

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, June 18, 2012 at 5:19 p.m. in Room CH-14 of the Charlotte Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmember present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, Claire Fallon, David Howard, Patsy Kinsey, LaWana Mayfield and Beth Pickering.

ABSENT: Councilmember James Mitchell

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Tammie Keplinger, Planning, reviewed the public hearings, decisions and deferrals on the agenda and responded to questions. Planning Director, Debra Campbell, reviewed the area plan status and text amendment update. Alan Goodman, Planning, reviewed the Zoning Ordinance Policy Assessment and Approach that will come to Council for consideration on June 25, 2012.

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

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ZONING MEETING

The Council reconvened at 6:01 p.m. in the Council Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Prom Tem Cannon presiding. Councilmembers present were John Autry, Michael Barnes, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, and LaWana Mayfield

ABSENT UNTIL NOTED: Mayor Anthony Foxx, Councilmembers Claire Fallon, and Beth Pickering.

ABSENT: Councilmember James Mitchell

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INVOCATION AND PLEDGE

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

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Mayor Pro Tem Cannon recognized the Chairman of the Zoning Committee, Stephen Rosenberg who introduced his committee and said their next meeting will be Wednesday, June 27, 2012 here at the Government Center.

Mayor Anthony Foxx and Councilmembers Clarie Fallon and Beth Pickering arrived.

Councilmember Howard said I'm not sure how many of you know that Mr. Rosenberg has been the Chair of the Planning Commission now for the last three years and this is his last meeting after serving in this capacity for this time. He actually took over from me after I left the Chair of the Planning Commission and I wanted to recognize him publicly. He has done a great job and I think he is the only Chair to go three years since Allen Tate did it a long time ago. I want to wish him well and thank him for his service.

Mr. Rosenberg said I have been Chair for three years and have served on the Planning Commission for 6 years and on the Charlotte Housing Authority for another four years. This marks a decade of service to what I think is the most wonderful city in America. I've had the opportunity to speak across the country, I wanted to recognize Debra Campbell and the staff that we have here in Charlotte. I was recently at the American Planning Association meetings in Los Angeles and this staff runs this city from a planning point of view very, very well. It has been honor to serve Council here and I also want to thank the Commission Members. For those of

you that don't know, some of our people will meet, 4, 5 or 6 times a week and I want to thank these citizens for taking time today so your community will be a better place tomorrow. I also want to thank my family, Kim and Brandon for the time that they've allowed me to take away. Again Council, thank you for the honor of serving you and this city.

Mayor Foxx said a lot of times people don't give full credit to all of the citizens that are playing a role everyday in our city and helping us move along, and Stephen we thank you so much for your service and to all the other members of the Zoning Committee.

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DEFERRALS

Mayor Foxx said we have several items that have been deferred. Item #1, Petition No. 2011-65, deferred to June 25th; Item No. 2, Petition No. 2011-068 requesting either a decision tonight or a deferral until October.

Tammie Keplinger, Planning said this is Morehead Properties and they had requested a deferral at the Zoning Committee and the Zoning Committee granted their deferral until September, but they have been able to resolve their outstanding issues and they are asking for a decision tonight. The Zoning Committee has not voted on this petition, however it has been more than 30 days since the public hearing so the City Council, by ordinance is allowed to vote.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Howard, to]
[approve the request by the petitioner and vote on this matter tonight.]

Mayor Foxx said there has been a request to withdraw Item No. 5, Petition No. 2012-024; a request to defer Item No. 11, Petition No. 2012-040, Item No. 13, Petition No. 2012-044, Item No. 18, Petition No. 2012-045, Item No. 33, Petition No. 2012-065 for one month and Item No. 26, Petition No. 2012-058, Item No. 27, Petition No. 2012-057 defer to September.

[Motion was made by Councilmember Howard, seconded by Councilmember Mayfield, and]
[carried unanimously, to defer Item No. 1, Petition No. 2011-65 to June 25th; Item No. 11,]
[Petition No. 2012-40, Item No. 13, Petition No. 2012-44 and Item No. 18, Petition No.]
[2012-45 and Item No. 33 Petition No. 2012-065 defer one month; Item No. 26, Petition No.]
[2012-058 and Item No. 27, Petition No. 2012-057 defer to September.]

Councilmember Barnes said Mr. Mayor, might I at the appropriate time speak to Items 26 and 27?

Mayor Foxx said you can do definitely do that.

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DECISIONS

ITEM NO. 2: ORDINANCE NO. 4897-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.50 ACRES LOCATED ON EAST MOREHEAD STREET BETWEEN KENILWORTH AVENUE AND MONTICELLO TRAIL FROM O-2 TO MUDD-(CD).

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of $\frac{3}{4}$ of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2011-068 for]
[the above zoning by Morehead Property Investments, LLC as recommended by the Zoning]
[Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 662-663.
Later in the meeting Ms. Keplinger, Planning Department said we need to revisit Petition 2011-068 by Morehead Properties as the Zoning Committee did not have a Statement of Consistency and I need to provide one for you. The request is consistent with the Central District Plan, the General Development Policies and the Midtown/Morehead/Cherry Area Plan in terms of uses and it is reasonable and in the public interest.

Mayor Foxx said let the record reflect that Ms. Keplinger has read into the record the Statement of Consistency that was referred to in the motion and approved by Council.

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ITEM NO. 3: ORDINANCE NO. 4898-Z FOR A UR-3(CD) SITE PLAN AMENDMENT FOR APPROXIMATELY .45 ACRES LOCATED ON THE SOUTH SIDE OF NORTH DAVIDSON STREET BETWEEN HERRIN AVENUE AND DONATELLO AVENUE.

A protest petition has been filed and is **insufficient** to invoke the 20% rule requiring affirmative votes of $\frac{3}{4}$ of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

[Motion was ,made by Councilmember, Kinsey, seconded by Councilmember Howard, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-009 by]
[Dave Ransenberg and Doug Levine, for the above zoning as modified and as recommended]
[by the Zoning Committee.]

The modifications are:

1. The zoning district of the property located across North Davidson Street and located within the railroad right-of-way is now labeled and identified as I-2 on the site plan.
2. The site plan now notes that the minimum setback from Warp Street will be 20'.
3. The Signage note has been removed from the site plan.
4. A note has been added to the site plan stating all freestanding light fixtures will be uniform in design and shall not exceed 20' in height.
5. CDOT issues have been addressed with the following actions:
 - a. The proposed fence along North Davidson Street has been reduced in height from 42" to 30".
 - b. The site plan shows dedicated right-of-way 30' from centerline of the existing North Davidson Street right-of-way.

The ordinance is recorded in full in Ordinance Book 57, at Page 664-665.

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ITEM NO. 4: ORDINANCE NO. 4899-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.70 ACRES LOCATED ON THE SOUTH SIDE OF UNIVERSITY CITY BOULEVARD BETWEEN MARK TWAIN ROAD AND SUTHER ROAD FROM R-17MF TO MUDD-0 5-YEAR VESTED RIGHTS.

(Later in the meeting Councilmember Barnes said the 5-year vested rights had been removed).

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of $\frac{3}{4}$ of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, to]
[approve the Statement of Consistency and Petition No. 2012-010 by Crescent Resources for]
[the above zoning as recommended by the Zoning Committee.]

Councilmember Barnes said this petition is for a project that Crescent Resources wants to build across from the main entrance to UNC-C and there have been many months of activity on this
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petition and there are a few things that I wanted to point out to the Council and ask Ms. Keplinger, if she would, to confirm anything that we need to confirm or correct anything that we need to be corrected. There is a list of 18 items that they have provided us showing adjustments they have made. One of the things we heard from the community was the issue about 5 year vested rights. That has been removed. They have also moved the buildings away from the property lines. There is an 8-foot brick wall separating this project from the community behind it. The back side of the community is a two-story, so a number of the issues that you all heard during the public hearing and have received in e-mails have been addressed. Also Crescent is going to build a through lane along Highway 49 from Mark Twain to John Kirk Drive and that is about a half million dollars at their costs. They are not asking us to pay for it. They are doing it and it will help relieve some of the traffic pressure in that area. Have they addressed every single thing, no, but have they addressed most of what I heard and become aware of, yes. They have also provided us with some fairly attractive elevations which they are filing with the site plan notes. Ms. Keplinger if I say something that is not correct let me know because I don't want to mislead them. They have worked hard to address the concerns that have been expressed. There have been some concerns expressed by the neighborhood concerning issues that are going on in College Downs and a lot of that has to do with people, I think, renting out their homes and some management issues. There is also an issue regarding communications with the University and the neighborhood.

Councilmember Howard said I plan to support you as well Mr. Barnes. This does continue one of the things I asked for us to address and I don't know if we need to make it a formal request or a referral, but how we started to have our centers spread out into neighborhoods will continue to be a problem all over this community. We will have the same thing happen in SouthPark and in some other areas so I'm not sure, Mr. Assistant City Manager, where we started to have the conversation about addressing how do we have our centers continue to grow and make that transition as they abut neighborhoods in some fashion so we are respectful of both the growth and the fact that neighborhoods have been there for a while. I'll look to the Planning Director and you guys to maybe give us some thought about that, but I would love to have that conversation going forward.

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-010 by]
[Crescent Resources for the above zoning change as recommended by the Zoning Committee.]

Tammie Keplinger, Planning, said Mr. Mayor could we do the special vote not to sent this back to the Zoning Committee?

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and]
[carried unanimously, not to send this back to the Zoning Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 666-667.

ITEM NO. 6: ORDINANCE NO. 4900-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.5 ACRES LOCATED ALONG EAST INDEPENDENCE BOULEVARD BETWEEN PIERSON DRIVE AND NORTH SHARON AMITY ROAD FROM B-2 TO R-4.

A protest petition has been filed and is **insufficient** to invoke the 20% rule requiring affirmative votes of $\frac{3}{4}$ of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

[Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2012-030 by]
[Charlotte Mecklenburg Planning Department for the above zoning change as recommended]
[by the Zoning Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 668-669.

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ITEM NO. 7: ORDINANCE NO. 4901-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.99 ACRES LOCATED ON THE NORTH SIDE OF NORTH CALDWELL STREET AND GENERALLY BOUNDED BY NORTH BREVARD STREET, NEW CALVINE STREET AND EAST BROOKSHIRE FREEWAY FROM MUDD AND MUDD(CD) TO MUDD-O.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-035 by]
[Charlotte Housing Authority for the above zoning, as modified and as recommended by the]
[Zoning Committee.]

The modification is:

1. Addressed CDOT issues to modify two notes regarding the vehicular entrance along East 12th Street and the optional entrance along North Caldwell Street.

The ordinance is recorded in full in Ordinance Book 57, at Page 670-671.

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ITEM NO. 8: ORDINANCE NO. 4902 FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO 1) ADD TATTOO PARLORS AS A USE PERMITTED BY RIGHT IN THE UMUD, B-D AND U-I ZONING DISTRICTS, 2) CLARIFY THAT TATTOO PARLORS ARE A PERMITTED BY RIGHT USE IN THE UR-C, BUSINESS, INDUSTRIAL, B-1, B-2, B-P, U-1,TODD, I-1 AND I-2 ZONING DISTRICTS.

[Motion was made by Councilmember Autry, seconded by Councilmember Dulin, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-036]
[by Michael C. Drossos for the above zoning change as modified, and as recommended by]
[the Zoning Committee.]

The modifications are:

1. Changed the name of the use from tattoo parlors to tattoo establishments.
2. Added tattoo establishment as a permitted use with prescribed conditions in the uptown mixed use development (UMUD) zoning district, rather than allowing the use by right;
3. Added the following prescribed conditions only for tattoo establishments located in the uptown mixed use development (UMUD) district:
 - a. Clients and business related visitors shall be by appointment only, with appointments scheduled only between the hours of 8:00 a.m. to 8:00 p.m.
 - b. There shall be a 400' separation distance between tattoo establishments. The distance shall be measured from the nearest point of the buildings.
 - c. All federal, state, and local regulations for tattoo establishment shall be met.

The ordinance is recorded in full in Ordinance Book 57, at Page 672-673.

