

The City Council of the City of Charlotte convened for a Dinner Briefing on Monday, September 16, 2013 at 5:18 p.m. in Room CH-14 of the Charlotte-Mecklenburg Government Center with Mayor Patsy Kinsey presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Claire Fallon, David Howard, Billy Maddalon, LaWana Mayfield, James Mitchell and Beth Pickering.

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Councilmember Cannon discussed revisiting the Economic Development policy in Councilmember Mitchell's Committee.

Mayor Kinsey said are there any objections.

Councilmember Cooksey said not strenuously.

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TOD ZONING UPDATE

Alan Goodwin, Urban Designer, Planning Commission used PowerPoint (a hard copy is on file in the City Clerk's Office) for his presentation to Council regarding Transit Oriented Development (TOD); how the TOD and Transit Supportive (TS) overlay zoning districts can accomplish the vision set forth in the adopted station area plans.

The presentation reviewed previous discussions and discussed feedback from the Transit Services Advisory (TAP) Committee regarding the plan vision. The summary of actions going forward include conditional development (CD) rezoning; linking the ordinance to the plan vision; strategically pre-zoning to TOD/TS; modifying TOD and TS standards, and revising the Zoning Ordinance. The presentation also underlined the need to have a shared vision particularly along the Blue Line Extension (BLE) areas.

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REVIEW OF AGENDA

Tammie Keplinger, Land Development Coordinator, Planning reviewed the Agenda with Council and advised that the Historic Landmarks Commission, the petitioner for Item No. 10, Public Hearing for Historic Designation of the "Tuckaseegee Ford and Trail" has withdrawn the petition.

Debra Campbell, Director, Planning gave a status report on Area Plans and Text Amendment updates.

The Dinner Briefing was recessed at 5:57 to move to the Council Chamber for the regularly scheduled monthly Zoning Meeting.

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The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, September 16, 2013 at 6:10 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Patsy Kinsey presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, Claire Fallon, David Howard, Billy Maddalon, LaWana Mayfield, James Mitchell and Beth Pickering.

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INVOCATION AND PLEDGE

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

Mayor Kinsey explained the zoning process and introduced Tracey Dodson, Chair of the Zoning Committee who introduced the Zoning Committee. The Zoning Committee will meet on September 25th at 4:30 in the Government Center.

DEFERRALS/WITHDRAWALS

Mayor Kinsey said we have some deferrals, the first is Item No. 10, Historic Landmarks – Tuckaseegee Ford and Trail, withdrawn; Item No. 21 Petition No. 2013-060; Item No. 29 Petition No. 2013-069; Item No. 34 Petition No. 2013-061 deferred for one month; Item No. 31 Petition No. 2013-071 and Item No. 33 Petition No. 2013-026 deferred for three months.

Motion was made by Councilmember Mitchell, seconded by Councilmember Cooksey, and carried unanimously, to defer or withdraw the above items as outlined.

HISTORIC LANDMARKS

ITEM NO. 9: ORDINANCE NO. 5188 DESIGNATING LONG CREEK MILL RUIN AS HISTORIC LANDMARK

Motion was made by Councilmember Cannon, seconded by Councilmember Barnes, and carried unanimously, to adopt the subject ordinance designating the Long Creek Mill Ruin, including the land and all features located at 8508 and 8604 Beatties Ford Road as a Historic Landmark.

The ordinance is recorded in full in Ordinance Book 58, at Page 388-391.

ITEM NO. 11: RESOLUTION CALLING FOR A PUBLIC HEARING TO BE HELD ON OCTOBER 21, 2013 BY THE CITY COUNCIL ON THE QUESTION OF DESIGNATING THE PROPERTY KNOWN AS THE “COHEN-FUMERO HOUSE” LOCATED AT 1154 CEDARWOOD LANE, CHARLOTTE, NORTH CAROLINA AS AN HISTORIC LANDMARK.

Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and carried unanimously, to adopt the subject resolution.

The resolution is recorded in full in Resolution Book 44, at Page 689-690.

ITEM NO. 12: RESOLUTION CALLING FOR A PUBLIC HEARING TO BE HELD ON OCTOBER 21, 2013 BY THE CITY COUNCIL ON THE QUESTION OF DESIGNATING THE PROPERTY KNOWN AS “DEFIANCE SOCK MILLS” LOCATED AT 520 ELLIOT STREET, CHARLOTTE, NORTH CAROLINA AS AN HISTORIC LANDMARK.

Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and carried unanimously, to adopt the subject resolution.

