

DINNER BRIEFING

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, October 18, 2010, at 5:20 p.m. in Room CH-14 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmembers present were: Michael Barnes, Jason Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, Patsy Kinsey, James Mitchell, Edwin Peacock III

ABSENT UNTIL NOTED: Councilmembers David Howard, Warren Turner

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Tammie Keplinger, Planning, reviewed the deferrals and public hearings on the agenda.

Councilmember Cooksey asked about residential height guidelines.

Debra Campbell, Planning, said there is a review taking place, issues have been raised, and there are three or four issues to work through.

Councilmember Dulin asked about Petition 2010-046. Councilmember Carter asked about Item No. 16.

Ms. Keplinger said there was a distribution of information for Greater Galilee.

Steven Rosenboro, Chair, Zoning Committee, said there is a regional planning meeting scheduled for Friday from 12 noon to 2:00 p.m. in Room 267.

Councilmember Cannon asked if there was ever any discussion with previous City Councils about design standards for multi-family housing, and there were questions by other Council members.

Councilmember Howard arrived at 5:35 p.m.

Councilmember Barnes asked about the timeline on this process.

Ms. Campbell said staff is tweaking and assessing the impacts.

Councilmember Turner arrived at 5:43 p.m.

The briefing was recessed at 5:55 p.m. for the Council to move to the Council Meeting Chambers.

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ZONING MEETING

The Council reconvened at 6:07 p.m. in the Council Meeting Chambers of the Charlotte-Mecklenburg Government Center with Mayor Foxx presiding.

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INVOCATION AND PLEDGE

Mayor Foxx 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 and the Planning Commission, Steven Rosenboro, who introduced his committee.

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DECISIONS

Mayor Foxx said we do have one deferral, Item 3. Is there a motion to defer that?

[Motion was made by Councilmember Cannon, seconded by Councilmember Howard, and]
[carried unanimously to defer Item No. 3, Petition No. 2010-040.]

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ITEM NO. 1: ORDINANCE NO. 4539-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.59 ACRES LOCATED AT THE INTERSECTION OF FORDHAM ROAD AND WEST BOULEVARD FROM R-4 TO UR-C(CD)

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

[Motion was made by Councilmember Cannon, seconded by Councilmember Barnes, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-032]
[for the above rezoning by the The Rock Worship Center as recommended by the Zoning]
[Committee.]

The ordinance is recorded in Ordinance Book 56 at Pages 846-847.

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ITEM NO. 2: ORDINANCE NO. 4540-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.36 ACRES LOCATED ALONG THE EAST SIDE OF NORTH DAVIDSON STREET BETWEEN CHARLES AVENUE AND EAST 32ND STREET FROM R-5 TO UR-2(CD)

Mayor Foxx said the Zoning Committee found the petition to be inconsistent with the North Charlotte Plan but 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. 2010-034]
[for the above rezoning by the RED Partners as modified and as recommended by the Zoning]
[Committee.]

The modifications are:

1. Note #5 has been revised to limit the allowed uses to six residential units and accessory uses including customary home occupations.
2. A note has been added that roll-out sanitation cans will be provided for each unit.
3. A note has been added that large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades using various materials such as brick and other masonry products, stone, different colors of paint, glass windows, water table, and/or soldier course.
4. The maximum building height had been noted on the site plan as 50 feet.
5. The site plan shows landscaped area adjacent to the properties zoned R-5.

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6. The petitioner has removed Notes 2, 6, and 8 from the site plan.
7. The petitioner has committed to provide a fence or wall for screening as required when less than five feet is provided from the property line to the driveway.

The ordinance is recorded in Ordinance Book 56 at Pages 848-849.

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ITEM NO. 4: PETITION NO. 2010-046 BY JNC PROPERTIES, LLC FOR A CHANGE IN ZONING OF APPROXIMATELY 1.01 ACRES LOCATED AT THE WEST CORNER OF THE INTERSECTION OF SCOTT AVENUE AND EAST BOULEVARD FROM NS TO B-1(PED-O)

The Zoning Committee found the petition to be inconsistent with the East Boulevard Pedscape Plan and not reasonable and in the public interest.

[Motion was made by Councilmember Cannon and seconded by Councilmember Kinsey to]
[deny this petition.]

Councilmember Dulin said I have a question for the petitioner, if the petitioner is in the room.

Mayor Foxx said you have to be real careful here. In fact, Ms. Hagler-Gray, make sure we stay on the right side of the law.

Councilmember Dulin said, Ms. Hagler-Gray, I will ask the petitioner a question but watch you. I understand that the petitioner and the neighborhood associations have gotten together, and they are not where they need to be for this thing to move forward in some Council members' opinions. As the petitioner, are you guys as far as you are willing to go in negotiations with the neighborhoods?

Unidentified Speaker said, Mr. Dulin, in answering that question, I would say that we were very open to the one option that the DCDA, the Dilworth Association, presented to myself and my family. Along with moving forward into that, we kept getting feedback from Planning that there were issues with several things that –

Councilmember Dulin said I'm sorry. The way this is set up you are going to have to give me a specific answer to my question about are you to where you guys are going to go.

Unidentified Speaker said we are where we can go as of hearing feedback from Planning. Yes, that's as far as we can go right now because we felt as though there were a lot of issues with what was presented to us by DCDA.

Mayor Foxx said there is a motion to deny, and I know there has been a lot of work on this by both sides by the petitioner as well as by the community. The Zoning Committee has made a recommendation to defer, and that is something that I would hate to see them get to the ten-yard line and for us to make a decision to deny without the benefit of just maybe 30 more days, but it's up to the Council.

Councilmember Howard said just for the sake of floating it to see if gets through I will make a substitute to defer for a month.

[Motion was made by Councilmember Howard and seconded by Councilmember Dulin to]
[defer the item for one month.]

Councilmember Howard said just to speak to it, I understand the issues, and having been on the Planning Commission, I know how hard staff and the Commission work some issues, and I would like to see if there is any appetite to do that by Council, so that's why I'm floating the motion.

Councilmember Dulin said it's been heart-wrenching for Council. It's heart-wrenching for me, and you said you just made mention of the ten-yard line. I think we are at the two-yard line, and we are just –

Mayor Foxx said I think we are at the one.

Councilmember Dulin said I'll take the one-yard line because I can sneak that in. Give me the quarterback sneak. But I seconded to defer one more month to give these two parties an opportunity to look at the realization that this thing is going to fail if we don't continue to work with each other. Next month I'm going to vote to deny this thing if we don't get any closer together, but tonight I would really like to defer it.

Mayor Foxx said we have options. The first vote will be on a motion to defer; and, if that fails, there will be a motion to deny underneath.

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

AYES: Councilmembers Cooksey, Dulin, Howard, Peacock

Mayor Foxx said that does not pass.

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

AYES: Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner

NAYS: Councilmember Dulin

Mayor Foxx said that is denied, so we will move on.

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ITEM NO. 5: ORDINANCE NO. 4541-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 68.90 ACRES LOCATED ON THE SOUTH SIDE OF US HIGHWAY 29 ACROSS FROM THE INTERSECTION OF CAPRINGTON AVENUE AND US HIGHWAY 29 FROM CC TO CC(SPA) AND UR-C(CD) WITH FIVE-YEAR VESTED RIGHTS

Mayor Foxx said the Zoning Committee found the petition to be inconsistent with the Northeast Area Plan but reasonable and in the public interest.

[Motion was made by Councilmember Barnes and seconded by Councilmember Cannon to]
[approve the Statement of Consistency and Petition No. 2010-047 for the above rezoning by]
[Trevi Partners, LLC as modified and as recommended by the Zoning Committee.]

Councilmember Barnes said I move to approve the petition, and I know there are some updates from staff that we should hear about.

Tammie Keplinger, Planning, said there have been two modifications made to the petition since the Zoning Committee vote. They are that the site will comply with the USDG, and there is added color change and elevations for the buildings on the site. Since these changes were made after the Zoning Committee meeting, by the zoning ordinance, the Council must vote by at least a three-quarter vote that these are not significant and should not go back to the Zoning Committee for review.

Councilmember Barnes said I would make the motion and indicate to my colleagues that I spent a great deal of time working with the petitioner on the details that Ms. Keplinger just described, and I'm confident that from my perspective it doesn't require a revisit to the Zoning Committee.

Mayor Foxx said is there a second on that?

Councilmember Cannon said I'm concerned about Mr. Barnes' perspective, but I will second the motion anyway.

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and]
[carried unanimously to allow these changes without going back to the Zoning Committee.]

Mayor Foxx said that carries with the three-fourths. We are now to the motion to approve with the statement of consistency.

Councilmember Barnes said, by the way, Mayor, just to be clear, the issue was that with respect to I believe some of the institutional uses – the hotel, which is not an institutional use, but with respect to the hotel, there are some problems about the coloring of the stucco and some variations that were needed, so it's in there. USDG will apply. I don't want people to think we are not revealing something that we should reveal. It's very mundane type stuff.

