

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing at 5:15 p.m. on Monday, March 18, 2013 in Rom CH-14 of the Charlotte Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Andy Dulin, Claire Fallon, David Howard, LaWana Mayfield, and Beth Pickering.

ABSENT: Councilmember Warren Cooksey, Patsy Kinsey and James Mitchell

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Tammie Kiplinger, Planning reviewed the agenda with Council, pointing out the items that had a request for deferral.

Planning Director, Debra Campbell gave Council an update on the status of area plans and Text Amendments.

The meeting was recessed at 5:50 for Council to move to the Meeting Chamber for their regularly scheduled Zoning Meeting.

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ZONING MEETING

The Council reconvened in the Meeting Chamber of the Charlotte Mecklenburg Government Center at 6:11 p.m. with Mayor Anthony Foxx presiding. Councilmember present were John Autry, Michael Barnes, Patrick Cannon, Andy Dulin, Claire Fallon, David Howard, LaWana Mayfield and Beth Pickering.

ABSENT: Councilmembers Warren Cooksey and Patsy Kinsey

ABSENT UNTIL NOTED: Councilmember James Mitchell

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INVOCATION AND PLEDGE

Mayor Foxx gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

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EXPLANATION OF ZONING MEETING

Mayor Foxx said we have several Councilmember who are sick tonight and I'm not feeling well myself so I will try to get us through the Decision portion of the meeting and then turn it over to Mayor Pro Tem Cannon to handle the Hearing portion. He explained the Zoning Meeting process and recognized the Chair of the Zoning Committee, Yolanda Johnson who introduced members of the Zoning Committee and said they would have a special called meeting Wednesday, March 20, 2013 at 4:30 p.m. for Petition Nos. 2013-05 and 2013-39. Council's decision on these two are scheduled for Monday, March 25, 2013. For the remaining petitions the Committee will meet our regular Wednesday meeting, March 27, 2013 at 4:30 p.m.

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DEFERRALS

Mayor Foxx said we have a number of items that have changed since the agenda was printed. Item No. 1, Petition No. 2012-070, Pulte Home Corporation has requested a deferral for one month; Item No. 9, Petition No. 2013-013 has requested a deferral for one week; Item No. 10, Petition No. 2013-015 has requested a deferral for two months; Item No. 12, Petition No. 2013-020; Item No. 14, Petition No. 2013-022; Item No. 19, Petition No. 2013-014; Item No., 26, Petition No. 2012-090 has requested a deferral for one month. Item Nos. 24 and 25 Councilmember Howard is requesting recusal.

Motion was made by Councilmember Cannon, seconded by Councilmember Barnes and carried unanimously, to defer the above mentioned items and to recuse Councilmember Howard from participating in Item Nos. 24 and 25.

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DECISIONS

ITEM NO. 2: ORDINANCE NO. 5047-Z FOR AN O-1(CD) SITE PLAN AMENDMENT FOR APPROXIMATELY 1.20 ACRES LOCATED ON THE EAST SIDE OF BAUCOM ROAD BETWEEN MALLARD CREEK ROAD AND BRATHAY COUNT.

Mayor Foxx said Council is tasked on whether or not to send this issue back to the Zoning Committee due to changes in the petition.

Motion was made by Councilmember Howard, seconded by Councilmember Cannon, and carried unanimously, not to defer the subject petition.

Later in the meeting it was realized the above motion was incorrect. Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously, to not send this petition back to the Zoning Committee, due to changes to the Petition after the Zoning Committee met and voted.

Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, to approve the Statement of Consistency and Petition No. 2012-082 by Derita American Legion Post 345 for the above site plan amendment, as modified, and as recommended by the Zoning Committee.

The modification are:

1. The petition has included development notes that specify a scenario involving use of existing structure, and a scenario involving redevelopment of the site with construction of a new building and associated site improvements as provided below:
 - a. The scenario involving use of existing structure notes that the existing 2,800 square foot structure will remain with a maximum 1,000 square foot expansion permitted. The maximum height of lighting will be 25 feet. The appearance of the building expansion will blend with existing structure.
 - b. The scenario proposing redevelopment of the site states the new building will not exceed 7,765 square feet, with a maximum 40-foot building height and no more than two stories. The maximum height of lighting will be 25 feet. The appearance of the building will be residential in character and scale, with a minimum 50 percent masonry material along each building elevation.
2. The site plan is correctly labeled "Rezoning Petition 2012-082".
3. The site plan is in the proper format.
4. CDOT requests that the petitioner not label the width (proposed 15'-5") of the new driveway, and that it be removed from the site plan.

The ordinance is recorded in full in Ordinance Book No. 58, at Page 76-77.

Councilmember Mitchell arrived at 6:16 p.m.

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ITEM NO. 3: ORDINANCE NO. 5048-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.20 ACRES FRONTING BOTH NORTH DAVIDSON STREET AND YADKIN AVENUE BETWEEN EAST 34TH STREET AND EAST 35TH STREET FROM R-5 AND B-1 TO TOD-MO.

Motion was made by Councilmember Cannon, seconded by Councilmember Pickering, to approve the Statement of Consistency and Petition No. 2012-070 by Kenneth Lin and Jon Branham for the above zoning change, as modified, and as recommended by the Zoning Committee.

Councilmember Barnes said I wanted to get some information regarding traffic flow and the lack of parking. Ms. Keplinger was there any conversation on that issue?

Ms. Keplinger said the petitioner was charged by the Zoning Committee with going back and looking to see if they could find any additional parking in the area. They basically determined that there was not any additional parking. This site is in the North Davidson area, is proposed for a restaurant. It is within ¼ mile of the Transit Station and in these areas where we have emerging business district and they are in a transition because of transit that is coming, we run into challenges with the parking and in this particular case the petitioner has two on street parking spaces in front of their business. They are required by the ordinance to have 16 when they fully build out. There is some availability for parking on North Davidson and also some on 35th Street. But in cases like this there are a couple of options the business owners have. They can assemble parking for reuse and there are some possibilities of that in the area but I think is another thing they can do. They can look at actually tearing down the existing building and rebuilding, but when you look at this particular piece of property, if they tore down the building and tried to rebuild they wouldn't be able to meet the standards of the ordinance, so they would not be able to use the property.

Mr. Barnes said they currently have two parking spaces in front of the building. Do you know their overall parking availability and what is the capacity of the restaurant?

Ms. Keplinger said at full build out the capacity of the restaurant, it is 9,000 square feet at full capacity, but I don't know exactly how much of that is going to be for patrons and how much will be kitchen and other areas. I believe the initial portion of the site when they first start out will have between 20 and 30 seats. It will be a gradual increase.

Mr. Barnes said I noticed it failed initially. Is that 3 to 2 on the Zoning committee?

Ms. Keplinger said a 3 – 2 vote on the Zoning Committee automatically rolls it over to their next meeting because they have to have 4 in order to pass a motion.

Mr. Barnes said ultimately it was 4 – 1, so is there sufficient parking on the street somewhere that they are going to use?

Ms. Keplinger said there is parking on Davidson and there is also limited on-street parking on 35th Street. It is definitely a challenge and the one thing they can do is opt out of it through the MUDD-O and that is what they are trying to do.

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

The modifications are:

1. The petitioner has addressed the issue regarding the placement of the recycling/refuse area on the lot facing Yadkin Avenue via recordation of a recombination plat involving the swapping of land with the abutting property owner, thereby allowing the two parcels of the subject rezoning to adequately touch and be combined.
2. The petitioner has listed the existing square footage, new (additional) square footage, and total square footage on the site plan.

3. The petitioner has provided information on the site plan indicating that a second story will be constructed over the existing one-story building, and that a new three-story addition will be constructed in the rear of the proposed two-story portion. The petitioner has also provided the height of the existing building (15 feet) and the proposed height as 39 feet.
4. The petitioner has removed “night club” from the Optional provision regarding parking. The petitioner has added notes on the site plan to indicate 4 on-street parking spaces, two of which are proposed to be shared with a neighboring business.
5. The petitioner has modified Optional Provision 3 (Streetscape) to specify North Davidson Street and requested that the existing 8-foot sidewalk be allowed to remain.
6. The petition has removed the brick wall shown on the North Davidson Street elevation and added a note stating it is not part of the site plan.
7. The petition has revised the site plan to show the boundaries of the area proposed to be rezoned with a weighted line.
8. Petitioner added the language provided written response regarding intent to coordinate with a local artist on the elevations to the actual elevation sheet.
9. The petitioner has addressed C-DOT comments as follows:
 - a. The petition has removed the proposed curb cut on Yadkin Avenue from the site plan.
 - b. The petition has added language to state intent to work with neighboring property owners to secure additional parking.
10. The appropriate standardized notes have been placed on the site plan (in addition to the Optional Provisions listed).
11. The Optional Provision language for streetscape on Yadkin Avenue has been modified to specify the street name and request that the existing sidewalk be allowed to remain. The sidewalk width has been added to the additional language.
12. Language has been added to the Optional Provision for the required 16-foot setback, and to allow new construction incorporating an existing structure be built to the established setback with the established setback identified as at back of the existing sidewalk.
13. The established setback has been identified on the site plan.
14. Optional Provision 1 (Setback) for the required 16-foot setback has been amended to allow new construction incorporating an existing structure to be built to the established setback. The language now correctly identifies the established setback as being from the back of the existing sidewalk.
15. Optional Provision 2 (Parking) has been modified to request to not provide required parking for the permitted uses until such a time occurs when the owners have the ability to provide the required parking.
16. The petition has amended Optional Provision 3 (Streetscape) and added Optional Provision 4 to incorporate Yadkin Avenue into the request as it is subject to this requirement as well. This added language requests that a modified streetscape along Yadkin Avenue to allow a six-foot sidewalk at the back of the curb with no planting strip.
17. The petitioner has also added office, retail and personal services as allowable uses in addition to the proposed restaurant.
18. The petition has removed the sentence regarding lighting from Landscaping and placed it under the new lighting heading. A note has been added under lighting that state “wall pak” lighting will not be allowed.
19. The sentence under landscaping regarding planting strip along North Davidson Street has been removed as this is an optional provision being requested.
20. “Yadkin” Avenue is now spelled correctly on the site plan.

The ordinance is recorded in full in Ordinance Book 58, at Page 78 -79.

ITEM NO. 4: ORDINANCE NO. 5049-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.48 ACRES LOCATED ON THE EAST AND WEST SIDES OF FOREST POINT CIRCLE NEAR THE INTERSECTION OF WEST ARROWOOD ROAD AND FOREST POINT BOULEVARD FROM B-D(CD) TO O-1.

Motion was made by Councilmember Mayfield, seconded by Councilmember Cannon, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-007 by Cardinal Real Estate Partners for the above rezoning as recommended by the Zoning Committee.

The ordinance is recorded in full in Ordinance Book 58, at Page 80-81.

ITEM NO. 5: ORDINANCE NO. 5050-Z FOR AN O INST(CD) SITE PLAN AMENDMENT, FOR APPROXIMATELY 1.96 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF ALLEGHANY STREET AND ASHLEY ROAD.

Motion was made by Councilmember Mayfield, seconded by Councilmember Cannon, and carried unanimously to approve the Statement of Consistency and Petition No. 2013-008 by Board of Trustees, Central Piedmont Community College, as modified, and as recommended by the Zoning Committee.

The Modification are:

1. The petition has addressed CATS and C-DOT comments by providing the following:
 - a. As requested by CATS staff, the site plan has been revised to show a proposed 5-foot wide transit waiting pad in its proper location.
 - b. In response to C-DOT's request the petitioner has removed the existing exit driveway onto Alleghany Street and replaced that area with a sidewalk and curb and gutter. The remaining access onto Alleghany Street has been modified to right-in movement and widened to 20 feet to accommodate fire access.
2. The petitioner has added a "building envelope" for the modular buildings and future expansion so that buildings may be adjusted within the envelope.
3. The petitioner has removed sheet RZ-3 – Existing Conditions from the site plan.
4. The petition has removed the first sentence under "1. General Provisions, b" as requested by staff.
5. Note 1c has been modified to read as follows: "To the extent of any conflict between the matters contained in other areas of the Rezoning Plan and the matters set forth in the Development Standards, the more restrictive shall govern."

