the R-8 in close proximity. A lot of the corridor along Ridge Road has been developed with some single-family attached at about a four to five dwelling unit per acre. It has actually helped us build out a pretty strong internal road network where you can essentially get from a lot of these inner connective subdivisions without having to get back on Ridge Road once everything is done and complete. We felt that was a good continuation of the projects that we've seen that have gone already for that density cap at around four to five dwelling units per acre. This does fall in line with that, so the staff was comfortable with this and do recommend approval. I will be happy to take questions following the Petitioner's presentation.

**John Carmichael, 1010 North Tryon Street** said I am here on behalf of the petitioner. With me tonight are Morgan Rushnell and Jeremy Horton of M/I Homes and Eddie Moore of the McAdams. As Mr. Pettine stated the site contains 14.6 acres, it is located on the south side of Ridge Road between Cooper's Ridge Lane and Shelley Avenue. There are two single-family homes on the site and then there is a mechanics facility on the site as well. You can see the automobiles a little better on the zoomed-in version of the plats map. The site is currently zoned R-3, the request is to rezone the site to R-8MF (CD). The purpose of the rezoning request is to accommodate the development of up to 73 townhome units on the site. The density would be just under five units per acre and 4.99 dwelling units per acre.

This is the rezoning plan, as you can see it calls for townhomes, the site would be accessed from Ridge Road to the north, there would be an eight-foot planting strip and a 12-foot multiuse path along the site's frontage on Ridge Road. There would be a left turn lane on Ridge Road into the site. Access would also be a way of connections to the three existing stub streets as required under the subdivision ordinance. There would be a good bit of green space and open space. The site would be well buffered. The petitioner would dedicate right-of-way along Ridge Road. There are architectural standards that are part of the conditional rezoning plan. They include things as a prohibition of vinyl siding however, you could use vinyl windows, doors, soffits, and trim and there are other architectural standards that are part of the rezoning plan.

There are two outstanding site plan issues, but they are relatively minor and will be addressed this week. We appreciate the Planning staff's favorable recommendation, and we appreciate your consideration. Will be happy to answer any questions that you may have.

**Councilmember Johnson** said this question is for the staff. Mr. Pettine, what impact will this have on the schools? Can you give us that information?

Mr. Carmichael said I don't mean to interrupt but according to the CMS report the part that you develop under the R-3 zoning would generate 22 students, under the proposed zoning it would generate 13 students, and what CMS has concluded is that there would be no net increase in the number of students generated under the existing zoning to the proposed zoning. The school, Park Center Elementary would go from 67% to 69%, and Ridge Road and Mallard Creek would remain the same, but they are both overcapacities. Ridge Road is at 125% and Mallard Creek High would remain at 121%. Development under the existing zoning would be an increase of about nine students.

Ms. Johnson said so Ridge Road remains at 125% and Mallard Creek remains at 121% and that with an additional 13 students. Is that right Mr. Pettine?

Mr. Pettine said yes that is correct.

**Councilmember Phipps** said there is a considerable amount of construction going on along that Ridge Road Corridor. What considerations have been taken into account for Ridge Road as a result of the cumulative impact of successive rezonings along the corridor? I don't know if C-DOT would be in a position to weigh in on it, but I can appreciate the fact that you said that interior to this site connections have been made within these particular subdivisions to be able to move freely within the subdivisions, but I'm talking once you get on Ridge Road what is happening there along that corridor or what is proposed to happen or if it is just one of those things that is going outlying and just waiting for more development on those little two-lane roads out there?

Mr. Pettine said there are improvements I think along Ridge Road for each petition that has come that we've seen that I mentioned earlier. I would be happy to coordinate with C-DOT and try to put together a list of what is being done along Ridge Road that is associated with each of these petitions that have come on board including this one and we can provide that back to you in the follow-up report.

Mr. Phipps said I appreciate it, thanks a lot.

**Councilmember Ajmera** said this question is for the staff. Where it says here on the plan's consistency that the proposed density of 4.99 dwelling units per acre is inconsistent with the recommended density of four DUA. How many extra units we are looking at here?

Mr. Pettine said this petition came in at 4.99 so I think the total was 73 attached townhome units, so it is about 14 or 15 extra units are built by going a little bit over that density of four DUA.

Ms. Ajmera said so would the four DUA have required the rezoning still?

Mr. Pettine said to do it in an attached product, yes.

Ms. Ajmera said Mr. Carmichael, would the petitioner be willing to do four instead of 4.99?

Mr. Carmichael said that is a question I would have to talk to the petitioner about. I'm sure there are economic considerations that they have, they have worked through the process, but I can't answer that tonight. I will have to follow up with you on that.

Ms. Ajmera said I do see where it says approval of this petition will revise the adopted future land use as specified by the Prosperity Hucks Area Plan which was just adopted in 2015 from four DUA to five DUA for the site. So, the plan is not outdated, it is fairly recent, 2015 so I was just curious, is 15 units that important? That can be in our follow-up report, I was just curious.