The resolution is recorded in full in Resolution Book 44, at Page 691-692.

ITEM NO. 13: RESOLUTION CALLING FOR A PUBLIC HEARING TO BE HELD ON OCTOBER 21, 2013 BY THE CITY COUNCIL ON THE QUESTION OF DESIGNATING THE PROPERTY KNOWN AS “LOUISE COTTON MILL” LOCATED AT 1101 HAWTHORNE LANE, CHARLOTTE, NORTH CAROLINA AS AN HISTORIC LANDMARK.

Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and carried unanimously, to adopt the subject resolution.

The resolution is recorded in full in Resolution Book 44, at Page 693-694.

DECISIONS

ITEM NO. 14: ORDINANCE NO. 5189-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.71 ACRES LOCATED ON THE WEST SIDE OF WEST SUGAR CREEK ROAD ACROSS FROM MUNSEE STREET FROM R-4 TO O-1(CD).

Councilmember Barnes said Ms. Keplinger I have a question about the 4th note. It indicates that a sentence was removed regarding what the uses would be. Do we now know any of the uses that might be there?

Tammie Keplinger, Planning said it would be all uses that are allowed in the I-1 District.

Mr. Barnes said it is O-1(CD) so are the conditions simply the items delineated in points 1-24?

Ms. Keplinger said those are the changes that were made to the site plan that is associated with this that shows how the property will develop. It is a residential home and we wanted to make sure that the conversion to an office was consistent with other residential properties in the area. Most of the notes and the site plan are associated with how the property is developed.

Mr. Barnes said I recall that during the public hearing there was a discussion about using that home as a small office of some sort and now we don't know what they are going to do in it.

Ms. Keplinger said the office district is very limited. It doesn't allow any retail uses, so it is very restrictive. I'm sorry, there are some general uses that are prohibited. I apologize. It is general and medical office uses only.

Mr. Barnes said I thought that is what they took out of the uses.

Ms. Keplinger said no sir because it says small professional service firms or neighborhood medical offices and those are terms that the Zoning Ordinance does not recognize so we have them clarify using terminology that is associated with the Zoning Ordinance.

Mr. Barnes said okay so their intent is to use it for a small medical office.

Ms. Keplinger said general office or medical office use.

Motion was made by Councilmember Maddalon, seconded by Councilmember Cooksey, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-040 by James P. Ngo & Yen M. Ngo, for the above zoning, as modified and as recommended by the Zoning Committee.

The Modifications are:

1. Under Building Data, the petitioner has noted existing building area (1,025 square feet) and possible future addition (256 square feet).
2. The setback and side yards have been corrected on the site plan.
3. The petitioner has removed the third bullet under General Provisions and placed under new heading Permitted Uses.
4. The following sentence has been removed from the third bullet paragraph under General Provisions that stated: "The petitioner's intent for this rezoning is to allow for this property to be used for small, professional service firms or neighborhood medical offices."
5. A note has been added under General Provisions allowing the existing structure to be used as a single family house in the event it is not used for office purposes.
6. Petitioner has removed the phrase "wherever practical" from the end of the first sentence (1st bullet) under transportation.
7. A note has been added stating the existing gravel drive will be removed and planted.
8. A five-foot wide sidewalk connecting the building to the sidewalk along West Sugar Creek Road has been added to the site plan.
9. An eight-foot planting strip and a six-foot sidewalk along West Sugar Creek Road are now shown on the site plan.
10. Curb and gutter are delineated along West Sugar Creek Road.
11. Location of trees to be saved is now shown on the site plan.
12. Signage note has been clarified to state that signage on site will be a ground mounted type sign. Remainder of the note has been deleted from the site plan.
13. Lighting note has been modified to state detached lighting on site will not exceed 20 feet in height instead of eight feet. Language stating that "no wall pak" lightning will be used on existing building has been removed from note.
14. Bulleted information under Other has been removed as these are required as per the ordinance.
15. Addressed CATS and C-DOT comments with the following modifications:
 - a. Provided the required five-foot sidewalk from the building to the public street, as per the zoning ordinance.
 - b. Provided a north arrow on the site plan.
 - c. The proposed right-of-way for Sugar Creek Road is now shown and labeled on the site plan. Dedication of 50 feet of right-of-way as measured from the centerline of Sugar Creek Road to meet this requirement is noted.
 - d. An eight-foot planting strip and six-foot sidewalk along the site's frontage of Sugar Creek Road are now shown on the site plan.
 - e. Reference to the specific type of proposed driveway (Type II Driveway) has been removed from the site plan.
 - f. Per the request of CATS, the site plan now shows a waiting pad for bus service along Sugar Creek Road. A standard design detail is also provided on the site plan.
16. A note has been added stating expansion and exterior revisions to the current structure will be residential in character and scale.
17. The general location of future addition is now shown on the site plan.
18. Tattoo parlors have been removed from the list of uses that are not permitted as they are not allowed in the O-1 District.
19. A note has been added stating the buffers will not be reduced.
20. The notes have been modified to follow the note standards for conditional rezoning site plans.
21. Transportation Note 1 is now General Provisions Note 4.
22. Transportation Notes have been modified to indicate the exact location and type of driveway will be determined at the time of permitting.
23. Transportation Notes 4, 5 and 6 (fence/wall construction, right-of-way encroachment agreement, and sight triangles) have been removed from the site plan.
24. New Transportation Note 3 states that the exact location of the bus waiting pad will be determined at the time of permitting.

