

**DINNER BRIEFING**

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, May 17, 2010, at 5:21 p.m. in Room CH-14 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmembers present were: Michael Barnes, Susan Burgess, Nancy Carter, Patrick Cannon, Warren Cooksey, Patsy Kinsey, James Mitchell

**ABSENT UNTIL NOTED:** Councilmembers Andy Dulin, David Howard, Warren Turner

**ABSENT:** Councilmember Edwin Peacock III

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**Tammie Keplinger, Planning**, reviewed the two cases recommended for deferral – Nos. 6 and 9. Councilmember Barnes questioned the reason for the deferral of No. 6. Staff provided clarification on the petition and the reason for the one-month deferral. Staff noted that the petition for Petition No. 8 has also requested a decision after the hearing. Staff noted that On Decision No. 1 there has been a reduction in size by three acres because several properties have been removed. Staff said the protest petition was not valid. Councilmember Barnes requested that Council consider moving Petition No. 2010-047 to the July calendar for public hearing. There was no objection.

**Councilmember Howard arrived at 5:25 p.m.**

Mayor Pro Tem Burgess questioned if the Epicurean Restaurant had been fined for zoning violations. Tammie Keplinger explained that notice of violations had been issued because the property owners wanted to use the property for parking. Mayor Pro Tem Burgess explained that neighbors were not in opposition to Item No. 4 but knew that the use of the property as a parking lot was not consistent with the zoning and wanted that corrected. Tammie then explained that Item 4 on the agenda was for the shopping center where Talley's used to be located and that we had received a rezoning petition for the Epicurean site, but it would be on a future agenda. The Mayor Pro Tem introduced her family members in attendance – her sister from Ohio; her son, Jason, and his wife, Elizabeth. The Mayor and Council welcomed the Burgess family.

**Councilmember Turner arrived at 5:30 p.m.**

Councilmember Cannon asked for an update on the operations of the drive-in movie theater located at South Tryon Street and Tyvola Road. After a brief discussion, staff was asked for an update on whether the owner will be asked to cease operating or allowed to continue to operate.

**Councilmember Dulin arrived at 5:47 p.m.**

The briefing was recessed at 5:56 p.m. for the Council to move to the Council Meeting Chamber.

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**ZONING MEETING**

The Council reconvened at 6:02 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding.

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**INVOCATION AND PLEDGE**

Councilmember Howard gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

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Mayor Foxx explained the Zoning Meeting rules and procedures. He recognized the chairman of the Zoning Committee, Steven Rosenboro, who introduced his committee and said their next meeting would be Wednesday, May 26, 2010.

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**DECISIONS**

**ITEM NO. 1: ORDINANCE NO. 4419-Z ESTABLISHING THE WILMORE HISTORIC DISTRICT OVERLAY**

Mayor Foxx said the Zoning Committee found this petition to be consistent with the Central District Plan and reasonable and in the public interest

[ Motion was made by Councilmember Burgess and seconded by Councilmember Howard to ]  
[ approve Petition No. 2001-099 by Wilmore Neighborhood Association for the establishment ]  
[ of the Wilmore Historic District Overlay. ]

Councilmember Cooksey said it's my understanding from the report at the Dinner Meeting that there are still at least one, if not perhaps one or two, signatures of property owners within the proposed district that are protesting or in disagreement with the proposal. Given that, I have never voted to impose optional zoning requirements on anyone against their will, and I'm going to continue with that pattern, so I will be voting no.

Councilmember Dulin said can we go over that discussion from Dinner one more time. I apologize that I missed that part of the talk.

Mayor Foxx said are you asking from Mr. Cooksey or staff?

Councilmember Dulin said, I'm sorry, staff – Tammie or Tom. It was my understanding that the protest –

**Tammie Keplinger, Planning**, said the protest petition that was filed was originally filed back in 2001. Many of the protesters were originally within the area that was proposed as part of the historic overlay. That area has been reduced, and now they are on the boundaries of the overlay, but their protest has not been removed so they are still qualified to file a valid protest petition or sufficient protest petition. As of the public hearing, the protest was sufficient. Last week we did receive some additional withdrawals of people that were around the perimeter, and it made the protest petition insufficient.