The ordinance is recorded in full in Ordinance Book 58, at Page 82-83.

ITEM NO. 6: ORDINANCE NO. 5051-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.89 ACRES LOCATED ON THE NORTH SIDE OF SPENCER STREET BETWEEN ACADEMY STREET AND ANDERSON STREET FROM I-2 TO MUDD-O.

Motion was made by Councilmember Cannon, seconded by Councilmember Dulin, and carried unanimously, to approve the Statement of Consistence and Petition No. 2013-009 by Bonterra Builders, as modified and as recommended by the Zoning Committee.

The modifications are:

1. Modified the “total acreage” under “Development Data Table” to read: “3.89 acres (4.33 acres including Mooney Avenue right-of-way)”.
2. Eliminated the list of “Prohibited Uses” and replace them with the following note: “All other MUDD uses not listed as permitted”.
3. Modified Note 3a as follows: “To preserve existing trees along Anderson Street, the 6-foot sidewalk may meander and portions of the planting strip may be less than 8 feet in width as measured from is being omitted and the new sidewalk will be built at the back of curb.
4. Modified Note 6a to indicate an eight-foot planting strip and six-foot sidewalk will be provided along public streets except Anderson Street where the sidewalk may meander and an eight-foot planting strip and a five-foot sidewalk along the internal private streets.
5. Added a sentence to Note 8a indicating the right-of-ay for the multi-use trail will be dedicated and conveyed to the City prior to the final certificate of occupancy being issued for either of the last two buildings of the development abutting the current Mooney Avenue right-of-way.
6. Added the following sentence to the end of the “Lighting” note: “Freestanding lighting will be limited to 20 feet in height and will utilize full cut-off type lighting fixtures”.
7. Provide an “Architectural Standards” note on Sheet 1 of 1 that indicates all units fronting Academy Street and Spencer Street will have direct sidewalk connections from each unit to the public sidewalks.
8. Removed the area between Academy Street and the proposed building envelope from the “tree save” area.
9. Clearly identified the building and parking envelope and modified the building envelope located at the corner of Spencer Street and Anderson Street so it does not encroach into the 14-foot setback along Anderson Street.
10. Removed all references to building types A, B and C referenced on Sheet 2 of 2.
11. Provided an “Architectural Standards” note on Sheet 1 of 1 to indicate a minimum 20-foot separation between the face of a garage door to the internal drive aisle. However, less than 20 feet is allowed if no more than a seven-foot separation is provided.
12. Provided an Architectural Standards: note on Sheet 1 of 1 to indicate if walls/fences are provided between the buildings along Anderson Street and the right-of-way for Anderson Street, the walls/fences will be limited to three feet in height.
13. Provided a note indicating all modification must comply with Section 6.207 of the Zoning Ordinance.
14. Eliminated Sheet 3 of 3.
15. Addressed C-DOT issue by indicating the right-of-ay abandonment will occur prior to approval of construction plans.

The ordinance is recorded in full in Ordinance Book 58, at Page 84-85.

ITEM NO. 7: ORDINANCE NO. 5052-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.45 ACRES LOCATED ON THE SOUTH SIDE OF BROOKFORD STREET BETWEEN NEVADA BOULEVARD AND WESTINGHOUSE BOULEVARD FROM I-2 TO I-1.

Motion was made by Councilmember Mayfield, seconded by Councilmember Howard, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-010 by Pensky Truck Leasing Company, LP for the above zoning change as recommended by the Zoning Committee.

The ordinance is recorded in full in Ordinance Book 58, at Page 86-87.

ITEM NO. 8: ORDINANCE NO. 5053-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.20 ACRES LOCATED ON THE WEST CORNER AT THE INTERSECTION OF SHARON ROAD AND WESTMINSTER PLACE FROM R-3 TO UR-1(CD).

Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-011 by Tyler Conner and Ashley Butler for the above zoning change, as modified, and as recommended by the Zoning Committee.

The modifications are:

1. The petitioner has added the required notes to the site plan.
2. Site data has been added identifying the existing building square footage, square footage of the proposed addition, and the total square footage.
3. A note has been added to the site plan stating the site will be limited to one (1) single family residential structure, along with the accessory structures permitted in accordance with the ordinance.
4. The site plan is low labeled as zoning petition 2013-011.

The ordinance is recorded in full in Ordinance Book 58, at Page 88-89.

ITEM NO. 11: ORDINANCE NO. 5054-Z FOR A UR-2(CD) SITE PLAN AMENDMENT, FOR APPROXIMATELY 4.27 ACRES LOCATED ON THE EAST SIDE OF WENDWOOD LANE NEAR THE INTERSECTION OF RANDOLPH ROAD AND WENDWOOD LANE.

Mayor Pro-Tem Cannon said Council is required to vote whether or not to send this back to the Zoning Committee, due to changes to this petition after the Zoning Committee vote.

Motion was made by Councilmember Mayfield to send this back to the Zoning Committee due to changes to this petition after the Zoning Committee vote.

Councilmember Barnes said just for clarification, Ms. Mayfield did you say you move to send it back to the Zoning Committee?

Mayor Pro-Tem Cannon said the ask is for Council to vote whether or not to send it back to the Committee.

Mr. Barnes said clarifying the motion, did you say you wanted to send it back to the Committee?

Councilmember Mayfield said correct. I did say send back where the clarification will be to send to the Committee.

Mr. Barnes said and you don't want to do that?

Ms. Mayfield said correct.

Mr. Barnes said further clarification, on Item No. 2, Petition 2012-82 the motion that was made preceding that vote was not to defer the item and the motion should have been whether to send it back to the Zoning Committee.

Mayor Pro-Tem Cannon said that is correct.

Mr. Barnes said how do we need to correct that Madam Attorney?

Assistant City Attorney, Teri Hagler-Gray said I think you could revote on No. 2 and vote on No. 11 not to send back to the Rezoning Committee.

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously, not to send this petition back to the Zoning Committee due to changes to the petition after the Zoning Committee voted.

Motion was made by Councilmember Barnes, seconded by Councilmember Dulin, and carried unanimously, to approve the Statement of Consistence and Petition No. 2013-016 by Valley Development, Inc. for the above site plan amendment, as modified, and as recommended by the Zoning Committee.

The modifications are:

1. The 20-foot minimum distance between the garage and sidewalk has been labeled on the site plan.
2. The cross section of the private street detail has been removed from the site plan.
3. A note has been added that single family lots will front on private streets.
4. The existing sidewalk and planting strip along North Wendover Road has been shown on the site plan.
5. A sidewalk connection from the proposed development to the public street (North Wendover Road) has been shown on the site plan.
6. Petition Number 2013-016 has been added to the site plan.
7. The conditional notes have been placed in one area of the site plan.
8. References to the prior proposed multi-family development have been removed from the conditional notes.
9. The portion of note #5 has been removed from the site plan.
10. Sheet two with the plat information has been removed from the conditional site plan.

ITEM NO. 13: ORDINANCE NO. 5055-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 43.29 ACRES LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF STEELE CREEK ROAD AND SHOPTON ROAD FROM I-1(CD) AND R-3 TO I-2(CD).

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell and carried unanimously, to approve the Statement of Consistence and Petition No. 2013-021 by East Group Properties, LP for the above zoning change as recommended by the Zoning Committee.

The ordinance is recorded in full in Ordinance Book 58, at Page 92-93.

ITEM NO. 15: ORDINANCE NO. 5056-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 36.10 ACRES LOCATED ON THE WEST SIDE OF PROVIDENCE ROAD ACROSS FROM STRAWBERRY HILL DRIVE FROM R-12MF TO R-17MF(CD).

Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-023 by Camden for the above zoning change, as modified, and as recommended by the Zoning Committee.

The modifications are:

1. Addressed C-DOT issues by (a) reflecting the southbound turn lane at the northernmost driveway; (b) noting that the southernmost driveway will be restricted to right-in/right-out and left-in only; (c) amending Note 3c to state final design of the proposed southernmost driveway will be subject to review/approval during the permitting process; (d) amending Note 3d to state that "If a traffic signal is approved at this location by NC-DOT and C-DOT within one year of the approval of this petition, the petitioner will provide funds to the City of Charlotte to signalize the intersection. In addition, added that "If NC-DOT/C-DOT approved the installation of the signal within the one year time frame the petitioner will enter into an agreement with C-DOT to install the traffic signal prior to the issuance of the first building permit. If the traffic signal is not installed by NC-DOT/C-DOT prior to the first certificate of occupancy, the project development may proceed ahead as proposed, including the proposed driveway designs."
2. Amended Note 1.c under the heading of General Provisions relating to change per Section 6.207.
3. Clearly labeled and indicated on Sheet 2 the building and parking envelope referred to in note 1d.
4. Amended note 3a under heading of Transportation to indicate that the site shall be designed in such a manner to allow for one vehicular and pedestrian connection by way of a private street (constructed to a residential wide cross-section, with a 6-foot sidewalk and 8-foot wide planting strip on both sides of such private street) to permit pedestrians and automobiles (but not commercial truck traffic) between the site and the Southern Adjacent Parcel. Once such connection is made it may not be gated and shall remain open to the public. A reciprocal cross-easement agreement between the Petitioner and the owner of the Southern Adjacent Parcel will be recorded in Mecklenburg County Public Registry prior to issuance of a building permit for the first building to be constructed on the site as part of the redevelopment.

The ordinance is recorded in full in Ordinance Book 58, at Page 94-95.

HEARINGS

ITEM NO. 16: HEARING ON PETITION ON. 2013-004 BY RIVER ROCK PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.63 ACRES LOCATED ON THE SOUTH SIDE OF YORK ROAD AND AT THE INTERSECTION OF GRAND PALISADES PARKWAY, LANGSTON DRIVE AND YORK ROAD FROM R-3(LLWCA) AND MX-3(LLWCA) TO O-1(LLWCA).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a request to rezone from R-3 to MX-3. The property is located in the Lower Lake Wylie Critical Area. As you can see on the future land use map, parts of this property was actually part of the Palisades rezoning from 2001. The small area in the middle was not part of that rezoning. The property that was involved in the rezoning was approved for 10,000 square feet of office use. The proposal tonight is to rezone the entire area to O-1(CD) (LLWCA) for 25,000 square feet of office uses. We are moving toward building envelopes and you can see this is one of the building envelopes, another building envelope and

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then they have an area that is for building and parking, another area for building and parking and then the parking to the rear. I should have oriented you, this is South Tryon Street, this is Grand Palisades and this is Langston.

There is an R-3 residential property located at this site. There is a 22-foot buffer located between them. What this may look like in build out is actually one of the building site with a building here, another building in this location with parking in between and parking to the rear. You can see with the Overlay on the aerial, you can kind of get a picture of how the development will occur. Staff is recommending approval of this petition upon the resolution of outstanding issues. It is consistent with the Steele Creek Area Plan, it meets the Community Design Guidance that is prescribed in the Steele Creek Area Plan and most of the outstanding issues are technical in nature and we have been working with the petitioner and hope these will be resolved by the time we go to Zoning Committee.