Councilmember Mayfield said just for clarification, the Text Amendment is really looking at how we identify tattoo parlors for this location, but I have a question regarding a sign that I saw on Wilkinson Boulevard at a business that sells rims for car tires that also has piercing and tattoos. Do we have any language now that addresses multiuse in a building such as that?

Tammie Keplinger, Planning, said as long as they are all in the same category and they fit in the Zoning District that they are in, for example if that was in an I-1 District and all of those uses were allowed in an I-1 District, then you might have multiple tenants within a building or you could have someone that has several different businesses within one space. This Text

Amendment you are correcting does not address that, but that is something that is currently allowed by the ordinance.

ITEM NO. 9: ORDINANCE NO. 4903-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 17.91 ACRES LOCATED ON THE SOUTH SIDE OF WEST MOREHEAD STREET NEAR THE INTERSECTION OF I-77 AND I-277 FROM MUDD TO MUDD-O AND I-2(CD).

[Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-038 by]
[Charlotte Pipe & Foundry Company for the above zoning change, as modified, and as]
[recommended by the Zoning Committee.]

The modifications are:

1. Indicated a 30-foot Class “B” buffer between Parcel A within Tract II and the abutting existing MUDD zoned office building on Sheet RZ-1. Also eliminated the last paragraph within Note 5(b) regarding this required buffer.
2. Revised 3rd paragraph under Note 3 (b) to indicate that all uses permitted in the I-1 district that are also permitted in the I-2 district are allowed.
3. Eliminated note 5(a)(i) and 5(a)(ii) regarding streetscape improvements along West Morehead Street. Replaced the notes with a new note 4(c) which indicates that the petitioner agrees to enter into a public/private joint venture agreement with the City for streetscape improvements along West Morehead Street. The petitioner agrees to design and install an eight-foot planting strip and eight-foot sidewalk along West Morehead Street except a 10-foot sidewalk will be provided between South Clarkson Street and South Cedar Street. The petitioner will also dedicate and convey the necessary right-of-way for the streetscape improvements and purchase and install the required street trees. The City will reimburse the petitioner for cost associated with the sidewalk relocation and construction.
4. Added the following sentence to the second paragraph within Note 5(b): “If Parcel D is used for off-site parking, the screening requirement established under the Ordinance will be satisfied”.
5. Eliminated Note 5©(i) and 5©(ii) regarding street improvements along West Morehead Street and reference the modified streetscape improvement note for West Morehead Street.
6. Modified Note 4(d) to read “If a building permit is issued for the construction of an occupiable building on any part of a Parcel within either Tract I or Tract II which abuts South Cedar Street, the Petitioner agrees at its expense to cause the entire portion of South Cedar Street beginning at West Morehead Street and running through Tract II and Tract III to Post Street to be transformed to a Local Industrial Street Section which is compliant with the Urban Street Design Guidelines prior to the issuance of the first Certificate of Occupancy for any occupiable building on any part of a Parcel within either Tract I or Tract II which abuts South Cedar Street. See Cross-Section “B-2” on Street RZ-2 for specifications”.
7. Modified No. 4(e) to read “If a building permit is issued for the construction of an occupiable building on any part of a Parcel within either Tract I or Tract II which abuts South Clarkson Street, the Petitioner agrees at its expense to cause the entire portion of South Clarkson Street beginning at West Morehead Street and running through Tract II to Post Street to be transformed to a Local Industrial Street Section which is compliant with the Urban Street Design Guidelines prior to the issuance of the first Certificate of Occupancy for any occupiable building on a Parcel within either Tract I or Tract II which abuts South Clarkson street. See Cross-Section “B-2” on Sheet RZ-2 for specifications”.
8. Modified Note 8 to commit to a maximum sign face area of 100 square feet and maximum signage height of seven feet.
9. Provided building material standards for the building facades of future buildings to be constructed within Tracts II and III that fact South Clarkson Street, South Cedar Street, and Tract I.

10. Addressed Transportation comments by indicating a 10-foot wide shared-use path along West Morehead Street between South Clarkson Street and South Cedar Street.
11. Modified the proposed uses within Tract I to allow all uses within the MUDD Zoning District with no development limitations.
12. Eliminated one of the two entry monument signs at the corner of West Morehead Street and South Clarkson Street.

The ordinance is recorded in full in Ordinance Book 57, at Page 674-675.

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ITEM NO. 10: ORDINANCE NO. 4904-Z FOR AN INST(CD) SITE PLAN AMENDMENT FOR APPROXIMATELY 2.7 ACRES LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF RAMA ROAD AND SARDIS ROAD.

[Motion was made by Councilmember Cannon, seconded by Councilmember Howard, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-039 by]
[Michael T. Whitehead and Elizabeth M. Whitehead for the above site plan amendment, as]
[modified and as recommended by the Zoning Committee.]

The modifications are:

1. A 20-foot required Class C. Buffer has been shown on the plan.
2. The zoning of the surrounding properties has been listed on the site plan.
3. Existing trees being saved on the site have been identified on the site plan.
4. The requested 50 feet of right-of-way has been labeled and proposed for dedication.
5. The square footage of the existing structures has been listed on the site plan.
6. Note #12 on the site plan has been removed.

The ordinance is recorded in full in Ordinance Book 57, at Page 676-677.

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ITEM NO. 12: ORDINANCE NO. 4905-Z FOR A R-3 SITE PLAN AMENDMENT, FOR APPROXIMATELY 28.31 ACRES LOCATED ON THE WEST SIDE OF PARK SOUTH DRIVE BETWEEN FAIRVIEW ROAD AND ROYAL CREST DRIVE FROM R-3 TO MUDD(CD).

A protest petition has been filed and is **insufficient** to invoke the 20% rule requiring affirmative votes of $\frac{3}{4}$ of the Mayor and Councilmembers, not excused from voting in order to rezone the property.

Tammie Keplinger, Planning said there is a change since the Zoning Committee vote and I would like to read that change to you and also we need a special vote not to send it back to the Zoning Committee. True Homes has agreed that new construction sharing a common boundary with existing homes will adhere to a maximum 20% reduction of heated square footage of that existing home within Phase 2. This allows some additional protection for the homes that are already constructed so that smaller homes are not built near them.

[Motion was made by Councilmember Cannon, seconded by Councilmember Mayfield, and]
[carried unanimously, to not send this back to the Zoning Committee.]

[Motion was made by Councilmember Mayfield, seconded by Councilmember Barnes, and]
[carried unanimously, to approve the Statement of Consistency as amended by Ms. Keplinger]
[and by the Zoning Committee, and to approve Petition No. 2012-041 by True Homes, LLC]
[for the site plan amendment as modified and as recommended by the Zoning Committee.]

The modifications are:

1. A note that the proposed development numbers will be the same as they were approved under petition 1992-014©.
2. Petitioner has dedicated 11.7 acres to Mecklenburg County Parks and Recreation for the Greenway trails system.
3. Petitioner has added a note that the minimum square footage for each house will be 2,300 square feet and each house will have 25% masonry material as set out in the Huntington Forest Covenants and Restrictions.

The ordinance is recorded in full in Ordinance Book 57, at Page 678-679.

ITEM NO. 14: ORDINANCE NO. 4906-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.5 ACRES LOCATED ON THE EAST SIDE OF RED OAK BOULEVARD NEAR THE INTERSECTION OF I-77 AND WEST ARROWOOD ROAD FROM B-D TO B-2.

[Motion was made by Councilmember Mayfield, seconded by Councilmember Barnes, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-046 by]
[SunCap Property Group for the above zoning change as recommended by the Zoning]
[Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 680-681.

ITEM NO. 15: ORDINANCE NO. 4907-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.30 ACRES LOCATED ON THE WEST SIDE OF IDAHO DRIVE AND GENERALLY SURROUNDED BY CENTRE STREET AND ODUM AVENUE FROM I-1 TO I-2(CD).

[Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-047 by]
[O’Leary Research Recovery Center for the above zoning, as modified, and as recommended]
[by the Zoning Committee.]

The modifications are:

1. The petitioner did not provide the maximum building square footage on the site plan as ultimate size of facility is an unknown at this point.
2. Addressed Transportation comments as follows:
 - a) Amended note 3a, under “Access” to state that vehicular to the site will be from Darby Avenue, Odum Avenue and Centre Street should Darby Avenue be abandoned. Modified language also state that access to Idaho Road will be allowed, but may only be granted after a Transportation Technical Memorandum (TTM) is submitted to CDOT, City Planning, and NCDOT for review and approval.
3. Revised Note 2c under “Permitted Uses and Development Area Limitation to state the existing non-conforming single family house will meet the requirements of the Ordinance for nonconformities.
4. Added note 4g. under “Streetscape, Buffers and Landscaping” to state that the screening requirements of the Ordinance will be met.

The ordinance is recorded in full in Ordinance Book 57, at Page 682-683.

ITEM NO. 16: ORDINANCE NO. 4908-Z FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO ADD DEFINITIONS AND REGULATIONS TO ALLOW BICYCLE-SHARING SERVICE AND STATIONS AS

NEW USES ALLOWED WITH PRESCRIBED CONDITIONS IN ALL ZONING DISTRICTS.

[Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2012-066 by]
[Charlotte Mecklenburg Planning Department for the above text amendment, as modified, and]
[as recommended by the Zoning Committee.]

The modification is:

1. Modify the definition of Bicycle-Sharing Service as follows: “A service whose function is to provide the general public with opportunities to rent bicycles on a short-term basis for use within the city or region”.

Councilmember Howard said you have before you an amendment that would allow bike-share. The community is moving forward with that and the Transportation and Planning Committee has been working hard on this. Bike-share has been implemented in other cities including Washington, Minneapolis, San Antonio, Boston and we look forward to welcoming someone that may sponsor that here in this community real soon.

The ordinance is recorded in full in Ordinance Book 57, at Page 684-690.

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HEARINGS

ITEM NO. 17: HEARING ON PETITION NO. 2012-043 BY SEABOARD STREET CONDOMINIUMS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.62 ACRES LOCATED ON THE NORTH AND SOUTH SIDES OF NC MUSIC FACTORY BOULEVARD NEAR THE INTERSECTION OF I-277 AND NORTH GRAHAM STREET FROM I-1, I-1(CD) AND I-2 TO MUDD(CD).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a rezoning from I-1, I-1(CD) and I-2 to MUDD(CD). The property is located right off of I-277 and actually part of the property used to be the ramp from Graham Street to I-277. The site is currently undeveloped. In terms of the site plan they are proposing multifamily development with 250 units that are four and five stories and you can see where the four and five stories are marked on the plan with an internal parking deck. The property is along NC Music Factory Boulevard. We do have elevations, this is taken from NC Music Factory Boulevard looking straight into the site. In terms of the rezoning staff is recommending approval upon resolution of outstanding issues. Currently that portion of the property that used to be part of the entrance ramp at I-277 is zoned conditional but it has no development rights. The plan encourages residential opportunities within this part of the City. It is consistent with the Charlotte Center City 2020 Vision Plan and it is part of what is called an Innovative Corridor which encourages those residential opportunities. Staff is recommending approval.

John Carmichael, 101 North Tryon Street, said I am John Carmichael and this is Mr. Lazes, the petitioner. Noah and his father developed the North Carolina Music Factory and this site is located just down the street from that project. We think there will be very complimentary uses. Staff does recommend approval and there are a few outstanding site plan issues which we will resolve by Friday of this week. We are happy to answer any questions you may have.

Noah Lazes, 19401 Old Jetton Road said I am here to answer any questions. We would appreciate your support.

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

Council’s decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 19: HEARING ON PETITION NO. 2012-048 BY GCI ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 16.20 ACRES LOCATED ON THE WEST SIDE OF LANCASTER HIGHWAY BETWEEN SPRINGWELL STREET AND JOHNSTON ROAD FROM MX-2 TO R-17MF(CD).