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

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**ITEM NO. 36: HEARING ON PETITION NO. 2021-080 BY APPOLO HOLDING COMPANY, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.66 ACRES LOCATED ON THE EASTERN CORNER OF THE INTERSECTION OF WEST TYVOLA ROAD AND POTOMAC RIVER PARKWAY AND THE WESTERN CORNER OF THE INTERSECTION OF WEST TYVOLA ROAD AND SPEER BOULEVARD FROM MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL, SITE PLAN AMENDMENT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this about 1.66 acres on Tyvola Road. You can see overall there is two undeveloped add sites on either corner of Potomac River Parkway and Speer Boulevard and West Tyvola. The site that is closest to Potomac River Parkway is the one we are discussing this evening. The current zoning is MUDD-O, the proposed zoning is to take that MUDD-O and do a Site Plan Amendment. The adopted future land use from the Southwest District Plan does recommend the residential, office, retail land uses. That was amended by the original rezoning petition in 2007 and then again in 2018. The 2018 petition took the property on the right side of the screen or the plan right and added a drive-through for EDEE. This petition under 2021-080 will take the out parcel on the left side of Potomac River Parkway and also allow up to 12,000 square feet of commercial uses that is entitled by the previous rezoning. Again, this is really just to allow a drive-thru on that out parcel that is on West Tyvola Road and Potomac River Parkway. We do maintain all the other entitlements and the optional provisions that were approved in that previous rezoning back in 2018. It commits to some of the same architectural standards that were approved previously in that 2018 petition as well as a screening of that drive-thru service lane from the view of the public street which would be West Tyvola Road and Potomac River.

The staff does recommend approval of this petition. As mentioned, we have a few outstanding issues related to transportation and requested technical revisions related to transportation and the environment to work through. It is consistent with the mixed-use land recommendation for this site and again staff does recommend approval and we will take any questions following Mr. Brown's presentation.

**Collin Brown, 1420 East 7<sup>th</sup> Street** said I'm here on behalf of the petitioner. I think Dave has it covered, this is a very simple application, but as you all know development at City Park has been a long time coming from the original master plan. The sub-market kind of [inaudible] with retail tenants has been very challenging and they have indicated the need for a drive-through. A year or so ago we came and added drive-through as a permitted use at this location and that will allow Star Bucks to come in and Panera to come in which have been good users to kind of energize the area. The same issue we've run into on this site, and especially in light of COVID (mild to severe respiratory infection caused by the coronavirus) it is even more important that they have additional accessibility so as Dave mentioned, here is the current plan. It has got a drive-through here, the modification will be simply to allow the twin site to have drive-through ease as well. We still have limitations, so we don't have undesirable uses, so no convenience store with gas, no car washes, and things like that. Keeping the same design standards so we hope this is pretty straightforward.

**Councilmember Phipps** said Mr. Brown, on this original rezoning back in 2018 do you recall the rationale for only allowing for one drive-through as part of the original rezoning.

Mr. Brown said I worked on that and I think a drive-through is always challenging so we were trying to limit it and hoping we could tenant the other side without a drive-through, but that has just come to fruition.

Mr. Phipps said I can recall the time in the days of Debra Campbell where we tried to limit the number of drive-throughs on a site so with the additional drive-through, how many drive-throughs are we talking about on this site, three?

Mr. Brown said on this site that we are talking about today so, if you are looking at this frontage Mr. Phipps, there are four buildings. Currently, we are allowed to have drive-throughs, if approved, the fourth would be as well.

Mr. Phipps said so the fourth drive-through; Star Bucks has a drive-through, Parana has a drive-through and this additional drive-through, what is that one associated with if I may ask?

Mr. Brown said I think they are talking to Macaroni Grill about their concept, but I don't think we know yet.

Mr. Phipps said I don't know, drive-throughs I have to think about it. Thanks.

**Councilmember Eiselt** said when we were talking about this today, I am open to seeing what the market is saying right now because there seems to be a lot more demand for drive-throughs, and some like Bojangles on West Boulevard is getting rid of all the restaurant seating and they are only doing drive-through. The demand is there because people don't want to sit down anymore, and they are giving up their parking lot for more drive-throughs. I think it is something we might need to revisit.

Mr. Brown said the same for financial institutions as well.

Mayor Lyles said I think this is interesting because if they are giving up more space inside of the building then why can't they adjust and make that work. I know it is parking, but the lot is the size it is, it is the building and how you manage it because you are giving up the square footage where people set and now you just need to drive a car through. I am more concerned when we have this conversation is that we put the drive-through where there are intersections and popular restaurants come and they back up all the way through an intersection. I was driving down Randolph Road at the Chick-fil-a at Cotswold and I voted for that because the idea was that Cotswold Shopping Center was going to develop as well as the drive-through. Now all I see are the drive-throughs. When we were having the 2040 Plan, I remember Peter Pappas talking about the Peter Pappas Retail, not the Peter Pappas housing talking about these drive-throughs require parking and drive-throughs now. I am just wondering what the retail market is going to look like at some point and I wonder if we should bank on more drive-throughs as a result of the change when it ought to be about how to design works for me.