Walter Fields, 1919 South Boulevard said I am representing River Rock Properties. Tammie has given you a good overview of this particular piece of property and how it fits in the big picture in the Lower Steele Creek Community. I would like to call your attention to the map I have up only because it shows what I call the doughnut and the doughnut hole. The area in green on this plan was actually part of the Palisades Master Plan that was rezoned a number of years ago by Mecklenburg County. That little doughnut hole in the middle was at that point in time owned by a private party that did not participate in the Palisades rezoning. Later on that property was acquired by NC-DOT and for a number of years they owned it and I believe used it for their construction office while they were working on Highway 49 widening project. River Rock Properties now owns that small hole in the doughnut and they have a contract to purchase the green area, sort of outside of the doughnut pursuant to this zoning case.

As Tammie pointed out this area was originally approved in the Palisades Master Plan for an office development. I think about 10,000 square feet was assigned to it. You have to remember that because of that doughnut hole not a lot of that area was very usable so the 10,000 square feet probably was about all that could fit since that was a residential piece in the middle there were buffers that went all the way around that. By filling in the doughnut hole those buffers would go away so we actually have a much more practically sized and usable piece of property. It is almost 2 $\frac{3}{4}$ acres, we are proposing a total on the entire site of 25,000 square feet of office, two building pads, one would likely be a branch bank. We have asked for permission in this rezoning to have only one use that would have a drive-thru service window and in an office zoning district that would be a branch bank, then a two-story office building with about another 20,000 square feet for a total of 25,000 square feet. All the access to this property is onto Langston and those of you who have been around as long as I have will remember when Langston was Red Fez Club Road. That was interrupted and renamed years and years ago as part of the road improvements that were part of the Palisades development. Langston now intersects in a right-in/right-out public street connection onto Highway 49, but it also travels to the south as you can see on this aerial photo. There are a number of large lot, single family homes along that road and a little bit further to the south, just off the bottom of this aerial photo Langston will actually connect into a new residential development which is part of the Palisades development, called Austin's Creek which was approved last year and is now under construction, so there will be connectivity through there.

The site plan is very simple, two buildings, two access points, improvements to the streets including adding curb, gutter and sidewalk along Highway 49. We will have sidewalk connections going into Highway 49, and into Langston. Our ordinance requires that we also have a sidewalk connection that goes into Grand Palisades Parkway. This is something I have talked about with Tammie and Shad just in the last day or so. We may need to add a note to the plan giving us the ability to seek a variance on that sidewalk because Grand Palisades Parkway is already built and developed. There is a landscaping plan that covers that and it is actually on an easement that includes a portion of this property. We don't know if we have the legal ability to cross that landscape easement to make a sidewalk connection to Grand Palisades Parkway. Since that has come up fairly late in the process and it is something that we've talked about, we do want to comply with the ordinance and make those sidewalk connections. We are simply not sure that the landscape easement over a portion of this property along Grand Palisades Parkway

will allow us to do that so we need to have the ability, if it doesn't, to go to the Board of Adjustment and ask them if they would consider a variance.

In summary, a rezoning from two tracts, one of which is already zoned for office uses under the MX Plan for the Palisades community, combining those two tracts into a single developable tract of about 2 ¾ acres. We haven't received any transportation concerns in terms of trip generation. This is a very small development on a major four-lane state highway.

Annabelle Suddreth, 16105 Langston Drive said my husband David and I and our three children and my mother all live on the lower portion of Langston Drive. We came to speak to you today, not to necessarily oppose the development, but to oppose the access infrastructure that was presented to us by the petitioner's representative at a community meeting held last month. The plan currently proposes only one entrance and exit access and that means that if vehicles inadvertently make an incorrect turn out of the development, they will quickly end up on a dead-end single lane dirt road that does not meet state standards. Our talks with Austin Creek at the end of the street, there are no plans, that we are aware of, to improve this part of Langston to bring it up to state standards. Two cars have a very difficult time passing each other right now on that road. Additional where Langston Drive bends is currently a school bus stop that my son and his cousin utilize daily at 8:45 a.m. and at 5:00 p.m. Their school bus currently utilizes a three-point road turn to turn around and exit which will be further complicated by the additional traffic that will be bottle necked by this single entrance/exit onto Langston. Using the current single entrance/exit also forces vehicular traffic to only go one way, north onto York Road. To go south vehicles will need to travel north on York Road and then perform a U-turn to go south. We respectfully request that part of the approval of this rezoning request include the requirement that a second exit/entrance be implemented onto Grand Palisades Parkway. This will reduce the likelihood that traffic will inadvertently end up on a small dirt road. It will allow exiting vehicles the choice to travel either north or south on York Road and an additional benefit is that Grand Palisades has a stop light to aid the vehicles in entering York Road.

In rebuttal Mr. Fields said the Suddreths' came to our community meeting and we had a good conversation. One of the things that occurs to me about the school bus turn around, I live up in Lincoln County and I see in the mornings on the way to work, it is very common where there are several long dead-end roads that go down towards the water and school buses actually turn around in commercial properties that are up near the street. If the school system would be willing it could be that they could use this property for that turn around and that way children could load and unload and not be in the public right-of-way at all. I'm more than willing to check on that and see if that is something that we can do and if they would agree to do that I certainly don't want to create a problem for the school system because they are building a brand new school almost next door to this property. Secondly, we do understand as everybody that lives along Highway 49 that there only a limited number of places where you can cross the median. We are in an environment where there is a major intersection just to our south, but to the north there is some distance that some of them would have to travel to make a U-turn up at McDowell Park. One of the comments we heard at the community meeting was some very serious questions, not about this rezoning, but whether or not NC-DOT or C-DOT or the school system was going to put a signal at that location because an elementary school entrance is right opposite the McDowell Park entrance, it seemed to make sense. That might alleviate part of this problem.

In terms of our connecting to Grand Palisades Parkway if we don't know if we can connect a sidewalk to it, we certainly don't have any knowledge about whether or not we can connect a street to it. It is true that Langston will eventually tie into Austin Creek and what they said is true. Austin Creek will not be improving Langston, but there is commercially zoned property on the west side of Langston as part of Palisades and when that property develops, the City's normal development requirements will require developers to improve the public street that lies along the margin of their property. So as that property develops there will be improvements that will come just as part of the normal process under the City's regulations.

Councilmember Howard said as I look at the original master plan for Palisades this property is actually a part of the original master plan. How does that play into what you are requesting now because it looks like something. Am I wrong, was this not a part of the original plan?

Mr. Fields said no sir, you are absolutely correct and under the Palisades Master Plan, this is part of the Town Center area and this portion of the Town Center on the east side of Grand Palisades Parkway and going over to Langston is actually designated in that Master Plan for office uses. So a little horseshoe part of this site that is within Palisades is already designated for office uses and the purpose of this rezoning would be to fill in the little missing link that missing hole there so it is a regularly shaped piece of property without a lot of internal buffers. That makes it a developable tract and that is why we are changing both zonings back to suburban office classification to allow for the use that is basically already called for there.

Mr. Hoard said this is not being developed by the same developer as the Palisades. Is that the reason why you cannot tie into Palisades Parkway?

Mr. Fields said it is not being developed by the same folks. The issue with tying into Palisades Parkway is that as part of Palisades Parkway Master Plan there is a landscaped area.

Mr. Howard said so your point is, it was never originally supposed to be connected to Palisades Parkway?

Mr. Fields said no, it was never supposed to be connected. You can see perhaps on the aerial on the screen now, that large landscaped area which is part of the Palisades Parkway commitment in that old zoning. I'm not in the position, and we talked with C-DOT about this, was there some way to connect there and their concern as I know yours is, is in terms of connectivity. Langston will have connectivity through the Austin Creek Apartments down to Palisades Parkway so people can go in whatever direction they want to go, but I don't have any reason to believe that we will be able to construct, certainly not a public street or a driveway, or even a sidewalk across that landscaped area because there is actually a landscape restriction on a portion of this site to preserve that area.

Mr. Howard said this Master Plan was approved by this Council I guess at some point? Can anybody remember why it was okay for Langston not to tie back into the Parkway and be isolated with one way in and one way out, especially on Highway 49?

Ms. Keplinger said with the Palisades Master Plan, that was such a very, very large rezoning I do not recall a specific issue coming up about the access at this location. There were so many other details and I have actually looked back through the notes and did not see any references.

Mr. Howard said will you look into that for me and see if there are any notes or if anybody involved with the rezoning petition has any recollection why because essentially what Walter's teams is asking for is do what the Master Plan calls for. On the face of it right now doesn't make me feel good, one way in and one way out on Highway 49 where they had the accident and there are a lot of things going on there now that maybe we didn't know back then. Other questions for staff would be, any concerns with this developing before the Town Center across the street?

Ms. Keplinger said no sir.

Mr. Howard said the design standards all the same so it will look like one. The folks with Palisades spent a lot of money making it look nice so whatever goes at the front door needs to compliment it I think and what are we doing to make sure it will compliment the investments that have been made already?

Mr. Fields said the Master Plan for the Town Center had a lot of schematic site plans, but did not have a lot of architectural detail. That was 12 or 13 years ago and the emphasis now is a lot stronger on those details than they were then. That was also a 1,000 plus acre development and we tend to be very, very focused on architectural details on small pieces but it is much more difficult to focus on something that is a 20 or 30-year plan and know at the beginning what the architectural will be like. Staff has asked us to add some additional language specifically dealing with architecture. That was one of the comments in the staff analysis because we did not have enough in there before in their judgment and we will agree to do that. They are asking us to put language in which I think will do what you are asking for.

Mr. Howard said do you have elevations at all?

Mr. Fields said no sir, I don't have any elevations.

Mr. Howard said any concepts on elevations?

Mr. Fields said no, none whatsoever.

Mr. Howard said I can tell you from me, sitting here today, that a lot of effort has been put into making sure that entrance sets the standard and even it was a 20-year plan they made a really loud statement about what they wanted at the entrance, something that would not compliment that wouldn't be something that I would like a lot. I do get the fact that you actually have a Master Plan that calls for this one way in and one way out and filling in that hole in the doughnut you are right, it probably does help this become something, but the design standards are something that are really important to me.

Councilmember Barnes said Ms. Keplinger on the vicinity map that we have there is some indication that Langston Drive crosses Grand Palisades Parkway a little further south from this site. Do you know if that is true?

Ms. Keplinger said I honestly don't know that it actually crosses.

Mr. Barnes said could we have Mr. Suddreth come down and answer? I have to be very specific about my questions so does it cross?

Mr. Suddreth, 16105 Langston Drive said currently Palisades intersects that road and the crossing was cut off by Grand Palisades Parkway. Both entrances are still there so it does not physically cross it.

Mr. Barnes said what I heard your wife saying was that your concern is that if people are leaving this office development they will go down Langston Drive which becomes a dirt road and basically wander into your front yard potentially.

Mr. Suddreth said correct. From what we understand from Creston it was really never a deeded right-of-way. It was an access point for basically what was at that time river lots. Of course we all bought property along there which is a strip of property between which is going to be a new park and a new school and we are sandwiched in there.

Mr. Barnes said do you think a couple signs saying no outlet would help.

Mr. Suddreth said we have those now and people still try to go to the river. We are not opposed to it and would rather have something there than what is currently there, it is just that we live the day in and day out traffic and realize what type situation people can get themselves into.

Mr. Barnes said Mr. Fields I have to echo a question or comment Mr. Howard made, going back 7 years you and I have always had disagreements over elevations and the necessity of providing them to us and I have the same question – what are you building and what does it look like?

Mr. Fields said Mr. Barnes I have the same answer and we don't ever disagree, we just have different views. This developer is based in Rock Hill. It is a small group. They do some multifamily work and one of the partners in the development is a doctor and I believe he looks at this as an opportunity for a medical office location. We do not have a specific start date therefore we have not worked towards any architectural drawings. If we can attract a branch bank at this site the bank would have to be involved in working through that. I will work with Tammie on some better language to try to see if we can pin some of that down because recently I believe the staff has been more in favor of criteria in the note rather than an illustration or a photograph because the criteria can be written to be more inclusive than a single image can be.