A protest petition has been filed and is sufficient to invoke the 20% requiring affirmative votes of $\frac{3}{4}$ of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a rezoning from MX-2 to R-17MF(CD). The property is located off of Lancaster Highway, just south of Springwell Street. In 2003 a rezoning was approved for this site for 58 for sale duplex and quadplex units. The density was 3.5 dwelling units per acre. The proposal that is before you tonight is to rezone this property to allow 252 multifamily units and the density is approximately 15.5 units per acre. If you look at the Site Plan you can see Lancaster Highway, Landing Place Lane will be required to be connected to Lancaster Highway through the property. Clems Creek is located on one side and the petitioner is dedicating 2.38 acres of land to Parks and Rec for greenway purposes. There is a 50-foot buffer along the adjacent R-5 single family residential property and as you see it runs all the way around. In addition to further add protection to the single family residential properties the petitioner has agreed that this building of units will be two-story. Everything else in the property will be from 3 to 5-stories. In terms of the South District Plan the density is inconsistent with what was approved by the 2003 rezoning, but the density is consistent with the general development policies which recommends up to 17 units per acre for this site and the use is consistent with the South District Plan. For those reasons we are recommending approval upon the resolution of outstanding issues.

Keith MacVean, 100 North Tryon Street, said I am Keith MacVean with King & Spalding. Jeff Brown of our firm and I are assisting GCI Acquisitions, LLC with this rezoning petition. With me tonight is Eric Bell with GCI Residential, Greg Nichols also with GCI Residential and Jim Guyton with Design Resource Group and my colleague Jeff Brown. I want to thank the Planning Staff for their assistance with this petition. We are pleased that the staff is recommending approval of the request upon the resolution of the remaining outstanding C-DOT issues which we will be able to address this week. We also want to thank C-DOT and the Planning Department for arranging a meeting with us and the folks from Providence Point Neighborhood to discuss connectivity. They came up with an innovative solution that we are now adding to our plan and we will show that to you briefly. As Tammie has indicated, this request is consistent with the density recommendations of the General Development Policies. The site's core is well in the GDP's because there are a lot of supportive land uses in the area. Ballantyne is not far away. There are retail and other uses nearby. There is a school and it also does well on connectivity as well as the design features that we've added to the plan. As you will hear as we go through our presentation the proposed development is a quality development by a developer with generations of experience at developing high quality multifamily communities. The request provides numerous commitments to transportation as well as numerous commitments to design and provides numerous details in terms of design treatments especially around the edges of the site where we are transitioning from the proposed apartments to the Providence Point Neighborhood. Tammie went through a lot of the features that are a part of the current plan and we have made additional changes to the plan that we will present tonight, one of those being lowering the number of units to 248 instead of 252. We will discuss that in more detail as we go through our presentation. I want to thank the neighbors from the Providence Point Neighborhood. They were very gracious and patient with us. They met with us 5 times, they gave us a lot of their time, they dealt with us in a very professional manner and I know they are here tonight. I especially want to thank their President who helped us get everything organized. We had an open house meeting in the neighborhood in which he helped with and he gave very positive support on that. We have gotten a lot of positive comments from the residents of Providence Point, but understand the concerns of some of the residents that are adjacent to the site. We understand it is always difficult when development is occurring in your back yard.

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Eric Bell, 25101 Chargrin Boulevard, Beachwood, OH said thank you so much for considering our application. GCI is a family owned real estate business that has been around for about 60 years and I'm part of the third generation of family management of the company. We own almost 9,000 apartment units in Ohio, North Carolina, Florida and Texas. We manage every unit that we own and we've built most of the units that we own. We think that is really important to point out because almost anyone else who is going to build apartments in Charlotte is going to build them, fill them up and sell them to the future owners. The difference there is we own things generationally, we almost never sell anything. That is important because we spend the money up front, we make sure the quality of construction materials and design, we think about all of the things that are going to impact the apartment community over a long period of time. That is exactly how we are going to apply ourselves in this community. We've met a number of times with the homeowners from Providence Point, we've had very good meetings and I think many of them liked us. Some of them liked our project, but obviously, some most importantly the people that are adjacent to us have concerns about the use so I'll be talking to you soon. We are grateful for their time and they have been very helpful in productive meetings with us to talk about ways we can improve our project. I think even those that are going to speak against the project would admit that we worked very hard to accommodate and to minimize the impact that our project will have on their development.

I just want to point out a few of the changes we've made to our project as a result of these conversations. As Keith mentioned we have reduced the number of units from the originally proposed 256 down to the 248 that we are talking about tonight. We have reduced building heights and while it was mentioned there are buildings from two-story up to five, there are actually only two and three story buildings. There were a couple buildings, two I think goes down to have a basement level so from the back it would look like four-story buildings but from the front, the way they are measured they are only three-story buildings. We have reoriented the buildings to create as much distance between the buildings as we can from the single family homes. We have provided a higher class of landscape buffer than is required by code. We've added a 6-foot solid fence along the entire border with the adjacent homeowners and we've added parking and amenities to the project so that we can minimize the likelihood that any of our residents look to Providence Point for amenities or parking as was one of the original concerns brought up. One of the other things that Keith mentioned is that we worked very hard on connectivity. When we first brought the project up with the residents of Providence Point, they didn't want that street to connect to Lancaster Highway and quite frankly, neither did we. As you can imagine we are going to have our development on either side of this public street and we are concerned about traffic. When we met with Planning and NC-DOT a terrific idea was brought up. They told us no matter what goes there it will be connected with Lancaster, but they came up with this concept of a choker lane which actually reduces two-way traffic to one lane at the choke point, if you will, so that somebody heading north would have to wait for the person heading south to pass and vice versa. We think that is dramatically going to minimize the amount of traffic that comes from Providence Point through our development to Lancaster. We don't envision that any of our residents will have any reason to go into their neighborhood, but certainly their residents will want to pass through ours to get out to Lancaster so this should really dramatically help. The other thing that was discussed was a traffic signal. If you are familiar with the area our site is directly across from Ballantyne Elementary School. Lancaster Highway is a very fast, very busy street and I don't think it is a terribly safe one for the elementary school and we hope and think with our project being put there, a traffic signal will be warranted, which would really make a very safe way for kids to get from Providence Point into the elementary school in the future. The last thing I want to mention very briefly is the economic impact our project will have, unlike the 65 townhomes that were originally considered, our project will cost almost \$25 million, it will bring several hundred construction jobs to Charlotte and a number of full-time jobs after completion and based on the other properties we own in Charlotte, we think it will bring as much as \$3.5 million of taxes over the next ten years to the City of Charlotte. I think at the end of the day, if you look at the various uses that could be brought to this property, some may be more appealing to the residents at first blush, but because it is us, they all have my home number, my phone number, my contact information because Councilmember Cooksey will have my number when they call him and complain about us. We jump on complaints and if you could talk with any other city we are in I think they would show that belief.

Mr. MacVean said Eric has covered most of the material, but quickly on the changes we've made, is reduce the number of units, agree to partially fund the signal at the intersection of Landing Place Lane and Highway 521 or Lancaster Highway. That will help access to Ballantyne Elementary which is right opposite Landing Place Lane and create a safe signalized intersection for folks in the neighborhood and students to get to the school. Also agreed to the wooden fence which is an addition to the buffer, additional landscaping within the buffer, additional landscaping along Landing Place Lane, relocated the trash compactor. The building that Tammie originally mentioned was a two-story, the revised plan now adds another end of a building as a two-story building closest to Providence Point Neighborhood, lowering the building height there to a two/three, two stories over a basement. We added detached garages as well as garages within the units. The plans contain architectural commitments and specific elevations that have been provided as well as notes dealing with materials and type of building architecture that will be used. We have also included cross sections that show the relationship between the proposed units and the adjacent homes, showing the difference in elevation and the treatment within the buffer.

Robert Dizon, 17120 Clementine Court, said I am associated with the Providence Point Homeowners that are within the 100-foot buffer. With me is Doug Campbell who is also within the 100-foot buffer. This is the area we are talking about near Lancaster Highway, Johnston Road and Providence Road West. Our objective is this property remain as an MX-2 with the maximum number of units of 128. We've heard that GCI has worked with the Providence Point Homeowners and they have changed some of the elevations of some of the units but with the topography of this particular site, even though they change one building that sits directly behind where I live to a two-story building, in effect it is a three-story building because of the topography at that particular site. The homeowners along this buffer moved in between 2001 and 2003. All the property owners purchased their properties prior to the annexation of this area into the City of Charlotte and all the homeowners along that area paid lot premiums because the lots directly behind us were already developed, and already substantial homes on those two lots. One of the homes had a pool and it was not an undeveloped piece of property. In the summer of 2003 Yeager Construction Company entered into an agreement with the other two property owners to purchase their properties if they could get it rezoned. They requested a rezoning for an R-8 multifamily conditional and what they had requested was 128 units. Providence Point Homeowners worked with Yeager Construction Company to try to alleviate some of our community concerns such as what we just heard, Lancaster Highway is very congested. There was going to be a school going in, but it hadn't been built – Hawk Ridge Elementary, Audrey Kell, Community House were all over crowded and the concerns with the population density in that area. Those properties were zoned for R-5 and Yeager was asking for R-8. The City Council voted approval of 2003-47 petition, not to R-8 but to MX-2 which was a surprise to all the homeowners because we weren't notified of that particular change. Now GCI is requesting a change to R-17. The number of units that are currently approved based on the site plan is 56. The R-17 site plan is now 248, it was 252. As far as the CMS impact it was approximately 13 new students based on the current zoning. CMS is saying approximately 56. We don't agree with that and further on in the presentation we will share some information there. The current parking has 118 garages plus 1.5 parking units per unit. What GCI is proposing is on road parking of 1.5. Now they have made a modification to their plan saying that they are going to add some garage units, but I'm not sure what that number might be. It is not going to change the number of parking spaces per unit. The current setback is 50-foot class C buffer plus 50 feet until the building envelope. GCI is 50-foot Class C buffer. The distance between the closest home, which is my home to the closest building is currently 140 feet based on the site plan that was approved in 2003. Now it is 90 feet plus that building within that 90 feet is really going to be the equivalent of a three-story building.

Doug Campbell, 17121 Clementine Court, said I live in the Providence Point Community, right next to the property in question. I have two children, one of which will be attending Ballentyne Elementary this fall. First of all I would like to acknowledge that GCI has been working with us in the past and actually it has been a very good relationship, however, ... in the room has been the number of housing units that they are proposing to put in there and is way too much for this development. We have two major concerns, the first being the impact to CMS in the area. Ballentyne Elementary is right across from the property, separated by Lancaster Highway and there are also two other schools in the immediate area that will be affected by this

proposed development. CMS has done an impact study and are projecting 56 and like Rob mentioned earlier, currently the school system is over utilized in the area and Ballentyne Elementary this past school was 103% utilization and is expected to be more with these additional units. CMS has expressed a concern about rezoning where the capacity exceed 100% and CMS has said the proposed development will exacerbate the situation.

The next slide looks at rezoning and the original CMS impact study. You see the 56 units I mentioned earlier and with the proposed development you see the utilization to the right highlighted. Ballentyne Elementary is going to be at 105%, Community House Middle School will be 119% and Audrey Kell High is going to be at 121% utilized. Of course down below we see the impact of these additional students to CMS and the figure of \$1.3 million. We believe that the estimate of 56 students is underestimated. If we use the same ratio of bedrooms to CMS students that we have for our development and we have 445 housing units in the Providence Point with 337 students in there. If we use that same ratio based on units to bedroom units that turns out to be 95 additional students that will be impacted.

Our second major concern is the congestion along Lancaster Highway which is the main ultimate route for commuters making their to I-485 in the morning and of course returning in the evening. The main route is Johnston Road and that does back up so a lot of commuters take Lancaster Highway to get to the City in the morning. That being the case I'm going to review seven points of interest on this map which are definitely points of concern for all of our residents. Number one is the main entrance to Providence Point. Anytime after 7:30 in the morning it is very difficult to make a left turn onto Lancaster just because of the traffic coming both ways. The second point on the map is the traffic signal at Providence Point West and Lancaster Highway. That of course backs up and the back-up is going to go all the way to where we exit between location number one. Point number three on the map is the Rivera Condominium developments that are being built now and that is only going to add to the problems of congestion along Lancaster Highway. Number Four are retail stores that have just been completed so we have a Good Will that is just finished and we also have an IHopp that is being constructed and we also have an ABC Liquor Store that is being put in there too. It is going to add to the congestion and impact the traffic. Number five is the area right in front of the Ballentyne Elementary School. It is zoned MX-2 and they have drain out locations and sewage lines are already in place which has potential to more housing units. Our particular concern is marker #6 which is right next to the proposed community. It is already zoned R-17 so if you put two R-17 sites next to each other in this very congested corridor makes no sense to us and if they choose to develop R-17 it is just going to make matters that much worse. Another concern is the speed limit, the 45 to 55 MPH speed limit along Lancaster which is a concern for our children's safety in crossing the street.

