

**DINNER BRIEFING**

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, February 21, 2011, at 5:17 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, David Howard, Patsy Kinsey, James Mitchell, Edwin Peacock III, Warren Turner

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**Tammie Keplinger, Planning**, reviewed the Zoning Meeting agenda with the City Council. Ms. Keplinger also provided information about deferrals and answered Council's questions.

Planning Director, Debra Campbell, gave an update on planning initiative and informed Council of Planning's intent to utilize zoning dinner meetings to brief Council on any upcoming and/or existing projects. Ms. Campbell also described the follow-up report and gave Council information on how best to use the report.

The briefing was recessed at 5:56 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 Anthony Foxx presiding.

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**INVOCATION AND PLEDGE**

Councilmember Mitchell 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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**DEFERRALS**

[ Motion was made by Councilmember Cooksey, seconded by Councilmember Barnes, and ]  
[ carried unanimously to defer Item No. 3, Petition 2010-067, Item No. 4, Petition No. 2010- ]  
[ 069, Item No. 9, Petition No. 2010-79, and Item No. 10, Petition No. 2010-80 for one month; ]  
[ Item No. 1, Petition No. 2010-45 and Item No. 5, Petition No. 2010-72 for two months; and ]  
[ Item No. 14, Petition No. 2011-005 to the May meeting. ]

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**DECISIONS**

**ITEM NO. 2: ORDINANCE NO. 4599-X AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.629 ACRES LOCATED ON THE WEST SIDE OF BINGHAM DRIVE NEAR NORTH TRYON STREET FROM I-2 TO UR-2(CD)**

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

Mayor Foxx said there was a slight change to the proposal.

**Tammie Keplinger, Planning**, said the petitioner added a condition that no vinyl siding be added as a condition to the site plan. Since this is a change after the Zoning Committee vote, the Council is required by ordinance to determine whether this is a significant change, and if it is, it would go back to the Zoning Committee. If it is not, then the City Council can move forward with the vote tonight.

[ Motion was made by Councilmember Howard, and seconded by Councilmember Carter ]  
[ to approve the Statement of Consistency and Petition No. 2010-051 for the above rezoning ]  
[ by Habitat for Humanity of Charlotte, Inc. as modified and as recommended by the Zoning ]  
[ Committee. ]

Councilmember Cooksey said did I hear that the motion also includes the determination by Council that this is not a significant change so it doesn't have to go back to the Zoning Committee?

Mayor Foxx said, yes, you do.

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

The modifications are:

1. Building setbacks are now shown on the site plan.
2. The petitioner has provided front and rear building elevations identifying proposed building materials.
3. Language has been added to the site plan stating that the petitioner will not begin construction, including grading, on the site or obtain a building permit for the site until three (3) years after the date of the approval of the rezoning petition.
4. A note has been added limiting nonresidential uses to customary home occupation.
5. The tax parcel numbers for subject properties have been corrected on the site plan to reflect those listed on the application.
6. Note E1 states that in locations where the planting strip along Bingham Drive has been reduced to preserve existing trees the requirement for new street trees may be waived by the Urban Forestry staff.
7. The Fire Department comment has been addressed by extending the length of the hammerhead proposed at the southwest side of the property from 91 feet to 121 feet.
8. The heading of Development Note J has been revised to read "Buffers, Tree Save, Open Space and Traffic Calming".
9. New Development Note J5 states that the petitioner agrees to sign a petition requesting that CDOT install traffic calming devices along Bingham and Curtiswood Drives if the neighborhood makes such a request per adopted City policies.
10. A row of evergreen trees and shrubs has been added along the western property line.

The ordinance is recorded in Ordinance Book 56 at Pages 986-987.