Mr. Barnes said to that point we have recent examples of people providing us with elevations and then doing the exact opposite of what they promised to do which is problematic. Also to the

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point Mr. Howard made the Palisades was intended to be a very attractive community and it was planned to be that way. I don't live down there, but putting myself down there, I would have concerns about whatever may be popping up on that corner and it is hard for me to support a petition like this that could have a negative effect on a community that was built nicely and in an area of the City that is trying to grow in a very positive direction. That is a struggle for me to support you without some specificity. I've been burned several times now on petitions.

Councilmember Dulin said I have to mirror what Mr. Barnes has said Walter, We hammered on a local home developer a month ago who didn't show us anything they were planning on doing and we said that is not going to fly, we've got to know what you are doing. I would like to see it better now and the neighbors would like to see it better now. I didn't know that was a dirt road. I have been around that area all my life and I didn't know it was there. But as of tonight I'm a no on this thing unless we get some better information.

Mr. Fields said I understand, thank you.

Mayor Pro Tem Cannon said I notice that Charlotte Mecklenburg School had no comment or there were no comments received. Did we reach out to them for comments or make them aware?

Ms. Keplinger said absolutely, but this does not have a residential component so normally they do not comment when there is actually not something of a residential nature being built.

Mayor Pro Tem Cannon said Mr. Fields had a perspective on providing access to the area that the opponents had some reference to. I notice in C-DOT's comments they suggested to connect Langston Drive to Grand Palisades Parkway with a private driveway connection. The driveway connection will be restricted to right-in and right-out traffic movements and also to provide a minimum 5-foot sidewalk parallel to the proposed driveway connection to Grand Palisades Parkway. This is something that you all see that needs to occur?

Mike Davis, C-DOT said since the beginning of the review of this petition we've had the same position as a speaker, but perhaps for different reasons about why it would be beneficial to have some additional connectivity. Primarily what we were trying to achieve is for folks who live in Grand Palisades are served by that street and they wouldn't have to get on Tryon to access the site. It didn't necessarily consider all the reasons that were mentioned by the speaker, but we think there is benefit in having some sort of connectivity and over the last few weeks we've been having conversations with the petitioner about the best way that could happen. Certainly there is the issue about the easement which may preclude any direct access. This is probably not the ideal location to have a driveway this close to the intersection of Grand Palisades Parkway and Tryon, but it is better than nothing. Lastly as Mr. Fields points out, we think that over time there would be some additional connectivity further to the south between Palisades and Langston that actually would be the preferable way to achieve connectivity.

Mayor Pro Tem Cannon said it sounds like around this dais that there is a want for that and there is a place for it. I hope the petitioner will consider it along the way as you go through this process.

Mr. Howard said you probably was not around when this original Master Plan was approved, but any thoughts why there was no requirement for a connection to the Parkway or even now why it would be okay to have one way in and one way out?

Mr. Davis said I can only speculate about why it was omitted before. I don't know if that was just looked at through a different lens at the time, but in terms of what our goals would be at this point, I think we all see the merit in achieving some connectivity. Going forward it is a question of how and how best to do that. I don't know why it wasn't done before.

Mr. Howard said how are you evaluating the traffic counts? Are you taking into account the approved Town Center already there? Is this all part of the TIA that you are looking at all of it because it is a Master Plan?

Mr. Davis said in this case we would go to whatever the approved zoning is in place and I think that would be part of the Master Plan and would isolate just what is allowed to be built on that parcel, but it is what is entitled and we calculate that compare it to what is proposed here so yes, it is part of that Master Plan.

Mr. Howard said without it having a connection to the Grand Parkway do you really consider it to be part of the Master Plan?

Mr. Davis said we do as it related to predicting the trip generation. It is just a simply, this is what you could build today if you don't rezone it.

Councilmember Fallon said can you get a fire truck in there and out?

Mr. Davis said your question is whether or not a fire truck could get onto Langston Drive. Standing here right now I don't know the answer to that. I could look at that and provide that in a follow-up memo.

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously, to close the public hearing.
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Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 17: HEARING ON PETITION NO. 2013-005 BY CHARLOTTE KNIGHTS FOR A U-MUD-O SITE PLAN AMENDMENT FOR APPROXIMATELY 8.42 ACRES SURROUNDED BY GRAHAM STREET, WEST 4TH STREET, MINT STREET AND MARTIN LUTHER KING, JR. BOULEVARD.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this a U-MUD-O site plan amendment and the purpose of this is to basically allow the Council to see a proposed signage package for the Minor League Baseball Stadium that will be located on this. There was an optional request in 2007 approved for this property to allow vehicular maneuvering in the right-of-way along Martin Luther King, Jr. Boulevard. That request was approved and it will be carried over as a part of this petition. In terms of the request, the petitioner has submitted new information for the Council tonight because they cannot submit a site plan less than 4 weeks prior to the public hearing. I don't have that information and it will be received by our Department tomorrow. Instead of going over old information with you, if I may I would like to turn it over to the Petitioner and have them present their case.

Dan Rajkowski, 800 West Hill Street said we are here tonight to make some revisions. We were in front of you about a month ago and listened to your concerns and questions regarding the signage package for BB&T Ballpark. We took those back and our architectural and design team has worked with staff on a number of occasions to come back with some revisions and some adjustments and you've seen the packages that we have provided to you. It is very tasteful, professional branding of BB & T Ballpark. What we have done is incorporate the identity of the ballpark, sponsored elements that we see as great opportunities to celebrate the history of professional baseball in Charlotte and then we have a Hall of Fame that you will see on Martin Luther King which designates banners, plaque holders and place holders. One element that isn't stated in here that we have since incorporated is the legacy brick program that will begin which be commemorative bricks at the entrance on the corner of Martin Luther King across from Remer Bearden Park and I think that is going to be a very exciting element that the community can get engaged in and as you enter into the ballpark you are going to see that attractiveness to it. We have clarified the sponsorship signs which includes the elements of advertising, but more specifically we have reduced the advertising by 80%. We've limited some of the graphics on the back of the scoreboard to 75%. As we are designing and looking at the location of the

scoreboard it is really critical that you are looking a big mass and how we have limited the amount of space on that. You can see from some of the information, our video signage and our signage is comparable or less than any of the sporting venues throughout this community. We've done some research across the country and this is the norm for ballparks that we've seen across the country.

Councilmember Howard said when you say that you have reduced advertising, are you talking about sponsorships advertisement or just advertisement.

Mr. Rajkowski said just advertisement. When we first put the package together and worked with staff there were three different tiers. There was the identity which was the branding of BB & T Ballpark. The second phase was the baseball graphics which are those banners we are looking at and the third would be an advertising component which we may want to advertise or promote one of our sponsors in or around the ballpark so we've reduced those based on the conversations we had and some of the input that we heard.

Mr. Howard said isn't there another level of sponsorship advertisement that is just standard? Where does that fall in?

Mr. Rajkowski said that would be termed as we interpret that or as we have been told, that is termed advertisement. There are only five panels that are on the exterior of the building that are termed advertisement. Those are small 12 by 4 panels on the Graham Street side. All the others are sponsored and identity of the ballpark.

Mr. Howard said he said it in a different way and I wanted to make he wasn't talking about sponsors advertisement. This could be non-sponsored advertisement.

Mr. Rajkowski said correct, that is how we designate it.

Mr. Howard said which is still a concern for me. I talked to the architect earlier today and that still continues to be a concern for me, but we'll keep talking about it.

Councilmember Mitchell said you reduced the advertising, and one thing I think we need to be sensitive to is make sure those weren't lost advertising opportunities from an advertising standpoint. When you say your advertising signature reduced by 80%, did you lose opportunity to advertise or did you just change the dimension of advertising?

Mr. Rajkowski said I think the answer is, it is a combination of both. As we began this exercise the directive from what we understood was label any position that you would like to have identity, branding or advertisement, therefore our team took the approach of putting it at any location which potentially we could include those. After further evaluation we looked at it and said this is probably something we will never use, let's pull it out. We wanted to make sure that we were from the onset using any and all opportunities available, but it is something that is important. As we all know this is about a 75% privately funded ballpark and with that we have to look at opportunities, but again getting back to the core of it, we are spending a lot of money for the appearance of this in the Third Ward Neighborhood, as you all, your investments have in it so it is critical that we are looking at this in a very sensitive manner. You will see from the packages it is directed toward history and the celebration of baseball.

Mr. Mitchell said on about the 4th bullet point you make reference that BB & T is only going to be 490 square feet. Was that a compromise because when you look at the other external videos I think the one that comes to my mind is NASCAR. We see that clearly and that is 720 square feet. I didn't realize that Knight Theatre was so big, 966 square feet. Why so small, 490 square feet for the BB & T Park.

Mr. Rajkowski said that is the signage that is facing Ramer Bearden Park, that is not the video signage or scoreboard signage that is in the inside of the ballpark. That will be larger, but that doesn't come into play and the focus of that signage to Ramer Bearden Park to the bottom is in essence to welcome fans into the neighborhood that are going to be coming from Trade and Tryon.

Councilmember Barnes said I had a question about the hearing that we held a month ago and Ms. Keplinger correct me if I'm wrong but did that presentation go beyond three minutes?

Ms. Keplinger said I do not believe that it did.

Mr. Barnes said the young man who presented some images of the signs and the advertising and what would have been helpful to me tonight Mr. Rajkowski would have been to see kind of the before, which was his presentation, and the after, which is what you are telling us tonight. A number of us had concerns about what we considered to be advertising clutter that was inconsistent with both Bank of America Stadium and the Time Warner Cable Arena. What we communicated to that young man was that it would be great to see some adjustments made to the ballpark that were consistent with what is happening at the NFL Stadium and the NBA Arena and the indication we got is that would happen. I believe you that it has happened and it would be great if we could put it up on the board. I think I have an older version of this perhaps, but I don't know if you have any before and after or a month ago and today.

Mr. Rajkowski said there are several revisions and what I can tell you in summary is that the concern that I understood was advertisement and predominately those were panels on top at the suite level on the stairways going up and down to the suite level. Those were taken out.

Mr. Barnes said you have on this sheet the comparison among the various facilities we have and there is a reference made to the Hall of Fame, the NASCAR Museum and then there is a reference made to your ballpark and it says that on the 4th Street side you will have 3,100 square feet of wall signs and then it gives the square footage for the three other sides of the facility. They are all obviously much higher than the other facilities, including the Hall of Fame. Is that your understanding as well, or am I misreading that?

Mr. Rajkowski said I believe you are reading it correctly and I'm just looking at this now. I have seen it prior, but very quickly. More specifically you are looking at the wall signs on the BB & T and I might need to bring Mike Woolen with Odell down on this because it gets a little more specific than I'm probably prepared to answer. I think your questions is the 3,400 square feet on 4th, I believe that is the digital signage back of the scoreboard.

Mr. Barnes said and so would there be any advertising visible from the exterior of the Stadium?

Mr. Rajkowski said the request is that the back of the scoreboard be limited to 75% of the area with a sponsor name or logo limited to 5% of the graphic, so you are looking at 5% of the 75%.

Mr. Barnes said the sign itself is 3,400 square feet and you may have the name of the team, BB & T the major sponsor?

Mr. Rajkowski said BB & T Ballpark, home of the Charlotte Knights.

Mr. Barnes said but not porky the pig or nothing outrageous? Since I don't have the benefit of what the fellow presented the last time I'm trying to appreciate the differences and again I believe what you are saying, it is just that I kind of want to see it. Can you direct me to, is there a page that shows that?

Mr. Rajkowski said not to pass it on, but I'll like Mike because we are getting into a lot of the details.

Mr. Barnes said I appreciate the help, I'm just trying to understand it.