Councilmember Dulin said are these property owners congruent to the lines, the borders, of the historic district? They are now outside of the historic district.

Ms. Keplinger said the majority of the property owners that are still protesting are along the perimeter outside of the area that will be within the designated –

Councilmember Dulin said are they aware that Council more than likely will approve this, and is there any chance if they wanted to they could be brought into the historic district?

Ms. Keplinger said they have received all the mail notifications that this is being considered, and I would assume that anyone that wanted to be within the overlay or taken out of the overlay could come forward through the process.

Councilmember Dulin said we haven't heard from either one on either side though; is that correct?

Ms. Keplinger said we have heard from a few people that didn't want to be included, and we have had a reduction in the acreage. The acreage went from 171 acres to 168, but we haven't had anyone come forward that I'm aware of that has wanted to be included.

Councilmember Dulin said thank you guys. I just wanted some clarity on that.

Councilmember Howard said I will just repeat some of the things I shared last month, and that's the fact that I think it's a great thing that something like this would be happening that's on the west side. It is one of those neighborhoods that has a lot of historic significance for this community, and I can see why we would want to protect it. My question to staff last month, and I ask it on the record tonight, the effect this designation would have on long-term residents especially the elderly in this community, what it is that staff has done as far as outreach, and what you think you can do to make sure that you protect their interest and this is not another added burden to them in being a part of a community that is gentrified.

**John Rogers, Administrator, Historic District Commission**, said just to clarify your question a little bit we have developed quite a track record over the years of working with individual properties in the five existing historic districts in Charlotte. We work with every property owner equally. We work as sort of an ombudsman between the property owners and the Commission itself. We try to help them get things as approvable as possible. It's important to note as well, I think, that no property owner in a local historic district is compelled to do anything. It's only when they make a decision to do some sort of improvement or redevelopment or addition to an existing property that they have to deal with us at all anyway. Every existing condition is grandfathered at the time it comes in. We also work as sort of a local liaison with the State Historic Preservation Office in terms of the application of historic preservation tax credits and other programs like that. Should Wilmore become eligible for that project, we will be more than happy to work with them to make that happen. We would, of course, kind of act as the local contact for anyone in that neighborhood like we do in Wesley Heights and Dilworth and some of the other districts as well.

Councilmember Burgess said on my way looking for something else I ran across an article in *Southern Living Magazine* about Wilmore, and it made me so proud of that neighborhood. It's named one of the top up and coming neighborhoods in this country, and in order to preserve that I think they deserve to be designated as an historic district. We can be very proud of the people of Wilmore and all of their recent workings with everyone in the neighborhood including the church that supports this, so I hope we can support them in becoming an historic district.

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

**AYES:** Councilmembers Barnes, Burgess, Cannon, Carter, Dulin, Howard, Kinsey, Mitchell, Turner

**NAYS:** Councilmember Cooksey

The ordinance is recorded in Ordinance Book 56 at Pages 606-607.

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**ITEM NO. 2: ORDINANCE NO. 4420-X AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING OF APPROXIMATELY 9.06 ACRES LOCATED ON THE WEST CORNER OF ARDREY KELL ROAD AND MARVIN ROAD**

Mayor Foxx said the Zoning Committee found this petition to be inconsistent with the South District Plan and reasonable and in the public interest.

[ Motion was made by Councilmember Cannon, seconded by Councilmember Mitchell, and ]  
[ carried unanimously to approve the Statement of Consistency and Petition No. 2010-023 ]  
[ for the above rezoning by RED Partners as modified and as recommended by the Zoning ]  
[ Committee. ]

The modifications are:

1. The petitioner has limited the amount of medical office use to a maximum of 7,000 square feet.
2. The petitioner has clarified that medical and office parking standards will be used.
3. Petitioner has amended Note 17 to state that buildings in Envelope 1 will be oriented toward Cedar Walk Lane or the existing wet pond and sidewalk connections will be provided to Cedar Walk Lane.
4. The petitioner has amended Note 18 to state that the buildings in Building Envelopes 2 and 3 will be oriented toward Cedar Walk Lane or Juniper Trace Drive and individual sidewalk connections will be provided to the street.
5. Note No. 19 has been amended to state that Building Envelope 4 can have up to five buildings and Building Envelope 5 can have up to four buildings and that all buildings will front Evergreen Terrace Drive or Cedar Walk Lane and individual sidewalks will be provided to the streets.
6. Note 20 has been amended to state that units in Building Envelope A will front Longstone Lane and individual sidewalk connections will be provided to the street.
7. The petitioner has added a note requiring sidewalks from townhomes and live/work unit entrances to the street sidewalk system.
8. All "plat" sheets have been deleted and only Sheets RZ-1 and RZ-2 have been retained.
9. Building Envelopes 2, 3, and 5 have been amended to include that "landscaping shall effectively screen the rear elevations of all units from Ardrey Kell Road".
10. The existing zoning on Sheet RZ-1 is NS along Longstone Lane.
11. The petition has indicated that the existing dumpster and recycling locations on the site will be shared with all tenants on the site.
12. Note 16 has been amended to state that each building envelope may have up to two buildings.

The ordinance is recorded in Ordinance Book 56 at Pages 608-609.

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**ITEM NO. 3: ORDINANCE NO. 4421-X FOR A TEXT AMENDMENT TO SECTION 12.102 OF THE CITY OF CHARLOTTE ZONING ORDINANCE TO CLARIFY THE YARD REQUIREMENTS FOR CORNER LOTS WHEN THE REAR LOT LINE IS SHARED IN COMMON WITH THE SLIDE LOT LINE OF AN ABUTTING LOT**

Mayor Foxx said the Zoning Committee found this petition to be consistent with the adopted policies and reasonable and in the public interest.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and ]  
[ carried unanimously to approve the Statement of Consistency and Petition No. 2010-025 ]  
[ for the above rezoning by Charlotte-Mecklenburg Planning Commission as recommended ]  
[ by the Zoning Committee. ]

The ordinance is recorded in Ordinance Book 56 at Pages 610-611.

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**ITEM NO. 4: ORDINANCE NO. 4422-X AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING OF APPROXIMATELY 3.92 ACRES BOUNDED BY SCOTT AVENUE, EAST BOULEVARD, AND FLORAL AVENUE FROM B-1(PED) TO B-1(PED-O)**

Mayor Foxx said the Zoning Committee found this petition to be inconsistent with the East District Plan but inconsistent with the design guidelines in the plan but reasonable and in the public interest.

[ Motion was made by Councilmember Burgess, seconded by Councilmember Kinsey, and ]  
[ carried unanimously to approve the Statement of Consistency and Petition No. 2010-027 ]  
[ for the above rezoning by The Carolina Group Partner, LLC as recommended by the Zoning ]  
[ Committee. ]

The ordinance is recorded in Ordinance Book 56 at Pages 612-613.

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**ITEM NO. 5: ORDINANCE NO. 4423-X FOR AN NS, MX-2, AND O-1(CD) SITE PLAN AMENDMENT OF APPROXIMATELY 80.87 ACRES LOCATED OFF CINDY LANE AND BOUNDED BY INTERSTATE 77, MMISSIONARY AVENUE, AND BEATTIES FORD ROAD**

Mayor Foxx said the Zoning Committee found this petition to be consistent with the Northwest District Plan and reasonable and in the public interest.

[ Motion was made by Councilmember Mitchell and seconded by Councilmember Burgess ]  
[ to approve the Statement of Consistency and Petition No. 2010-028 for the above rezoning ]  
[ by Mecklenburg County Park & Recreation Department as recommended by the Zoning ]  
[ Committee. ]

Councilmember Dulin said on No. 5 have we had any complaints?

Mr. Mitchell said none whatsoever.

The modifications are:

1. The petitioner has removed all references to Parcel 1 in the lighting, signings, and design standards headings located in the development standards area.
2. The petitioner has labeled proposed zoning O-1(CD).
3. Storm Water Services issue has been eliminated as the change in the height of the lighting will not affect detention.
4. The petitioner addressed CDOT's comment by amending the design standards to add an eight-foot minimum planting strip and five-foot minimum sidewalks to comply with best practices for pedestrian access within subdivisions.