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

The modifications are:

1. The applicable flood boundaries and water quality buffers (SWIM and PCCO) have been added to the site plan.
2. A minimum 60-foot wide public greenway access has been added from the edge of the SWIM buffer along the creek on the southwest side of the site from Access Road "E" to the property line of the Charlotte Mecklenburg Utilities Wastewater Treatment Plant.
3. Access Road "E" has been identified on sheets RZ-2.0 and RZ-4.0.
4. The fourth paragraph of Note 3.A has changed "Tract A" to "Tract 2".
5. Note 1.D has been amended to specify that five year vesting is being requested.
6. The internal connection to Tract 4 has been added to sheet RZ-2.0. The hotel may be located on either Tract 2 or 3B with the wellness center/adult day care to be located on the other tract.
7. The building on Tract 2 labeled as "commercial/retail" has been relabeled "medical Office".
8. The proposed skywalk will connect the wellness center/adult day care to the assisted living facility in Tract 1A.
9. A development summary table has been added to Sheet RZ3.
10. Elevations and renderings have been submitted as a part of the conditional rezoning.
11. The parking counts on RZ-3 and RZ-4 have been modified and are consistent.

The ordinance is recorded in Ordinance Book 56 at Pages 850-851.

ITEM NO. 6: ORDINANCE NO. 4542-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.00 ACRES LOCATED ON ALONG THE SOUTH SIDE OF SHOPTON ROAD NEAR THE INTERSECTION OF LEBANON DRIVE AND SHOPTON ROAD FROM R-3 TO INST(CD)

Mayor Foxx said the Zoning Committee found the petition to be inconsistent with the Southwest District Plan but 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. 2010-048]
[for the above rezoning by William Cashion, Jr. and William Wise as modified and as]
[recommended by the Zoning Committee.]

The modifications are:

1. Petition has added a note stating that large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades using two or more various materials such as brick and other masonry products, stone, different colors of paint, glass windows, water table, and/or soldier course.
2. The petitioner has modified the side yard to show the required 20-foot yard.
3. The petitioner has modified the rear yard to show the required 20-foot yard.
4. The petitioner has added a note stating that all free-standing lighting features will be fully shielded with full cut-off fixtures.

The ordinance is recorded in Ordinance Book 56 at Pages 852-853.

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ITEM NO. 7: ORDINANCE NO. 4543-Z FOR THE ADOPTION OF A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO MODIFY THE REGULATIONS AND CRITERIA FOR LANDMARK SIGNS AND ADD NEW REGULATIONS FOR HISTORIC SIGN DESIGNATION

Mayor Foxx said the Zoning Committee found the petition to be consistent with adopted policies and to be 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. 2010-052]
[for the above rezoning by the Charlotte-Mecklenburg Planning Commission as recommended]
[by the Zoning Committee.]

The ordinance is recorded in Ordinance Book 56 at Pages 854-859.

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ITEM NO. 8: ORDINANCE NO. 4544-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.27 ACRES LOCATED ALONG THE EAST SIDE OF SHARON ROAD BETWEEN MORRISON BOULEVARD AND COLTSGATE ROAD FROM O-2 TO MUDD-O

Mayor Foxx said the Zoning Committee found the petition to be inconsistent with the SouthPark Small Area Plan but to be reasonable and in the public interest.

[Motion was made by Councilmember Cannon and seconded by Councilmember Howard]
[to approve the Statement of Consistency and Petition No. 2010-053 for the above rezoning]
[by The Bissell Companies as modified and as recommended by the Zoning Committee.]

Councilmember Barnes said regarding modification Note No. 7, which concerns the removal of a 46-inch oak tree along Sharon Road, is that tree in bad health, or what was the issue with the tree?

Councilmember Dulin said for them to be able to do the plan they are going to do here they are going to take that one and add many more back. It will be a net gain.

Councilmember Barnes said are the additional trees listed in the notes?

Councilmember Dulin said I have not seen those in the notes, no, sir.

Councilmember Barnes said do we know?

Councilmember Dulin said Tammie might.

Tammie Keplinger, Planning, said my understanding is that we have tried to protect this tree, and that Urban Forestry looked at it, and they said –

Councilmember Barnes said I get that. In terms of the replacement trees –

Ms. Keplinger said they are required by ordinance.

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

The modifications are:

1. The list of permitted uses identified on Sheet 2 of 3 has been modified to match the list of permitted uses identified within the development standards found on Sheet 1 of 3.
2. CDOT issues have been addressed by modifying the wording of the conditional notes regarding an access easement from Sharon Road to the site’s southeastern property line.
3. The optional provision has been clarified to allow accessory drive-through windows for branch banks, and they would not be allowed for restaurants.
4. The list of permitted uses has been modified so they better align with those defined in the Zoning Ordinance by eliminating the terms “professional business” and “personal services”.
5. Note 5.c has been modified by changing the word “may” to “shall”.
6. The word “principle” has been replaced with “principal” in Notes 3.b, 5.b, and 5.f.
7. Urban Forestry has removed their request to preserve the existing 46” oak tree along Sharon Road.

The ordinance is recorded in Ordinance Book 56 at Pages 860-861.

ITEM NO. 9: ORDINANCE NO. 4545-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.96 ACRES LOCATED ALONG THE EAST SIDE OF SHARON ROAD BETWEEN MORRISON BOULEVARD AND COLTSGATE ROAD EXTENDING TO ABUT COLTSGATE ROAD FROM O-1(CD) TO MUDD-O

Mayor Foxx said the Zoning Committee found the petition to be inconsistent with the SouthPark Small Area Plan but to be reasonable and in the public interest.

[Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-054]
[for the above rezoning by The Bissell Companies as modified and as recommended by the]
[Zoning Committee.]

The modifications are:

1. Provided a concrete waiting pad at the existing bus stop located along Sharon Road in front of this subject site.
2. Replaced the word “principle” with “principal” in the site data table and Notes 3.1 and 3.c.
3. Modified the list of permitted uses so they better align with those defined in the Zoning Ordinance by eliminating the terms “professional business” and “personal services”.

The ordinance is recorded in Ordinance Book 56 at Pages 862-863.

ITEM NO. 10: ORDINANCE NO. 4546-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE FOR AN R-12MF(CD)(SPA) (SITE PLAN AMENDMENT) OF APPROXIMATELY 43.41 ACRES LOCATED ALONG THE EAST

SIDE OF REAMES ROAD ACROSS FROM SECRETARIAT DRIVE AND PRESTBURY BOULEVARD

Mayor Foxx said the Zoning Committee found the petition to be consistent with the Northlake Area Plan and to be reasonable and in the public interest.

Tammie Keplinger, Planning, said point of clarification. The cell tower is 190 feet. The site plan says 189, so I want Council to understand it's 190.

[Motion was made by Councilmember Cannon and seconded by Councilmember Mitchell to]
[approve the Statement of Consistency and Petition No. 2010-055 for the above rezoning by]
[Charter Properties, Inc. as modified and as recommended by the Zoning Committee.]

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

The modifications are:

1. Note 9 under Cell Tower Development Standards has been amended to read "A wooden fence, vegetation, and shrubs will be used for screening and making the tower area inaccessible to the public."
2. The petitioner has provided a detail of the wooden fence (height and material).

The ordinance is recorded in Ordinance Book 56 at Pages 864-865.

ITEM NO. 11: ORDINANCE NO. 4547-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.59 ACRES LOCATED AT THE INTERSECTION OF FOREST POINT BOULEVARD AND FOREST POINT CIRCLE NEAR ARROWOOD ROAD FROM B-D(CD) TO O-1

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

[Motion was made by Councilmember Turner, seconded by Councilmember Mitchell, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-058]
[for the above rezoning by Cardinal Real Estate as recommended by the Zoning Committee.]

The ordinance is recorded in Ordinance Book 56 at Pages 866-867.

ITEM NO. 12: ORDINANCE NO. 4548-Z FOR THE ADOPTION OF A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO UPDATE A CROSS-REFERENCE TO THE TREE ORDINANCE RELATED TO THE TREE SURVEY REQUIREMENT

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

[Motion was made by Councilmember Howard, seconded by Councilmember Carter, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-060]
[for the above rezoning by the Charlotte-Mecklenburg Planning Commission as recommended]
[by the Zoning Committee.]

The ordinance is recorded in Ordinance Book 56 at Pages 868-869.

ITEM NO. 13: ORDINANCE NO. 4549-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 57.91 ACRES LOCATED AT THE INTERSECTION OF PINE OAKS DRIVE AND BEAM ROAD AND BOUNDED ON THE NORTH BY WESTOAK DRIVE FROM O-1 AND O-15(CD) TO I-1(CD)

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

[Motion was made by Councilmember Cannon and seconded by Councilmember Howard to]
[approve the Statement of Consistency and Petition No. 2010-061 for the above rezoning]
[by South36R, LLC and City of Charlotte as modified and as recommended by the Zoning]
[Committee.]

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

The modifications are:

1. A note has been added to address potential ways to provide flexibility to modify the required buffer, and, if needed, to extended Westoak Drive to the east.
2. A note has been added that a public turnaround will be provided if a private street connects to the terminus of Westoak Drive.
3. A note has been added that post-construction controls for the site will include requirements per the pre-rezoned existing zoning condition. Specifically states that provisions for one-year volume and a natural area/tree save will be maintained for the rezoned site.
4. A note has been added to indicate that an access agreement must be executed if the future connection along the southeastern property line is provided as a private street connection.
5. A note has been added that precipitates the development of the future connection to the southeast.