Michael Woolen, Odell Associates, said you are speaking specifically of 4th Street. We have two major signs on 4th Street, or graphics I should say. One is the back of what we call the batter's eye screen. The batter's eye is required by minor league baseball and on the back side of the batter's eye screen you can see here and it has graphics and there is stipulations in terms of the percentage of graphics relative to the overall size of that screen. I believe we said the sponsor logo would be limited to 5% of the area of that graphic. The second large area is the back of the scoreboard itself.

Mr. Barnes said are those LED screens?

Mr. Woolen said no, they are fixed graphics.

Mr. Barnes said like canvas or something?

Mr. Woolen said yes.

Mr. Barnes said this is your opportunity to try to convince me to vote for you. I'm just trying to understand the difference between last month and today, that's all.

Mr. Woolen said the primary difference is we did reduce some of what we call baseball graphics with sponsor logos. A number of those were reduced somewhat. We also provided more definition so instead of those graphics being advertising per se, they are baseball graphics or baseball imagery with sponsor logos or sponsor graphics.

Mr. Barnes said that helps and I appreciate it.

Councilmember Fallon said is it possible for us to get graphics or renderings before the final so that we can actually see what you are going to do? The big beautiful whatever that is doesn't really delineate. I would like to see a final rendering or elevation.

Mr. Rajkowski said the elevations can be confirmed, the renderings, some of them are confirmed and it may be difficult. We are a year out and we have not sold the sponsorship banners yet.

Ms. Fallon said but you will know what you are going to put where so that is what I would like to see and how it is going to look, what colors they are and everything.

Mr. Rajkowski said we will know some of that certainly, but a year out we probably won't have all of that defined.

Ms. Fallon said as much as you can get so we can actually see it.

Mayor Pro Tem Cannon said I also want to draw your attention to the information would have received if their packet from the Knights which would spell out and lay out some of that Ms. Fallon. If you will reference that I think that will help you, but anything you can supply for her would be great.

Councilmember Dulin said Dan, I appreciate you coming back another time to talk to us about this. Last time it was as Councilmember Barnes said it was cluttered but we also thought it was a little bit junked up too. I think you have cleaned some of that up and it only because Council is proud of what you all are doing and we are excited about what you all are doing is the reason we are taking so much time with it. At least that is from my chair and I hear Councilmember Mitchell saying un hum. This is a design issue and I brought this up a month ago about the roof top above the concession stand which would be accessible from the suite level. I just don't like wasted space and it your money and every idea costs money, but it would seem to me that now is the time for you try to figure out how you can capture that space above. That is on the front cover of our book that you gave us and it seems to me that is an awfully big space. That is real estate that you are creating and that is probably at least ½ acre which would roughly be 22,000 square feet and you could cut it in half if you needed to. Maybe there is an acre up there but to have that available for some sort of corporate outing and one of the reasons why you all are going to be successful is because in the summer time when the conventions come to town you know conventions are going to be coming down there with multiple people to see a ballgame.

Mr. Rajkowski said I can appreciate that and a couple of things. Number one, this is the restaurant which this will be a roof top terrace with pavers. That has a view of Remer Bearden Park, also a connection to the upper deck and so we are able to utilize this. That is in Plan B of the restaurant phase. If you go down on this end you will see a club area which is air conditioned and it will be 4,500 square feet party area. I understand the discussion about here and we looked at different options and it came to economics frankly. When you are looking at the construction of this ballpark we are very tight on what we are doing, but at the same time I
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think we've addressed these group areas. We have two major club areas, behind home plate and up on the second level. Then the last part is there is this outfield development that is still being discussed in which we see mixed use with office and hotel and we envision terraced areas out there from the outfield looking in.

Mr. Dulin said that big area to the left, surely that area is being engineered to withstand 22 inches of snow and that weight. It is a flat roof so maybe it is already being engineered to where it could take foot traffic. You are probably going to put a rubber membrane roof on it so you don't just invite people to come walk on a membrane.

Mr. Woolen said let us talk to our design team and back that back to them.

Mr. Dulin said I just don't want you to miss an opportunity to make this thing and I'm going to hold you to making this another one of our jewels in our crown for Charlotte. I'm going to hold you to that and I just don't want you to miss any opportunities. That is worth exactly what you paid me for it – Nothing. Every time I look at this picture I think that would be a fun place to have a hotdog.

Mayor Pro Tem Cannon said the exterior video board facing Mint Street will be the third smallest of similar displays where banners are allowed, BB & T Ballpark will have the smallest total banner area and for total wall signage the ballpark is consistent with other facilities. These are the reasons I believe that City staff happens to be where they are. It has put me in a better place, especially when you look around the country comparing apples to apples rather than apples to oranges, talking about some of the facilities here that you have had to benchmark against, although I get it we of course here in the City want to tweak it to what fits Charlotte and that is what is important. I do have a questions relative to the community meeting and what kind of feedback you got from people that reside in the area about what you are proposing.

Mr. Rajkowski said it was tremendous feedback and that was two months ago. We had great feedback and they have been our neighbors since early on and there were several questions and discussions and we had it at Packard Place and community feedback was great. They are thrilled to have it in their neighborhood.

Mayor Pro Tem Cannon said so between area businesses and residents, at total buy in?

Mr. Rajkowski said very positive. I think tonight by there not being any opposition, I think that tells you this is the second meeting with no opposition – just ready to get it built and play baseball in it.

Mayor Pro Tem Cannon said I had heard that but I just wanted to that on the record. I heard about some of the good meetings and I know that Councilmember Mitchell has been helpful in that regard as well.

Mr. Dulin said I drove by the site today and everybody was just hustling down there. Ten thousand seats is going to be plenty most nights and obviously you want to fill it up as much as you can. Are you designing some future ability to add 4,200 seats here or 3,000 seats there, another row up on the roof above home plate? We would love for you to be wildly successful.

Mr. Rajkowski said there is capacity in the original design. Someone told me a long time ago you don't build the church for Easter Sunday. We want to make sure we build it to accommodate and sell it out, but at the same time, to answer it, on the left field side where you see the building and concession area, that is future expansion in the event you expand up to I think it was 2,500 seats and you will have some opportunity potentially in right center field, that grass berm area, you may be able to translate into fixed seating.

Mr. Dulin said how far is the base of the proposed hotel from home plate? Is somebody every now and then just going to jack one into that building?

Mr. Rajkowski said if he does he will be with us very long, he will be in Chicago. To answer that our dimensions are all major league dimensions as you get into left field. You are 330 down
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the line, a quick calculation of the berm, the base of the wall is going to be 400 feet plus. You have a full berm, then you have seating and then you have a concourse which is fairly wide until you get to the building.

Councilmember Pickering said to Mr. Barnes' point the before and after concept I appreciate and I'm just double checking now on reduce the advertising signage by 80% from the original submittal. From what we saw last time all of the advertising has been reduced by 80%?

Mr. Rajkowski said that is one area which was advertising, not branding etc. but yes, and a lot of it came from as I understand it the batter's eye area which we reduced to just sponsorship signage and it wasn't the ability to have full advertising out there.

Ms. Pickering said be crystal clear with me if you would, so it sounds like you are making a distinction between sponsorship and advertising and some of us might consider all of that advertising. Clarify that for me.

Mr. Rajkowski said I think that is the designation, not to point to staff, but I think we were posed with the question on how you identify the labeling of the building, BB & T Ballpark, that is identifying. Then you have sponsorship which may be a full history of the Charlotte Knights and it will be a banner you saw in your package or it may be just a sponsor logo on that which is only 5%. The last one is what they term advertising so those I think were directives from staff as to how you identify the signage on the building.

Ms. Pickering said and that third piece that was reduced 80%?

Mr. Mitchell said the Economic Development Committee has been discussing some type of new initiative, how we can employ our youth and the baseball really stepped up and Dan said we will be glad to be a pilot and hire the youth to work with the baseball through Pat Rogers and R. J. Leeper so thank you for taking on one of our initiatives as a pilot program as Andy said one of our jewels in our community.

Motion was made by Councilmember Mitchell, 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. 18: HEARING ON PETITION NO. 2013-012 BY KINSALE PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.48 ACRES LOCATED ON THE EAST SIDE OF STATESVILLE ROAD NEAR THE INTERSECTION OF I-85 AND STATESVILLE ROAD BETWEEN BOXMEER DRIVE AND BURCH DRIVE FROM B-2 TO I-2(CD).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said the property is located at the corner of Statesville Road and Boxmeer Drive. In terms of the future land use you have light industrial in the light brown and heavy industrial in the dark brown and commercial in the red. In terms of the site you can see the aerial, the location of I-85, Statesville Road and Boxmeer Drive. The blue outline on the site shows the property that is proposed to be rezoned. They are proposing to reuse the existing 16,000 square foot building that is located on the site. It does have a canopy that is existing. It has a future building expansion area and an area for out-door storage. They are proposing the removal of an existing driveway. It is an I-2 request so they have limited the uses. They have prohibited abattoirs, foundries, junkyards, power generation plants, railroad freight yards, marshaling yards, truck stops and truck terminals. In terms of the site there is existing parking along Boxmeer, a driveway that runs along Statesville Road. The staff is recommending approval of this petition upon the resolution of outstanding issues. It is a reuse of the existing building, limited I-2 uses, it is consistent with the Northeast District Plan which recommends

industrial and retail issues. Most of the outstanding issues are technical in nature and we believe will be resolved after the Zoning Committee meeting.

Terry Brennan, 440 South Church Street, said I'm here on behalf of the Kinsale Properties in regards to this rezoning. Tammie has outlined everything in regards to the petition so far and I want to thank staff for their support and their work. We have a few remaining items with C-DOT and I believe they may have been resolved today. We will work diligently in the next couple days to resolve those and I'll be glad to answer any questions if there are any.

Councilmember Barnes said you sent me and I was out of town and didn't get a chance to connect with you, but I want to clarify the e-mail, the goal of your client is to upfit the property slightly and sell it. Is that right?

Mr. Brennan said primarily to upfit the property and lease it. It has been somewhat of a blighted building and has been vacant now for two years. Kinsale Property has invested dollars in renovating the façade on both street sides. As of recent there were potential prospects for the property that did require I-2 zoning which they had to take a pass on so they are going to continue to do the right thing and clean up the property. The idea is to get a sign, not quite as big as the BB & T Ballpark but a tenant sign there. We think by rezoning it will be in better shape.

Mr. Barnes said can you tell us what type of use you anticipate there?

Mr. Brennan said we anticipate like a city counter operation where they have a sales office in the front, folks would either come in and place their order, pull around to the loading dock and pull out. The proximity to both interstates is pretty key. The outside storage component would be pretty critical for some of those users.

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

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

ITEM NO. 20: HEARING ON PETITION NO. 2013-027 BY GATEWAY COMMUNITIES FOR A UR-2(CD) (HD-O) SITE PLAN AMENDMENT, FOR APPROXIMATELY 1.1 ACRES LOCATED AT THE NORTH CORNER OF THE INTERSECTION OF EAST TREMONT AVENUE AND EUCLID AVENUE.

The scheduled public hearing was held on the subject petition.

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of ¾ of the Mayor and Council, not excused from voting in order to rezone the property.

Tammie Keplinger, Planning said this is rezoning for a piece of property that was rezoned back in 2007 to UR-2(CD) and at that time it was rezoned for a 52-unit condominium complex. The site is located at the corner of Euclid and Tremont and it is in the Dilworth Historic District. The biggest change on the site plan and the reason for the request is because the petitioner wants to go from home ownership to for rent units. This is something that staff cannot change administratively. They are also asking to add two additional units to the 52 units that were approved in 2007. Staff can add the two units administratively, but we cannot change it from an ownership to a lease situation. Basically the site plan is the same as it was in 2007. We have buildings that face along both Tremont and Euclid. They have direct access from each unit to the street and you have interior units with the parking surrounding it. You have a 6-foot tall screening fence and you have adjacent residential. You can see the elevation of the site from Euclid. There is a wall that will be built along Euclid and it is a maximum height of 4 feet. The property is actually divided into two of our area plans, the SouthEnd Transit Station Area and the Dilworth Land Uses Streetscape Plan and it is consistent with both of those plans in terms of land use. For that reason staff is recommending approval. Again, it is a site plan amendment to

add two units to go from ownership to rental located in the Historic District and it will have to comply with all of the historic district regulations. The outstanding issues are basically technical and should be addressed before the Zoning Committee meeting.