The ordinance is recorded in Ordinance Book 56 at Pages 614-615.

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**DEFERRALS**

[ Motion was made by Councilmember Barnes, seconded by Councilmember Burgess, and ]  
[ carried unanimously to defer Item No. 6, Petition No. 2010-030, and Item No. 9, Petition ]  
[ No. 2010-022 for one month. ]

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**HEARINGS**

[ Motion was made by Councilmember Dulin, seconded by Councilmember Mitchell, and ]  
[ carried unanimously to recuse Councilmember Barnes for the vote on Item No. 7, Petition ]  
[ No. 2010-031. ]

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**ITEM NO. 7: HEARING ON PETITION NO. 2010-031 BY THE CAROLINA GROUP FOR A MUDD-O SITE PLAN AMENDMENT OF APPROXIMATELY 0.49 ACRES LOCATED ALONG WEST W.T. HARRIS BOULEVARD BETWEEN MEDICAL PLAZA DRIVE AND TECHNOLOGY DRIVE**

The scheduled public hearing was held on the subject item.

**Tom Drake, Planning**, said this petition is a proposal for a AAA Auto Center on W.T. Harris Boulevard within an approved mixed use center as you can see in the striped colors up there. This is an outparcel, if you will. The existing site plan prohibits automobile service stations within the notes. This use has been determined to qualify as an automotive service center, so they need to change the site plan. Staff is supporting this petition. Site plan issues have been resolved. Part of the basis is that the petitioner has worked hard and satisfied our concerns about this not appearing as an automotive oriented use in this mixed use center. They have done their best to minimize that sort of appearance, so at this point, the staff is recommending approval.

**Keith MacVean, King & Spaulding, 277 W. Trade St.**, said Jeff Brown of our firm and myself are here assisting Carolina AAA of the Carolinas and the Carolina Group. He introduced representatives of the two companies. I want to thank the Planning staff for working with us on this petition to resolve issues, and we are happy to hear they are supporting the petition and all the issues have been resolved. Also like to thank George Maloomian and Mary Hopper of the University City Partners, who helped us review the petition for us, helped us with some comments regarding screening and so forth. Also like to thank University Research Park board members: Olin Smith, Gary Morgan, and Rusty Goode. Because the site is in the Research Park and does contain URP deed restrictions, we are required to go before the URP board and get their approval, which we have done, and they have approved this use on the site. We want to thank them for doing that for us.

As Tom mentioned, this is about a half acre on W.T. Harris currently zoned MUDD-O. It's a MUDD-O site plan amendment because the current plan for Worthington disallows automobile service stations, and there is enough similarities between the AAA of the Carolinas Super Center and a service station. They do light maintenance and repair of automobiles as well as selling insurance and give out travel advice and other aspects of AAA of the Carolinas. So the car care component is similar enough to an automobile service station that the staff couldn't do that administratively, so we are here before you tonight in regards to the rezoning petition.

We have designed the building – I don't know if Tom has the building elevations in his presentation, but we have designed the building so it looks like or appears to front on W.T. Harris and it has two front elevations. He used slides to illustrate his comments. Parking will be located to either side of the building. The top elevation here is actually the customer service entrance. That is the front side that faces the interior. This is the portion of the building that faces W.T. Harris. As you can see, we have added a lot of elements to make it look like there are actually two fronts.

Councilmember Cannon said can you reference left or right because obviously we can't see your pointer here on our monitors?

Mr. MacVean said in terms of the site plan the right-hand side – I assume you are seeing it in your monitors the way I see it up here. One thing I should say before I get into this. One of the things we did in working with both the property owner, which is Nationwide, the University City Partners, and University Research Park, was the orientation of the building. They were concerned about how it oriented. There are residential apartment buildings behind the site, so we oriented to the right-hand side the service bays as you are looking at the site plan. There are no service bay doors on the left-hand side. The building is four-sided architecture. It's a wall with additional landscaping on the left-hand side that the Planning staff asked us to include. There is also screening and trees between the building and the drive coming off of Harris to help try to screen the service bays. One of the things that is not going to be obvious here on the site plan, but if you get a chance to drive out on the site, is the site actually drops. As you are going west

on W.T. Harris, the building actually sits below the grade of Harris, so not all of the building is visible. We think between the change in elevation and the screening along the service side we'll be able to negate some of the negative impacts of the service entrances.