The ordinance is recorded in Ordinance Book 56 at Pages 870-871.

HEARINGS

ITEM NO. 14: HEARING ON PETITION NO. 2010-056 BY CHILDRESS KLEIN PROPERTIES FOR A CHANGE IN ZONING OF APPROXIMATELY 13.15 ACRES BOUNDED BY CARNEGIE BOULEVARD AND CONGRESS STREET NEAR BARCLAY DOWNS DRIVE FROM O-1 TO MUDD-O

The scheduled public hearing was held on the subject petition.

Mayor Foxx said this is protested, and it has been deemed consistent.

Tammie Keplinger, Planning, said this property is currently zoned O-1. The request is to rezone to MUDD-O. It's 13.15 acres. The proposed uses will include office, retail, bank, restaurant, hotels, which we are calling commercial uses, and multifamily uses. The uses also include structured parking. The site, as you can see, is surrounded mostly by office and MUDD land uses and development. In terms of currently on the site is an existing office structure. There is a note on the site plan that existing office structure can remain until the redevelopment of the site. The total amount of retail and restaurant space will not exceed 15,000 square feet, and there is a minimum open space of almost 11,000 square feet.

Instead of going through all of the specifics on the petition, I believe the petitioner is going to present some new numbers to you tonight, so I will them do that. I will tell you that as part of the MUDD request they are asking for several optionals. These optionals involve parking

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between the building and the public street. Those would be for porte-cochere, pick-up or drop-off area, valet parking or service areas. They are also asking for optionals for signs, for paving systems on the private plazas and parkways, and for the building height. Mike Davis is here from CDOT to talk about the transportation issues that are related to this plan, and then we'll hear from the petitioner.

Mike Davis, Charlotte Department of Transportation, said as part of this petition CDOT requested a traffic study to be completed, and it's complex in nature and just thought it would be appropriate to give Council sort of an orientation of what that traffic study revealed. But basically just in terms of the overall site, it does have fairly substantial trip generation if you look at it in terms of the morning and afternoon peaks, but those trips are generally pretty well distributed around a pretty good network of streets as represented by the smaller arrows, but most of the work is being done by Fairview. It's people coming from the west trying to access the site and people coming from the east along Fairview.

The traffic study that was completed includes these signalized intersections and actually included some that aren't even on this map. When we look at the results of that traffic study, it's really the Fairview Road corridor that gives us some difficulty, which isn't any surprise. This is where we have a pretty close system of pretty closely spaced signalized intersections that are fairly well congested today. If we take a closer look at that where we have specific problems have to deal with left turns that back up against one another in between Piedmont Row and Park South at certain times of the day, and this refers to how much left-turn storage is available for those vehicles. Similarly between Piedmont Row and Barclays Downs. There is also some side street queuing that kind of queues on Park South, and at times of the day, it sort of backs up into the roundabout on Piedmont Row, so the impacts of the proposed development sort of exacerbate this condition along Fairview, which is already a little bit difficult for CDOT to operate today.

We look at opportunities for how we can mitigate that, and we are a little bit constrained in the SouthPark area just by virtue of the fact that most of the infrastructure has already been widening, and there is an upper limit on how much you would want to widen these intersections and still have them be what we want in an activity center. But today we have three lanes eastbound on Fairview. If you look in the westbound direction, there are two, and then the third lane is kind of partially complete, so there's an opportunity to do some widening that would activate that third westbound lane. That widening would definitely have to occur at least in this location here sort of adjacent to Barclay Downs and perhaps headed to some extent westward off the map to make that lane functional.

As I mentioned before, the reasons why we may not want to widen Fairview. One of those reasons includes that there are some large canopy trees along Fairview. That's just a shot of those trees that would present challenges to preserve, and at least in one case, there is no probably no way to preserve one of those trees. So it does have us talking about alternative solutions and has us going back to something that comes off of City Council's adopted collector map, which would be a proposed connection from Park South Drive to Carnegie. The benefits of creating this connection would be that it allows trips in off of eastbound Fairview and northbound Park South to directly access the site without getting into the mix of traffic on Fairview. Similarly for exiting vehicles they could access those routes out without getting into that mix.

It would not be easy to complete this project. It includes, in addition to their being several parcels that would be required to participate in this, this alignment, although it is not an engineered alignment, there's probably no way to connect this without partial removal of an existing parking garage on that site. So these were just ideas. We have begun to discuss these possibilities with the petitioner of late and they may be prepared to make remarks about it.

Ms. Keplinger said, Mr. Mayor, in terms of consistency, this petition is consistent with the SouthPark Small Area Plan, and upon the resolution of outstanding issues, staff is recommending approval.

Mayor Foxx said we have four speakers who are in favor and four against. Each side has ten minutes allocated.

Collin Brown, K&L Gates, 214 N. Tryon St., said he was present on behalf of the petitioner, Childress Klein Properties. Thank you, Tammie, and staff for providing the background information on this petition. In the interest of time, I'm not going to rehash the background that Tammie went over. What I'm going to try to present to you tonight are a lot of the changes that the petitioner proposes. Following our community meeting, we have had ongoing discussions with many of the surrounding property owners and believe we have got some proposals that we would like to get out tonight at the hearing.

I'm sure most of you all are familiar with Childress Klein Properties, their strong history of high quality, environmentally sensitive development in the Charlotte area. Childress Klein's developments include projects like the LakePointe Corporate Center, the Wachovia Center, and the uptown Green. Most recently, Childress Klein was involved in the development of the Wells Fargo Cultural Campus and the Duke Energy Tower, which received LEED platinum certification from the USGBC. These examples illustrate Childress Klein's success at creating a strong sense of place in an urban environment, and that expertise makes them an ideal choice to develop a site like this one.

As Tammie indicated, the petition proposes redevelopment of a 13-acre site in the heart of the SouthPark area. The existing structures you can see here. This was built over 50 years ago and has really become functionally obsolete in these days. Its relationship to the surrounding properties make it very important, and we believe that the redevelopment of the site is key to furthering the vision for the future of SouthPark and that this proposed plan can unite the good things that have been done in the Piedmont Town Center with the heart of SouthPark with the Rotunda Building, the band shell, Symphony Park, and that this mixed use project and its design elements will establish our true sense of place out here.

As Tammie mentioned, our initial site plan, which she presented, included initially a T of internal streets, and you will see the southern access street here was offset from Assembly Street. That offset was provided so that we – this is a parking deck illustrated here. The access was necessary in order to be able to wrap this building with some townhomes to create more of a neighborhood feel, more pedestrian friendly. Well, that did cause the offset, and the offset was problematic to Planning staff, the CDOT staff, and frankly most of the surrounding property owners. So this is one of the largest issues that we had to tackle.

At our community meeting – I will give credit where credit is due – two neighboring property owners, Ms. Sherrie Smith and Ms. Liz Countes – came up with a couple of ideas, and Councilmember Dulin was instrumental in encouraging the developer to follow up on those. So in order to address this concern about the offset and the traffic that would travel here, the petitioner went back to the drawing board and came up with a new plan that eliminated that southern egress. This is the revised plan the petitioner proposes submitting now. You will see the southern egress has now become – as CDOT is calling it -- a pedestrian muse for pedestrians only and also an active open space area. That addressed many of the adjoining property owners concerns about cut-through traffic on this street, but at the same time allowed residential to remain here and really created some much needed active open space. On the northern part of the tract, vehicular egress was provided for this street here and that function to really break up the massing of the parking decks and the structures, and we think it really created an all-around better site design.

Other issues that we discussed – here is actually a rendering of that pedestrian muse, like I said, with the pedestrian connection, active open space in those areas. The Piedmont Townhome Owners Association, the Carnegie Property Association raised concerns about height. The eastern portion of our site we had requested 180 feet. We are proposing to reduce that to 150 feet. The height on the western portion of the site would remain at 120 feet. The Carnegie Property Owners Association, the commercial owners surrounding the site, also expressed concern about parking. They wanted to make sure there was sufficient parking so that future tenants wouldn't have to rely on their areas to come over the park on their sites, so they requested that we commit to provide O-1 parking standards. O-1 would require one space for every 300 feet of office as opposed to MUDD, which requires one for every 600. The petitioner is willing to do that. The petitioner would like flexibility on Tract A to provide parking at MUDD standards there if a build-to-suit tenant decides to locate on this site. So that is

something we are going to work on and will continue working with staff and the adjoining owners.

The next question had to do with density. That was an issue that was expressed by the adjoining owners, and what we have done on this, as Tammie said, our initial plan was to allow 650,000 square feet of commercial floor area. We had some provisions in there that would allow some of that to be converted to residential units. Well, the associations encouraged us to go ahead and make that conversion, so what we will propose now is that we reduce the commercial floor area by 155,000 square feet, take that down to 495,000 square feet. That unused square footage would become residential units, and the site's total residential count would be 591,000. In addition to that, the allowable retail square footage, we propose to reduce from 15,000 to 6,000. We have got to discuss that with staff to make sure we can still have enough activity on the street, but that is something we are doing to address some of the concerns with parking.