Matt Majors, 333 West Trade Street, said I am the architect representing Gateway Communities. Basically, Tammie covered everything that I was going to say. Essentially we are here before you because we want to change the verbiage and flexibility of this zoning in the site plan amendment to be able to allow apartments for rent or the flexibility of back to condominiums if that be the case, and administratively we could not do that. Just to couple a few statistics to this, we are increasing from 52 to 54 units. The bed count is actually staying identical to what we had rezoned in 2007. We are also adding a few more parking spaces to the surface parking behind the structure. We've implemented a few compact car spaces and we are doing that in effort to take a little more of the burden off the street parking which is fairly dense in this area.

The total heated area of this plan is about 7,000 square feet less than the previously approved plan in 2007. We met with DCDA Land Use Committee and basically have their support. They are not here in opposition tonight and we've had some good conversations with those folks as well as some encouraging conversations with the Historic District Commission and we will be meeting with them on March 28.

Rick Cohan, 1912 Euclid Avenue, said my property is adjacent to the whole back line of where this development is. A lot of our concern is for the parking. I brought some pictures for you and it was a recent Thursday evening and there were no special events going on and on our whole street there were probably two parking spaces because one side of Euclid is no parking. With the existing homes and the apartment complex which only has about 12 spaces. There was nothing but about two spaces on Euclid and on Tremont a lot of times, and Thursday night was no exception, there is parking on both sides of the street which basically turns it into a one-way street. Their plan has an exit out onto Tremont which people are going to be coming into a blind area they are not going to see because cars are coming from either direction with parked cars on both sides. We are afraid there is going to be a lot of problems with traffic and people get in and out. We are also concerned about the size and mass. I know this was apparently passed in 2007 but we've got all residential homes around and this is a lot bigger and higher than any of the existing homes that are there. It seems to me to be out of character with the historic character of the neighborhood. There is some trees and greenery that is kind of buffering the current apartment complex from the residential homes and based on what I see on the plan and what I see from the drawings the only thing that is going to buffer it now is the fence and none of that greenery is going to remain.

Mark West, 1615 Euclid Avenue said thank you for giving us an opportunity to express our concerns about this development. Right now there is a current apartment building, it is a historic building and it has been there for a long time which has about 12 to 15 units in it. With this new development it will be more than 3 times the size of the current building in terms of the number of units. Our concerns in the neighborhood, and I'm speaking also for my next door neighbor, Jeanne Porter who has been there forever and I've been living there for almost 30 years, and that is that this is an established residential neighborhood of single family homes except for this small apartment building that is across the street. We are concerned that if this many people move into the apartment building it will just clog up the streets, it will create major traffic problems in terms of parking. It will make it difficult for people to pull in and out of the driveways of the homes that are currently there and have been there for a long time. We also want to maintain the historic quality. One of the reasons we moved into this neighborhood is because of its Historic District Designation and we would like to maintain the feel for that. I also have a concern about the transitory nature of a large apartment building with people moving in and out on leases where you don't have the stability of condominium complex where people are buying in and making an investment into the neighborhood and I think would be a more stable environment. I would prefer it to be condominium with a stable population rather than a transitory nature of an apartment building.

David Ransenberg , 7514 Christopher said I am with Gateway Communities and the current condition of the property is rezoned for 52 units and the traffic patterns and everything that has
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been said has already been reviewed and hashed over in 2007. One of the issues that was brought up just now was about the sight ability of seeing when you come out onto Tremont. We are going to have to do it by sight triangles like everybody to allow that to happen. Actually under the new tree ordinance that make us plant more trees than are currently there. The historic nature of that building has gone through the process with the Historic Commission already and has allowed for it to be demolished. There are condos and townhomes up and down the streets over there so this is not just primarily – right next door to us is a condo building and across the street is a condo building so I don't understand the reason behind that. We manage these things ourselves so we feel as though we provide a good stable environment for people to move into. We actually go beyond the requirement for parking. We have one per bedroom. We go beyond one per bedroom and we are about 1.1 per bedroom plus we have additional street parking that does not exist right now that we have to provide. We have in total 64 new parking spaces there with 54 units, so we go beyond what it is and we feel we provide exactly what it needs and go beyond that requirement.

Councilmember Howard said Tammie just help me understand what we are talking about. From what it is zoned already, we are talking about in two units so some of the arguments I heard from the residents about not wanting to change the building that is there. It actually could happen by right, right now.

Ms. Keplinger said correct.

Mr. Howard said the two units are an additional account in cars and I get that point, but the real rub seems to be whether or not, and I'm looking to the residents now, converting this from condos to rental. Is that the concern?

Mr. Cohan said that is the real concern.

Councilmember Pickering said Tammie I need the vehicle trip generation. The current zoning has 300 trips per day, proposed zoning 360 trips per day. Help me understand that when it is just two additional units.

Ms. Keplinger said I'm going to let Mike Davis answer that one for you.

Mike Davis, C-DOT said the predicted trips per unit do vary based on whether it is for rent or for sale based on national studies.

Ms. Pickering said similar on the students that would be generated. The proposed development would generate 39 students and the net change in the number of students generated from the existing zoning to the proposed zoning is 37 students. Is it more children with rentals?

Ms. Keplinger said again the same response that Mike had. There are different generation numbers based on whether it is for rent or whether it is an ownership.

Mayor Pro Tem Cannon said at some point I do want to have some level of conversation about this blind spot that was spoken about by the residents. I want to get more information about that if that is something that is indeed there the way they have presented it and if that is something we should be concerned about. I would also raise that with the Zoning Committee and ask them to check out that same situation please.

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

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

ITEM NO. 21: HEARING ON PETITION NO. 2013-028 BY THE RONALD MCDONALD HOUSE OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY .50 ACRES LOCATED ON THE NORTH SIDE OF EAST MOREHEAD STREET BETWEEN QUEENS ROAD AND BROMLEY ROAD FROM R-12MF TO O-2(CD).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said it is for a parking lot. As you can see from the future land use map we do have a lot of land uses in this area from yellow which is single family residential to institutional which is in the purple and then orange which is multifamily. In terms of this request it is for a parking lot for the Ronald McDonald House which is located right beside of it. It is just this site that is proposed to be rezoned. It will have 26 parking spaces. There will be a 16-foot buffer along the property lines with the adjacent properties. They will have sidewalk connections over to the entrance of the Ronald McDonald House. It is inconsistent with the District Plan which recommends multifamily for this site, but this rezoning actually supports the office, residential and institutional uses in the area. Therefore we are recommending approval upon resolution of the outstanding issues.

There being no speakers either for or against this petition, 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.

ITEM NO. 22: HEARING ON PETITION NO. 2013-029 BY DESIGN RESOURCE GROUP FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO MODIFY THE DEVELOPMENT REQUIREMENTS IN THE PED, MUDD AND UMUD DISTRICTS TO ALLOW BALCONIES TO ENCROACH TWO FEET INTO THE MINIMUM SETBACK.

The scheduled public hearing was held on the subject petition.

Sandy Montgomery, Planning said this is a Text Amendment by the Petitioner Design Resource Group and I'm going to give you an overview of the Text Amendment. The purpose of this Text Amendment is to add regulations to allow balconies to encroach for up to two feet into the minimum setback in the MUD, UMUD and PED zoning districts. Currently there is a two-foot encroachment which is allowed in the Transit Oriented Development (TOD) zoning district as long as there is an encroachment agreement with C-DOT and there is at least a 10-foot clearance from grade. This modification would allow balconies to project again up to two-feet in several of the other urban districts. The MUD, UMUD and PED just like it does in TOD. It would be subject again to the same approved sidewalk encroachment agreement with C-DOT. There would need to be a 10-foot clearance from grade and there is some photos there of some examples of some balconies. Staff is recommending approval and the petitioner is here to answer any questions or give further information.

Brent Stough, 2459 Wilkinson Boulevard said essentially this is a Text Amendment to help clean up some of the previous zoning districts that did not have the balcony encroachment allowed in it so this is really to bring all the other urban districts up to par with the TOD.

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.

ITEM NO. 23: HEARING ON PETITION NO. 2013-030 BY PIPER STATION APARTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.11 ACRES LOCATED ON THE NORTH SIDE OF BALLANTYNE COMMONS PARKWAY BETWEEN REA ROAD AND BRITTANY OAKS DRIVE FROM B-D(CD) AND O-1(CD) TO R-17MF(CD).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a petition to rezone from O-1(CD) and B-D(CD) to R-17 MF(CD). This property has been through the rezoning process, this may be the third or fourth time. The latest was in 2008 when it was rezoned to allow the development of 170,000 square feet of self-storage in 8 buildings. There was an office use and an adult day care center that were also approved. Right now on the site there is an existing five-unit multifamily building. The proposal before you tonight is to rezone this property to R-17MF(CD) to allow multifamily to be built here. This multifamily will be joined in association with the neighboring multifamily and use their amenities and all act as one development. In terms of the development the building areas are shown on the plan above with parking and the existing building will remain. There is a circular access area for emergency vehicles along the rear of the site. There are two small areas of parking that are also associated, but are not labeled. There are about 120 units that are being proposed. In terms of this the architectural will be designed to complement Ballantyne and the adjacent multifamily, 30% of it will be masonry and the rest of it will be cementitious board or other materials and they will only use vinyl for the soffits and the windows. They do have some information on roof pitch and balcony materials and such. The South District Plan as amended by the 2008 Plan recommends office and distributive business for this site, but the original plan recommended residential. Staff feels the proposed development for multifamily is consistent with keeping of the area and is therefore recommending approval upon resolution of outstanding issues.

Walter Field, 1919 South Boulevard said I'm representing the petitioner here, Piper Station Apartments. The petitioner is actually Ram Realty Services. John Keener and Mike Hammond from Ram are here. They have already purchased and are up-fitting the existing Piper Station Multifamily community which is directly adjacent to this site so they are definitely committed to the area. We have had several very productive meetings with our nearest single family neighbors and rather than me tell you about that I do want to make one public announcement. We have committed to the folks that adjoin this site to some additional landscaping, screening and fencing. I have communicated that information to the Planning staff with additional notes and drawings and illustrations which will be added to our plan. We've also sent that information to our resident neighbors and we understand they are pleased with the results. I will stop at this point and ask if Rosalind Bethea will come down. She lives nearby and has worked with us diligently for several months on this development.

Rosalind Bethea, 11325 Baronia Place said I am basically here to say that we have been working with them. We are pleased with the commitment they are making and as long as the changes that we are adding to the petition, and you have copies of that and the site plan reflect those changes then we are in favor of this.

Councilmember Barnes said the same question to you Mr. Fields from earlier, do you have any images of what you are doing?

Mr. Fields said I think the best image would be if you are familiar with the Piper Station Apartments that are directly adjacent. We will provide you with some images of what those look like.

Mr. Barnes said here is the point. This is the public hearing and a lot of us form our opinions based upon what we see and hear tonight. In order to maximize the use of our time I think I could speak for my colleagues and say that it helps to actually see what it is that you are proposing. It really puts us at a disadvantage to talk about the things this woman she just spoke to, the things she has just agreed to if you all do them. I don't even know what those things are and I certainly don't know what it looks like. Maybe it is in the information that you have Ms. Keplinger I don't know, but what I'm simply saying to you Mr. Fields is that it puts me at a

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disadvantage as this lady's elected representative to vote on a petition what I don't really know what it is I'm voting on. What I heard is that this community will be a sister property to the neighboring multifamily community, which is fine, but in terms of me being able to tell Mr. Cooksey or anybody else that I think that will be a great addition to the community, it is in the public interest, it is very difficult to do that if I have no idea what we are talking about other than to say we are just building some more apartments next door.