In conclusion, where we are with this property essentially is going to be developed, we don't have a problem with that, however we strongly urge you to keep the zoning as it is, MX-2 which will limit the number of housing units that will be constructed in this area. We are more than willing to work with GCI within the MX-2 zoning guidelines and 248 unit are too much for us.

In rebuttal Mr. Bell said I was hoping to respond to a couple of the points that were raised. First of all Robert covered the history of the site and that obviously predates our involvement and there are a lot of examples of things that were expected that don't turn out the way they were expected and this may be an example of that, but certainly it is being developed in a responsible way. As far as the kids and the impact that this is going to have on schools, and we have 9,000 apartments, our experience is that we welcome families and prepare for families, we tend to have a big proportion of seniors in our communities and also a large number of young professionals before they have even started families or at the beginning before they have an impact on schools. Generally when families move into our apartment communities, they are moving in until they find a single family home and their kids are going to be in the district whether they are in our apartments or in a home that they ultimately move into. That has to be considered when talking about the number of kids and the impact. As far as parking is concerned, we've increased the count and we've increased the garages and we are still well in excess of what code requires of us and I think that is an important consideration. Finally, I think Doug mentioned the fact that the adjacent property is already R-17. Believe me we tried to buy that property first because we didn't want to have to go through this process, but Mr. Yeager told us he didn't want that property developed and certainly not for apartment so we were not able to buy that property.

Mr. MacVean said in terms of building heights we were very concerned about the relationship between building heights of our project next to the homes in Providence Point Neighborhood and that is why the two building closest to them that are not separated by parking and are within 100 feet of the site have been lowered to two-stories. Those buildings are 25 feet in height. There is a little bit of topography change, but it is only about 8 feet or about a 33 foot difference. The homes in Providence Point are also in the 25 to 30 feet in height so there is some compatibility and that is also why we agreed to do the undisturbed buffer, added the fence and additional landscaping, trying to anticipate that concern.

Councilmember Cooksey said Mr. Campbell, do you have copies of your presentation that you can share or can you e-mail them to us?

Mr. Campbell said I mailed them to you.

Mr. Cooksey said I'm sorry, I do more by e-mail than I do regular mail. I will dig into the mail and find that. Ms. Keplinger could you let us know when the adjacent parcel was zoned R-17MF?

Mr. Keplinger said I do not know that, but I will find that out.

Mr. Cooksey said I would like to know the Petition No. and when that was done.

Ms. Keplinger said we will also let you know what the rights are because that is a CD property.

[Motion was made by Councilmember Dulin, seconded by Councilmember Mayfield, to close]
[the public hearing.]

Councilmember Howard said is the MX density what we see on that plan, is it only that 48 or so units? Is that what the MX would yield?

Ms. Keplinger said it was actually approved for 64 units and then they did an administrative to lower it to 58 so 58 is the correct number of units.

Mr. Howard said MX is like a CD so it has to be exactly what that is right?

Ms. Keplinger said yes, the previously approved site plan is in your notebook.

Mr. Howard said are there any improvements anticipated for Lancaster Highway?

Mr. Cooksey said I will defer to staff on that one. I haven't seen Lancaster Highway in a project plan or even addressing the speed limit issue because as the opposition noted, that stretch is 55 mph on a two-lane road.

Mike Davis, Charlotte Department of Transportation said I took note of those seven items that were mentioned and we will look into each of those. Things like speed limit, clearly we can look into and work with NC-DOT on. There are no projects slated from the City perspective to make improvements to Lancaster Highway and I'm not aware of any state improvements, although I will look into that. There are improvements that are proposed as directly a part of this petition and there may be others as part of other approved developments that were mentioned in the presentation and we will look into that as well.

Councilmember Fallon said are you going to supply the traffic light?

Mr. Bell said we've agreed to contribute as much as \$50,000 or that we would pay up to half, not to exceed \$50,000. That was our current proposal.

The vote was taken on the motion to close the public hearing and was recorded as unanimous.

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ITEM NO. 20: HEARING ON PETITION NO. 2012-050 BY CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR THE ESTABLISHMENT OF THE PEDESTRIAN OVERLAY DISTRICT FOR APPROXIMATELY 374 ACRES LOCATED ON THE SOUTHWEST SIDE OF I-277 BEGINNING AT CALDWELL STREET FOLLOWING SOUTH ALONG MOREHEAD STREET THEN CONTINUING NORTH ALONG NORTH KINGS DRIVE TO EAST 3RD STREET ENDING AT QUEENS ROAD (UNDERLYING ZONING WILL NOT CHANGE).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said before I talk about the next two items on the agenda, they are related to the Morehead/Midtown/Cherry Area Plan so as is our new policy we'd like to give you some information about what happens in that planning process. That process has had a total of 20 public hearings and public meetings throughout the plan development and approval. I won't read through all those meetings that are listed in front of you. The property owners received mail notification referring to the land use change prior to the public meetings and also prior to the public comment sessions by the City Council and by the Planning Commission. They also received detailed maps of proposed rezoning including the PED overlay which we are about to talk about.

The first petition is actually 2012-050, Item No. 20 in your agenda. This is part of the implementation strategy for the MMC (Midtown/Morehead/Cherry) Plan. It proposes to provide a more walkable urban district with higher density pedestrian oriented uses. We do have some MUDD Districts that are located within this area and those MUDD Districts will remain because they develop basically under the same type of standards that we have in the PED overlay. If you look at this overlay it is mainly along Morehead, comes down and goes up along Kings and then hits down into the Cherry Neighborhood just a little bit. In terms of consistency staff is recommending approval of the petition. It is part of the implementation of the MMC. The existing MUDD's are not subject to the PED and it mixed use within a pedestrian oriented setting and we are recommending approval.

Nicholas Melissaris, 209 South Kings Drive said thank you for giving me this opportunity. I don't think my family or anyone is opposed to any kind of reorganization of what is going on, but I think some things have been left out. A lot of the locations that have been mentioned we didn't get and this is the first time I've heard about it. I went to a meeting about a month and a half ago because we are looking to sell our building or develop it and we were brought up with all the questions and answers about what is going on. I don't think my family is opposed and they are in Greece right now, but I think the problem is we don't know what is going on and we'd like to find out a little bit more about this overlay. As pedestrians go, we've had the building since 1984 and I see the pedestrians walk by every day. We used to have a hair school there before I closed it and there is not as much pedestrian now on Kings Drive. Morehead may have more, but I'm trying to figure out what is going on. I think what we need to do is sit back and look at it a little bit more and I'm asking for any help that we can get. I'm not trying to be deterrent. We have property that is right next to the Westin Hotel, we've helped the City before. The Tram could not turn into the Convention Center without our piece of property that we gave and was bought from us so we are not opposed to anything, but again it hasn't been explained to this one family and we are 50% of one block that is part of an ... and other people, maybe 2.5 to 3 acres around us. We have 3,000 square feet and we are the small guy. We try to pay out taxes and try to do the right thing, but I'd just like to find out more about it.

Councilmember Kinsey said which building is yours?

Mr. Melissaris said it is directly across the street from Target, 209 South Kings Drive. The development around is the Chipotle, Mattress Firm and Vitamin Store that is right next to us. We sit right in the middle of the property.

Ms. Kinsey said the new development there that we rezoned.

Mr. Melissaris said yes, rezoned around us. We are still sitting at B-2. We found out about it and we went to the Zoning hearing for everybody around us but we didn't find out about it until
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somebody knocked on our door. When we close the business we are looking at what we are going to do with our property and it has been put on hold because of what has been showed to us. Actually we have lost unfortunately two and/or three potential land developers to put something there that would be great for us and my family's future. Unfortunately because of the way it is structured right now, they are not liking it so we lost them.

Ms. Kinsey said do you own the building or do you just own the land around it?

Mr. Melissaris said we own the land and the building it is all ours. My father bought that in 1984.

Ms. Kinsey said Ms. Keplinger do you have a record of the notification?

Ms. Keplinger said yes we do keep records of the notification and we will be glad to go back and work with Mr. Melissaris and talk with him. I know that Kent Main has talked with him previously, but we will reach out again and discuss what the PED overlay means and how it would affect that particular piece of property.

Ms. Kinsey said I would appreciate that.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 21: HEARING ON PETITION NO. 2012-051 BY CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.3 ACRES LOCATED ON THE NORTH SIDE OF SOUTH TORRENCE STREET BETWEEN LUTHER STREET AND EAST 3RD STREET FROM R-22MF TO R-8.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said Petition No. 2012-051 is also associated with the Midtown Morehead/Cherry Area Plan. This is the one corrective rezoning that we are doing as a part of the implementation of this plan. This is a conventional request and it is a rezoning from R-22MF to R-8. The properties are mostly single family residential. There is one duplex that is located in this area and that duplex will be allowed to remain as will the single family residential. The map that is in your agenda shows the property across South Torrence Street as being zoned B-1(CD). That is incorrect, it is zoned R-6 so the R-8 zoning will be consistent with that zoning. In terms of the recommendation from staff, we are recommending approval. It is part of the MMC implementation and it will help provide protection from the conversion of the single family residential houses into multifamily.

Councilmember Kinsey said I wanted to reiterate that these are single family homes right now and this is a really important rezoning for the Cherry Neighborhood.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 22: HEARING ON PETITION NO. 2012-052 BY EVP PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.24 ACRES LOCATED ON THE WEST SIDE OF KENLEY LANE NEAR THE INTERSECTION OF GRIFFITH ROAD AND WESTPARK DRIVE FROM I-2 TO 1-1.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a rezoning from I-2 to I-1. It is a conventional request and the area plan for this property recommends office, industrial, warehouse distribution. The staff is recommending approval and there are no outstanding issues.

Jeanette Furr, 5717 Allenhurst Place said I live on Allenhurst Place in Montclair South and our property backs up to all the homes on Kenley Lane. There are about 12 homes on that street that are affected. I am not against this ordinance from I-2 to an I-1 because it goes to a lighter industrial. What I'm here to ask the City to make sure that the ordinance pertaining to the buffer zone remains intact on that street. I know that they are going to put automobiles and they have business there, but I don't know what the noise affect will be. Mainly if those buffers are in effect, then it won't affect those homes and some of those buffers are not being enforced, the 100-foot buffer between those homes and the Industrial Park on Kenley Lane.

Walter Fields, 1919 South Boulevard, said I am representing the petitioner and am here to answer any questions. I think Tammie put the map back up so it will to orient us where this property is relative to where Ms. Furr was talking about. We are dealing with a site that is already an existing facility, building and parking are already in place so there is noting that we are doing on this site that would alter any of the relationships that exist along the properties which back up to her community.

Councilmember Howard said will the I-1 carry the same buffer requirement as I-2?