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**ITEM NO. 6: ORDINANCE NO. 4600-X AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.474 ACRES LOCATED ON THE EAST SIDE OF CARMEL ROAD NEAR THE INTERSECTION OF CARMEL ROAD AND PINEVILLE-MATTHEWS ROAD (HWY 51)**

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

[ Motion was made by Councilmember Cooksey, and seconded by Councilmember Howard ]  
[ to approve the Statement of Consistency and Petition No. 2010-075 for the above rezoning ]  
[ by Woodie Enterprises, Inc. as modified and as recommended by the Zoning Committee. ]

The modifications are:

1. The petitioner has submitted two site plans – one for existing development and one for redevelopment. The existing development scenario indicates that the only principal uses allowed are an office and an ABC store. The redevelopment scenario indicates that the only principal use allowed is an automotive service station without gasoline sales. Parking calculations and building square footages for all proposed uses have been provided for the redevelopment scenario.
2. The petitioner has provided a front elevation of the proposed building as part of the redevelopment scenario.
3. Language has been added stating in the event t he site is redeveloped an eight-foot planting strip and a six-foot sidewalk will be installed along Carmel Road and the sidewalk may meander to preserve existing trees.
4. In response to the elimination of the bays on the north side of the proposed building due to inadequate maneuvering area, the petitioner has added a note on the site plan identifying a recorded ingress/egress easement allowing utilization of a portion of the driveway on the property to the north to accommodate vehicles maneuvering in and out of the garage doors on the north side of the new building. In the event this easement is terminated, vehicle ingress and egress will be solely from the garage doors on the south side of the proposed buildings.
5. The petitioner has addressed the CDOT issue concerning required planting strip and sidewalk via a note committing to install the planting strip and sidewalk upon redevelopment of the site (also see Item #3 above).
6. The petitioner will provide parking calculations for existing conditions.

The ordinance is recorded in Ordinance Book 57 at Pages 988-989.

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**ITEM NO. 7: ORDINANCE NO. 4601-X AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.4 ACRES LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WEST BOULEVARD AND DR. CARVER ROAD FROM R-22MF AND I-1 TO INST(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 Barnes, and seconded by Councilmember Cannon ]  
[ to approve the Statement of Consistency and Petition No. 2010-076 for the above rezoning ]  
[ by Anders Platt as modified and as recommended by the Zoning Committee. ]

The modifications are:

1. A note has been added stating that additional right-of-way will be dedicated and conveyed prior to the issuance of a building permit.

2. A detailed landscape plan has been provided for the area between the proposed building and West Boulevard which demonstrates how the detention pond will be screened and incorporated as a passive amenity area.
3. The building elevations have been modified to address design issues.
4. Deleted the “coordinated activities” note from the site plan.
5. Removed the future variance request to eliminate pedestrian connections to West Boulevard and Dewberry Trail.

The ordinance is recorded in Ordinance Book 57 at Pages 990-991.

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**ITEM NO. 8: ORDINANCE NO. 4602-X AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.4 ACRES LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WEST BOULEVARD AND DR. CARVER ROAD FROM R-22MF AND I-1 TO INST(CD)**

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

Councilmember Carter said at the Council on Aging today there was a good discussion about streamlining permitting, and there was a real push for this in responsiveness to innovation in the city particularly with regards to demand for ease of transportation within the house itself; in other words, access through doorways, etc. There are people here in town who are working on modular living. Hopefully we can bring these two issues together – the City and the County – and we can move forward on more rapid and streamlined permitting – very responsive to innovation.

[ Motion was made by Councilmember Mitchell, and seconded by Councilmember Barnes ]  
[ to approve the Statement of Consistency and Petition No. 2010-078 for the above rezoning ]  
[ by Charlotte-Mecklenburg Planning Commission as recommended by the Zoning Committee. ]

The ordinance is recorded in Ordinance Book 57 at Pages 992-995.

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**ITEM NO. 11: ORDINANCE NO. 4603-X AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.451 ACRES LOCATED ALONG THE WEST SIDE OF SOUTH BOULEVARD AND BOUNDED BY INTERSTATE 485 ON THE SOUTH AND THE SOUTHERN RAILWAY ON THE WEST FROM B-1 TO B-2(CD)**

Mayor Foxx said the Zoning Committee found the petition to be inconsistent with the Sharon/I-485 Transit Station Area Plan but to be 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. 2011-001 for the above rezoning ]  
[ by Automotive Management Services, Inc. as modified and as recommended by the Zoning ]  
[ Committee. ]

The modifications are: ]

1. Petition 2011-001 is referenced on the site plan.
2. The petitioner has shaded the remaining part of the site that is not part of the rezoning and contains the buildings and bulk of parking.
3. The existing zoning is noted as B-1 and the proposed zoning as B-2(CD) on Sheet 2 under “Development Data”.