**Councilmember Ajmera** said this is from MUDD-O to MUDD-O site plan amendment, is that just for additional drive-through?

Mr. Brown said that is right, we are just amending the site plan. Not to inter-check more on the drive-through, but our ordinance does define drive-through currently in a way so that the building also has to have at least 50 seats, so it is becoming a challenge here as you mentioned if we go all drive-throughs. So, to the Mayor's point, it is how we design that is something we might want to think through as well.

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

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**ITEM NO. 37: HEARING ON PETITION NO. 2021-081 BY TAYLOR MORRISON, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.98 ACRES LOCATED IN THE SOUTHEAST AND SOUTHWEST QUADRANTS OF THE WEST MALLARD CREEK CHURCH ROAD AND SENATOR ROYALL DRIVE INTERSECTION, WEST OF INTERSTATE-85 FROM RE-3 (O) (RESEARCH, OPTIONAL) TO NS (NEIGHBORHOOD SERVICES).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is just under 16-acres as mentioned off Mallard Creek Road and Alexander Village Main Drive as well as Senator Royall Drive. The current zoning is RE-3 with some optional provisions. The proposed zoning is for neighborhood services. The adopted future land use from the University Research Park Area Plan does call for residential, office, retail up to 22+ dwelling units per acres is the appropriate residential density listed in the plan. The proposal within this petition is to allow for up to 140 townhome units as well as 20,000 square feet of commercial uses. It does not allow things like car washes, gas stations, and automobile service stations, it does allow a maximum of two accessory drive-through service windows as we continue to have that conversation. It provides for an eight-foot sidewalk and eight-foot planning strip on the site's frontage at Senator Royall Drive and Alexander Village Main Drive as well as a 12-foot multiuse path along West Mallard Creek Church Road. We also have a CATS bus stop being provided along West Mallard Creek Church Road. I think the masonry screen wall would be put in place for any accessory drive-through windows and stacking lanes. Also provides a minimum of 24,200 square feet of open space throughout the site and architectural details for the townhomes that are being proposed. This was overall a mixed-use development this was more of a retail-centric area and again that has somewhat shifted with the retail sliding down to about 20,000 square feet and then the townhomes infilled around that transition and back to the apartments that are already in place.

The staff does recommend approval of this petition. We still have some outstanding issues related to transportation to work through. It is consistent with the University Research Park Area Plan for those recommendations for both residential, office and retail uses. This would be up to 140 single-family townhomes and 20,000 square feet. The density would be 8.79 units per acre so it is well within that 22+ DUA so staff does recommend approval and we will be happy to take questions following Mr. Brown's presentation.

**Collin Brown, 1420 East 7<sup>th</sup> Street** said this one hits on several of the themes from tonight. Converting this from a straight commercial plan to residential means there will be some school impacts albeit pretty small in District 4 and we also have some drive-throughs. As Dave mentioned, here is the current plan and you can see pretty heavy conditional, as Ms. Ajmera mentioned earlier there is now some demand for some housing in this Research Park area. The team has been working closely with the folks at University City Partners. This will have to go through their design review as well. So, as Dave mentioned, kind of reducing that commercial square footage down to about 20,000 square feet and then incorporating the townhome component. So, the styles would be developing the retail and then Taylor Morrison would be handling the residential development. We think that comes together nicely and have found good support from the folks at University City Partners, there are a couple of things we are working through. We've had a couple of changes as we've gotten more information about the location of that right-of-way. We have a couple of adjustments we will have to make following the hearing and work through with staff. Kind of relocated a driveway in some location, moved the right-of-way over a bit so we will be working through those and as we talked about this drive-through capacity, we are looking at one that could be for a popular coffee place. So, in order to accommodate the cues, one of the design petitioners has considered is a double lane at this location and so we are working through how that impacts the buffer and how we still buffer that from the road, but we will that through with staff and University City Partners also as they will have some input on the design review.

So, that is where we are, a picture again transitioning from fully commercial to true mixed-use with residential and retail. There is a minor school impact we talked about, just to get in front of this, this would impact Mallard Creek Elementary, Ridge Road Middle, and Mallard Creek High. We talked about the capacity of the Middle and High are over capacity, the elementary is under capacity. This could put six students to Middle School and 4 students to High School. Overall, we think the positive of that is balanced by providing these different housing types again, closely located to the employment of the Research Park and then some of the retail amenities that this is bringing along. It really goes to the goals of the 2040 Plan and if you see the attachment, the staff is kind of checking boxes on things looking forward to the 2040 Plan and this transition checks most of those.