Ms. Keplinger said the I-1 does carry the same requirement, but this particular property actually doesn't back up to any residential so they will not have a buffer. The buffer is actually across the street.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

ITEM NO. 23: HEARING ON PETITION NO. 2012-053 BY JOY GREEAR FOR A MUDD-O SITE PLAN AMENDMENT, FOR APPROXIMATELY 0.90 ACRES LOCATED ON THE WEST CORNER OF THE INTERSECTION OF EAST 4TH STREET, SOUTH CASWELL ROAD, RANDOLPH ROAD AND NORTH CASWELL ROAD.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said in 2007 Novant Health Care rezoned the subject property to MUDD-O for a medical office. The notes on that site plan said they would follow the MUDD sign ordinance. What they are requesting now is an optional provision that is allowed in the MUDD District for a sign at the corner of East 4th Street Caswell. You can see their existing building and the sign location. The existing sign is shown on the left and the proposed sign is shown on the right. The proposed sign is three-sided in a triangle shape. The MUDD allows you to have a 5-foot tall sign that is 20 square feet in size. This sign will be 6.25 feet tall and will be 42 square feet in size. It is three-sided and matches other signs that Presbyterian Novant have. All the other conditional requirements that were approved in 2007 will remain so the only thing that is changing is the optional for the site plan. Staff is recommending approval of this petition.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

ITEM NO. 24: HEARING ON PETITION NO. 2012-054 BY CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO 1) CLARIFY HOW REQUIREMENTS FOR SCREENING AND STREETScape IMPROVEMENTS IN THE PEDESTRIAN OVERLAY DISTRICT ARE DETERMINED WHEN THERE IS A CHANGE OF USE FROM ONE-NON-RESIDENTIAL USE TO ANOTHER NON-RESIDENTIAL USE, WITH NO EXPANSION, AND 2) CLARIFY THE APPLICABILITY OF THE PED URBAN DESIGN STANDARDS ALONG THE STREET FRONTAGE OF STRUCTURED PARKING FACILITIES.

The scheduled public hearing was held on the subject petition.

Sandy Montgomery, Planning said this Text Amendment was initiated in response to some concerns raised by REBIC and it seeks to clarify the PED exception to meeting all of the PED requirements when there is a change in use from one-non-residential use to another non-residential use when there is no expansion to an existing building. The determining factor in providing parking lot screening and streetscape improvements will now hinge on if the new use requires either more than five additional parking spaces above what is already provided or five or less. The Text Amendment also revises the application of the active uses along the first floor or structured parking facilities by adding references to specific street classification.

Joe Padila 7727 Compton Court said I'm the Executive Director of the Real Estate and Building Industry Coalition and as Sandy indicated, we brought these changes up as concerns when the PED amendments were first adopted last summer I believe. Our concerns fell in two general categories, first was the potential challenge they will create for a commercial property owner who was in the PED Overlay and would then be in a position where if they wanted to change one use for another they would suddenly be required to put in significant streetscape improvements that could be quite costly. If you are just changing out a restaurant tenant who is coming in where a bookstore once was that could be quite costly when you are not making any modifications to the building. That was one concern we raised and staff was very generous to work with us and help address those concerns in the text language. The second does address the parking requirements for structured parking. It would be our preference to have as few requirements on structured parking decks as possible when it comes to active uses on the ground floor. We just don't see how economically you are going to get a lot of successful retail or commercial uses on the ground floor of a parking deck. We think this is a step in the right direction because it does soften the requirements at least on local streets and we support both changes and ask for your vote.

Councilmember Howard said I just wanted to point out that I'm not sure the last time I saw REBIC and the Planning Department together on a petition so let's mark this day down.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

ITEM NO. 25: HEARING ON PETITION NO. 2012-056 BY SELWYN PROPERTY GROUP INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.13 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF PARK ROAD AND DREXEL PLACE FROM MUDD(CD) TO MUDD-O FIVE YEAR VESTED RIGHTS.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this property is located at the corner of Drexel Place and Park Road and it has been rezoned several times in the past. The most recent was a 2007 rezoning. At that time the property was rezoned to allow 25 for sale condominiums, 9,900 square feet of non-residential uses of which 3,500 could be retail. It did not allow restaurants.

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The current proposal before you is to modify the MUDD-O with five year vested right to allow 42 for sale or for rent residential units, 4,200 square feet of non-residential uses, again restaurants would not be permitted, but neighborhood food and beverage service would be allowed. There is an optional request on this petition to allow a green screen to screen the abutting parking along this area from the adjacent residential. You can see the building elevation at Park Road and the building elevation at Drexel. In terms of staff recommendation, we do recommend approval of this petition. There is a decrease in the amount of retail square footage and there is an increase in the number of residential units, the optional for the green screen and five-year vested rights. The use is consistent with the Central District Plan.

Judy Smith, 1300 Drexel Place said I will go right to the hand-out that I provided tonight, everybody was e-mail this and you have a hard-copy as well. It is dated January 19, 2008. We have met with the developer and we've agreed on a number of points, but we would like confirmation and clarification in these points that were worked on. This property was originally rezoned in late 2007, Petition No. 2007-127 by Charlex Development, LLC and nothing happened because of the economy. There are a number of things here that we agreed on and some of these things we have conversed with the current developer and agreed on but I wanted to talk about #23 which talks about water detention. The original agreement was to include two-year, ten-year and 100-year storm. We are not in agreement on that. Those of us who live in the cul-de-sac near the creek are living in a community flood plain and we think you can understand how important water retention is to us. We want to be sure that we can alleviate that as much as we can. We do also do not have agreement on #26 which was original and we are assuming will carry over and that is minimum dwelling size of 1,000 square feet. The reason for that is, as homeowners we know that square footage comes back to pricing which comes back to the homeowner value of property. We think minimum square feet which was agreed on originally should still be reasonable. Finally, #21 which we know pertains to the Department of Transportation rather than the petitioner, originally this was to be one-way only off of Drexel Place. Now C-DOT is recommending in and out. We have a pork chop median at the top of the street. It is tight on and off there now.

Brian Hedgepeth, 1301 Drexel Place said I handed out a sheet real quick that highlighted a tree area that is a buffer between the property that they are looking to rezone versus the residents on Drexel and there is a good amount of aged trees there that are very mature that we feel we should look at possibly keeping or trying to save to create some sort of tree save area rather than creating some nature ... that will be an obstruction to the rest of the street.

Susanne Todd, 1065 East Morehead Street said I am for the petitioner and this is Grey Poole with Selwyn Property and we also have Brunt Stowe with DRG Design Resource Group.

Councilmember Howard said if you had another 30 seconds what would you share with us?

Ms. Todd said I would like to share that we worked really hard on this and that the community has worked with us and we have complied with a laundry list of requests already and concessions that they have asked for. We have a few outstanding issues with staff that we can resolve by the end of the week. We appreciate your support.

Mr. Howard said I think the neighborhood representative may want to share something else that may take a few seconds.

Ms. Smith said I don't think I make the point, is it possible to get clarification tonight on what carries from that original rezoning agreement? Here we have the same rezoning, a little bit of tweaking, but what carries from what was agreed upon with the original rezoning?

Ms. Keplinger said unless the petitioner says that the notes from the 2007 petition carry over then this rezoning will replace that rezoning. It cleans the slate and this is all new.

Ms. Smith said then we are requesting those disagreements.

Councilmember Dulin said Mayor, Mr. Barnes, Ms. Kinsey, yourself, Mr. Mitchell and I were on Council when we did the rezoning in 2007 and there was a couple of them that came up and
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there is activity on the property next door to this property now so it has taken all this time for the community and the economy to catch up with what is going on over here, but in my opinion, what they are trying to do will be a betterment to that little stretch of that side of Park Road. I'm glad to see the neighbors and the petitioner getting together and maybe we can move something forward. Thanks for coming down.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

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Mayor Foxx said he was battling a virus so I may take my leave. Who is not going to support a budget next week because I can breathe on you now. I'll let you think on that one and I'll turn it over to Councilmember Howard for the balance of the meeting.

ITEM NO. 27: PETITION NO. 2012-057 BY ASPEN HEIGHTS FOR A CHANGE IN ZONING FOR APPROXIMATELY 22.27 ACRES LOCATED ON THE NORTH SIDE OF EAST W.T. HARRIS BOULEVARD BETWEEN OLD CONCORD ROAD AND ROSE HEATHER COURT FROM R-17MF(CD) TO MX-2 (INNOVATIVE).

This petition was actually deferred to September, however, Councilmember Barnes asked to speak on it.

Councilmember Barnes said this petition is brought by a company called Aspen Heights out of Texas and they have proposed building some cottage style apartments in my district. I met with them and explained to them that I was concerned that their project will have about 500 or 600 beds, that it wasn't within walking distance of UNC-C and would create traffic issues and other issues. They have apparently decided to pursue the zoning that was approved in 1999 which will allow for I believe between 1,400 and 1,600 beds. Is that true Ms. Keplinger?

Tammie Keplinger, Planning said based on the number of units that they were allowed, if you anticipate 3 to 4 units per beds per unit it would be about 1,200 to 1,400.

Mr. Barnes said the reason that creates negative pressure on the area is that we recently approved 720 beds for McAlpine Development off Highway 49 and earlier tonight we approved 600 beds for Crescent Development so I have a fairly serious concern about over building the area and creating some very negative pressures on that part of Charlotte. The person I met with is a fellow named Charlie Zatterott and I want to give out his phone number and ask people who are watching to call him and let him know how disappointed we are with Aspen Heights' activities. His number is 512-667-6573. I have already sent him an e-mail indicating what his company is doing to northeast Charlotte, or attempting to do, and I wish they would reconsider what they are doing. Again 512-667-6573 and his name is Charlie Zatterott and according to this it is Zatterott.

Councilmember Howard said that is definitely a first, so we will move on to Item No. 28.

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ITEM NO. 28: HEARING ON PETITION NO. 2012-059 BY SBG PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.46 ACRES LOCATED ON THE EAST SIDE OF STEELE CREEK ROAD AT THE INTERSECTION OF DIXIE RIVER ROAD AND STEELE CREEK ROAD FROM R-3 TO NS.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this petition is a rezoning from R-3 to NS and it is located at Steele Creek Road right at where Dixie River Road Extension is proposed. You can see how the property is currently developed and it is basically residential rural. In terms of the current proposal it shows Dixie River Road going through the center of the property. We have four lots,
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A, B, C and D. Lot A is proposed for a convenience store. Lot D is proposed for a fast food restaurant with a drive through. Lots B and C are limited to uses within the office district. The petitioner has restrictions on the height, the type of building design. You can see this is what the convenience store will look like and this is what the fast food restaurant will look like. Staff does not support this petition currently. The property is located in the Steele Creek Area Plan. The design and intensity of the proposed development is not consistent with that area plan which recommends up to 70,000 square feet of retail for this area. It is supposed to be designed in a way that meets the community design policies that are established in the plan. If you look at the location it is a gateway to a lot of the future R-3 residential development and what the Steele Creek Area Plan proposed is for this to be the gateway to that residential. We feel at this point with the development they are proposing, we have not yet gotten to the standard that we would like to be so staff is not recommending approval.

Steve Goodman, 1200 Providence Road #327 said the last time I was here was when I developed the Wal-Mart Super Center Project at Sardis Road North and Galleria Boulevard a few years ago. In any event, we have over the past number of months met with staff reflective of our project and their input regarding how they feel, the building standards, the design criteria for the quadrant in conjunction with the overall master plan for this area should be developed. We have agreed to have NS zoning just in the front parcels which has been indicated will house a Circle K Convenience Store and a Bojangles Restaurant. The design criteria for those buildings matches up with what the quadrants across the street have including the recently approved McDonalds reflective of the type of building materials, etc. In fact in our project the building materials for both the Circle K and the Bojangles will be consistent in terms of the color or brick etc. We are also putting a wall along Steele Creek and down Dixie River Extension on both the north and south side of Dixie River to further adhere to the criteria of transition from a commercial to a residential component at the rear property. In that regard our building standard for the O-I treatment in the rear, we've agreed that the buildings will have a residential character in terms of pitched roofs, building construction of brick of at least 50% of the buildings and also the window treatments. In regards to staff's input and comments we just received the other day you will see in your packet our response where we further indicated our willingness to try and cooperate with staff in regards to their input and we've agreed to limit the overall size of our building development to what they have asked us for. We've agreed to the active area that they have asked for. We've agreed to the placement of the building on the O-I zoning that they have requested on the one side and the other to have a 30-foot buffer of landscaping prior to the building, again all in conjunction we are trying to create the pedestrian orientation and transition to the rear properties that eventually will be built for some type of residential development. We have also worked closely with C-DOT and at this time I believe we have their support reflective of our overall design for Dixie River Road Extension as well as our access points and we are also going to pay for upgraded signalization at the intersection and of course all of Dixie River Extension is going to be built at our costs completely. In regards to the rear property and the consideration for what staff is looking for and the character of the area I had the opportunity three weeks ago to meet with Ms. Gambrell for approximately an hour, went through our project in detail and she did not have any comments at that time. Apparently that have been some comments since then but I also did speak to Chris Thomas, her representative today and indicated as well our response to staff's latest input and reflective of our further indication of our willingness to work with staff and he was appreciative of that. We are also intending to meet with staff this week to try and resolve any outstanding issues to try and create a viable project to the best of our abilities in conjunction with their wishes that will adhere to the criteria that we can all be proud of and try and be accommodating.