Mayor Foxx said I let you go a little over because I thought you were responding to a question. Any further questions?

Councilmember Carter said three things I would like to say. These are wonderful east side neighbors who have proven the value of their investment in the east side, and I assume that the quality is going to be exactly the same as we have found, and the community building and the community spirit is remarkable. In Limoges, our Sister City, I saw clustering of services around a research park, and I think that is a very good example of how we draw people to our research park – to make things convenient and to give them reasons to stay within that area, and I think it's a very good principle. My third thing is a question about the disposal of hazardous waste to see if there are plans and if it is appropriate to put that disposal process in our zoning on the site plan. So one question for the developer and one question for our legal services.

Mr. MacVean said in terms of AAA of the Carolinas they do dispose properly of the reused oil and other fluids that come from the cars, and it is disposed with the folks that are contracted to do that, so that is taken care of by AAA of the Carolinas.

**Terrie Hagler-Gray, Senior Assistant City Attorney**, said the petitioner can certainly volunteer to add that as a condition to the plan, but I think there would be regulations that would control that.

Councilmember Carter said we have been contacted by someone in reference to that. That's why I was bringing it up. Thank you.

Councilmember Cannon said can you bring your chart back up. I want to ask you a question about the residential piece – the multifamily usage. I think it might be to the north on this. I'm not sure.

Mr. MacVean said it would be to the north and to the west – basically to the left-hand side, which is the west side and to the north are the existing residential buildings. The one building that faces W.T. Harris within the project because it is the large parking lot is a mixed use building with retail on the ground floor, residential above.

Councilmember Cannon said my question is please identify with me, if you don't mind, where your vegetation would be.

Mr. MacVean said there will be vegetation, and maybe we can go to the blow-up plans. On the left-hand side, there is a combination of trees and shrubs, and there is a detail on the site plan that we have provided that kind of shows an elevation with the arrows pointing. That is vegetation there, but also on the right-hand side along the entry drive there is also landscaping trees and shrubs along that edge. Then there are also existing trees along W.T. Harris.

Councilmember Cannon said you have nothing to the north; is that correct?

Mr. MacVean said that's correct. There is not really an opportunity to provide landscaping on the north side of the building.

Councilmember Cannon said what do you mean there is no opportunity?

Mr. MacVean said there is an existing parking lot there, there is an existing drive aisle that connects the parking lot to the residential. Nationwide, the owner of the center, wanted that maintained, and for that reason there is really not an opportunity to do that. There is existing landscaping within the parking lot that the tree ordinance requires and trees that the developer has installed. That is the front of the building that actually faces the other retail within the site as well as the apartments.

Councilmember Cannon said regarding the dumpster that would be on the site.

Mr. MacVean said we did want to add, and I didn't mention it in my presentation. We will be adding conditions to the site plan that requires the dumpster enclosure to be made of brick that will match the building and will also have metal gates.

Councilmember Cannon said just wanted that for the record.

[ Motion was made by Councilmember Cannon, seconded by Councilmember Carter, and ]  
[ carried unanimously to close the public hearing. ]

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**ITEM NO. 8: HEARING ON PETITION NO. 2010-038 BY FAISON – ARROWOOD PARTNERS LIMITED PARTNERSHIP TO AFFECT A CHANGE IN ZONING OF APPROXIMATELY 10.41 ACRES LOCATED ON FOREST POINT BOULEVARD NEAR WEST ARROWOOD ROAD FROM B-D(CD) TO I-1**

The petitioner has requested and City Council has agreed to a decision at the time of the public hearing.

The scheduled public hearing was held on the subject petition.

Mayor Foxx said we had previously, as a Council, decided to have a hearing on this matter tonight and a decision on the same night, so for those of you watching at home, we will have the hearing, we will close it, and when we are done with our actions tonight, the Zoning Committee will go back and meet, and then come back with their decision, and we will have a further action on this item. With that, staff, is there a presentation on this one?