Councilmember Pickering said you mentioned the Piper Station Apartments that are going in currently and I remember we dealt with that. Where are they? Are they up or are they under construction and how many?

Mr. Fields said that community has been there for several years.

Ms. Pickering said that is right on Rea Road, correct?

Mr. Fields said yes, you enter it off of Rea Road and then it backs all the way through to this property which we will connect internally to the existing apartment community. The amenities that serve the current community will be upgraded to serve this community as well. We are not bringing any activity centers or trash collectors or anything over onto this property which is closer to the single family community. All of that is being handled on the tract that is already developed for multifamily.

Ms. Pickering said how many apartment units are in the current apartment complex?

Mr. Fields said 212.

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously, to close the public hearing.
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Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 24: HEARING ON PETITION NO. 2013-031 BY THE HOUSING PARTNERSHIP FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.05 ACRES LOCATED ON THE NORTH SIDE OF SAMUEL STREET BETWEEN NEWLAND ROAD AND STATESVILLE AVENUE NEAR THE INTERSECTION OF I-77 AND ATANDO AVENUE FROM R-22MF TO UR-2(CD).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a request to rezone from R-2MF to UR-2(CD). There are three possible development scenarios for this site and you can see this property is located off Statesville Road and Samuel Street. Parcel one shows a building envelope and the parking, parcel two, there are two building envelopes with parking in between and parcel 3 which has the building frontage along Statesville Avenue with parking behind it. In terms of development, parcel one would be up to 6 residential buildings, parcel two up to 4 residential buildings and 4,000 square feet of community space and the commercial component which is parcel 3 and is up to three commercial buildings with a maximum of 20,000 square feet. There is a 30-foot wide buffer along I-77 and there is area to be dedicated to Parks and Rec along I-77 also. The petitioner has agreed to four-sided architecture. This is in the Central District Plan which recommends multifamily residential for the site so it is consistent with that plan. It is part of the Double Oaks Development Area and the outstanding issues are basically technical and staff is recommending approval.

Frank Quattrocchi, 2151 Hawkins Street, said I am representing the Housing Partnership. I think Tammie has explained everything that we have asked for in this rezoning. The only main outstanding issues that we are working through with C-DOT is a technical memorandum has been prepared that they are reviewing with NC-DOT to assess the traffic changes from the

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Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously, to close the public hearing.
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original proposed overall master plan for Double Oaks to what we are proposing within this existing rezoning. We are working with them at this time.

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

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ITEM NO. 25: HEARING ON PETITION NO. 2013-032 BY THE HOUSING PARTNERSHIP FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.05 ACRES LOCATED ON THE SOUTH CORNER AT THE INTERSECTION OF DOUBLE OAKS ROAD AND NEWLAND ROAD NEAR STATESVILLE AVENUE FROM R-22MF AND UR-2(CD) TO UR-2(CD) AND UR-2(CD) SPA.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is right down the street from the petition we just heard. That was the last petition and this is the current petition. It is a request from R-22MF and UR-2(CD) to UR-2(CD) and UR-2(CD) and SPA. Basically what that means is that they want to build 75 multifamily units. The overall density is 36.58 dwelling units per acre. They will again have four-sided architecture with no blank walls that exceed 20 feet in length. They will have a new CATS waiting pad. The site plan shows the parking envelope to the south of the site with the development hugging the corner. In terms of consistency, it is consistent with the Central District Plan, part of the Double Oaks Development Area. The outstanding issues are technical and staff is recommending approval once those issues are resolved.

Councilmember Mitchell said do you have a timeline when you will start construction on this project?

Frank Quattrocchi said the Housing Partnership has put both of these projects in for North Carolina Housing Finance Credits so they will know if we made the first round in May and then the final approval in August. Usually it is at least a year by the time the construction is ready.

Mayor Pro Tem Cannon said I know that is a little time away and I know you want to expedite it Mr. Mitchell as would I, but I will tell you that the Housing Partnership is doing great things in that Double Oaks Area, a place where I once grew up and lived right across from the playground there.

Motion was made by Councilmember Mitchell seconded by Councilmember Mayfield and carried unanimously, to close the public hearing.
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Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 27: HEARING ON PETITION NO. 2013-025 BY CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 20.69 ACRES LOCATED ON THE SOUTH SIDE OF OLD CONCORD ROAD AT THE INTERSECTION OF NORTH TRYON STREET AND OLD CONCORD ROAD FROM B-2 AND I-2 TO TOD-M.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said it is almost 21 acres zoned B-2 and I-2 and the request is to go to TOD-M. It is a conventional request with no associated site plan. The Draft Old Concord Road Transit Station Area Plan recommends transit oriented development and transit supported uses for this site. The Northeast District Plan recommends industrial so it is consistent with the Draft Transit Station Area Plan and staff is recommending approval.

Councilmember Barnes said for the sake of clarification Ms. Keplinger, is this intended to be one of the parking facilities for the Blue Line Station at that area?

Ms. Keplinger said all uses in the TOD-M District will be permitted at this site if it is rezoned.

Mr. Barnes said I think the answer to that question is yes, Mr. Mock could you come down and answer that question?

Ms. Keplinger said Mr. Barnes I'm sorry, Mr. Mock can't answer that question either because it is a conventional request.

Mr. Barnes said I got a memo from John Muth today and he spoke to me after the Transportation meeting and I wanted to clarify my understanding of what he said, which is I thought he indicated, and by the way I think it is great because this is the beginning of the Blue Line rezonings and trying to move that project forward, but I wanted to have some clarification about the intent, but I understand what you are saying since it is conventional TOD-M.

Motion was made by Councilmember Barnes, seconded by Councilmember Autry, 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. 28: HEARING ON PETITION NO. 2013-026 BY CHARLOTTE MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO CLARIFY DENSITY REQUIREMENTS IN THE PEDESTRIAN OVERLAY DISTRICT.

The scheduled public hearing was held on the subject petition.

Sandy Montgomery, Planning said this is a Text Amendment sponsored by the Planning Department. The purpose of this Text Amendment is to clarify the maximum residential density permitted in the Pedestrian Overlay District known as PED. Just to refresh your memory an overlay district does add additional regulations and standards to a specific area. In the PED Zoning District there are a number of standards that take precedent over the underlying district regulations. The table shown on the screen shows a number of regulations which take precedent and if you note there is the minimum lot area and the maximum floor area ratio. There is none established when there is a PED Overlay District. Some of the other standards which take precedent is the setback varies based on the adopted streetscape plan and then there is some standardization of side yard, rear yards and height so that the area looks more uniform within that PED Overlay District. It has always been our intent that there is no maximum residential density in the PED Overlay District and we are clarifying that now by adding an entry into that table that says there is no maximum residential density to make it clear that the underlying density doesn't apply. It has always been the intent of PED and it was just an oversight that it wasn't on this table. Staff is recommending approval.

Joe Padilla, 1201 Greenwood Cliff, said I am the Executive Director of the Real Estate and Building Industry Coalition and here tonight in support of this Text Amendment which as staff has indicated is a clarification of the intent of the PED Overlay which is to create an urban walkable community that encourages the reuse of redevelopment of existing properties. Economically the redevelopment of urban properties require higher density than the underlying district will allow which is why the intent of the PED was for residential density to be unlimited. Keep in mind that your other development regulations in that district, including the building height will insure that projects are done to the scale of the PED and the surrounding properties and keep within that intent. Again a PED overlay, generally this is going to be in urban areas or pretty much exclusive of the urban areas so you are taking about almost exclusively multifamily and potentially townhomes that will be impacted by it. We do ask you to support the Text Amendment to provide clarity and make sure that the original intent of the PED Overlay is preserved as its value to create pedestrian friendly urban environments in Charlotte.

Jill Walker, 1140 Linganore Place, said I am here representing the Dilworth Land Use Committee along with another member John Gresham. I am here to speak about the Text Amendment to make density unlimited in a PED Overlay District. We in Dilworth and other neighborhoods with PED Overlay Districts were surprised by this as we have not heard anything from Planning about why this is needed nor how it changes land use in our areas. Dilworth has two PED Overlay Districts, the very first one in Charlotte for East Boulevard and one just approved last year along Morehead Street. We are very familiar with the PED and have been supportive of this zoning use but PED is an overlay district and has been explained to the neighborhood that way. It leave in place all the uses, requirements and restrictions of the original zoning except those specifically modified in the PED zoning. That is how an Overlay works. Our East Boulevard PED Overlay states the purpose is to reestablish an urban fabric like promoting a mixture of uses in a pedestrian oriented setting of moderate intensity. The district encourages the reuse of existing buildings that contribute to the unique character or history of the area. PED is allowing unlimited density to promote that purpose. As we understand the PED Ordinance as adopted modifies setbacks, streetscape, parking, height, uses but leaves in existing density in tack as written. Dilworth Land Use Members who were on PED scape stakeholder groups do not remember density ever being discussed. Density is not mentioned in the original PED scape document for East Boulevard at all. On some parcels this change may be significant and maybe not on others. Shouldn't we look carefully at what this simple change in the ordinance means on the ground in the PED areas? What does unlimited density mean in the current PED areas and those Planning has in the works around Charlotte? Should density instead be examined and decided with each PED area much like streetscape setback is determined on a block by block basis? It is the law of unintended consequences that we would like to avoid here. This Text Amendment seems to have appeared out of nowhere and we knew nothing about it. The Planning website mentioned a community meeting with stakeholders and neighborhoods in the PED process. Neither John Friday nor I, both stakeholders in all of the PED processes nor our neighborhood association heard anything about any meeting. We simply ask that you defer this change in the zoning and direct Planning to inform you and the citizens how this amendment to the ordinance will impact neighborhoods with the PED Overlay since it will negate the density of the existing zoning.

Ms. Montgomery said staff did send an invitation out to over 30 neighborhood leaders within all the PED zoning districts so they did receive notification. We held a meeting in February and only two individuals showed up. We went over this Text Amendment and the purpose for it as well as some other proposed clarifications in PED.

Mayor Pro Tem Cannon said that is a pretty active area and for them to have a miss like that I wonder about this, if this got caught up in the mail inappropriately or something.

Ms. Montgomery said we have several people who came and it was sent out to the people that are on our neighborhood contact list as neighborhood leaders within the area surrounding those PED Overlay Districts.

Mayor Pro Tem Cannon said there is some time between now and then to have some level of discussion to find out what is going where and to bring them up on what is happening. I would encourage the neighborhoods to be able to touch base with us after those conversations take place in hopes that they might be with you staff and whomever else to get us to a place where there is a level of understanding. Then based upon the feedback we get from the community along with what you have already presented tonight, certainly we can come back and hopefully make an informed decision.

Ms. Montgomery said we will be glad to bring them up to speed.

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously, to close the public hearing.
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Council's decision was deferred pending a recommendation from the Zonking Committee.

ITEM NO. 29: HEARING ON PETITION NO. 2013-039 BY CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO ADD A NEW DEFINITION FOR “BREWERY” AND ALLOW IT WITH PRESCRIBED CONDITIONS IN THE U-I, I-1 AND I-2 ZONING DISTRICT.

The scheduled public hearing was held on the subject petition.