I recognize full well that there is always opposition to projects and we are not naive to think there isn't any here, however we feel that what we've done here, once we hopefully get through with staff will meet the criteria that everybody is looking for as well as the fact that in the immediate area we have sent 25 letters of support from the neighbors in the immediate area and a number of them have called me to voice their support. I can't tell what the other opposition is commenting on, but we think everybody in the immediate area is in support of our project. Lastly we are here with Wes Smith to answer any questions you may have and certainly appreciate the input from Council as well as the input we've had from staff and C-DOT.

Bob Freeman, 9315 Steele Creek Road said I own Parcel A and I'm here to ask your endorsement of the rezoning. I have lived in Steele Creek 38 years, it was my grandfather's land. I hate to see Steele Creek change, but nothing is as constant as change. I've watched the Airport get bigger, I-485 come along, street widening in front of my house and street lights, traffic signals. Ever since they started I-485 I find it difficult to sleep at night for the noise and the construction and just the traffic. The rezoning and the building of the fast food and convenience store is consistent with the growth in Steele Creek now. It is a project going in with a developer done road, it will be going in at least 50% capacity and will produce jobs and taxes from the start. I think it is the right size development for the right time and the right place.

Wes Smith, 301 McCullough Drive, Suite 109 said I am just here if Council has any questions for me I'll be more than happy to answer them.

Al Winget, 12238 Winget Road said I am with the Steele Creek Residence Association and we appreciate the opportunity to speak tonight. We come in opposition to this petition because we feel like it is a petition that will cause other adjacent property to again want a small rezoning. What we would like to see in this area is planning to do what planning does best which is hold the feet to the fire to make sure that development comes forward with a holistic plan rather than a spot rezoning. We see the property between this site and I-485 being stripped out for small non-residential uses. If it is non-residential that it becomes, it should be done in a holistic way. We feel like this is the major issue. This is a gateway that that did not use to exist for Steele Creek. I-485 and Steele Creek Road is where people will form an impression about our community. We don't want to just think about this particular site, we want to think about the whole community. The folks who are in favor of this rezoning are the folks who have in mind, I would expect, some similar rezoning for themselves in the near future.

In rebuttal, Mr. Goodman said as I mentioned to begin with, our intent is working with staff and developing a project that meets the building standards and design criteria that we can work with them to the best of our ability in a viable project. We think we have certainly done that with the way we have our wall running along Steele Creek and all the way back Dixie River Extension, the landscaping and everything else. In addition I have met with Mrs. Gambrell as I did indicated and Mrs. Gambrell has no intent right now of developing her property and really doesn't have any plans. In the current economic consideration it could be years before that property is developed, but as I explained to her the way we are putting in Dixie River Extension with our transition to O-I zoning the reflection of the residential character, the buildings in the rear, the landscaping and the wall treatment, the sidewalks and all those considerations, I think makes for a very good compliment to whatever happens in the rear. Also it is my understanding although Dixie River is an important street that Shopton Road was also supposed to be the gateway to this area and I never heard anything mentioned about that. Everything always comes back to reflect on what we are doing here now for whatever the reasons the opposition may have. We think we meet the character of the area, we certainly match up with what has been approved across the street, including the recently approved McDonalds and certainly with our latest response to staff's input we think we've done what is necessary to make this project something that the community can be proud of.

Mr. Freeman said that was Shopton Road West that we have been led to believe will be the main entrance into that residential area. It has been relocated further south from where it use to be and it will be as I understand, the main entrance into that residential area, giving greater distance from the interstate to that main intersection in case there was congestion of traffic build-up.

[Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, to close]
[the public hearing.]

Councilmember Mayfield said I know that I did receive a stack of letters in support, but I do want to make sure that there is an opportunity here for continued discussion with staff and with the community. Is there an opportunity for another conversation with members of the community since this letter is on behalf of the Steele Creek Residence Association, but I've also received a stack of letters that are in support of the project.

Mr. Goodman said as you will note in our response letter to staff reflective of their latest comments to us, we indicated that we want to sit down with staff, hopefully this week. We are trying to get a meeting for Wednesday at which time we will address any outstanding issues to try and resolve those accordingly so that we indicate our complete willingness to try and make something happen here that is going to be a viable project for all concerned. We did meet with the Steele Creek Residence Association and I will be more than glad to meet with them again except when I met with them they really have a mindset that they don't want anything done unless it is a master plan for the whole area in consideration. The realities are, as I indicated to you and Mrs. Gambrell has indicated to me that they have no idea what they are going to do and it could be years away. You leave everything alone for years to come when we are already trying to match up with exactly what has been approved across the street and doing the considerations that we've agreed to do.

Ms. Mayfield said Mr. Winget, is there a possibility to have continued conversation if the developers are willing since there was a number of letters that I received in support of this project. I want to make sure that there is an opportunity for the residents to be at the table to have a conversation.

Mr. Winget said the Residents Association will be happy to meet further.

Councilmember Howard said as a resident in the area I actually do have a great appreciation for not doing the spot zoning if we could stay away from that. I am a big concern about this going in because the folks across the street with Berwick and Ms. Gambrell's property up against the freeway, I know that they coordinated when that came through. As much as you can I would ask you to do what Mr. Mayfield is saying, work with the property owners around so we can have, if not a master plan, at least some master concept about what is going to happen in the area so it will all flow one day. I think that is the beauty of Steele Creek, that it has been done kind of holistically and not spot here and there.

Mr. Goodman said we certainly will do that, but as I indicated before as far as our commercial NS zoning, the building design, the elements for the building and things of that nature, including the recently approved McDonalds, matches up with what is already across the street.

Mr. Howard said we have a month to go so hopefully will figure all of this out between now and then.

The vote was taken on the motion to close the public hearing and was recorded as unanimous.

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ITEM NO. 29: HEARING ON PETITION NO. 2012-060 BY LINCOLN HARRIS FOR A UMUD-O SITE PLAN AMENDMENT, FOR APPROXIMATELY 2.60 ACRES LOCATED ON THE EAST CORNER OF THE INTERSECTION OF SOUTH TRYON STREET AND EAST TRADE STREET.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a rezoning for a UMUD-O site plan amendment in relations to signage. This is for the Bank of America Corporate Center in Founder's Hall. The request is to allow signage based on a per business basis along the street containing the business. The banners will count toward the maximum signage and the signs are limited to 10% of the building wall. The current ordinance says 10% of the building wall up to 200 square feet and the optional is to remove the 200 square feet. Staff does not have a problem with allowing them to have 10% of the building wall, but we would like to put a cap on the amount and that would be consistent with what we have done for the other buildings in the uptown area. It is consistent with the Central City 2020 Vision Plan. We are looking for the resolution of our outstanding issues.

Councilmember Barnes said do you mean that they want to hang banners or hard signs?

Ms. Kiplinger said they want both. What they are saying is that they want to have the hard signage, but if they put up any banners that that will count toward the amount of hard signage that they will have.

Mr. Barnes said would the banners be temporary and the hard signs be permanent?

Ms. Keplinger said it could be.

Mr. Barnes said with respect to the 10% of the wall area, would that be that any one sign could be 10% or all of the signs could be 10%?

Ms. Keplinger said I believe that they could do multiple signs for the total 10%. For example, on the illustration above for Founder's Hall, the area that they are pointing to are areas that they might have some signage. It could be multiple signs equaling that 10%.

Mr. Barnes said if you were to install a series of signs at total 10% of that wall area, would they be visible? In other words would it be a lot of small signs that nobody would really be able to see?

Ms. Keplinger said no, I believe the intent is for them to be large enough to be visible. That is why they are asking to remove the 200 cap?

Mr. Barnes said that is what I'm getting at. If we remove the cap would the signs be more visible?

Ms. Keplinger said yes, they probably would.

Mr. Barnes said what is your reservation about removing the cap?

Ms. Keplinger said to be consistent with the other UMUD-O that we have for signage we've put a cap of 500 square feet. We would like to see that on this also.

Mr. Barnes said 500 and they were asking for 200?

Ms. Keplinger said no, they are wanting to remove the cap and have no cap.

Mr. Barnes said right now it is limited to 200.

Ms. Keplinger said right, under the current ordinance.

Councilmember Kinsey said that is a large building so I would hope that we would put a cap on it. I don't think we should remove the cap of the 200 feet unless we put another cap on it. That is the only thing I will support.

Councilmember Dulin said there is already big long signs on the backside of Blumenthal. The back side of Blumenthal is all the same building isn't it?

Ms. Keplinger said we did a special MUDD-O sign provision for Blumenthal several years ago so I don't believe that that would count toward this because this is specifically for the Bank of America and for Founder's Hall but I will be glad to verify that for you.

Mr. Dulin said Cathy and I were just down there this week-end for a play and we saw them all and talked about the signs. Those signs as they are hanging there, are they about 10% of that wall? I believe it is way more than 10% of that wall. That would be interesting, wonder if they are out of compliance.

Ms. Keplinger said as I said some of the other sign packages that were approved were 10% up to 500 square feet. We will just have to go back and check and see what they met.

Mr. Dulin said I know we've done it at the EpiCenter which is across the street and we've done it other places, but I'm always a little bit leery of things getting a little bit tacky, not that Bank of America is going to hang something up that is tacky, but I'm always a little bit leery about that so I'm looking forward to studying it this month.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

ITEM NO. 30: HEARING ON PETITION NO. 2012-0061 BY GATEWAY WEST-FCA, LLC FOR A MUDD-O SITE PLAN AMENDMENT FOR APPROXIMATELY 2.80 ACRES LOCATED ON THE NORTH SIDE OF WEST 4TH STREET EXTENSION AT THE INTERSECTION OF JOHNSON AND WALES WAY AND WEST 4TH STREET EXTENSION.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a MUDD-O Site Plan Amendment for the property at West 4th Street Extension and Johnson and Wales Way. The property was rezoned in 2008 and as a part of that rezoning they have a right for 380 residential units, 60,000 square feet of retail/restaurant, 200,000 square feet of office and a 250 room motel. The request tonight is to change that to reduce the number of residential units from 380 to 300, to reduce the office and retail from 200,000 square feet to 10,000 square feet and to eliminate the hotel component. The site plan has three basic areas. The one that is along the residential portion is limited in height to 55 feet. Area two is limited to 80 feet and area three is an optional request that was approved in 2008 for 180 feet. The non-residential portions of the components of the development will be only in area 2 and area 3. This represents some of the views that you may have and this of course does not take into account the 180 feet in the area 3, but it does show some type of development that could occur on the site. Staff is recommending approval of the petition. It has minor changes to the height, the landscape buffer requirement encroachment, it reduces the number of residential units, the office retail and eliminates the hotel. There are no outstanding issues and it is consistent with the Center City 2020 Area Plan.