Next up one of the issues we talked about is storm water. Storm water on the site is an interesting issue. This site, like I said, developed 50 years ago, and it's essentially when we look at it it's 13 acres of almost solid impervious space. There's an 80,000 square foot roof and just an expanse of parking out there with no detention whatsoever, so that impervious space really acts like a cookie sheet, if you will, allowing 13 acres of storm water to just shoot right off into the surrounding watershed. We believe when the PCCO standards are met there will be a dramatic improvement in the storm water conditions on the site. We are working with Storm Water Services to try and quantify that, and we continue to work with the adjoining property owners mostly in the Picardy and Parkdale neighborhoods. Our engineers, in fact, have another meeting tomorrow night with them to sit down and make sure that everyone is on the same page about these storm water improvements.

With regard to traffic, as I mentioned, we have discussed reducing the retail square footage from 15,000 square feet to 6,000 and converting 155,000 square feet of office to residential units. When that is done, there will be an impact on traffic. There should be a reduction based on that conversion of 548 daily trips versus our previous plan. As Mike mentioned, we continue to work with CDOT on other mitigation options, and we are optimistic about that – negotiations remain ongoing.

Finally, wanted to mention some of the green attributes of this project. We do think that PCCO compliance is going to dramatically improve this area. This area is about 10% of the watershed that has had no controls on it for 50 years, so getting some things in there will be really positive. The pedestrian muse, turning that from vehicular to pedestrian really created some opportunities. That should be about 60 to 80% of pervious space. Because we are going to use underground detention, that provides some possibilities and opportunities to use grey water for irrigation and back-up water for cooling towers. I have tried to get through a lot of information. We do have one speaker here from the community. I wanted to give him a couple of minutes to respond. I'm here for questions. Thank you very much for your time.

Worth Wilson, 4620 Piedmont Row Dr., said I am a resident of the Piedmont Town Row Center. In fact, the unit we have looks directly out onto this new development that is proposed. I want to say that I am speaking on behalf of myself and any other members that will be speaking here today from Piedmont Row Homeowners Association will be presenting their own views and not the views of the homeowners association in representing them as a majority. As I said, we look directly on this. My wife and I purchased this property in Piedmont Row because we liked the mixed use that was available there, and we welcome this development as we feel that it will further enhance a variety of different kinds of developments to go in there – retail, commercial, residential, etc. Yes, there will be an increase in traffic, but no matter what goes in there, there is going to be an increase in traffic. We feel that Childress Klein has answered a lot of the issues that were presented at the preliminary meeting beforehand and are dealing with those things. Also on the building height, I do believe the building height they are proposing is no larger than what is existing there in the Piedmont Town Center activities for the Piedmont Town Center Buildings 1 and 2. Most important is the design of the buildings for this development, and I and many of the homeowners at Piedmont Row are confident that the development that Childress Klein is putting together will be first class and aesthetically appealing and will build on the foundation of Piedmont Town Center in creating a very exciting and high end development.

Mr. Brown said I could spend an awful lot of time on it, but with 20 seconds left, I think we'll just hold on that, and I will be glad to answer any questions that you all have when that opportunity comes.

Mayor Foxx said you have two minutes for rebuttal following next speakers.

Bob Henderson, Gutherie, Davis, Henderson, and Statton, 719 E. Blvd., said I'm here tonight really more with a report. I represent eight protesting property owners, adjacent property owners, including National Gypsum, the Renaissance Hotel, the Rotunda Building, and five of the other major commercial structures. I'm happy to be able to report to you that there has been very significant progress between these parties and the petitioner, and the belief is that we will be able to get all these resolved, and we are, in fact, presently awaiting documentation, so I think a good report.

Thomas Golen, 4625 Piedmont Row Dr., said I'm a resident also at Piedmont Row Condominiums, which I think at least by name as part of Piedmont Town Center is probably the first – I may be wrong – town center – not urban area; town center – within the boundaries of the SouthPark Small Area Plan. I have met with the developers. Tom Coyle has been very generous with his time both in meetings and over the phone. I have the utmost respect for Tom and for Childress Klein. They build a quality product. During our last conversation, I told Tom we agree on some things but not others. Some like Coke; others prefer Pepsi. I support building heights along Carnegie Boulevard consistent with and no higher than what we have now. The current plan calls for substantially higher – two times, three times, four times the heights of existing buildings along Carnegie Boulevard. Instead of preserving the step-down nature of buildings from the – if I may. I don't have any fancy presentation that I could show on the chart, but I do have handouts if it would be possible. Do you have the photos? The step-down that I'm talking about is if you have a chart something like that – if you look left to right, on the left side is the Fairview Road corridor where you have tall office buildings.

As you move to the right, you get to the Carnegie Boulevard area, which is residential. I have superimposed trying to draw to scale what the buildings would look like, at least three of them, and I have drawn these two vectors on the third diagram. The yellow vector shows how the step-down from the tall buildings on the Fairview Road corridor down to the heights of Piedmont Row condominium and beyond. The red vector shows the step-up that the developer is proposing. The step-up is quite concerning because that step-up steps up into the residential area that is surrounding both on Scofield Road and on Wintercrest. You will also see slides that look like this in there, which show the tree buffers that currently exist for the existing property. So, my first objection, speaking as an owner, is this concept of stepping up the building height rather than stepping it down as it goes towards residential. This is Carnegie Boulevard. This is not Peachtree Road.

Your decisions are precedent setting. What next? We don't want to live in a shadow of tall buildings nor do our neighbors on Wintercrest or Scofield. Stepping up heights nearest residential is quite an undesirable – it's a domino effect that is very troubling to us. Andy Dulin has also made himself quite available, and we have had numerous conversations. He is quite aware of the flaw, the existing flaw that exists. Piedmont Row Drive is not a public artery. It's a private road, and it connects Fairview and Carnegie Boulevard. Connecting to public roadways with a private drive does not make sense. It is not pedestrian friendly. It is not safe. There are no street laws on a private road. If you hit me, that's my problem. If I'm crossing on foot and you hit me, that's also my problem, I guess. I would ask the members here today that they not perpetuate this flaw and exacerbate it through the 2010-056 development plan. I oppose any development on subject parcel until there is a realistic plan to remove public cut-through traffic volume from Piedmont Row Drive. Sixty two percent increase in the morning, 38% increase in evening rush hour traffic is probably understated, and there is no way that Piedmont Row Drive could handle that.

The developer did like our idea of putting Assembly Street into play. Their architect also came up with a new plan that they showed. How much more congestion can Barclay Downs take; how much more congestion can Fairview Road take? Fairview Road goes from three lanes down to two lanes, and it's two lanes all the way to Park Road. Increasing it to three lanes in front of the

property notwithstanding the three large trees only moves the problem to Park South between Park South Road and Park Boulevard.

What do MUDD guidelines permit the developer to build on the property? I don't support more residential units. I see in the new plan they took the option of substituting even more units. I don't support a hotel option. I oppose a Radisson or Holiday Inn Express or Hampton Inn going in. When you substitute office buildings for residential space, you get 24/7 traffic and noise. With offices, you get morning and afternoon rush hour. How do the SouthPark Small Area Plan ideals make sense for what I call the 20-teens. The decisions you make now will impact us for the next ten and 15 years. The land owner and the developer are motivated to maximum the return on investment, but does the SouthPark Small Area Plan cause the developer to sub-optimize within the development? What are your metrics for measuring the success of a MUDD? Has Piedmont Town Center achieved success in your mind?

Will you please seriously consider Assembly Street and a light at Assembly Street and Fairview Road. The plan that was shown by Mr. Davis – that yellow dotted line through the adjoining property – goes through two private properties. It's inconceivable unless those two properties agreed to have Carnegie Boulevard connect directly with Park South. Are we salvaging sufficient green space when we approve these new developments? You could see in my slides how the green space goes away, and I think I included a slide in there that shows how tree lawn seedlings replace large, mature trees. I want to defer to the other two because I don't have a time. Can I check on how much time we have left? Two minutes. Also, ordinances. There was a retail establishment open in Piedmont Town Center. By the way, we are looking to constrict traffic through Piedmont Row; not increase traffic. We have seven speed bumps – seven speed tables, one speed bump, and a circle around the fountain. It doesn't make sense to push more traffic through there.

Stephen Marcus, 515 E. Piedmont Row Dr., said I just want to talk briefly about the traffic. I'm an industrial engineer. I worked for 16 years for the national company of United Parcel Service amongst other things designing and implementing traffic studies. In reading over this report, I just wasn't comfortable that the studies were done at enough time. The studies seem to be comprehensive, but I just don't know whether they did it over a period of days, weeks, months. That part I couldn't figure out. The part that I could figure out is they mentioned they did not do it when school was in session. This could turn out to be very important. I don't know what else they didn't consider. Also, the fact that they mention a growth rate of 2% per year. I don't know why they would want to build this if that's what they are anticipating from the doldrums we are in right now.

Sherrie Smith, 4625 Piedmont Row Dr., said I just want to take a minute to just say that I love living at Piedmont Row Town Center. It's a great place to be, but we have traffic problems, and anyone that would love to come out there in the morning or in the evening and see the traffic that goes down our private street, I welcome you because we can't take more traffic from the office buildings and certainly not from residential which is going to be a lot more transient. It will be apartments if the economy continues like it is. It's not going to be condominiums. I have lived in apartments. It's a constant moving vans coming and going. That's not the kind of home I chose. If I could move now, I might, but as we know, our property values we are not going anywhere, so I would love to see Childress Klein – they are great people. I think we can work this out. I just don't think we are there yet. Building height really concerns me because as Mr. Golen spoke we have got the step-down. Of course, Piedmont Row condominiums are going to be right in the middle of the step-down. So we are going to be completely shadowed and have no view but of another building. Thank you for listening.