**Councilmember Ajmera** said this is another Research Park Housing; a couple of questions, I see here that isn't public open space and we do need more of that in the University Area. What is the size of the public open space you are looking at here Mr. Brown?

Mr. Brown said I don't have that exact dimension, that is something, Matt Langston, our Engineer just sent me a text, we can get that to you in the follow-up report if that will be okay.

Ms. Ajmera said yes, that is fine. It is great that it is going to have a gazebo, picnic tables, and a dog park. I do like that there are infrastructure commitments here. I'm trying to understand the architecture details, do you have that anywhere in your presentation? I did not see where it says garage doors visible –

Mr. Brown said I did not have them in the presentation, I took some here to the end of the presentation just to kind of show you what that looks like. So, for your garage door questions, sometimes you see just solid panel garage doors an upgrade from that with the ones with the window and some features on them. That is a look at these, again these will be reviewed by the folks at University City Partners so they will get a look and some comments on that as well.

Ms. Ajmera said I'm sorry, go back to the first slide that you brought up, is this how it is going to look?

Mr. Brown said this will be the front and this will be the rear. Front door, back door garage.

Ms. Ajmera said the garage doors will be visible from the public on private streets, is that correct? This is what the public will see.

Mr. Brown said if they are visible from the street, they get a little bit of enhancements to them.

Ms. Ajmera said is this going to be visible from the public sight?

Mr. Brown said some may depending on and I think Allen Curley from Taylor Morrison or Allen Hughes would prefer to answer, but you can see there are some oriented to the major streets so the idea that when you are coming into the Research Park, and it is very important to the University City Partners, that they don't get to look at garage doors. So, the idea is that all of the kind of major entry faces the front look. As you come into the neighborhood there may be some places where you can look in and see the rears of the units, but certainly, we are kind of protecting Senator Royall Drive and all that kind of frontage.

Ms. Ajmera said I guess that was what my concern was. As we are in the Research Park Area from the public street what would be the view like and if it is the garage view it will look more like it is the front if it will have windows etc.

Mr. Brown said that is right and on Senator Royall Drive when you come in you don't see garage doors at all. They've got the design of the project so what you are seeing is that the front door looks as you come into the community. The commitments on garage treatments as you get into our development, we've still got some commitments to have some better-looking design there as well.

**Matt Langston, 1230 West Morehead Street** said Collin, would you like for me to try and take that. When we laid out this land plan you can see there was a lot of street frontage and these are rear-loaded townhomes, so the garage is on the back. We've oriented the front elevations of the buildings to the streets. Along the portion of Mallard Creek Church Road, we've got some side elevations it will face, but the garage elevations will not be facing those streets. What Collin was saying is internally, like if you can see one from the corner or something like that, there will be some additional treatments to enhance the garages that might be minimally visible, but the primary elevations of the

front, and also to answer your question about open space, we've got a variety of open space locations around the site and the total open space will be over 20,000 square feet.

Ms. Ajmera said so that is less than an acre.

Mr. Langston said that is about a half-acre, we will make the spaces larger, we just haven't gotten into the detailed design yet and so what we try to do is give ourselves a little bit of elbow room. One of the sites has some topography so there is going to be a retaining wall through part of it and we haven't completed the design yet. We try not to overpromise and under-deliver.

Ms. Ajmera said would that be part of the details when you approve this?

Mr. Langston said yes, they are on page 3 of the rezoning plan sets and concepts and some of the larger open space areas.

Ms. Ajmera said okay so the commitment to the open space would be in the plan.

Mr. Langston said yes.

Ms. Ajmera said the half-acre for almost a 16-acre involvement, is that correct?

Mr. Langston said that is correct, but like I said, what we've done, you can look at the site plan and there will be an area that is not occupied by vehicular space or buildings, and what we've done is pull them inward just a little bit to identify the committed square footage. You've got the drawings in your packet; you can see the concept we've got on that sheet right there. Those are flanking Senator Royall Drive and Alexander Village Main Drive.

Ms. Ajmera said that is a really small open space area for a 16-acre development will all this gazebo, picnic table, and dog park. I would like to see more, but I'll be in touch.

**Councilmember Johnson** said I wanted to elaborate on the school impact again. Mr. Pettine, I'm looking at Ridge Road Middle to remain at 125% and Mallard Creek High to remain at 121%. I wanted to know how the percentages are calculated, does that include the 13 additional students from the petition just before last? Are we keeping accumulative totals because we are adding two different numbers but keeping the percentage the same? I would ask again for Taiwo if I can have a report on how the schools are impacted or would be impacted based on pending petitions and approved petitions in the last year. This is a concern because it is just like our traffic studies, we are not keeping accumulative totals. One petition doesn't impact at 2,500 then we just say it is really no impact when we know there is an accumulative effect especially in areas like Districts 3, 4, and 2 in these high growth Districts. I don't make an apology for continuing to ask about the schools this week because last week these schools were the top story in the news related to the death of a three-year-old child. So, it turns out the arrest were 21-year-old so it may or may not have been directly related to Mallard Creek and Julius Chambers and other schools, but specifically those two in District 4 were in the news every day last week. I can't ignore that today and not ask these questions. We talk about systemic changes; this is how you make a systemic change when each leader understands their role in the problem. I would like a report if I can.