Keith MacVean, 100 North Tryon Street, said I'm with King and Spaulding assisting Gateway West-FCA, LLC or Faison and Associates. With me tonight is Chris Branch with Faison and Associates and I also want to recognize Ms. Jennie Willard, a long time Third Ward resident who is also here. We will be glad to answer any questions, I think Tammie covered all the items for us. There are two very minor changes that we are requesting regarding a buffer and a slight increase in height in area one.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

ITEM NO. 31: HEARING ON PETITION NO. 2012-62 BY CAROLINA SPORTING ARMS COMPANY, INC. FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO ALLOW "OUTDOOR TRAINING AND SHOOTING FACILITY" AS AN ALLOWED USE WITH PRESCRIBED CONDITIONS IN THE B-2, I-1 AND I-2 ZONING DISTRICTS.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said the Zoning Administrator has determined that the current zoning ordinance allows indoor training and shooting facilities in the I-2 District only. The

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Carolina Sporting Arms Company, Inc. has submitted a Text Amendment to us to broaden and expand the areas where we allow these types of uses. The proposed ordinance before you tonight as indoor training and shooting facilities as a new use permitted with prescribed conditions in the B-2, General Business District, the I-1, Light Industrial and I-2, General Industrial District. The prescribed conditions are that the use will be located in a free standing building and the facility will meet the guidelines and recommendations for design, construction, operation, management for shooting and training facilities provided by the National Rifle Association and the National Shooting Sports Foundation. Staff is recommending approval of this request.

David Drummond, 8055 South Boulevard, said I am the owner of Carolina Sporting Arms. We had little bit of a misunderstanding, we thought that each one would be given three minutes. If it is just going to be three minutes in total, I will speak for the group. I'd like to first thank you for the opportunity to be in front of you. I would like to thank the Planning and Zoning Department for their help and endorsement of this plan. I'm here to answer any questions you have. Ultimately I'm going to be asking for your help to make Charlotte a safer community. Charlotte has seen a sharp rise in gun ownership like many cities in America. What Charlotte has not kept pace with is a safe and modern facility for those gun owners to train and become proficient with their firearms.

To demonstrate the sharp rise in gun ownership the Charlotte-Mecklenburg Sheriff has issued over 12,000 pistol purchase permits in the last 11 months. They have issued over 67,000 pistol purchase permits in the last four years. Unlike the conceal carry permit a pistol permit, the applicant does not have to demonstrate any safety or proficiency to own that firearm. What we are here for tonight is to ask for your help to train those individuals. Charlotte right now does not have an indoor training and shooting facility and we are here to answer your questions and to continue to move forward. Just to give you another perspective on how large the issue is, WBT Radio surveyed their 300,000 listeners and of the respondents 60% have firearms in their house. Another 21% say they don't own them, but they are considering it. When WBT concluded their survey they asked what was the one issue they would like their radio station to follow up with them on, 54% said firearms training. At this point I would like to open it up for questions. I've got Ed Santos with me. Ed is the owner/operator of Center Target Sports and he also serves as an expert witness in the affairs of shooting ranges, design and safety and he also serves on the NRA Range Technical Team and Advisory Group. Ed is what I would call an expert.

Councilmember Kinsey said I was listening, but I didn't retain the information you gave me at first. Is this allowed anywhere in our zoning districts?

Ms. Keplinger said in the I-2 District.

Ms. Kinsey said I know what we can do with I-1, give me an example of what we have in B-2 Districts.

Ms. Keplinger said B-2 Districts are a general business district where we allow car sales, retail sales, the higher intensity retail type uses. We also allow office uses and some institutional uses. It is what would generally be thought of as a more of a highway business type zoning category.

Councilmember Mayfield said how close is this to the nearest residential, even if it is within all the requirements and it is a sound building inside. Since we are looking at B-2, I-1 and I-2 zoning and looking at potential development in the next 10, 15 to 20 years where we can have residential, I'm trying to think of possible impact.

Ms. Keplinger said this ordinance does not have a distance requirement so you could possibly have adjacent residential properties. They would have to meet the buffer requirements, however I do believe that the petitioner has made some safeguards in the information that they have provided about how the training facility will operate and the protections that it will have within it by stating that it has to meet the NRA and NSSF regulations.

Councilmember Autry said any provisions for long guns there?

Edward Santos, 6791 Colfax Street said the range shows since it is being built in excess of the standards as we know them, would more than accommodate the long gun use in the facility however, I believe it is the current plan right now that no long guns would be used. With regards to the zoning and the retail location, the number one location across the country now for shooting ranges to be built is the prime retail space because of the ... and innovations in shooting range design. They tend to be built where the customer base is and the customer base for modern shooting ranges is the soccer moms, it's families, it's not anything like we use to think of shooting ranges in the past. 35% increase in shooters last year – female. The prime retail areas where we are building, I have six ranges being built across the country now, all in retail areas.

Mr. Atry said any plans for running shooting leagues?

Mr. Santos said absolutely, I think that is the full service to the community. Sporting opportunities as well as training both adults and youth shooters.

Mr. Mayfield said this is just for clarification for me, will there be a contract or if someone is coming in to purchase a gun where there is an agreement for them to sign up to take the classes prior to or is that just offered as an amenity to be able to come in and actually learn the proper use of a gun?

Mr. Santos said Mr. Drummond is so concerned in that he is going along with my recommendation that every firearm purchased in that facility will come along with a free one hour orientation class as well as a free range day to the facility. It is very important to him and also to the community that people who are purchasing firearms anyway have an opportunity to gain a greater respect and understanding.

Mr. Atry said will the range be operated as a membership range or can you just come in with your weapon and pay by the hour?

Mr. Drummond said there will be membership and that membership will have day passes, but everyone that uses it will have to take an orientation training and they will be subject to range officers and all the rules, whether they are one-day member or a life-long member.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, to close]
[the public hearing.]

Mr. Atry said will that requirement also apply to those who hold CCW permits?

Mr. Drummond said it is across the board.

Councilmember Howard said I do have questions about safety and things like that because it is kind of new to the market and we are putting it in an area so if we can talk before then I won't bore you here with my questions. It is probably more education than anything.

The vote was taken on the motion to close the public hearing and was recorded as unanimous.

Council's decision was deferred pending a recommendation from the Zoning Committee.

ITEM NO. 32: HEARING ON PETITION NO. 2012-063 BY FRANCIS OBENG FOR A CHANGE IN ZONING FOR APPROXIMATELY .54 ACRES LOCATED ON THE SOUTH SIDE OF MONROE ROAD BETWEEN ROSS MOORE AVENUE AND SUMMEY AVENUE FROM B-1(CD) TO O-2(CD).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this rezoning is from B-1(CD) to O-2(CD). This property was originally zoned in 1992 for all uses in the O-2 District plus florists and it was developed as a florists. Some of the conditions included retention of the existing structures and protection for
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the existing trees. The proposed request before you tonight shows that they are going to use the existing structure with possible expansion to the rear and it will be used for general and medical office uses in an O-1(CD) zoning category. Staff is recommending approval. It is a reduction in intensity from retail to office and it is consistent with the Independence Boulevard Area Plan.

Michael Barrett, 2812 Manor Road, said I'm representing Dr. Obeng and he happens to be in Gonna tonight because of some family matters, but he is an internal medicine specialists. He currently has a practice down near South Tryon and he wants to open a second practice here and it is in a neighborhood that is probably underserved with medical needs of the community. We are asking for your approval and the only thing we note on there is that the height will probably become close to 21 feet toward the back of the building. We appreciate your support.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 34: HEARING ON PETITION NO. 2012-067 BY CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO:

- **ALLOW DUPLEX DWELLING ON R-3, R-4, R-5 AND R-6 ZONED LOTS WITH PRESCRIBED CONDITIONS;**
- **MODIFY THE PRESCRIBED CONDITIONS FOR DUPLEX UNITS LOCATED IN THE R-3, R-4, R-5 AND R-6 ZONING DISTRICTS;**
- **ADD A NEW USE, "ACCESSORY DWELLING UNITS" (ADU'S) AS AN ACCESSORY USE IN A SINGLE FAMILY DETACHED DWELLING, WITH NEW PRESCRIBED CONDITIONS IN THE R-3, R-4, R-5, R-6, R-8, R8-MF, R-12MF, R-17-MF R-22MF, R-43MF, UR-1, UR-2, UR-3, UR-C, MX-1, MX-2, MX-3, O-1, O-2, O-3, B-1, AND B2 ZONING DISTRICTS, WITHOUT TENANT RESTRICTIONS; AND**
- **DELETE TWO USES TITLED, "ELDERLY AND DISABLED HOUSING" AND "GUEST HOUSES AND SERVANTS QUARTERS" ALONG WITH THEIR PRESCRIBED CONDITIONS AND REGULATIONS.**

The scheduled public hearing was held on the subject petition.

Shad Spencer, Planning said I am here to do a brief presentation on a proposed Text Amendment for accessory dwelling units and duplex units. This is a Text Amendment that was the result of a consensus reached by the Citizen Advisory Group that was established last September and then endorsed by Council's Housing and Neighborhood Development Committee that was done back in March of this year to create affordable housing opportunities in Charlotte. Some of the goals of the Text Amendment for accessory dwelling units and duplex units is to increase the supply of affordable units built by the private sector, provide opportunities for a range of housing types to be built in neighborhoods, provide opportunities for people with a range of incomes to live in the same neighborhood, provide opportunities for residents to age in place and respond to emerging market needs and demand. To give you a summary of what this Text Amendment would do is first regarding accessory dwelling units, which is for ADU's use. The zoning ordinance currently allows accessory dwelling units when they are restricted to elderly and disabled housing and for guest housing and employees quarters. This Text Amendment would allow accessory dwelling units to be an accessory use to all single family detached dwellings under prescribed conditions. These prescribed conditions are similar to the ones we currently have in place for the elderly and disabled housing and employees quarters and guest homes, and we added some additional ones also. There would be no tenant restrictions with this Text Amendment like it currently is in the ordinance and there would be no affordability requirement. We would also be adding a definition for accessory dwelling units which would be a smaller second dwelling unit located either within the principle single family home or it could be an accessible structure in the rear yard.

For the duplex component of this Text Amendment, currently in the zoning ordinance, duplexes are allowed in the R-3, R-4, R-5 and R-6 zoning districts except they are limited to corner lots and this text amendment would allow duplexes on all lots in those zoning districts, R-3, R-4, R-5 and R-6, but there still would be prescribed conditions and some of those pertain to minimum lot size requirements, maximum building coverage, how many duplex homes you could have in a row and there would be no affordability requirement either. Staff does recommend approval of this petition and it is consistent with City Council's Approved Action Plan for Incentive Based Inclusionary Housing Policies.

Councilmember Howard recognized members of the Advisory Group which were present and thanked them for taking their time on this issue.

Elizabeth Barnhardt, 1242 Chandler Place, said I am with the Charlotte Regional Realtor Association and also member of the Stakeholders Committee. I want to thank staff and thank the other members of the Stakeholders Committee. I think we all have a common goal to get something done and even though we don't necessarily all agree we all agree that our purpose is to find some compromise and get something done. I think this is going to be one of the first pieces you see from our Stakeholders Committee as far as some solutions to the affordable housing issue of the Charlotte region. While we know that no one fix is going to come before Council and become some fix all for the community we are going to offer you quite a few tools for the tool box to provide for disbursement of housing types throughout the community, both in existing housing and in new construction subdivisions. I am here to speak in favor of both the accessory dwelling units and the duplexes on any lots. You are not going to see an increased amount of density throughout the community but you will see a number of different housing types and the possibility of folks from all different incomes and all different places in life being able to live together and work together. I'm speaking in favor.

Lee McLaren, 420 Hawthorne Lane said I am a landscape architect and we have worked diligently on this. I want to thank the staff for their position of being very cognizant of the impact this kind of increase might have on neighborhood groups. A lot of the back and forth that has gone on for a number of meetings talked about how the staff can insure that these kinds of improvements or allowing these kinds of development would not impact adversely existing housing. I think they've done a good job with that and we reached something that will not solve a lot of problems. I don't think you will see huge amounts of duplexes and ADU's but a lot of the ADU's that you have out there today are being used illegally. This will actually allow them to be used legally and it makes a lot of sense. I think it will be good for our community and I support it.

Wil Russell, 20010 University Park Lane said I would like to thank Council for allowing me to address you this evening about duplexes and ADU's. I too am in support of this Text Amendment and part of the reason why I'm in favor of it is because it is increasing density and it also providing us with varying housing types throughout our city. Affordable housing is an issue in this City, it is a growing city and in order to prosper and become the world class city that the Council and use the citizens want to see is going to require some solutions. This is just one of the many solutions that our committee has developed and is excited to present to you and we hope that you will provide us with approval on this Text Amendment so that we can provide housing not only for the elderly for boomerang kids, but to also provide housing for those of us who have been negatively impacted through economic difficulties. I'm in favor of it.