Mayor Foxx said the petitioner has a two minute rebuttal opportunity here.

Mr. Brown said, first, thank you to the homeowners association. We have spent an awful lot of time with them; they have spent an awful lot of time on this trying to see what we can work out. We think we have made some very good compromises. As far as height, there are some things I want to be sure I point out. Under existing zoning, this is O-1. Under existing zoning, you can increase your height two feet for every foot you move the property lines in. This happens to be a huge square. Under existing zoning because we had to look at what we could do, the petitioner could build approximately a 375-foot tower on the site. That's about 28 stories. We obviously

have no interest in doing that. That's just to put in context what this could look like. Also, let me show you the context of the step-down. This site – the Piedmont Row Town Center, the commercial portion, is allowed up to – I don't know what is actually built, but I can read their zoning notes, and this is entitled for about up to 140 feet, Piedmont residential here about 120, Piedmont Row Phase 2 -- 180 feet, the Hyatt Hotel Condo Tower approved for 170 feet, so there are significant heights that are approved out here. On our site, the goal was to be sensitive to the area. That's why we divided the site and said the higher units should be on this side where it's closer to commercial. We have now lowered that to only 150, which is lower than what we are abutting the residential portion of our site would be 120.

I forgot to mention in my presentation because I was moving so hurriedly. When we were proposing to transfer 155,000 square feet of commercial with that we would give up the ability to do a hotel on the site, so the hotel option would go away as well. Finally, we have had good conversations with the Picardy neighborhood, the surrounding single family. In fact, even our neighborhood meeting they spoke up and said, well, when Piedmont Row where you live came through, we were comfortable with 180 feet. So I think the single family neighborhoods understand this is an urban location that complimented Piedmont Row, and I think they are comfortable with the heights we are talking about.

Councilmember Howard said I have actually questions of staff, Mr. Henderson, and probably the petitioner, so I'm going to start with staff. Existing use – I just heard Collin talk a little bit about what they could do, and thank you for that, Mr. Brown. Talk to me a little bit about what could happen by right. So, with the step-up, what is the density of what could go there by right right now?

Ms. Keplinger said with the office district the height calculation that Collin indicated is correct because of the way the ordinance reads. In terms of the amount of office, in terms of square footage on that site, I will be very honest with you. I don't know that calculation right off hand. That might be something that the petitioner could tell you.

Councilmember Howard said how dense could it be?

Mr. Brown said the floor area ratio allowed in O-1 if you do a structured parking is a .9. If you put .9 on this site, it would be about 515,000 square feet. Sounds familiar – we came up with our number. You would have to do some parking, so it would be somewhere in the high 400,000 square feet of office under existing.

Councilmember Howard said the next question is about the fact that this is a center, and our concepts for the centers, corridors, and wedges, this is, I would guess, the SouthPark Small Area Plan would kind of cover and talk about what we expect out of this center. What does the plan and that framework call for this area? What's the expectation of the center? It is to be urban; is that not correct?

Ms. Keplinger said I think I will have to defer to Laura Harmon to come up and help us with the centers issues.

Councilmember Howard said I tell you what I'm trying to get. I'm trying to make sure that everybody understands what the expectations are of a center because this whole area is a center; is it not?

Laura Harmon, Planning, said it is part of a mixed-use activity center. It's really we are looking in these kinds of areas for a mixture of office, residential, and retail, and civic uses and really using the areas plans to provide the specificity on a site-by-site basis. In looking at the SouthPark Plan, it calls for office with some residential but does not go into details on heights or floor area ratio limits or any of those kinds of things.

Councilmember Howard said you leave that to the Zoning to provide that.

Ms. Harmon said our more recent plans we have added more of that kind of information, but because of the age of it, we did not at that point in time.

Councilmember Howard said in the small area plan do you recall what it actually calls for on this parcel – the uses?

Ms. Harmon said it's office or mix of office and residential on this site.

Councilmember Howard said you didn't get into heights or anything like that – just if it ever redeveloped you would want mixed uses.

Ms. Harmon said, right, and especially one of the things we were looking for in general in the SouthPark Plan because the area at the time of the plan was pretty much pure office with the exception of the mall was the inclusion of residential on a number of these sites as they redeveloped.

Councilmember Howard said, Mr. Brown, are you guys agreeing to some height restrictions or are you just going to do what you can with the step-down?

Mr. Brown said initially our request was for 120 feet on the eastern portion and 180 feet on the western portion. We have agreed to reduce that 180 to 150.

Councilmember Howard said so the buildings that would back up to Piedmont Row townhomes would be equivalent to the same height as those buildings?

Mr. Brown said our entitlements would match their entitlements. I don't know what they have actually built to, and I don't know whether Childress Klein would use every bit of their height entitlements, but we are asking for something that matches that. But I tell you, if you look across the street here, if this site is developed, that's entitled at 180 feet, and we are only asking for 120.

Councilmember Howard said, Mr. Henderson, you mentioned earlier – well, we don't run into these a lot where developers actually protest developers, so I'm really interested in what the issues are that the property owners you are representing, their issues and what you guys are working through.

Mr. Henderson said generally they are the issues that you have already heard about today – concerns about traffic, concerns about parking. You have already heard concerns about building height. There was some conversation about the hotel. Of course, there are many details in that, and much of it is yet to be documented, but those are the general things.

Councilmember Turner said I want to talk to staff. Y'all help me out. Where is the private street that we keep alluding to? What is the name of it again? If it's privately owned, who is maintaining it – the neighborhood, the residential, or is that joint partnership with some commercial?

Mr. Golen said the residential homeowners association is subject to a master association. The master association maintains the roads and the grounds of the Piedmont Town Center including Piedmont Row Drive.

Councilmember Turner said how much of this road are you all expecting to see in use from this development because in order to have access to that road – it's a private street. You have every right to put up no trespassing and not allow them to come through there, so there has to be some kind of a mutual understanding and agreement between the two bodies in order to have access or you relinquish that and sell the right-of-way to them and then they do what they want with it and they maintain versus the City of Charlotte. I'm really concerned – I heard one of those as a concern. That's why I wanted you to come back down. You expressed that you were concerned you currently have speed bumps out there now, and you are concerned about that continuation of getting more traffic. There has to be some kind of understanding between who has the right-of-way and what right do they have to it. If they plan to utilize that road that has to be a mutual consent, and if they are going to impact it, then what improvements can be done to it to, if any? I guess for you for representing on the petitioner's behalf my question would be to you how does this impact you? Do you have to use that road at all?

Mr. Brown said I don't think we have to, and I think the association is within its rights to prevent access, and I don't think that is something – our traffic analysis is focused on other intersections – not that one. What the association asked us to do was – they were concerned that traffic – if we had our street here where we originally had it, we would be more likely to use their street as well as Assembly Street when we had this plan. So our goal in talking with them was say, okay, we'll get rid of this street, and if that will provide a disincentive, we'll turn this into an active open space. That is something the association didn't have. They can come out there and do whatever they want. Without that access point, people will be more likely to use Barclay Downs and Carnegie to access the site from other locations. We don't intend to use that road.

Councilmember Turner said basically I guess what I'm getting now, and I appreciate your answer. One of the things you can't control, and I think you just hit on it. You might not be planning on using it, but you have no control over those that would come there to utilize, have access to your development, and I think that's a good idea. That would be something that I would want them to do and y'all continue to have discussion on it is how you can minimize that and what else are you willing to do to resolve that matter, so it really is a private street. I don't think it's fair to them, and this is not one way or the other where I stand on this project, but it is one of the things that I think that stands out. I don't think it's fair to the homeowners there to have to police or incur costs in policing that if they see further impact from it. I hope you all will continue to have that discussion to try to resolve that matter, and you might even come up with a better idea that they really can live with.

Councilmember Carter said I do have three questions and statements. Mr. Turner, thank you for raising that issue about private streets. It's a continuing one of concern for me, and by having a private street, we now interrupt the flow that could dissipate some of that traffic and make it easier on everyone. Another example of what happens when we have a private street. Mr. Brown, about the demolition of the building and the attendant parking, is that going to be sustainable in your tradition? In other words, is it going to be environmentally beneficial?

Mr. Brown said I can say that Childress Klein has been a leader in sustainable activities. I think their track record with LEED certification of their buildings speaks for itself, and I think that is something as we talk economically – I mean that's the way things are taking it, and that's the way they are going to be led on this development as well.

Councilmember Carter said I'm very hopeful and delighted to hear that. Number three, the issue of transit service. Have we enfolded this new proposal in our transit service? This is a major hub, a major center for us, and I want to make sure we have comprehensive service with CATS.

Ms. Keplinger said, Ms. Carter, I believe when CATS responded on this petition they didn't have any outstanding issues that would lead them to believe that they feel they do have adequate service in that area.

Councilmember Carter said adequate – question mark. Best service is what we should look for. Thank you very much. If you would encourage them for me, thank you.