**Tom Drake, Planning**, said I want to remind everyone out of the box that this is a straight-up, conventional petition, I-1, so consideration of uses is limited to everything allowed in the I-1 district. What I would point out to you is that the major differences between the BD and the I-1, the I-1 allows churches, parking as a principle use, retail, and manufacturing. Those are the biggest differences between BD and I-1. You can see the location off Arrowood Road surrounded by a mix of vacant office and industrial uses. Staff is comfortable with this petition.

**Steve Smith, Managing Director, Faison, 121 W. Trade St.**, said we are a local real estate company. We have been doing business here out of Charlotte for the last 40 years. Locally we have developed property at Sycamore Commons in Matthews, NorthLake Mall in NorthLake Commons. We have helped with the expansion and redevelopment of SouthPark Mall, and we have developed office parks at Arrow Point and Forest Park. These are located off Arrowood Road in south Charlotte.

We are requesting a rezoning on a ten-acre parcel in the Forest Park Office Park that Faison has done for about 35 years. A national tenant is looking to lease square footage at Forest Park but needs more parking than what currently exists. Rezoning this parcel from the BD to the I-1 will allow us to construct a parking lot and support the tenant. I wish to thank the City staff that has been very helpful and supportive in the process. I thank you for your consideration, and I will be happy to answer any questions.

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

Mayor Foxx said that will conclude the public hearing on that matter, and at the end of our normal business, we will close and have the Zoning Committee go meet.

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**ITEM NO. 10: HEARING ON PETITION NO. 2010-033 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR THE ADOPTION OF A TEXT AMENDMENT TO ADD NEW REGULATIONS MAKING PARKING DECKS CONSTRUCTED AS AN ACCESSORY USE TO AN INSTITUTIONAL USE EXEMPT FROM THE FLOOR AREA RATIO (FAR) STANDARDS WHEN LOCATED IN THE SINGLE FAMILY AND MULTIFAMILY ZONING DISTRICTS PROVIDED CERTAIN REQUIREMENTS ARE MET AND TO REORGANIZE SECTION 12.212 FOR CLARITY**

The scheduled public hearing was held on the subject petition.

**Tom Drake, Planning**, said the purpose of this text amendment is to add new regulations making parking lots constructed as an accessory use to an institutional use exempt from the floor area ratio standards when it is located in single family and multifamily zoning districts provided certain requirements are met and also to reorganize Section 12.212 for clarity. Basically, it removes the disincentive to do parking decks instead of large surface parking lots. At the same time that it removes that disincentive, it also adds appearance standards and buffering standards for the deck to minimize their impact on adjacent residential uses.

Mayor Foxx said I should have added at the conclusion of the last conversation that this item and the previous item had a lot of conversation at the dinner meeting, so that's probably why we didn't get as many questions.

Councilmember Carter said I was going to express appreciation to the Planning staff and to CMPD for that reinstated collaboration on our planning. I think that's a very valuable thing to see our Police Department collaborating particularly on proposals such as this that can impact the safety of our residents.

Councilmember Dulin said on our write-up the only question I have is the last sentence, which says, "provided certain requirements are met". Can you give me a definition of what "certain" is?

Mr. Drake said I'll be honest with you. There are a ton of detailed appearance standards. They are in the ordinance in your book.

Councilmember Dulin said I read it, and it was Greek.

Mr. Drake said essentially the parking decks need to be located at a large distance from residential uses or they need to be adequately screened, and then there are a bunch of standards about how high the ceilings have to be to allow for handicapped. There is sidewalk and planting strip requirements. There are setback requirements. You have the list.

Councilmember Dulin said as long as you guys are on top of whatever certain means then I'm all right with it. I just wanted to make sure we weren't making a bunch of rules for something and we weren't going to look back at it.

Mr. Drake said these will be part of the ordinance. They will be a standard that any inspector or plans reviewer will be looking at.

Councilmember Dulin said it's certain as defined.

Mr. Drake said, yes, sir.