The ordinance is recorded in full in Ordinance Book 58, at Page 392-393.

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ITEM NO. 15: ORDINANCE NO. 5190-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.97 ACRES LOCATED ON THE NORTH CORNER AT THE INTERSECTION OF PROVIDENCE ROAD AND WESTBURY ROAD FROM R-3 TO INST(CD), 5-YEAR VESTED RIGHTS.

Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-051 by Providence Preparatory School, LLC for the above zoning, as modified and including the five-year vested rights, as recommended by the Zoning Committee.

The modifications are:

1. Modified the information under Maximum Building Height to state “Not to exceed 40 feet”.
2. Revised labeling on the site plan to indicate up to 13,500 square-foot building.
3. Revised labeling on the site plan to state possible tree save areas.
4. Noted that there are no existing trees within the eight-foot planting strip noted along Providence Road.
5. Addressed Transportation comment by adding a note that the petitioner shall install a six-foot wide sidewalk along Westbury Road from the site’s property line on Westbury Road to the intersection of Westbury and Crosby Road (approximate length 380 linear feet).
6. Addition of perspectives for the site.

The ordinance is recorded in full in Ordinance Book 58, at Page 394-395.

ITEM NO. 16: ORDINANCE NO. 5191-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .94 ACRES LOCATED ON THE EAST SIDE OF SHARON ROAD AT THE INTERSECTION OF EASTBURN ROAD AND SHARON ROAD FROM R-3 TO NS.

Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-053 by Brian A. Crutchfield, for the above zoning, as modified and as recommended by the Zoning Committee.

The modifications are:

1. Petitioner has labeled and dimensioned the amount of right-of-way that is planned for dedication.
2. Screening for the off-street parking at the southwest corner has been removed from the future public right-of-way.
3. The side and rear yards on the site plan have been clearly labeled.
4. The symbol of the queue length line on the site plan has been removed.

The ordinance is recorded in full in Ordinance Book 58, at Page 396-397.

ITEM NO. 17: ORDINANCE NO. 5192-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.21 ACRES LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH CHURCH STREET AND LINCOLN STREET FROM TOD-MO TO I-1(TS).

Councilmember Mayfield said do we have an update on actual uses for this yet?

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Tammie Keplinger, Planning said the I-1(TS) is a conventional district so it all uses allowed in the I-1(TS). I think we have provided Council with a list of those uses.

Ms. Mayfield said any one of those but we have no idea what they are looking at.
Ms. Keplinger said yes mame.

Councilmember Howard said have we ever had a property go back from TOD?

Ms. Keplinger said I believe that we have had some properties that have rezoned back from a TOD District, but it is very rare.

Mr. Howard said why was staff okay with that?

Ms. Keplinger said in this particular case it is a TOD-MO which is a conditional plan and there were two buildings that were proposed. It was rezoned in 2008 and the property never developed in accordance with that plan and the property owner still wants to take advantage of some of the transit oriented development, but the area is not quite ready for the type of development that was originally proposed. If you recall the TS District is a District that allows us to begin to get some of the standards of the transit oriented development while still allowing some of the uses of the current zoning.

Mr. Howard said is the problem here that he wants to expand?

Ms. Keplinger said I honestly do not know because it is a conventional case.

Mr. Howard said even with TS that is conventional?

Mr. Keplinger said yes sir.

Mr. Howard said was there any conversation when the Zoning Committee met with this one at all?

Ms. Keplinger said no sir, the Zoning Committee recommended approval by a vote of 6 to 0.

Motion was made by Councilmember Mayfield, seconded by Councilmember Cannon, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-056 by Batandpick Partners, LLC for the above zoning change, and as recommended by the Zoning Committee.