Councilmember Peacock said, Mr. Brown, could you talk about the continuation of Park South Drive and that option that Mike shared with us and what the petitioner's thoughts are on that?

Mr. Brown said Mike is probably going to be your best resource for that. That is something we heard from staff about this week. Our traffic study showed our impacts here, and we focused on what mitigations can be done. We certainly have been working with staff to understand CDOT's concerns and their requests and we're hopeful that we are going to reach a resolution on CDOT's issues. I think Mike would be the best. I don't know any details on it. I think it's something we are interested in learning more about. Our focus has been on the mitigation of our traffic impacts, but we do continue talking with CDOT in I think a very cooperative manner.

Councilmember Peacock said I will turn the question to Mr. Golen as well, too. What is your reaction to that?

Mr. Golen said I don't know if you can see right over your shoulder, but this is a private property. We would love to see this connected to Park South because there is a light there that

could accommodate left and right turns in all directions. The reason why people cut through here is to get that left turn capability. The problem as we see it is this is a private parcel, this is a private parcel, so I don't know how practical it is to base a plan on an assumption that this street could be connected, but that would be beautiful. Let me point out that this is a parking deck, so that's the back side of the parking deck. Similarly, Assembly Street parking deck, parking deck. This is residential. Speed bump, speed table, speed table, fountain, speed bump. This is where I said it goes from three down to two. This is the problem area. I know Andy, when we met with him, had some ideas on Barclay Downs, but I can't speak for that right now.

Councilmember Dulin said I have to say something, Mayor. I have a question for Mike Davis, too, and comments with the two gentlemen, so y'all hang tight. About Assembly Street, Mike, right after I got on Council in '05 is when I started learning about the short light terminology, the short light from Piedmont Town Center Drive to Park South Drive, and then we put short lights in other places around town that they seem to work just fine. Is it too short from Assembly to Piedmont Town Center to throw an additional light in there so that people would be encouraged to come up Assembly to take their right turn?

Mr. Davis said the answer to your question is yes. I think that has been studied in the past as part of previous development proposals, and it was found unacceptable.

Councilmember Dulin said that's what I assumed it was going to be, and that's too bad because that would be a big boost for the neighbors of Piedmont Row. We can though as a city and as a planning city and a traffic city work on Barclay Downs and Fairview and try to get more cars through there in an efficient manner that they don't back up real badly. I mean I have done an unscientific survey of some of my neighbors. I live down on the other end of Barclay Downs, and they don't see much of a traffic problem there now. Now any development and 500 trips a day or something and we rather them come up Barclay Downs, but we can fix that. I'm saying question mark.

Mr. Davis said the traffic signals along Barclay Downs are actually not problematic. The intersection of Barclay Downs and Fairview is. It's right at capacity today. Under the proposed zoning I think in the p.m. condition, it gets as high as about 25% over capacity meaning there is actually more demand than the intersection can handle. That is where I was introducing earlier the idea if you wanted to fix that a way in which you could do that is to continue a third westbound lane, and then the question becomes is that the best way to mitigate that issue.

Councilmember Dulin said thank you. Mr. Barnes and I were talking. This body by the time it gets to voting time once a month here we really don't deny many petitions here. I mean we have worked through the problems or they get deferred until we work through the problems. We denied one tonight which is just a little bit rare. We denied it because the petitioner and the neighbors weren't able to get together and really get things worked out, and I don't see that at all here, Mr. Golan. The petitioner in this case I think has gone over backwards and they continue to meet and I think they will continue to meet with us, and the meeting I sat in several weeks ago since then they have completely shuffled their deck and come back with a completely different plan to move traffic out the other way and away from your development.

I have really got to applaud them for that, and the green space they have opened up, Nancy, this is a 13-acre sheet of water when it rains, and these guys are going to take it with technology and planning and lots and lots of money and are going to capture that water and either keep it and use it for something else or get it downstream where it's not affecting people. What I hear from the neighbors that are – as we are looking at this – to the northwest, those neighbors are downstream from here, and their number one issue is that storm water. Even neighbors that are a half mile away have come to the meetings going please help us with this. So, the Childress Klein folks, the petitioner, I think have done a pretty good job of that. There is still some work to do.

Mr. Golan and his neighbors have a very legitimate concern about a private road that they live on and the traffic there. We have gone over this, too, Mr. Golan. Nobody made you buy there, but that was sort of unintended. We probably didn't understand at the time what the consequences of that was going to be. It's an awfully nice – it's a very urban setting in a suburban market, and so I need to say to the petitioner thank you for listening. Those folks we denied tonight weren't listening, so continue to listen, please. Even the Piedmont Row neighbors aren't completely

together on this, and that's the way neighbors are sometimes on two different sides of something, but y'all need to work and get comfortable with this, too. Mr. Golen, I don't know if you are ever going to get comfortable away from the step-down. Just the fact where this site is it's going to have to go up some to make this thing – one of the great things we have got about this is that this petitioner has got a 35-year track record of doing good and now green developments, Ms. Carter. They lead the LEED with that.

Mr. Golen said I don't know where the precedent is to go up more than 80 feet is over here. This property you can't build on. The plan that was going to go there –

Mayor Foxx said a question, Mr. Dulin?

Councilmember Dulin said, yes, sir, I understand that, and it's well documented that is your issue, and we are going to continue to work on that. You and I have missed each other, and I'm sorry. I talked to you this morning, and I was going to call you back, and all of a sudden the day just went past me, but you and I are going to continue to talk about it. The gist of this, guys, is we are looking at a \$200 or \$300 million development on 13 acres, and we can't let – we have got to make sure we can help the petitioner and help the residents get comfortable with this because Lord knows we don't want it to go somewhere else.

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

ITEM NO. 15: HEARING ON PETITION NO. 2010-059 BY JEFF SHORT FOR A CHANGE IN ZONING OF APPROXIMATELY 3.65 ACRES LOCATED ON THE EAST CORNER OF THE INTERSECTION OF HOLT STREET AND HERRIN AVENUE FROM R-5 TO R-12MF(CD)

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this petition is for Jeff Short. The property is 3.65 acres. The proposal is to rezone from R-5 single family residential to R-12MF(CD). The proposal is to take two single family lots and convert them into three single family lots. There will be new six-foot planting strip and five-foot sidewalk along Holt Street, which is this street. The existing four-foot sidewalk and five-foot planting strip will remain along Herrin. The petitioner has also submitted elevations and you can see building material specifications for this design. The petition is consistent with the North Charlotte Plan, and staff is recommending approval upon the resolution of outstanding issues.

Ed Hickman said I am really here just to answer and respond to any specific questions that you all may have on behalf of the petitioner tonight. My name is Ed Hickman. I am with Studio Fushion. I am their architect.

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

ITEM NO. 16: HEARING ON PETITION NO. 2010-062 BY ALLEN TATE, JR. FOR A CHANGE IN ZONING OF APPROXIMATELY 1.3 ACRES LOCATED ON THE NORTHEAST CORNER OF PINEVILLE MATTHEWS ROAD AND JOHNSTON ROAD FROM O-1 TO NS

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this petition is to rezone 1.3 acres from O-1 office to NS neighborhood service. It is to allow the construction of an approximately 12,500 square foot

retail pharmacy drugstore with a drive-through component. The drive-through will be located away from Highway 51 and Johnston Road. Uses permitted by right or by prescribed condition under the NS district are allowed with the following exceptions: No restaurants with drive-through facilities, convenience stores with gasoline sales, automobile sales, service stations, car washes, nightclubs, bars, lounges, animal crematoriums, and funeral homes. The site, as you can see, has approximately 44 parking spaces. It includes the replacement of the existing five-foot wide sidewalks with six-foot wide sidewalks and eight-foot planting strips along Pineville-Matthews Road and along Johnston Roads. There will be a driveway on each road – Johnston and Highway 51. The petitioner is proposing additional landscaping along Johnston Road, and they have provided building elevations. The petition is inconsistent with the South District Plan, but it is consistent with the land uses in the area, therefore, staff is recommending approval upon the resolution of outstanding issues.

Bailey Patrick, K&L Gates, 214 N. Tryon St., said I represent Allen Tate. Unlike the petitions that have preceded this one, this is a fairly straightforward situation in that we have a building that is really just virtually kind of obsolete. It was formerly one of Allen Tate’s sales offices. It has been vacated for two years without any real people that were interested in the site. Mr. Tate has interested someone now in the site, and this petition would accommodate a Walgreens drive-through with a drive-through service lane. However, I want to point out – I believe that some neighbors maybe got the idea that we were allowing drive-through retail restaurants, fast foods. They are expressly prohibited, cannot be there, convenience stores cannot be used there, and the other list that Tammie mentioned.

We have had our community meeting, and there were several people there, but no one in opposition. Until Ms. Carter mentioned that one to me, I wasn’t aware of any concerns out there. Basically that’s the story. I think, as Tammie mentioned, staff is supportive of this petition provided we satisfy all of the conditions that were open. I’m happy to report that we have done that. We addressed the concerns of CDOT as well as some of the technical concerns that staff mentioned, and by the time the Rezoning Committee gets this, we will have a revised plan available for them. Mr. Tate is here, and I’m happy to answer any questions if anyone has any, but that’s the story.