4. "Development Data" on Sheet 2 has been amended to reflect the proposed use as "storage of auto inventory", and a note has been added stating that no buildings will be placed on the site.
5. The petitioner has responded to the inquiry regarding how the future dumpster/refuse enclose/pad will be accessed by a dumpster/refuse truck by showing a proposed "truck-turn path" on the site plan that depicts the turn movement of a WB-50 design vehicle southbound on the public access road behind the site and then maneuvering through the site to access South Boulevard. The proposed dumpster/refuse truck will be able to follow this path after pulling forward to empty the dumpster at the end of the public access road.
6. A note has been added that states parking will not extend within ten feet of the rear property line.
7. The petitioner has provided a cross-section of the proposed six-foot fence with opaque covering to screen the storage area.
8. The petitioner has stated that proposed fencing, curb and gutter, and paved parking have been relocated so as not to encroach into the Norfolk Southern Railroad right-of-way.
9. The petitioner has submitted information regarding the 30-foot access easement, which has been forwarded to the City Attorney's Office for review.

The ordinance is recorded in Ordinance Book 57 at Pages 996-997.

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**ITEM NO. 12: ORDINANCE NO. 4604-X AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.77 ACRES LOCATED ALONG THE EAST SIDE OF HAMILTON STREET BETWEEN SEABOARD STREET AND WEST BROOKSHIRE FREEWAY**

Mayor Foxx said the Zoning Committee found the petition to be consistent with the Center City 2010 Vision Plan and to be reasonable and in the public interest.

[ Motion was made by Councilmember Mitchell, and seconded by Councilmember Howard ]  
[ to approve the Statement of Consistency and Petition No. 2011-003 for the above rezoning ]  
[ by Music Factory Condominiums, LLC as modified and as recommended by the Zoning ]  
[ Committee. ]

The modifications are:

1. Exhibits have been provided of the two-sided roof mounted sign proposed by the optional provision.
2. Note C(1) under "Optional Provisions" has been clarified to indicate that the roof mounted sign to be installed on the northern side facing West Brookshire Boulevard will be the "JFG" sign (820 square feet). The "JFG" sign shall have a minimum lease term of five years as indicated in Note C(3)(a).
3. Note C(3) has been added under "Optional Provisions" to indicate conditions under which the "JFG" sign is allowed to be removed and replaced with another sign. These conditions include the following:
  - a. The replacement sign shall be limited to 500 square feet and be for the identification of the NC Music Factory venue and may advertise events and entertainment opportunities.
  - b. The events and entertainment opportunities offered at the NC Music Factory may be displaced on an electronic changeable face sign while the remaining elements of the sign will remain static.
  - c. Up to 20 percent of the electronic changeable sign face area may advertise sponsors of the events and entertainment opportunities.
  - d. The final design and appearance of the replacement sign must be approved by the Planning Department prior to the issuance of a sign permit.
4. The roof mounted sign on the back side of the "JFG" sign found in Note C(2) under "Optional Provisions", has been limited to an on-premise identification sign associated

with the use(s) within the building it is atop. The maximum sign face area shall be 100 square feet and will take the place of the wall sign allowed on the southern facing wall.

- 5. Note C(3)(i) under "Optional Provisions" has been modified so that messages or information on that electronic changeable face area of the replacement sign used to provide information on the various venues located at the NC Music Factory and the events and entertainment opportunities offered and to be offered at the NC Music Factory shall remain in a fixed, static position for a minimum of six hours. The Planning director may authorize more frequent intervals of changes to the copy of information on the electronic changeable face area of the replacement sign based upon the following:
  - a. The owner of the Site provides contextual graphics that provide a compelling reason for allowing more frequent changes.
  - b. The contextual graphics indicate that the sign copy displaying multiple events and entertainment opportunities are not legible from West Brookshire Freeway.
  - c. The frequency of the changes to the copy or information shall not change the intent of the Replacement Sign being an identification sign and not a billboard sign.

The ordinance is recorded in Ordinance Book 57 at Pages 998-999.