Councilmember Dulin said "certain requirements" is vague.

Councilmember Burgess said I think this is certainly an improvement over what we have, and I think it's very fair what you are proposing, but I have a problem with the basic commission to have parking in residential districts, and I guess my question is in R-3, R-4, whatever, does that permit surface and parking decks?

Mr. Drake said, yes, ma'am, and this is not the only – I mean churches have – a lot of churches are in single family, multifamily residential districts. They are not necessarily in institutional districts; schools and all their parking lots, residential districts, so this is not a precedent here.

Councilmember Burgess said I understand that, but my question is in R-3, R-4, multifamily I want to make sure I understood your question. Surface parking and parking decks are permitted.

Mr. Drake said, yes, ma'am.

Councilmember Burgess said how did that happen?

Mr. Drake said they are accessory uses to those institutional uses within single family districts.

Councilmember Burgess said has that always been the case?

Mr. Drake said I believe so in my 20-some years.

Councilmember Burgess said I can understand parking for a multifamily development, of course, for their tenants, but my concern is parking decks and surface parking lots encroaching into neighborhoods. Not for present institutional uses, but what's to keep some business from coming in and buying some land and building a parking lot just in a neighborhood?

Mayor Foxx said let me interrupt for one second. There is a motion to recuse one of our Council members from this.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Carter, and ]  
[ carried unanimously to recuse Councilmember Cannon from this discussion. ]

Mr. Drake said the parking decks are accessory uses to the institutional use. They serve it, and these added standards – let's take the most likely example that the parking deck already exists. Remember what we are addressing here is a limit on the floor area ration. Right now the square footage of the parking deck, including all its levels, counts against that floor area ration standard for nonresidential and single family districts. What this –

Councilmember Burgess said I understand that, but let me give you another hypothetical example. A commercial building is built new, and they have inadequate parking, so they go within a neighborhood a block away and they build a parking deck. Is that permissible, and does that parking deck have to be adjacent to the building to be an accessory use?

**Laura Harmon, Planning**, said actually they would not be able to do that. A commercial enterprise would not be able to go into the neighborhood because they are not allowed in the residential districts. Institutional uses like churches, schools, colleges, universities are allowed in residential, so they would only be able to provide parking for those facilities. It would not be for a commercial use.

Councilmember Burgess said it doesn't have to be contiguous.

Ms. Harmon said it would have to be contiguous. It would have to be on their contiguous property.

Councilmember Howard said I wanted to clarify that. If an institution built an office building, which is the same as a commercial building, then that's permissible.

Ms. Harmon said it would have to be not a general office building but an office building related to that institution. It would still be an institutional use.

Councilmember Howard said if it comes out of the flow area ration for the building does that mean they are allowed to build more now because the parking didn't count against it – because the flow area ration of the parking deck doesn't count against it. That gives them more capacity to build?

Ms. Harmon said, yes, it does, and what we think is it would keep folks from going and moving into the neighborhood, spreading out into the neighborhood, but going up slightly on the site they already have.

Councilmember Howard said what kind of restrictions are on the going up part?

Ms. Harmon said you would have to meet your height standards that you have in that district, the same standards that any of the institutional buildings would have to meet. We have also, if you look at the list I think we are talking about certain standards. There are a number, as Tom talked about, aesthetic standards – distance from residential, buffers, and so forth to protect that surrounding residential.

Councilmember Howard said you mentioned higher education facilities. Some of the ones that come to mind in the inner city we are kind of trading the effects of parking for height, and you want to protect that as well, so the balance is – I guess I'm trying to make sure – because they could go pretty tall.

Ms. Harmon said they are not trading necessarily for height that is any more than what they could build with the institutional buildings that would go on there now. You would have to meet all of your height standards that the building would have to meet. The parking structures couldn't – and on a parallel track, we are dealing with heights in residential districts that will be coming back and addressing some of that further.