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

ITEM NO. 17: PETITION NO. 2010-063 BY RICHARD LATORRE FOR A CHANGE IN ZONING OF APPROXIMATELY 5.12 ACRES LOCATED ALONG THE NORTH SIDE OF MONROE ROAD BETWEEN ASHMORE DRIVE AND GLENDORA DRIVE FROM R-4 TO O-1(CD)

Tammie Keplinger, Planning, said this is a petition to rezone 5.12 acres on the north side of Monroe Road from R-4 single family residential to O-1(CD). The proposed rezoning would allow the reuse of the existing structure, which is a former home approximately 1,500 square feet, for office uses. There is an allowed addition not to exceed 3,300 square feet with a maximum building height not to exceed 45 feet or two stories. There is a 12-foot Class C buffer that is required along the abutting residential zoning line and the petitioner has agreed to the reservation of 50 feet of right-of-way from the center line along Monroe Road. This petition is actually inconsistent with the East District Plan, which recommends single family land uses for this property, but it is consistent with the Draft Independence Boulevard Area Plan, and upon resolution of outstanding issues, staff is recommending approval.

Howard Neumann, 2925 E. Independence Blvd., said I’m serving as the agent for Mr. Latorre on the requested rezoning of this property. Mr. Latorre currently is a businessman in an insurance business located in Independence Tower. That building has some unknown situations as far as what its stability is at this point, and Mr. Latorre is looking forward to making a significant investment in this area of Monroe Road in this particular piece of property in changing it to office zoning. We have met with the Planning Department on a number of occasions and have indicated in our site plan many of the recommendations and revisions they

have asked for, and the most recent outstanding issues we find comfortable to revise the plan according to that. At the same time, as Tammie mentioned, the acknowledgement of the draft of the Independence Area Plan that this would pretty much be in compliance with that as we transition from the Monroe Road area face back to residential properties towards the Independence location in the back. Also, there is a strong commitment to maintain the character and scale of the building and any improvements and modifications and/or additions would be made in the character and scale of the existing neighborhood.

Councilmember Carter said this is in District 5, and what I understand is that it addresses the reconvening of Independence Boulevard. What it does is shift interest to Monroe Road as a viable business occupational section, and the investment on Monroe Road is very much appreciated. Thank you for addressing neighborhood concerns. The appearance, the height, the entrance and egress of the building area, thank you very much for working on that. We do appreciate what you are doing for the area.

Richard Latorre, 4801 E. Independence Blvd., said definitely it's a pleasure to work on that property. What we want to do is really contribute to the east side and bring businesses there. We will employ four to five full-time professional insurance agents in that location, and we have an absolute commitment to make sure that property is well maintained, that loitering is not an issue, and that we add to the neighborhood. We really appreciate your support and consideration. I also want to thank the members of the Zoning Committee, Tammie and Tom, and his staff. They have been great, so appreciate that.

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

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ITEM NO. 18: PETITION NO. 2010-064 BY GREATER GALILEE BAPTIST CHURCH FOR A CHANGE IN ZONING OF APPROXIMATELY 2.86 ACRES LOCATED AT THE INTERSECTION OF SPRUCE STREET, SOUTH MINT STREET, AND WEST PARK AVENUE AND GENERALLY BOUNDED ON THE NORTH SIDE BY WILMORE DRIVE FROM R-5(HD-O) TO MUDD-O(HD-O)

Tammie Keplinger, Planning, said this petition is to rezone approximately 2.86 acres from R-5, historic district overly, to MUDD-O, historic district overly. You should probably remember in December 2009 there was a similar petition on this property, which ended with a denial. City staff convened with the neighborhood and with the petitioner, and as a result, a planning diagram and guiding principles were developed for the redevelopment of this property. In April of 2010, the City Council voted to allow the Greater Galilee to resubmit a rezoning application for this site. So what we have before us tonight is a result of the community coming together and making an effort to see the redevelopment of the property.

Briefly, the petition proposes a 16,186 square foot addition to the existing church. It will reuse an existing approximately 3,000 square foot building for accessory office and administrative uses. Additional parking for the principle land and accessory uses will be developed. The petitioner has submitted elevations for the church additions. There are four existing structures which are totaling a little over 13,000 square feet on the site, which will be retained. There will be a five-foot screening wall along West Park Avenue and Spruce Street to screen the existing parking or the proposed parking. Parking along other streets will be screened with shrubs. There is an eight-foot planting strip and a six-foot sidewalk along West Park Avenue and South Mint Street. There are a total of 99 off-street parking spaces provided. New street trees will be planted along portions of Spruce Street and several large trees are to remain throughout the site. Three houses, which are currently on the site, will be located in the Wilmore neighborhood.

As a part of this petition, the petitioner is requesting several optionals to the MUDD standards. The existing five-foot sidewalk along Spruce Street is to remain. The existing parking spaces along the side of Spruce Street are to remain and they encroach into the 14-foot setback. The existing building along Spruce Street is to maintain a setback of 13 feet. The existing building wall along Spruce Street is to be exempt from the street wall requirements for the percentage of

windows and doors that are required by the MUDD ordinance. All existing and new buildings will be exempt from the clear window requirement, and this is to allow stained or decorative glass for the church. The existing signage is to be retained. Parking between West Park Avenue and both the existing building and the proposed addition are to be allowed, and the existing church sanctuary building is allowed to encroach into the 14-foot setback.

The proposed sanctuary and the main church are consistent with the Central District Plan. The accessory office building, which is in this location, and the parking are inconsistent with the plan, however, they are institutional uses, and, as we know, the plans frequently do not tell us where those uses go but allow us to look at them on an individual basis. For this reason, the staff is recommending approval of this petition upon the resolution of the outstanding site plan issues.

I would also like to note that this petition has gone before the Historic District Commission and has received what is called "approval in concept". This means they will be required to go back with further details to the Historic Commission, but at this time, they have received some form of appropriate approval.

Councilmember Turner said I don't have a question. I just really wanted to make a comment. I think this is something we are all very familiar with. What a difference a year has made, but more importantly, this room is a totally different room than what we had our situation about a year ago. I want to first recognize the individuals that were involved, and I want to have Ms. Campbell stand up and her staff because the City Manager, Mayor. This was a very long process, but what was more important was when people communicate and have a goal in mind with open mind, it's amazing what we can do and accomplish. I know they put a lot of time, a lot of hard work from both sides. The neighborhood I think even came over to where they could even get a better use of their property, and I want to commend Debra and her staff, and I want to commend the church and the neighborhood for working together to come up with a solution.

Judge Shirley Fulton said I want to thank you for the opportunity for permitting Greater Galilee and Wilmore Neighborhood Association to come back before you with this zoning petition. As Councilmember Turner has expressed, both the neighborhood and the church have come a long way, and when we were here before, it was a very contentious situation. I think you will see tonight we are on one accord. Missy Epps, who is the immediate past president, sent an email earlier that you probably received saying that she was in total support of the plan that is being proposed, and also to thank the Debra Campbell of the Planning Commission and her staff as well as the Historic District Commission, who came to the table along with consultant, Victor Vines, and led that discussion between the neighborhood association and the church. It evolved over many nights of long commitment sitting at the table, talking through the issues, and coming to some common understanding of what the needs were of each side and how they could work together to make it work in the Wilmore community. The current president of the association is here as well as our engineer from EMHC, so I will give them an opportunity to speak. But thank you against for permitting us to do this.

Brian Walker, 413 W. Park Ave., said, Wow, is really all I can truly say. What a journey since I stood here before you all back in December of 2008 as a concerned neighbor and how far we have come is just amazing. I'm president of the Wilmore Neighborhood Association. We could not have asked for a better collaboration and a better result in regards to the relationship that has been developed between the neighborhood and the church. I first want to echo what everyone has said. I have to give a huge round of applause to Debra Campbell and her excellent team over there for all they have done in helping pull this together and bring the sides together and open the door of communication. I am delighted to stand here before you all representing the Wilmore Neighborhood Association in support of this rezoning petition. We are in support of this. There are a few things we would like to see addressed that I did note in a letter from the neighborhood association a little bit earlier. I will name them real quick.

Mayor Foxx said, sorry, I can't let you go, but there's a question.

Councilmember Turner said, Mr. Walker, what is it that you want to tell this Council?

Mr. Walker said I Just wanted to say real quick if CDOT or whoever it is could look closer at the parking on West Park Avenue and Spruce Street there is still a little bit of a concern of the

congestion there as it relates to the width of the street. There was some concern from neighbors about exempting from the new sidewalk on Spruce Street. The existing one is in poor shape right now, and typically when new developments are made they bring things up to standard. The third one we would like to see a little more detail in regards to the tree-save and what happens if a tree is not able to be saved – are there more planted to take its place? And, finally, the last one, which is the most important, and kind of echoes what was said at the Historic District Commission meeting, if some more detail can be paid to tying in the existing sanctuary and the surrounding area with the new details of the church and to marry them a little bit getting going from those intricate details to the lesser details of this. I am confident that can be worked out between now and the historic district application time. I would like to ask for your support in one last meeting with the City Planning and the church to try to walk through these architectural as we get to a final design so it will make a smooth process through the Historic District Commission. Again, I tremendously thank City Planning. I thank Warren Turner for his support through this, and most of all, I thank Greater Galilee Baptist Church for their patience and dedication in working with us, so thank you all.