The ordinance is recorded in full in Ordinance Book 58, at Page 398-399.

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ITEM NO. 18: ORDINANCE NO. 5193-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.59 ACRES LOCATED ON THE NORTH SIDE OF ODUM AVENUE BETWEEN CENTRE STREET AND IDAHO DRIVE FROM I-1 TO 1-2.

Councilmember Mitchell said O'Leary Group was relocating their headquarters from Rock Hill, South Carolina to Charlotte. This petition is found to be consistent with the Central District Plan.

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-057 by O'Leary Group Waste Systems, LLC, for the above rezoning, as recommended by the Zoning Committee.

The ordinance is recorded in full in Ordinance Book 58, at Page 400-401.

ITEM NO. 19: ORDINANCE NO. 5194-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13.57 ACRES LOCATED ON THE SOUTH SIDE OF MORRIS FIELD DRIVE BETWEEN CPCC HARRIS CAMPUS DRIVE AND CAPITOL DRIVE FROM R-5 TO INST(CD), 5-YEAR VESTED RIGHTS.

Councilmember Mayfield said even though this petition was found to be inconsistent with the Central District Plan, it is reasonable within the public interest. I want to make sure that the residents know that there was a very robust conversation with a good number of participants from the district that is looking at supporting the expansion of Central Piedmont Community College – Harris Campus and looking at the excitement that is coming in the near future that is going to be followed by that expansion.

Motion was made by Councilmember Mayfield, seconded by Councilmember Cannon and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-058 by Central Piedmont Community College for the above zoning change, as modified and as recommended by the Zoning Committee.

The modifications are:

1. Amended Note 5(b)(2) to state the petitioner will provide connectivity of driveways, sidewalks, and/or parking areas located on the site with those located on the existing campus, by at least one of the possible locations identified on the site plan.
2. Amended the site plan to reflect “possible location of vehicular access point via shared driveway” and “possible location of vehicular and/or pedestrian cross-access point.”
3. Provided building and parking envelopes.
4. Amended Note 8(a) to specify the proposed building materials, in addition to providing a picture of the existing CPCC building referenced.
5. Amended Note 6(a) to remove references to an “undisturbed” and “required” buffer.
6. Amended Site Development Data and the site plan to reflect a maximum building height of two stories for all portions of buildings within 100 feet of the Capitol Drive right-of-way.
7. Noted that existing planting strip and sidewalk along Morris field Road is to remain.
8. Specified that the existing neighborhood identification sign will either be removed or a variance will be sought prior to the issuance of the first certificate of occupancy for the site to allow the sign to remain and allow a new identification sign for the proposed use.
9. Noted that if required by C-DOT, Petitioner will conduct a traffic impact study to determine traffic impacts caused by the development of the site once a CPCC development plan is adopted and before a building permit is issued for the site. In the event Petitioner’s traffic impact study indicates that traffic mitigation measures are needed, Petitioner agreed to implement reasonably necessary transportation improvements. The necessary transportation improvement, if any, will be mutually agreed upon between Petitioner and C-DOT in the reasonable discretion of each.

The ordinance is recorded in full in Ordinance Book 58, at Page 402-403.

ITEM NO. 20: ORDINANCE NO. 5195-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6 ACRES LOCATED ON THE NORTH SIDE OF THE SEABOARD COAST LINE RAILROAD BETWEEN LOUISE AVENUE AND HAWTHORNE LANE FROM 1-2 TO MUDD-O.

Councilmember Howard said the deferral is gone and this is the one you sent us?

Tammie Keplinger, Planning said yes sir, this is the information that you received on Friday.

Councilmember Maddalon said the Belmont Community is very excited about this. It is one of Charlotte's oldest historic mills in a vital corridor there at Louise and Hawthorne. If this project happens it could be a huge economic development boost to that area of the City.

Mayor Kinsey said you are exactly right.

Motion was made by Councilmember Maddalon, seconded by Councilmember Fallon, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-059 by Clachan Properties, LLC for the above zoning, as modified, and as recommend by the Zoning Committee.