**Councilmember Eiselt** said I'm not sure I understand the connection on what you are trying to say because. I want to know because this is a concern, but to me, it is a concern all over the City, so I want to know the connection is that you are talking about really with these schools and the crimes they had which are tragic, but I just don't understand what that has to do with this.

Ms. Johnson said 70% of black children are failing in CMS.

Ms. Eiselt said but are you implying that this would add black children who are at the poverty level?



Ms. Johnson said to predominantly black schools if we know they are overcrowded, and we continue to add more students and ignore the fact that they are overcrowded. Yes, overcrowded schools affect how a child learns. The student-teacher ratio affects how a child learns. So we know that the schools are overcrowded, and we keep saying this one petition doesn't affect the schools, well many of these petitions have we had? We've had at least two in the last half an hour where the percentage hasn't changed.

Ms. Eiselt said I don't disagree that everyone single one we've had for the six years I've been on Council involved putting more students into overcrowded schools and we also say that if we add students of higher income, students of different races to sit next to other students that that change the make-up of a school. I don't know that we are looking at that in these developments and I'm not saying you are wrong, I just want to understand the connection.

Ms. Johnson said I know that I'm not wrong and with all due respect I would not want to sit here six years later and say that we've known that schools have been overcrowded and we are continuing to approve the development. So, I think that is part of the problem, we must make changes. Our children are failing and I'm sorry, maybe this is a conversation for later. Maybe it is because I went to that baby's service. If that doesn't change your life and change your perspective, then nothing will.

Ms. Eiselt said but let's get to the root of the problem.

Ms. Johnson said the root of the problem is we are continuing to ignore stormwater, ignore overcrowded schools, ignore no sidewalk, no traffic and it is not on this petitioner, it is on us. We keep talking about it, when do we do something. Please understand Collin, but these schools were the top story in the news last week and yet we continue talking about more development, more overcrowding, lower student-teacher ratio, and at some point, we just must make some tough decisions.

Mayor Lyles said I think a report like that would be helpful, I think we need to give the staff some ability to shape it because it is not just about this petition. You know how we always say 120 people move to Charlotte every day, we never say and about 30 move out. So, we have to get the right numbers and get the right information so I think if you would give the staff the ability to look at this and say how do I look at how schools have become overcrowded, and a lot of this will depend on the school system providing information about it. It is the assignment plan, it is where growth is, it is not just our part so that is what I'm saying I think this is a valid issue, it is going to take some work to get it done, but if we just look at petitions like four, we don't know how many people transfer out of a school every year. So, we have to figure out if we are going to get data, the data ought to be done in the whole picture. I think if the staff can start sitting down with CMS and I don't remember how, we had a calculation of how they do the percentages and that is their formula, it is not ours, so we couldn't change what is in our document even though we may not agree with the methodology. It wouldn't be something that we could think just embrace because we don't have the data. I think the report is a good idea and I think if we could just have the staff's ability to frame it so you have good data for good decision making it would be a really helpful report if that is okay for the framework and not just the petition.

Ms. Johnson said I know we have more need for more density in housing, I know that but tonight because last week again we kept hearing these schools and now I don't think this week we can ignore that. If there is a problem at these schools and a systemic problem at these schools, it is not just the teachers, it is not the parents, it is a community. It takes a village.

**Councilmember Egleston** said just on that point I want to make sure when we are talking about the students that are added compared to the fact that the land is undeveloped, but on Page 6 the school's response to this petition is that if it were developed under the current zoning that it has it would generate 38 students. If this rezoning is approved it would generate 25 students, so it is actually 13 less than could be generated by the zoning category that exists now, so it is an addition compared to there being nothing there now,

but it is actually a subtraction compared to what could be built by right today. I think that is a relevant point thereto.

Mr. Pettine said one thing, just to bear in mind as well the staff analysis includes a brief bit of information there. CMS does provide a full list in this north customer service area which covers multiple Council Districts, but primarily District 4, some of District 2. All of the petitions that have been approved from 2018 to 2021 and the projected students are included in their memo if that is now their full memo that is found online so that information is available, and they do look at this in a more holistic manner than just presented on a petition-by-petition basis.

Mayor Lyles said we will get some data points and try to make sure that we are getting the information that is necessary to address at least better define the question. I think that is really a good part of this, the role definition and the question that we are trying to answer.