Councilmember Dulin said just a comment. Mayor Pro Tem, an example of where a parking deck like this might be used, over the years the Harris YMCA has been trying to work on parking crunches, and we have gotten drawings over the years about where we might put a small deck, what configuration it might be. That would be right in the middle of a residential area, and costs is what has kept the Y from pursuing it because the parking deck structure is so expensive these days, and it might be prohibitive in these other places, too, but that's an area that the Dowd Y might very well be looking at it as well. Those are areas where the Harris Y where they are serving so many people they need extra parking, and a deck would be an alternative to them.

[ Motion was made by Councilmember Dulin, seconded by Councilmember Cooksey, and ]  
[ carried unanimously to close the public hearing. ]

\* \* \* \* \*

Mayor Foxx said we are going to let the Zoning Committee go ahead and consider that petition, Item 8.

\* \* \* \* \*

## **MAYOR AND COUNCIL TOPICS**

Councilmember Carter said I know the folks at the Asian Festival dragon boat races appreciated your kicking off the day. It was a wonderful celebration, and after that, I went over to the Haitian American celebration, the Haitian Flag Day ceremony. They presented you and the City with a plaque, if I might pass this along. It says, "The Haitian-American Association of the Carolinas present to Mayor Anthony Foxx and the City of Charlotte in recognition of exemplary leadership and dedication to the relief efforts that has saved many lives and comforted families after Haiti's January 12, 2010, earthquake," and it's signed by the president.

Mayor Foxx said I do have to say that our staff is working with some other private sector folks and were successful in helping to get a group of ministers and some medical relief over to Haiti, and that work continues. So I want to thank staff folks that were involved in that, Manager Walton, as well as folks in the private sector that helped us make that happen. There is still a great need over in Haiti for help, so please keep that in mind for those millions out there watching.

Councilmember Cooksey said this is our first televised meeting since April 30<sup>th</sup>. It seems like a long time, but in the interest of treating my family consistently, I do want to echo something I did about 20 months ago, and welcome to the world my nephew, Jackson Owen Cooksey. Good to see you Jackson.

Councilmember Dulin said we are clearly in our stretch-it-out time a little bit, but I want to make a shameless plug for the NASCAR Hall of Fame. We were, if not all of us, most of us there last Tuesday. My family has been twice. I took the family down there Tuesday night, and we were back there yesterday after we attended the NRA Convention. It is exceeding everybody's expectations. Those of you out there in TV land, if you haven't been, make plans to come down. The parking is easy. There is a parking deck right there. The NASCAR Hall of Fame is going to be a generational change. We all, on this dais, have got some skin in that game, and I'm pleased with what we have created over there and am very proud to host that hall of fame in our community. So, go. Your kids will like it. It has something for everything. Kathy Dulin had a good time. I mean it really has got something for everybody.

Councilmember Cannon said if I can piggyback on Councilmember Dulin's comments. Councilmember Carter happened to be having a discussion with Mike Crum today, and in passing, I asked a question about how did they do this past weekend considering all of the different events going on, and he said basically we could multiply \$20 times 10,000 if that gives you any indication about how this weekend fared in terms of revenue that they generated. Now, you can think about what may have happened outside of that in terms of our hotels and our restaurants, and some of our museums, and things of that nature. So it's been great for this community already.

\* \* \* \* \*

**CONTINUATION OF ITEM NO. 8, PETITION NO. 2010-038**

Mayor Foxx said looks like our Zoning Committee has come back.

**Steven Rosenboro** said after thoughtful deliberation and considering all the issues, the Zoning Committee unanimously recommends approval of this petition. It is inconsistent with the Southwest District Plan but reasonable and in the public interest. Unanimous, sir.

Councilmember Burgess said two words – new jobs.

[ Motion was made by Councilmember Burgess, seconded by Councilmember Howard, and ]  
[ carried unanimously to approve the Statement of Consistency and Petition No. 2010-038 ]  
[ for the above rezoning by Faison-Arrowood Partners Limited Partnership recommended by ]  
[ the Zoning Committee. ]

Ordinance No. 4423-Z is recorded in Ordinance Book 56 at Pages 616-617.

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**ADJOURNMENT**

The meeting was adjourned at 6:42 p.m.

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Stephanie C. Kelly, CMC, City Clerk

Length of Meeting: 1 Hour, 15 Minutes  
Minutes Completed: June 11, 2010