Mayor Foxx said that's all the time we have for the speakers in favor.

Mr. Walker said one last thing is I would like to –

Mayor Foxx said, sorry, sir. We can't let you do that.

Mr. Walker said on behalf of the association we would like to make a donation to the building construction.

Mayor Foxx said thank you very much. Ms. Fulton, would you tell us what just happened?

Ms. Fulton said Wilmore Neighborhood Association, well, Brian Walker, made a donation to Greater Galilee Baptist Church as a contribution towards the development, so thank you. Can I say one more thing, and I would be remiss if I didn't say this. Dexter Sneed, who has been here all along and has participated in all of the discussion, is not here tonight because he was in a very serious accident, otherwise, he would be here, and he sends his regards.

Mayor Foxx said please tell him our prayers are with him.

Councilmember Carter said there was one issue that was raised -- the screening of the parking on both West Park and Spruce. Is that going to be visible screening or will you not be able to see through the screening? I'm concerned about the safety of the people who park?

Ms. Keplinger said we will have details about screening for you when you make your decision. We will make sure we provide that in the follow-up report for you. At this point, I believe the screening is based on a brick wall with some wrought iron that you can see through, but we will verify that and get that information to you.

Councilmember Carter said we can celebrate the end of a very agonized journey, and, oh, my gracious, thank you all. This is a resolution that warms our heart from all three parties.

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

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ITEM NO. 19: PETITION NO. 2010-065 BY LEVINE PROPERTIES, INC. FOR A CHANGE IN ZONING OF APPROXIMATELY 10.90 ACRES GENERALLY BOUNDED BY NORTH COLLEGE STREET, EAST 9TH STREET, NORTH BREVARD STREET, AND EAST 7TH STREET FROM UMUD AND UMUD-O TO UMUD-O AND UMUD-O(SPA)

Tammie Keplinger, Planning, said this petition is to rezone 10.9 acres from UMUD and UMUD-O to UMUD-O and UMUD-O(SPA), which is site plan amendment. The petition

basically proposes several multiple optional provisions to allow the redevelopment of the property that is shown. The major optional will allow encroachments into the setback along the rail corridor and along East 9th Street. They will modify the signage provisions and reduce the urban open space requirements. There are other minor optional provisions that are requested to help facilitate the redevelopment of the site.

Just to briefly go over the site with you. I apologize. These pictures are not the best. Tell you what, I'm going to let the petitioner's agent review the site plan with you.

Keith MacVean, King & Spaulding, 227 W. Trade St., said I will do a real quick presentation in terms of what we are requesting and who is with us here tonight. I'm here with King & Spaulding. Jeff Brown of our firm and I are assisting Levine Properties with this rezoning petition. With me here tonight is Daniel Levine with Levine Properties and Sue Freyler with Cole, Jenest and Stone is also assisting Levine Properties. That slide you see before you is a portion of the area being rezoned, but it is really the reason the rezoning petition is here. It's part of First Ward Park, part of the public-private venture between Levine Properties, the City, the County, and UNC-Charlotte to implement the vision for First Ward for the park, office, the light rail line, the private street that has been known as Market Street, and that's part of the reason we are here is the optional provisions or that is really the reason we are here – the optional provisions that go along with implementing the public-private partnership, the First Ward Park.

As Tammie mentioned, the optional provisions really center around encroachments into the light rail corridor. The light rail corridor is a setback area or light rail corridor setback is the setback along the rail line where buildings are required to orient, certain improvements are required to be made – landscaping, pedestrian improvements. As part of the First Ward public-private venture, there is a private street on the west side of the light rail corridor that encroaches into the setback area, and UMUD-O allows that private street to be built in that corridor. The idea behind that is to put retail on that street, activate the rail corridor as well as the park by having active uses along that side, and that street is right there. This is the light rail line, and then the private street is right in here, and uses would front in this area. This is the park itself on both sides of Eighth Street. This is the existing Dixie's Restaurant. One of the optional provisions deals with access to that restaurant – the service area in the rear. We have to use a portion of the rail corridor to access that service area. The Parks Department in working with Levine Properties are also going to use a small portion of this area to access and maintain the park itself. That area is going to be constructed out of concrete pavers. You won't really know it's an access drive – just physically it's built to allow service vehicles to use it. Again, that's because Dixie's is there existing. There is really no other way to get to it and implement the park.

The other optional provision – since there is such a large public open space here we did ask for a slight reduction in the amount of urban open space associated with office buildings just so the office workers could take advantage of First Ward Park and not have their little small urban open spaces, so there is a slight reduction in that, and then to emphasize the retail nature and the unique nature of this site, we did ask for some deviations from the signage provisions to allow the Levine Properties – this is for tenants and uses on the site. This wouldn't be billboard type signage.

Councilmember Howard said, Mr. Levine, what did you want to share with us about the sign?

Mr. MacVean said just the signage again is for the tenants of the site – not a billboard type sign. We are working with the staff to resolve the remaining issues. We met with them last week, and I think we are on a good path to get that done. We'll be submitting revised plans at the end of the week that we think will address all the concerns.

Councilmember Dulin said does the road in between where the buildings are and the park that stays open; correct?

Mr. MacVean said yes. Now, the private street, Market Street?

Councilmember Dulin said, yes, sir.

Mr. MacVean said there is a provision, an allowance, to allow the petitioner to close it for special events. There is a special event at the park, we want to set up some vendors along the private street –

Councilmember Dulin said what will you do though to mediate speed along that section?

Mr. MacVean said the section is being developed with on-street parking. There is right at the beginning as you come off of Ninth Street specifically in order to deal with rail line clearance there is a little bit of a curve in the street, but it's also going to be a street that is going to be paved with concrete pavers, so it will have a little bit of a different feel as you drive over it. On-street parking on one side, again, active uses, so I think those are mainly what we are doing to deal with traffic.

Councilmember Dulin said can you walk me one more time through where the entrance to the parking is and exit, I guess, if it's not the same.

Mr. MacVean said I may have to ask Sue to help me a little bit with this, but the parking for the facility is actually under this portion of the site.

Councilmember Dulin said how many floors under?

Mr. MacVean said I'm going to ask Sue because she has been working with this – Sue Freyler with Cole, Jenest and Stone. She has been working more on the parking aspects.

Sue Freyler, Cole, Jenest and Stone, said, yes, the parking is approximately three levels underground basically where Keith had outlined – basically an L-shape.

Mr. MacVean said under the future office building and a portion of First Ward Park.

Ms. Freyler said, Keith, if you will point out the entrances in between the UNC-C building and the Levine building.

Councilmember Dulin said all the folks that come down to study at the UNC-C uptown campus will park there.

Mr. MacVean said that's right.

Councilmember Dulin said where will the people that currently go to Dixie's – not that I would know anything about this, Mayor, where would I, if I were to go to Dixie's, where would I park?

Mr. MacVean said you would have an opportunity to park in the parking deck that is here, also along Market Street, and then on-street, on Brevard and also the other parking decks in the area, so there is on-street parking and then parking within the decks themselves.

Ms. Freyler said along the rail.

Councilmember Carter said what I was interested in was who is going to maintain that private street, number one; and, then number two, we had discussed at one point a farmers market on Eighth Street where it could be closed on Saturdays.

Mr. MacVean said Levine Properties will be maintaining the private street. I don't know the specific answer to whether a farmers market will be on Eighth Street or not. There are being provisions made to create special pavement on Eighth Street. Daniel, will there be a market on Eighth Street?

Daniel Levine, Levine Properties, said the farmers market is a concept that is being discussed and promoted for First Ward. Whether it happens in the park or along Market Street or perhaps some of the buildings around the light rail and Seventh Street are still ongoing. We are very hopeful that a farmers market does manifest somewhere in that area.

Councilmember Carter said so the options are still available on Eighth Street or on Market.

Mr. Levine said yes.

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

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**ITEM NO. 20: PETITION NO. 2010-063 BY CHARLOTTE-MECKLENBURG
PLANNING COMMISSION FOR A TEXT AMENDMENT TO THE CITY OF
CHARLOTTE ZONING ORDINANCE TO MODIFY THE BICYCLE PARKING
REQUIREMENTS**

Tammie Keplinger, Planning, said several years ago a text amendment was adopted by City Council establishing parking standards for bicycles. As we normally do sometimes when these text amendments go through, several years later we come back to you with amendments to the adopted text based on our experiences. The text amendment that you have before you tonight basically modifies the bicycle parking standards. It adds bicycle parking maximums for certain uses, and it modifies the short-term and long-term bicycle parking requirements for certain uses, and all of this is in response to the experiences that we have had with the bicycle parking text. Ken Tippett is here. He and I will both be glad to go over any details that you would like, but staff is recommending approval of the text amendment.

[There being no speakers either for or against, a motion was made by Councilmember Barnes,]
[seconded by Councilmember Howard, and carried unanimously to close the public hearing.]

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ADJOURNMENT

The meeting was adjourned 7:48 p.m.

Stephanie C. Kelly, CMC, City Clerk

Length of Meeting: 2 Hours, 16 Minutes
Minutes Completed: November 23, 2010