**Councilmember Phipps** said I don't want to beat a dead horse to death, I'm talking about these drive-throughs here. Given the volume of trips generated by this petition coupled with the adjacency to a major car-centric thoroughfare at Mallard Creek Church Road and the entry to this major employment center at University Research Park, you have all of those ingredients right there which to me would only invite significant amounts of wrap around car traffic. In my mind, it would minimize pedestrian friendliness and walkability. I get it that drive-throughs are convenient and you can stay in your car and just idle for a few minutes at a time, hundreds of cars, but at this site, you are talking about a target-rich environment in terms of just cars at that location. I will probably end up supporting it because of the other components there, but I do have concerns about that.

Mayor Lyles said I would hope that we don't end up just with the idea we are approving it because we've kind of worked around the edges. Something this significant, I think Ms. Ajmera has made the point about open air, clean air, you are making design. I think this requires some guidance so that is part of it. I made this mistake that I said that Mallard Creek was involved in that, they were not named in the three schools, so I just wanted to make sure I was clear that I don't mean to say that Mallard Creek was a part of those three schools.

Ms. Johnson [inaudible] but I heard Mallard Creek with my own ears.

**Denada Jackson, Constituent Services Division Manager** said the three schools were North Meck, Hopewell, and Julius Chambers.

Mayor Lyles said those were the three that were included in the discussions around this. I said that if I said that I just want to make sure that I did it correctly.

Ms. Johnson said the news said it. Maybe you didn't but the news said it. Mayor Lyles said the news media may have misreported it. The Chief said the three schools were those. The news system is about as perfect as I am.

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

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**ITEM NO. 38: HEARING ON PETITION NO. 2021-086 BY JAG DEVELOPMENT COMPANY, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.50 ACRES LOCATED ON THE WEST SIDE OF CARMEL ROAD, EAST OF JOHNSTON ROAD, AND NORTH OF PINEVILLE-MATTHEWS ROAD FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is 4.5 acres just off Carmel Road on Carmel Center Drive which is just north of Pineville-Matthews Road. The existing zoning for this petition is MUDD-O, the proposed zoning is MUDD-O site plan amendment. The future land use from the South District Plan does recommend office and retail uses, that was amended by Petition No. 2017-021. General Development Policies would recommend higher densities from the District Plan. This petition did not meet the General Development Policy criteria for over 17 dwelling units per acre, but we will get more into the staff rationale as we go through the presentation. The proposal associated with this petition is for up to 305 multifamily dwelling units, up to 3,500 square feet of non-residential uses. A minimum of 3,000 square feet of those non-residential uses not including residential leasing office and amenity located on the ground floor along some of those proposed streets. We have two buildings being proposed not to exceed 75-feet in height. Parking will be provided in structured facilities. The northern building will not have an exposed elevation and parking for the southern building would meet MUDD street wall standards. Access from Carmel Road, the extension of Carmel Center Drive. We would also have a north/south road constructed that would connect property for future development. Also extends Carmel Center Drive to the western property line for a future connection for any new development that may occur adjacent to them. Also provides architectural design standards which would include exterior building materials, percentage of masonry materials used along the street frontage, also orientation of buildings, breaking up building massing and eliminating blank walls, etc. Also incorporated high visibility markings or pavers as well as lighting into the pedestrian crossing so they are visible during the day and night hours. Also provides a 16-foot building setback from the curb along the existing and proposed private streets.

The staff does recommend approval of this petition. We do have some outstanding issues related to transportation and some technical revisions related to the site and building design to work through. As mentioned, it is inconsistent with the South District Plan and the General Development Policies however, this site is located within a mixed-use activity center which is identified in the Centers, Corridors, and Wedges Growth Framework. Those activity centers are typically priority areas for development with the density that accommodates growth in an urban walkable development form. We also recommend moderate to high density residential within mixed-use activity centers and we felt that does fit within that overall framework. Also supports the vision for the area walkable multiuse center by locating buildings along public streets, reducing surface parking, increasing activity, and reducing block lengths. Also, feel the proposed use and mixes are compatible with nearby multifamily, office, and retail uses as well as well buffered from single-family homes and non-residential development to the north, south, east, and west so that provides a nice transition between the single-family that is out there and this development that is being proposed. So overall, we do support and recommend approval of this petition upon resolution of those issues and we will be happy to take questions following Mr. MacVean and the petitioner's team presentation.

**Keith MacVean, 101 North Tryon Street** said I am with Moore & Van Allen assisting JAG Development with this rezoning petition. With me tonight representing the petitioner is Jeff Sledden and Adam Ricketts, they are available to answer questions. I want to thank Dave and his team for their assistance with this petition and their support. We will be working with them to address the remaining outstanding issues. I also want to thank members of the Carmel Road Neighborhood Association or association of Neighborhoods, Matt Karres, Jane Parrish, Cliff Parrish, Doug Bunns, and the other members that met with us and helped us with this rezoning petition as we move through the rezoning process. Jane and Matt are here tonight to speak in favor of the petition. Just a little bit about the JAG Development of the Jefferson Apartment Group formed in 2009, four partners, a full-service Real Estate firm consecrating on development, acquisition, property management services. Dave has covered the location just roughly about 4.5 acres on the west side of Carmel Road rezoned in 2017 for climate-controlled -storage and retail uses. This is a close-up of the site, one of those allowed climate-controlled storage uses has been built on the site, it is the building on the lower portion of the slide with the white roof. There is an existing commercial building on the remainder of the site that would be removed and torn down and be replaced with the proposed 305 residential units and 500 square feet of commercial use. This site could be developed

with additional climate-controlled storage uses as well as retail and office use. We would propose again to replace with the uses Dave mentioned.