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**ITEM NO. 13: ORDINANCE NO. 4605-X FOR THE ADOPTION OF A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO COMPLY WITH NC STATUTES AND SESSION LAW 2009-178 REGARDING NEW REQUIREMENTS FOR THIRD PARTY REZONING PETITIONS**

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. 2011-004 ]  
 [ for the above rezoning by Charlotte-Mecklenburg Planning Commission as recommended ]  
 [ by the Zoning Committee. ]

The ordinance is recorded in Ordinance Book 57 at Pages 1000-1001.

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**HEARINGS**

Mayor Foxx said I did fail to mention in the deferral motion two deferrals on the hearing agenda – Item 17 and Item 18.

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Barnes, and ]  
 [ carried unanimously to defer Item No. 17, Petition No. 2011-008; and Item No. 18, Petition ]  
 [ No. 2011-009. ]

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**ITEM NO. 15: HEARING ON PETITION NO. 2011-006 BY DORE ACADEMY FOR A CHANGE IN ZONING OF APPROXIMATELY 6.078 ACRES LOCATED ON THE SOUTH SIDE OF PARKWAY PLAZA BOULEVARD NEAR COURTNEY COMMONS LANE FROM I-1(CD) TO O-1**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning**, said this is a conventional request, so there is no associated site plan. The petition proposes to rezone approximately six acres from I-1(CD) to O-1. All uses in

the O-1 district will be permitted. The future land use map for the property, and this is the West Side Strategic Plan, calls for office development in this area. As you can from the aerial, there is a lot of office, business, and residential, recreation, and institutional uses located in this area, so staff feels that office zoning is appropriate and is recommending approval.

Councilmember Barnes said, Ms. Keplinger, I noticed in the photograph that there is a building on the site now. What is that?

Ms. Keplinger said that is an existing office building that is on the site. It is about 57,000 square feet.

Councilmember Barnes said you don't know what they are proposing to do.

Ms. Keplinger said do not know.

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

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**ITEM NO. 16: HEARING ON PETITION NO. 2011-007 BY MEDICAL FACILITIES OF NORTH CAROLINA, INC. FOR AN INST(CD) SITE PLAN AMENDMENT OF APPROXIMATELY 9.05 ACRES LOCATED ON THE EAST SIDE OF TODDVILLE ROAD BETWEEN FREEDOM DRIVE AND LEWHAVEN DRIVE**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning**, said this is a site plan amendment for a property that was zoned INST(CD). In 2008, there was a rezoning, another site plan amendment, for this property, and at that time, they asked for 65,000 square feet for an expansion of the 120-bed nursing facility that is currently on the site to add 60 beds. They also had a 48-foot undisturbed buffer along the north edge of the property adjacent to the single family residential and a new public street that ties into Pinebrook Circle. The request today is to add an additional 5,000 foot expansion for a physical therapy and rehabilitation center and an additional 2,000 square feet to the 65,000 square feet that was approved in 2008 but never built.

In terms of the future land use, the property is located within the Northwest District Plan, and because of the 2008 rezoning that plan does recommend a nursing home with 180 beds on this facility, and it also recommends accessory uses for the nursing home. There are no outstanding issues, and staff is recommending approval.

**John Carmichael, 214 N. Tryon St.**, said on behalf of the petitioner. The whole purpose of this site plan amendment is to add a 5,000 square foot rehabilitation facility and existing skilled nursing facility. Bruce Hedrick is here from the petitioner available to answer any questions you may have.

Councilmember Carter said I would just like to say that institutions such as this around the city would be very, very appreciated. We are looking at a huge increase in our elderly population.

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

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**ITEM NO. 19: HEARING ON PETITION NO. 2011-010 BY HENDRICK AUTOMOTIVE GROUP FOR A B-2(CD) SITE PLAN AMENDMENT FOR APPROXIMATELY 8.08 ACRES LOCATED ON THE WEST SIDE OF EAST INDEPENDENCE BOULEVARD ACROSS FROM EAST W.T. HARRIS BOULEVARD**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning**, said this petition is a B-2(CD) site plan amendment for approximately eight acres. The CD that is currently on this site allows 2,000 square feet of building area on eight acres. The petitioner is requesting to increase that 2,000 square feet to 10,000 square feet. There are several existing accessory buildings that are located on the properties that serve the automobile dealerships that front along Independence Boulevard. One thing to not is that if you look at the aerial there is a baseball field in the upper north corner of the site. The adjacent property owner actually built that on the subject property.