Joe Padilla, 7727 Compton Court said I'm with the Real Estate and Building Industry Coalition. I just want to echo the sentiment of my fellow stakeholder participants. One thing I will bring up that may not have been brought up, the demographics are changing in our community. We are seeing an increased number of empty nesters, we are seeing an increased number of young singles moving into our community and there are areas of Charlotte, for economic reasons becoming out of reach to many of these folks. Prices are going up, especially closer to employment centers, closer to in town communities, it is getting harder for them to find housing that fits their needs in an area that is suitable and will give them a lower commute and reduce congestion for everybody, get more cars off the road. We support this wholeheartedly on the duplex element of it I think certainly this is one tool, but you are not going to see a wide spread, a street of duplexes anywhere the current language that the stakeholder and staff worked

out don't allow that. The ADU's I also think are critical because currently ADU's are very limited in their scope for how they can be used. This will open up opportunities for people who may have a son or daughter coming back from college and want to have them live with them, have an elderly family member who currently may have to otherwise go into assisted living. This creates a lot of opportunities for diverse housing stock that we just don't have in a lot of our communities right now. I think the organic growth of our housing stock through these changes will be an asset to our community as we grow so I encourage you to vote in favor of both of these and we'll have additional recommendations coming down the pike from the inclusionary housing group that I think will be very beneficial to our community.

Michael Doyne, 7100 Terrace Drive said my wife and I have been homeowners in Charlotte since 1981. We have lived in three different neighborhood, each one was unique, but nonetheless composed of mostly middle-class single family residences. The structural and social integrity and stability of these neighborhoods have been important to the city and is what we have consistently sought as far as a place to live. We still think many families are seeking that. That having been said the duplex portion of the proposed text amendment is of concern. It appears to be an almost defacto rezoning of single family residential areas. It potentially encourages the buying and demolition of perfectly viable single family houses and the insertion of one or more duplex structures. As the amendment is written the buyer is not required to occupy the duplex and surrounding neighbors have no recourse or way to voice concern over what might be multifamily rental property on either or both sides of them, as well as across the street and behind them when they in fact originally bought in a single family zoned area. The Planning staff diagram on page 4 shows the sweeping effect of two blocks in an unnamed neighborhood. It gives you an idea of what would happen if it was built out to the maximum as far as duplexes. It shows the potential impact and the loss of some single family housing stock. With the variety of neighborhoods in this city how can such a broad brush amendment be equitable and a benefit to the variety of homeowners and neighbors who have invested so much in their homes. This text amendment should be deferred and subject to further scrutiny. It lacks a fair perspective serving and respecting the needs of all. It certainly gives current single family homeowners almost no vehicle to protect their interest. Prior to further consideration there should be additional research, test modeling in real Charlotte neighborhoods and most importantly a frank and fair ... to and a discussion with a variety of neighborhoods of single family residences in this town. There is a lot of them and they have a voice and they need to be heard. I will close by paraphrasing Ms. Campbell at your Dinner meeting. She said zoning is about the highest level of quality, not just quantity.

Councilmember Howard said just for clarification, are you on the Advisory Committee?

Mr. Doyne said yes sir.

Ken Davies, 1924 East 8th Street, said I am here on behalf of the Myers Park Homeowners Association which is firmly opposed to this text amendment as it is currently drafted. We are a little bit late to the game on this. We were not part of the stakeholders meeting, but we look forward to working with the Planning Staff to try to finesse this so that it does not impact historic neighborhoods as we fear it will. We also will be submitting some materials to you and the Zoning Committee in the process. The primary problem with this is that is actually doubles density. For every lot in Myers Park that I'm aware of, and I've represented that neighborhood for a long time, the double density is quite shocking whereas an R-3 would have three homes per acre now could hold six homes per acre, two homes on each lot. With the change in the zoning ordinance that is anticipated, you could have two residences on each lot now without any restriction whatsoever and we fear that this will tear up the historic fabric of Myers Park. As you all know Myers Park has been developed primarily as a single family residential neighborhood, but like most of the neighborhoods around Route 4, Eastover, Elizabeth, Plaza/Midwood, Chantilly, Myers Park, Dilworth, Wesley Heights, Belmont, these neighborhoods do not have sophisticated deed restrictions. They only say residential use so if this zoning text amendment is enacted the building pressure to demolish the historic structures and residences in these neighborhoods would be intense because of the profit motive. I don't think this has anything to do with affordable housing in these neighborhoods. It has to do with profit. We are afraid, and if you look at page 4 of this text amendment you will see the damage that this could do to these historic neighborhoods. We look forward to finessing this. It is a worthwhile goal, affordable

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housing, but it certainly not something that should be blanket approach to the whole city to enact what amounts to a defacto double density rezoning of the entire neighborhood. For those reasons we are opposed as this time and we do hope to work with the Stakeholders Committee, with everyone involved to see if we can finesse this to protect the historic neighborhoods. If there are any questions I will be glad to answer those.

Councilmember Mayfield said in response to a couple of the comments that were just made, is there a way to address the concerns of the creation of the multifamily rental. Thinking of an example, we have a number of empty lots because the previous home had been demolished for numerous code violations and that lot is now purchased and it is in a single family area, is there any language in place to insure that what is not going into that lot is a duplex that then can become a rental and start the beginning of a creation of a number of rentals in residential single family areas?

Mr. Spencer said there is no restriction on whether it would be a for sale type product or for rent product, but the first thing they would have to look at is to make sure that the lot meets the minimum lot size requirement for a duplex, which is higher than the minimum lot size for a single family lot.

Ms. Mayfield said what about the comment that was made regarding protection of the investment. We also have to think about moving forward. As we heard earlier we are receiving constant request for multifamily development and this is yet another example of an opportunity for multifamily development. Can we consider language that would help to insure the single family homeowner because they also want to protect their investment.

Mr. Spencer said the R-3, R-4, R-5 and R-6 zoning districts currently allow duplexes so this is a use that is permitted in single family zoning districts, however it is limited to corner lots. It could possibly increase the number of duplexes in a neighborhood, but it also provides for the opportunity for affordable housing and that is the intent behind this text amendment.

Councilmember Barnes said the opponents of this proposed text amendment raised some issues for me that I had thought about during the committee discussions and wanted to visit briefly tonight. One of the things that I have been concerned about is the text amendment would be used to essentially put more "affordable housing" in what are already "affordable neighborhoods" so that you would have a lot of these \$110,000 starter homes that are now worth \$70,000 being replaced with duplexes and in fact rented out. It actually raised some interesting issues for me at least, so it would be worth exploring I think whether there are any true safeguards on the ownership element and I don't know legally if we could require, but there be some need to revisit that in some form or fashion in order to avoid a situation where are simply putting more affordable housing in what are already "affordable neighborhoods" thus compounding the problem. As I recall Ma'am Chair, Patsy Kinsey Chairs the Committee, one of the things we talked about was this issue of inclusionary zoning disbursing affordable housing and one of the unintended consequences of this text amendment could be that we in fact more "affordable housing" into "affordable areas". The reason I say quote affordable housing is because the seven years I have been on this body we have yet to define affordable housing in a way that makes any senses to anybody who is not an industry expert.

Councilmember Kinsey said this, like so many other amendments or ordinances, we could have some unintended consequences and after hearing from some constituents, I understand their concern and I think we probably do need to go back and talk about it. Their concern is not necessarily in affordable areas or areas where there is a lot of affordable housing, which is what we are trying to do what we can to provide more affordable housing. They are worried about areas that are high rent areas where a house can be torn down and two duplexes built and it is not providing affordable housing at all. How do we balance that and I know we went through this a lot in Committee and I appreciate the Citizens' committee because they tackled it too, but I'm thinking we need to talk about it a little bit more somewhere along the way because I do have some more questions about this. Are we really doing what we want to do or will there be an unintended consequence and we have to go back and straighten something out.

Councilmember Fallon said Shad is this a blanket for all of Charlotte?

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Mr. Spencer said yes.

Ms. Fallon said you mean in single family zoned housing, this becomes blanket and they can have a duplex there or turn their house into a two-family?

Mr. Spender said in those zoning districts that are single family, other than R-8, yes.

Ms. Fallon said you don't think this is too broad a proposal? Don't you think there should be some kind of protection for people who bought single family houses in single family neighborhoods and that is what they want to live in?

Councilmember Howard said Shad, you have the Director behind you.

Planning Director, Debra Campbell said I came to give Shad moral support.

Mr. Spender said when the Citizens' Advisory Group met some of those issues were discussed and we came out with some prescribed conditions that restricted the number of duplexes you would have in a row to two so you could have two duplexes in a row, then you would have to break it up with single family before you could have more duplexes. There were prescribed conditions dealing with the minimum lot size requirements, which would be larger than what is required for a single family home. The other issue that came out was that we wanted to be consistent with the single family development building coverage so we would make sure that they would have to comply with the maximum building coverage that is required for a single family home, based on your lot size, so we applied that to the duplexes. There are some other things like that where we tried to safeguard what the impacts would be and how it would fit in better with the single family neighborhood.

Ms. Mayfield said this question is there for our Director, even though she is just there for moral support. Remember when there was a discussion in HAND Committee where I requested a map overlay. Is there an opportunity so that we can try to address that potential consequences that we are not anticipating right now to insure that as much as we possibly can we are helping to incentivize the development in certain areas and not creating more of a hardship for the current and the future development that may be happening?

Ms. Campbell said the purpose of this Text Amendment was to try again increase the supply of affordable housing and as Mr. Barnes just stated, the definition of affordable changes. I would suggest to you with this particular recommendation, I don't know that this is directed specifically at the lowest income group in terms of providing affordable housing. You heard a number of our Citizens' Advisory Group members say this is one of a number of recommendations that will be coming to you from this committee. We do have a little bit of an idea, an estimate of the number of vacant properties that are currently zoned R-3, R-4, R-5, and R-6. We've done an analysis to see in terms of the minimum standards that are recommended through this text amendments, how many units potentially that might yield and where those parcels are actually physically located. The issue of tear downs, I think that based on the current requirements where duplexes are permitted on corner lots, I don't think that we are seeing people rush in demolish properties and rebuild them with duplexes. That isn't happening today and I'm hoping that this would not be an unintended consequences, this particular recommendation. We are hoping again that this change to the zoning ordinance, if it is approved, provides a range of housing types that will allow people of a range of incomes to live in areas where they potentially could not afford to if they had to purchase a single family house. Does this alone solve our affordable housing problem, absolutely not, but it does provide a range of housing types. We have found in Dilworth and in many other communities duplexes fit in very well with the character of those communities and we have tried again through the prescribed conditions to insure that, As Mr. Spencer just said, these new developments will be compatible and blend in with the existing fabric and character of existing communities.

Mr. Howard said it was pointed out to me from Councilmember Cooksey that I didn't allow the "for side" to have the two minute rebuttal. Is there anybody who wants to do a two-minute rebuttal? The Planning Department is the petitioner.

Mr. Barnes said they are doing their two-minutes right now.

[Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, to close]
[the public hearing.]

Ms. Kinsey said I like duplexes and I have lived in duplexes so I'm not against duplexes. I do think that we have to be careful that we don't have a lot of them. It is kind of funny because on my street, one block up, there is a whole row of duplexes. The whole block is a row of duplexes and they are being torn down for single family homes. I think they have some code issues.

The vote was taken on the motion to close the public hearing and was recorded as unanimous.

Councilmember Dulin said I brought up a subject at Dinner and I don't know where we left that. It was Zoning Petition 2012-034.

Mr. Howard said staff is going to give us a report on that. They are going to go back look at what happened and give us a full report and give us a potential action if we want to go back and revisit it.

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ADJOURNMENT

The meeting was adjourned at 8:39 p.m.

Ashleigh M. Price, Deputy City Clerk

Length of Meeting: 3 Hours, 20 Minutes
Minutes Completed: August 16, 2012