Bridgett Dixon, Planning said the purpose of this is to add a new definition for breweries and to allow breweries as a different set of conditions in the industrial zoning districts, U-I, I-1 and I-2. It is not that breweries are permitted, they are categorized under alcoholic beverage manufacturing so in I-1 you are permitted to have a brewery 5,500 square feet or less. In I-2 there was no limitation on the amount of square footage for a brewery, however any brewery located in any of the I-2 uses had to be 300 feet away from residential. A tack room component which is typically the bar or restaurant affiliated with a brewery had to be 400 feet away from residential which is our common standard. We started our Advisory Council Citizens Group in January to assist us through the process. They helped us look at the characteristics, any of the concerns or restraints we would have with moving micro-breweries and providing a different set of conditions. We looked at the benefits and if there were any constraints that we needed to offset. We met three different times, January 8th, February 29th and March 7th. We had a fairly easy time reaching consensus with this group and ultimately ended up defining a brewery as an establishment that manufactures beer and in looking at it in the I-1 and the U-I districts, we allowed breweries or are recommending breweries up to 60,000 square feet from our 5,500 square feet. In I-2 we are allowing breweries to go above 60,000 square feet when they switch over into the heavy industrial standards. Phase I is on the March 25th agenda for a decision and it is being expedited to respond to potential development proposals. There is going to be a Phase II that will file on March 25th and that is in order to address how micro-breweries can be incorporated into some of our urban districts like PED, TOD, MUDD and U-MUD. Staff is supportive of this recommendation.

John Marrino, 3114 Shillington Place said I am the founder of the Old Mecklenburg Brewery here in Charlotte. We are located on Southside Drive on the south side of town and I have participated in the Planning Department Citizens Advisory Group meeting related to this amendment and will continue to do so in the future as my dealings with the Planning Department have been overwhelmingly positive. OMB opened its doors four years ago and at that time there was not one operating micro-brewery in Charlotte. In fact I believe at that time Charlotte was the largest city in the US without a brewery. It is surprising when you consider that Charlotte consumes more than one million barrels of beer per year. That is about 248 million pints, just to give you an idea. Beer is a perishable product like bread, so it is best when consumed fresh and of course local beer is fresh beer. Today there are six small micro-breweries in town and several more in planning. While that might sound like a lot together we represent less than 1% of the beer consumed in Charlotte. The other 99% of that beer is still being imported from out of town, out of state and out of the country. One thing that I believe has held back the growth of breweries in Charlotte is the current code restrictions that pretty much force us to locate in heavy industrial areas, otherwise known as I-2. That is the lowest zoning classification. She showed you that I-1 is allowed, but it is only allowed up to 5,500 square feet which to be honest is not practically large enough to have a viable brewery.

I'm strongly in favor of this amendment for a number of reasons. First this amendment defines a brewery as a specific use and how it fits into different zoning districts. It also classifies brewery as an I-1 or light industrial use which is where I believe our industry belongs. Other similar I-1 uses include candy manufacturing and bakeries and for all practical purposes the only difference between a bakery and a brewery is that bakeries make solid bread, we make liquid bread. Other than that they are identical. When seeking a location for OMB four years ago it was disappointing in the lack of suitable sites available to our business due to the zoning situation. I ended up settling for a building that met the zoning code, but was sub optimal from an operation standpoint and not ideal from a location perspective. This amendment will provide more potential locations and more desirable areas for our brewing operations as well as for future breweries that may decide to open in Charlotte.

Councilmember Mayfield said if you had another minute to complete your last sentence what would you want to say?

Mr. Marrino said I believe this amendment will enable future local breweries to produce a higher percentage of beer here locally. We have created over 30 jobs in the last four years in Charlotte. We also buy from local manufacturers. We buy labels, our spent grain goes to local farmers to feed their livestock and our largest raw material supplier is the City of Charlotte because beer is 90% water. Making beer a local product is not only good for the consumer due to freshness issue and the quality associated with that, but it is also good for the economy. To keep up with the growing demand we found it necessary to expand so this year our intention is to expand the brewery. There is a much more suitable location for our business about 200 yards down the street from us. Unfortunately with the current zoning code we cannot occupy that building. With these changes to the code we will be able to occupy that building and move forward with the project.

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. 30: NOMINATE AND APPOINT CITIZENS TO SERVE ON A TASK FORCE AS SPECIFIED.

Mayor Pro Tem Cannon said as you know we have nominations and appointments to the Arts and Science Council Task Force and I want to make Council aware that already there has been at least one appointment for a tourism representative beginning immediately and one ending once the work of that task force is concluded. That came by the way of the Mayor and that is a nomination for Mohammad Jenetian. What we basically need if you have any nominations now, one for tourism and two appointments for an at large representative beginning immediately and ending once the work of the Task Force is concluded. Councilmember Autry has already made the following nominations:

Martique Lorrain, nominated by Councilmember Autry
John Moore, nominated by Councilmembers Autry and Mitchell
Matt Mayhew, nominated by Councilmember Cannon
Bill Moore, nominated by Councilmember Cannon
Jonie Kastl, nominated by Councilmember Cannon.
Laurissa Hunt, nominated by Councilmember Howard

Motion was made by Councilmember Mitchell seconded by Councilmember Mayfield and carried unanimously, to close the nominations.

City Clerk, Stephanie Kelly said we are going to need a vote on these tonight. You need one tourism, and two at-large.

Mayor Pro Tem Cannon said the one we have for tourism thus far is Matt Mayhew and Mohammad Jenetian, but I thought the Mayor had a separate appointment. Is that not the case?

Ms. Kelly said no sir.

Mayor Pro Tem Cannon said if that is the case Mr. Jenetian will be it.

Motion was made by Councilmember Howard, seconded by Councilmember Fallon to appoint Mohammad Jenetian as a representative from the Hospitality and Tourism Alliance to serve on the Task Force. The vote was recorded as unanimous.

Mayor Pro Tem Cannon said I would like to ask that Matt Mayhew be dropped down as one or our two at-large.

Councilmember Barnes said just for clarification, Madame Clerk you are suggesting that we have to have this voted on tonight even though I haven't seen any applications. I know one candidate and other than that I have zero information.

Ms. Kelly said that is true. They needed this information tonight is my understanding from Ms. Jennings.

Mayor Pro Tem Cannon said when is the first meeting for them?

Ms. Kelly said I don't have that information. The Arts and Science Council was told that you would make your appointment tonight, one tourism and two at-large.

Mayor Pro Tem Cannon said for the record Jean Brayboy is down for nomination by Mayor Foxx as is Mark Gustafson.

Councilmember Mitchell said I think Mr. Barnes brought up a good point and we have three people out sick. Could we send a letter saying due to all Councilmembers not being present could we make the appointments on the 25th. That will give us time to review the applications and I think we would feel more comfortable.

Mayor Pro Tem Cannon said I think that is fine and if you would just go ahead and lay out the nominees that each member of the body has made to be listed with those made by Councilmember Autry, along with the Mayor and that would be good for us to have. We can kind of circle about and determine how we can move this forward.

Ms. Kelly said may I verify your nominations.

Matt Mayhew, nominated by Councilmember Cannon
Bill Moore, nominated by Councilmember Cannon
John Moore, nominated by Councilmember Autry
Martique Lorrain, nominated by Councilmember Autry
Laurissa Hunt, nominated by Councilmember Howard
Jean Brayboy, nominated by Mayor Foxx
Mark Gustafson, nominated by Mayor Foxx

Mr. Mitchell said is that a total of 7 including John Moore and the names Mayor Pro Tem mentioned earlier. Is that a total 7?

Ms. Kelly said that would be a total of 6. The four that we already had, Brayboy, Gustafson, Lorrain, Moore, Mayhew and Hunt. Could I clarify, you have confirmed the appointment of Mohammad Jenetian?

Mayor Pro Tem Cannon said yes we have. The only thing that should be open right now should be the at-large post.

Mr. Barnes said is that six people for two spots?

Mayor Pro Tem Cannon said yes.

Mr. Barnes said I would move to continue those votes to next Monday.

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MAYOR AND COUNCIL TOPICS

Councilmember Mitchell said I would like to invite this Council and the citizens who are still up watching to the District 2 Intelligent Leadership Conference on Saturday from 9:00 a.m. to 2:00 p.m. in Room 267. Please come by and if my colleagues could join us at least at lunch time so the citizens in District 2 could meet with you. Deputy City Manager, Ron Kimble, if you can invite some of the Assistance City Managers as well. Please call Alvin Burney at 704-336-4947 to RSVP.

Councilmember Mayfield said I want to thank all the citizens who were in attendance this past Saturday for my third Community Town Hall Meeting and I look forward to getting your comments.

Councilmember Barnes said I want to speak briefly to something that you alluded to earlier and that is the Council's trip to Washington last week. I wanted to thank you for your leadership because the way we do these trips now essentially the Mayor Pro Tem kind of helps lead our group in interfacing with our Congressional Delegation. I thought that we were very well received by our Delegation and I appreciate everybody who was able to be there being there. I thought the issues, while heavy, were very well received so thank you all for your leadership and being a part of that event. Unfortunately I can't make it for all the classes and all the fun stuff so I just come for the business on Monday, Tuesday and Wednesday.

Mayor Pro Tem Cannon said all of you did a wonderful job presenting and you were very well received. I also want to thank staff for being engaged to the degree in which they were. Ruffin Hall, Alvin Burney, Eric Campbell, Kim Oliver, and Dana Fenton.

Councilmember Autry said it was also nice to have City Manager Ron Carly there for a while.

Mayor Pro Tem Cannon said and we certainly thank Holland and Knight for being there in their level of support on all the issues that are facing our citizens here in the City of Charlotte.

Councilmember Pickering said I just wanted to touch on something quickly. I know that we are ready to adjourn, but something happened this week that I thought was important and I think we need to acknowledge it and that is the issue of pedestrian safety. Once again unfortunately we had an accident this week, a young mom trying to cross North Tryon Street with her children and we've had what I would call a rash of these types of accidents and I just want to let people know that of course we are obviously very concerned about it. I want to work with staff on getting some kind of public awareness campaign going. Much has been made of the sidewalks or lack thereof and crosswalks or lack thereof and those are certainly contributing factor, but this is a multifaceted issue. One thing that I don't think is often addressed is the notion of some of our drivers who don't always drive as safely as we would like, and some of our pedestrian who may step out into traffic at a point where it isn't safe. I want the whole city to kind of be acutely aware of what we are doing as drivers, particularly that notion of turning right on red. You will recall the gentlemen just blocks from here was in a crosswalk going to work and was struck and that was a driver who wasn't driving the way he should be. In fact four citizens lost their lives last year as a result of folks failing to yield the right-of-way. I hate to see this in Charlotte. We don't want to be known as the City that is not safe for our pedestrians or our bicyclists. That falls into that category too. I just want folks to be aware of what we are doing as drivers and what we doing as pedestrians. We don't hear the term jaywalking too often anymore but back in the day we heard the term jaywalking and of course jaywalking is crossing the street where there is not a crosswalk. Maybe we need to have more crosswalks, probably do, and we would encourage folks to contact us if you know of an area. Certainly you can call 311 if you aware of something. I'm just trying to raise awareness among everyone so that we can all pull together and come up with solutions and take responsibility in all facets. The City is responsible for some it, but individuals are responsible too. We will work with staff on getting some kind of public awareness campaign. I just wanted to put that out there because it is a concern and Charlotte is better than this. We've got to reduce these numbers. It is concerning and we can do it if we just all pull together.

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Mayor Pro Tem Cannon said it does remain to be an ongoing issue and certainly an awareness campaign is something I believe staff would be open to. Beyond that there is work that staff continues to do. Danny Pleasant and others continue to work on signage related issues, they continue to work on signalization, things of that matter, particularly in an area of blind spots, etc. Thank you for your comments.

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously, to adjourn the meeting at 8:34 p.m.

Stephanie C. Kelly, City Clerk

Length of Meeting: 3 Hours, 34 Minutes
Minutes Completed: June 13, 2013