There is a note that has been added to the site plan that says that if that ball field ever goes away that the petitioner will meet a 75-foot Class B buffer, which is part of the requirements in the conditional notes for the entire length of the property. The East District Plan recommends retail for the site. This site is located within the Draft Independence Boulevard Area Plan. That plan recommends office and retail and institutional uses, and the reason for the institutional use is because of the baseball field that is located on a portion of the site, therefore, staff is recommending approval of the petition upon the resolution of outstanding issues.

**Christopher Shelvin, 7574 Abigail Glen Dr.**, said I am the president of the homeowners association actually adjacent to this project. Some of the initial concerns when we were notified about this project was the disturbance of the buffer that was previously mentioned and how that would affect the serenity and the aesthetics of our community, which is actually our back door is right up against the parking lot they are going to be working in, so to speak. We received that notification around early January. On the 27<sup>th</sup> of January, we received notification from Automotive Group and Greg, who is sitting right here, and they reached out to the community and offered a meeting, which at that time they provided information, diagrams, etc., proof that this buffer would not be disturbed, etc. In light of this new information, the homeowners association does not oppose this amendment.

Councilmember Barnes said are you saying you do not?

Mr. Shelvin said do not, yes.

Councilmember Howard said, Tammie, the baseball field is actually on their property with their approval?

Ms. Keplinger said a portion of it is on their site and has been for many, many years.

Councilmember Howard said with their approval?

Ms. Keplinger said in terms of?

Councilmember Howard said before they built it they had Hendrick Company permission to do that?

Ms. Keplinger said I honestly do not know. I know from the research that we have done at the staff level it has been there since they originally rezoned the properties.

Mayor Foxx said I hate to run out of order, but there is actually another speaker signed up as well.

**Greg Hartley** said I work for EMH&T. I represent Hendrick Automotive Group. I think Tammie has done a very good job of explaining this, but basically what we are doing is trying to change this so when Hendrick Automotive Group wants to come in and do any kind of future expansions to buildings they don't necessarily need to come back before Council every time, so we are trying to give them a little bit of leeway by increasing that to the 10,000. Currently, I will go through real quick, the area they are looking at right now is actually the back of the BMW building. That is the only planned expansion at this time, but we have left area here and here on the other buildings that we may be able to expand in the future. If you have any questions.

Councilmember Barnes said regarding the current buffer is it already 75 feet?

bvj



Ms. Keplinger said, yes, sir, that buffer is in place with the exception of around the ball field area.

Councilmember Barnes said so towards the baseball field it would just be filled in at Class B level, 75 feet wide.

Ms. Keplinger said right now they are supposed to install, if it's not installed currently, a shrub hedge of red-tips that will grow up around the corner of the baseball field. That was from one of their previous site plan notes, and we have asked them to include that on this site plan as well, but if the ball field goes away then they would meet the 75-foot Class B buffer.

Councilmember Carter said I want to express my appreciation to the company for the good partnership with Garr Memorial. Thank you so much for joining in with the baseball field. You all will be complying with our tree ordinance now in that parking area – the 40-foot separation from trees.

Mr. Hartley said that is correct.

Councilmember Dulin said I was going to ask about you planning for the tree ordinance and also the post-construction design guidelines of water run-off and water retention and so forth. You have that planned in there?

Mr. Hartley said yes. Actually what we have already met with City Engineering folks to talk about the post-construction, and we are working to make sure that we are under that 20,000 square foot limit currently. Obviously from this point forward, as we move on, we may have to do some additional site modifications to achieve compliance with the PCCO.

Councilmember Dulin said so you are having to work around it though.

Mr. Hartley said, yeah, we don't quite meet the threshold at this point. If we find out we do meet that, obviously we will comply with the PCCO.