As I mentioned earlier, we have been working with the Carmel Road Association of Neighborhoods, and Matt and Jane are here to speak in favor of the petition. I'm going to turn the presentation over to them quickly so they can address you guys and if you will turn it back to me, we will wrap it up.

**Matt Karres, 3516 Foxridge Road** said Jane and I are here tonight on behalf of many of the neighborhoods up and down Carmel Road including my neighborhood, Montebello. We would both like to thank Keith because we've always appreciated the opportunity to work with and JAG Development Company. We worked with both of them on this project since early in 2021 and they've done an excellent job of reflecting our organization's collective input into the petition. Due to the quality of what they have proposed and the specifics of the site which are again at the southern end of Carmel Road and are well setback from the street. We want to indicate our support for this petition and again express our appreciation to Keith and JAG for working with us and for creating what we believe will be a quality project which we are here to support.

**Councilmember Ajmera** said I have concerns here with the proposed density of 67.78 units per acre and I see that the Centers, Corridors, and Wedges growth framework recommends about 22 dwelling units per acre, and this is rezoning is almost 68 units per acre. What is the rationale the staff has in recommending this rezoning and have we seen similar high density nearby?

Mr. Pettine said we certainly looked at the density as well and originally had some general questions and concerns about some of that. We looked at the rest of the policy in Centers, Corridors and Wedges Framework and the mixed-use activity centers language and it does recommend anywhere from 22 and sometimes in cases, it is 22 and beyond. We looked at some examples of some other mixed-use activity centers that we have around Montford Drive that have gone to some rezonings that have gone up to almost 80 or above dwelling units per acre and really started to look at how that fits into the long-range framework of how this mixed-use activity center will continue to develop out and felt that while the density number looks high, the amount of units within the form of the building itself seemed to create a situation where it was more of a compact development that would fit in more with that framework of pedestrian friendliness and provided in an area where there is a lot of existing retail and other amenities that can be accessed either via pedestrian connections or vehicles. So, long-term we did feel like that density recommendation is something again I think we are looking to look just beyond what the number is and look at the form and functionality of the site as well, and staff felt that was still an appropriate general outcome for this property in this area of Carmel Road.

Ms. Ajmera said to follow up on that Dave, you said we have approved rezonings or mixed-use rezonings up to 80 units per acre. Is that correct?

Mr. Pettine said that is correct.

Ms. Ajmera said could you reference some of that in our follow-up report? I do like it here when it comes to proposed vehicle trip generation. We are looking at less trips per day because of the mixed-use in terms of multifamily and retail and it is not just all retail, so it is not only there is lesser traffic impact and that is great because we do get a lot of e-mails around traffic and congestion in this area. I'm looking forward to getting that follow-up report.

**Councilmember Bokhari** said I just wanted to say I love the looks of the start of this. I really appreciate high density especially when we need so many units in our City right now, particularly in my District. I particularly like the background work of the community and so many neighborhoods and the petitioner coming together so, I look forward to hearing more about it in the next month, but I appreciate it, this is a great start.

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

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**ITEM NO. 39: HEARING ON PETITION NO. 2021-182 BY BIRDCO, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY .23 ACRES WITH FRONTAGE ALONG DOWNS AVENUE AND SHAMROCK DRIVE, EAST OF NEWELL AVENUE FROM R-8 (SINGLE FAMILY RESIDENTIAL) AND UR-1 (CD) (URBAN RESIDENTIAL CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning** said this is .23 acres on Shamrock Drive and Downs Avenue. The current zoning is R-8, and the proposed zoning is UR-1 (CD). The adopted future land use is from the Central District Plan and does recommend eight DUA. In this case, the petition also meets GDP from eight to 12 dwelling units per acre. The proposal itself is to permit up to two single-family detached dwellings along with any accessory uses permitted in the UR-1. Also commits to keeping the existing setbacks and yards in the existing R-8 District. This petition may look a little bit familiar to everybody who did see this property come through a couple of months ago at just that conventional R-8 that it is currently zoned. Unfortunately, as staff continued to do the review and look to help the applicant move forward with the subdivision of the lot to create another single-family home on Downs Avenue, that didn't meet the acreage requirement for the R-8 District. As a result, we proposed the applicant move forward with this UR-1 CD that we are seeing now. Essentially, it will allow what we had envisioned with that R-8 which was to split it into two lots like you see on most of those lots with frontage on Shamrock Drive and Downs Avenue, construct a second home on Downs Avenue to be behind the existing house that is on Shamrock Drive. Unfortunately, we went through that conventional route, realized our error, and are taking the application back through with the applicant to get the same outcome, just under a different zoning district. I just wanted to make everybody aware that we had seen this one under that conventional R-8 just a few months ago.

