



Zoning Committee Recommendation

Rezoning Petition 2024-102

February 4, 2025

REQUEST

Current Zoning: N1-A (Neighborhood 1-A)
Proposed Zoning: N2-A(CD) (Neighborhood 2-A, Conditional)

LOCATION

Approximately 11.9 acres located on the north side of Sunset Road, east of Paula Court, and west of Linda Vista Lane.
(Council District 2 - Graham)

PETITIONER

Drakeford Communities

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

The Zoning Committee voted 5-2 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

To Approve:

This petition is found to be **inconsistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map* recommends Neighborhood 1 Place Type.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The proposed multi-family attached dwellings would provide an additional housing option in an area identified by the *2040 Comprehensive Plan* as being in a housing gap.
- The site is less than 2/3 mile from a neighborhood center with retail and services. The Beatties Ford Road/Sunset Road Pedestrian Improvements project will provide sidewalk connectivity between the site and neighborhood center.
- The petition would allow development of a site that is heavily encumbered by a natural gas easement, while improving street connectivity.
- The petition commits to coordinating with Mecklenburg County to dedicate an easement for access to future McIntyre Creek Tributary Greenway.

- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 2: Neighborhood Diversity & Inclusion
 - 4: Trail & Transit Oriented Development

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map* (2022) from Neighborhood 1 Place Type to Neighborhood 2 Place Type.

Motion/Second: Shaw / Sealey

Yeas: Neeley, Sealey, Blumenthal, McDonald, Shaw

Nays: Winiker, Stuart

Absent: None

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is inconsistent with the *2040 Policy Map*.

Commissioner Winiker asked if outstanding issue #3 of the staff analysis, requesting revision of the greenway dedication note to include language stating that the easement should be dedicated and conveyed prior to the first certificate of occupancy, was still applicable. Staff replied that the outstanding issue was based on the revised plan submitted following the public hearing. The petitioner has since stated that they are unable to commit the dedication note and will be submitting a subsequent revised site plan that states intention to pursue the greenway easement but leaves the option for the greenway connection to occur on a 10' sidewalk along the public street.

Commissioner Winiker stated that the greenway easement can cross and use part of the natural gas easement but cannot run on top of the gas easement for long stretches and therefore will need additional land outside of the gas easement. Commissioner Winiker added that the petitioner referenced the greenway in the public hearing as an asset for the community and for future residents of this site.

Commissioner Winiker made a motion to defer a vote on the petition to allow time for the petitioner to better address their plans for the greenway in coordination with Mecklenburg County Park & Recreation.

Commissioner McDonald commented that having housing in this location is a benefit to the community without having a perfect solution for the greenway, and that she doesn't believe the issue should delay a vote.

Commissioner Shaw asked Commissioner Winiker what his proposed solution would be if the developer is unable to use the natural gas easement for the greenway connection. She followed up by asking if Commissioner Winiker believes that the petitioner should give up units in order to provide the greenway easement outside of the natural gas easement. Commissioner Winiker stated that the petitioner cited the greenway easement as a

public benefit at the hearing and that a deferral would allow time for the petitioner to coordinate with Mecklenburg County Park & Recreation as well Piedmont Natural Gas to find a solution.

Chairperson Blumenthal asked if directing questions to the petitioner or Park & Recreation during the meeting would benefit the committee in making a decision. Staff replied that Park & Recreation did not have a representative on the call. Chairperson Blumenthal stated that he was told by staff that Park & Recreation is mostly comfortable with the note.

Commissioner Winiker made a motion to defer the petition.

Commissioner Shaw requested that, prior the vote on a deferral, the committee consider asking questions of the petitioner. Zoning Committee voted 7-0 to suspend the rules and ask the petitioner's agent to explain the petitioner's plan for dedication of land for greenway.

The petitioner's agent, Brittany Lins, stated that the petitioner intends to keep the note regarding dedication by the first certificate of occupancy, but with the caveat that the 10' sidewalk will be built if they are not able to obtain easements from Piedmont Natural Gas by that point in time.

Commissioner Winiker stated that he believes the petitioner should have to comply with the same language regarding greenway dedication that other developers have incorporated into plans. Commissioner Shaw replied that she believes the developer does not want to lose units and is suggesting the sidewalk option to ensure that they can maintain the current unit count.

Commissioner Winiker made a motion to defer. Commissioner Stuart seconded. The motion failed 5-2 (Winiker, Stuart in favor of deferral). Commissioner Shaw made a motion to approve, seconded by Commissioner Sealey, which passed 5-2.

There was no further discussion of the petition.

MINORITY OPINION

The petitioner should be held to standard language committing to dedication and conveyance of the greenway easement prior to the first certificate of occupancy.

PLANNER

Joe Mangum (704) 353-1908