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

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**ITEM NO. 20: HEARING ON PETITION NO. 2011-013 BY CHARLOTTE MECKLENBURG PLANNING COMMISSION FOR THE ADOPTION OF A TEXT AMENDMENT TO THE CITY OF CHARLOTTE SUBDIVISION ORDINANCE TO ELIMINATE THE TRANSITIONAL SETBACK ALONG IDENTIFIED SECTIONS OF US HWY. 74 UPON COMPLETION OF NCDOT RIGHT-OF-WAY ACQUISITION PROGRAM**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning**, said I would like to talk just briefly and give you an introduction on the next two items on the agenda because they are related, and we will have separate public hearings and votes on both of these. US 74 has its own unique right-of-way requirements, and during the Independent Area Plan process concerns about that right-of-way came up. This right-of-way issue was discussed with the Economic Development Committee, and the next two text amendments are responding to their request to eliminate the transitional setback requirements along US 74 once NCDOT right-of-way acquisition has occurred.

Acquisition has currently been completed between I-277 and Albemarle Road, so the ordinance proposes to reduce the required right-of-way to the existing right-of-way. Where right-of-way has not been acquired, the proposed ordinance proposes to retain the existing minimum right-of-way until the acquisition is completed. These areas are from Albemarle Road to WT Harris Boulevard -- there is a 250-foot right-of-way currently – from W.T. Harris to Sharon Forest

Drive a 280-foot right of way, and from Sharon Forest Drive to the city limits, a 280-foot right-of-way. Once the right-of-way acquisition is completed for the two transportation improvements projects by NCDOT, the ordinance proposes to revise the required right-of-ways to match the existing right-of-ways at that time. The text amendment, 2011-13, is related to the subdivision ordinance, and it is consistent with adopted policies and recommendations in the Independence Draft Area Plan, and staff is recommending approval.

**Walter Fields, 1919 South Blvd.**, said I didn't sign up to speak in advance, but I was just moved as the proud father of the transitional setback ordinance in 1989. I felt it was necessary to stand up and say how proud I am that it's finally matured. This has been a process – been a tool in the ordinance which has been used as a model in other communities. It was far-reaching at the time. Some people said it was over-reaching at the time, but I think we worked very hard to work with property owners all those years, and the staff has continued to do that in these more recent years. But it had come to the point where it needed to go ahead and grow up, and I believe that is what has happened here.

City Council was gracious enough to amend transitional setback as it applied along a portion of this road. It facilitated the construction of the new Wal-Mart a couple of years ago. I have worked with property owners literally for the entire length of this corridor for over a decade dealing with how to manage future road rights-of-way, current development plans, and how to preserve places for these businesses to exist. I think it's a testament to the work on the part of the Planning staff and the Transportation staff and the Council's Economic Development Committee that these two amendments are before you tonight. As I said, I didn't plan to speak, but this is something that has been part of my life for quite a while. I'm very glad to see it going forward and maturing. There is more to be done with the roads in the rest of the city, but tonight it's very important to approve this, and I would encourage you to do that. Next month I will be back in front of you with an exciting project to try to find places for some of these businesses to go that are being displaced.

Councilmember Howard said I wanted to also echo what Walter said and thank staff on all levels especially the City Manager's Office, and I would ask you, Curt, if you would make sure that Dana communicates with the two Senators – Clodfelter and Ruccho – and let them know that we are doing this tonight.

Councilmember Carter said, thank you, Mayor and Mr. Manager and Planning staff. You all have earned true gratitude. Thank you very much for working with us on this. Thank you for establishing the guidelines so that Independence can be developed healthfully and in a good mode and in a transit-oriented way. You all have really laid the groundwork. You have stood your ground, and you have brought us success, so I am truly grateful. It is important to realize that what is approved tonight is what the staff has recommended, and we are holding to our staff recommendations, so it's something I would say we should celebrate.

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

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**ITEM NO. 21: HEARING ON PETITION NO. 2011-014 BY CHARLOTTE MECKLENBURG PLANNING COMMISSION FOR THE ADOPTION OF A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO ELIMINATE THE TRANSITIONAL SETBACK ALONG IDENTIFIED SECTIONS OF US HWY. 74 UPON COMPLETION OF NCDOT RIGHT-OF-WAY ACQUISITION PROGRAM**

The scheduled public hearing was held on the subject petition.

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

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**ADJOURNMENT**

The meeting was adjourned 6:31 p.m.

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Ashleigh Martin, Deputy City Clerk

Length of Meeting: 1 Hour, 3 Minutes  
Minutes Completed: March 30, 2011