Staff does recommend approval we are working with the applicant to resolve some outstanding issues and technical revisions in transportation as well as site and building design and environment. As mentioned, it is inconsistent with the Central District Plan, but consistent with GDP and also, we kind of worked through with this petitioner on that R-8, felt comfortable with it then and we are generally getting the same outcome that we envisioned under that zoning.

**Councilmember Egleston** said not necessarily a question about this, it makes a lot of sense. I just want to make sure that since the City made an error in advising them in the first rezoning, I hope they are not paying for two rezoning.

Mr. Pettine said yeah, that is something we've coordinated with the applicant on to try to work out a reasonable solution and we are still coordinating with him on that but have some good options for him in mind.

Mr. Egleston said I totally accept that mistakes happen, I just want to make sure that when we make a mistake one of our citizens isn't paying for it.

**Councilmember Winston** said the question is pretty similar to Mr. Egleston, I think from a policy standpoint what do we have and this might be something we can take offline and continue to talk about down the road. But policy-wise, what does our policy say? Is this something that we have to be vigilant to, you have guidance from policy?

Mr. Pettine said I can give you a little bit of insight, we've had some things like this where something comes into permitting and during the rezoning process on a conditional plan there was something missed. We've had a couple that was an MX-1 and we had to take it to MX-2 because certain nuisances in MX-1 didn't work when permitting. Typically, when we do that, we don't have the ability to just waive fees, we have a text amendment fee which is significantly less, it is really just to cover the administrative side of posting and advertising the property, just a minimal staff review to get it through the process and

that is what we've used in the past. That is one of the options we are exploring here and hopefully, we can get some other tools potentially in our UDO updates and things but that is the most effective guidance that we've gotten so far and how we handled some of those in the past because again, we don't have the ability to just waive them altogether, but the text amendment fee is significantly less and felt like that was a big compromise on some of those previous ones where we've run into the same issue.

Mr. Winston said thank you, I think this is something we might in the TAP (Transportation Action Plan) Committee or as a Council might want to think about. It is one small thing out of the big part of land use policy, but I'm sure as go through the place type mappings and go through reasonably the entire City that mistakes will happen. I hope that we have some corrective measures in policy, so we are making sure that we catch it and leave it up to a human error. Let's put it into policy.

**Councilmember Ajmera** said only regarding this rezoning ask which is subdividing and then adding additional single-family. With our 2040 Plan would this site be eligible for a duplex? It is .23 acre and without the developer having to go through the rezoning process would we have allowed a duplex on this site. I know details are still being worked out and the mapping exercise is still underway, I'm just trying to understand in terms of the density here especially work and the developer has to go through to just get one unit approved and is such a small ask on .23 acres of land.

Mr. Pettine said we will be able to get into the specifics of whether a duplex item would be worked out. I would imagine that could be under consideration, one thing we did mention to the applicant at the time when we realized the R-8, the way the ordinance calculates density, he met all the lot size requirements, setback requirements, all the things you would need to technically split the lot under R-8, but the first calculation that the ordinance has staff do is a calculation on density so .23 divided by that eight DUA doesn't get him the density to split it into two lots. It would have to be .25 or whatever that number may be. The UDO will I think get away from that first calculation being the density side of it and it would look more at do you have the right lot width, right lot depth, and other things to subdivide a lot versus making that first calculation density. We did offer if you want to hold off until maybe that is approved, he was during working through some contractual obligations on the first house that is out there and splitting the second lot out, so this was the best course of action for him to take to get some of those things buttoned up. In the future, if he would have waited, he would have been able to split a lot likely down the road. Whether or not it would be an opportunity for a duplex I think this would probably be one of those lots that could be considered, but until we see the outcome, I wouldn't be able to say 100%.

Ms. Ajmera said thank you, Dave, that answers my question. I'm trying to figure out this additional burden for a developer to go through this whole process for such a small acreage, not even an acre.

Mr. Pettine said we did explore just about everything we could until we got to this point. We certainly tried to exhaust every option.

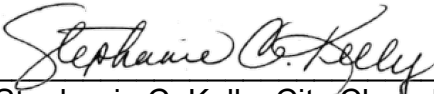
Motion was made by Councilmember Eiselt, seconded by Councilmember Egleston, and carried unanimously to close the public hearing.

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**ADJOURNMENT**

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

The meeting was adjourned at 8:31 p.m.

  
Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 3 Hours, 27 Minutes  
Minutes Completed: October 22, 2021