The modifications are:

1. Petition has provided a possible 10-foot public pedestrian path and stub along the northern or southern edge of the property which will be determined during the design and permitting process.
2. Petitioner has provided a double row of trees wall along the northern edge of the property adjacent to the residentially zoning property.
3. Proposed elevations of the renovated residential structure have been provided by the petitioner.
4. A commitment has been made to a minimum of 15,000 square feet of urban open space.
5. The area of the building that will be allowed up to 75 feet in height is now clearly labeled and identified on the site plan.
6. The petitioner has adjusted Transportation Note 5B to read that the petitioner will be responsible for constructing a pedestrian path from Louise Avenue to the property line which addressed Department of Transportation's comments.
7. The MUDD-O request has been modified to read "As part of this petition, the petitioner requests approval of an optional provision to allow the reduction of required parking for the residential units to be 0.5 spaces per unit".
8. Notes 3A and 4A have been modified to be consistent with the proposed uses.

The ordinance is recorded in full in Ordinance Book 58, at Page 404-405.

ITEM NO. 22: ORDINANCE NO. 5196 FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO ADD SPECIAL SIGN REGULATIONS FOR DETACHED BUSINESS IDENTIFICATION SIGNS IMPLEMENTED BY A GOVERNMENT SPONSORED TRANSPORTATION PROJECT.

Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-063 by Charlotte Mecklenburg Planning Department for the above Text amendment as modified, and as recommended by the Zoning Committee.

The modifications are:

1. Add a new subsection (10) to Section 13.110(8)(d)(i), that reads, "Consolidation of multiple individual signs."

The ordinance is recorded in full in Ordinance Book 58, at Page 406-407.

HEARINGS

ITEM NO. 23: HEARING ON PETITION NO. 2013-052 BY ARDEN GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 39.06 ACRES LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF I-85 AND UNIVERSITY CITY BOULEVARD ACROSS FROM IKEA BOULEVARD FROM CC TO B-2(CD).

The scheduled public hearing was held on the subject petition.

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Tammie Keplinger, Planning said to help orient you to the site this is I-85 north bound, University City Boulevard and North Tryon Street. Most people know where IKEA is located and the site that we are looking at tonight is across University City Boulevard and is approximately 39 acres. You can see from the aerial, when the grading was done on this site, you can see IKEA Boulevard has been partially constructed and one of the other connector streets. I would like to give you a little background history – in 2008 the property you see here along with the rest of the Belgate Development was rezoned to CC. That included over 200,000 square feet of retail, not including the IKEA site. On this side of the development there was a provision for one retail business with a drive-thru service window. There was no limit on the retail, but there were 360 attached multifamily units slated for this property. In terms of the request tonight, the request is to go from CC Commercial Center to B-2(CD). It is for a maximum of 275,000 square feet of gross floor area. No single building is to exceed 75,000 square feet. There is a 40-foot maximum height limit. The uses are limited to up to four separate automobile dealerships and there is to be public street right-of-way dedication to the adjacent properties to help with the connectivity in this area. As you can see on the site plan there is a 50-foot natural and a 50-foot landscaping buffer along the I-85 off ramp. This is consistent with the rest of Belgate property. We have 100-feet on all of that and the notes are all the same. Also on the site plan you can see the building edges and it was very important to staff to look at the design of this development and you can see how they have indicated the building edges for these different lots.

This is an example of the proposed architectural pallet. It is not meant to represent the architecture of the buildings, but more of the colors. This is similar to what we did at Belgate when we got a pallet of colors that would be used that would be consistent throughout the development. In terms of this request the land use is consistent with the University City Area Plan recommendation for retail, interoffice or residential uses. However, the petition does not currently include the level of detail that staff feels that we need or the commitments that we need to support the petition. We need something that will support and create transitions to the pedestrian environment of the nearby transit station. There are numerous outstanding technical issues and design issues as you can see in your staff analysis. Ms. Keplinger pointed out the location of the transit station in the area which is very close to this property. For those reasons staff is not currently recommending approval of this petition. We have been working diligently with the property owner and we will continue to work with the property owner prior to the Zoning Committee meeting on September 25th.

Stuart Parks, 447 Plymouth Avenue said I am representing the owners of Parks Chevrolet who are petitioning this site. We didn't come to this lightly and it has been after several years of looking at alternatives and approaches to dealing with issues at our current location. This is due to Blue Line Extension (BLE) Construction and right-of-way conditions that need to be resolved at our current location, but also changes in the retail environment along Tryon Street and responding to those changes and how the area will move forward. We feel as though this better supports area development. We like to think that we have been members of the community for quite a long time at that location and before that, uptown where the current Police Station is. We relocated from there to our current location on Tryon Street a number of years ago and we plan to stay in the community for a lot longer. We are very committed to the community and the people of Charlotte that we work with every day. The ideas of supporting development along Tryon Street is to pull the automotive uses that are necessary in the area for many people to do what they need to do every day of having their cars repaired and serviced and those types of things and trying to take the uses off of Tryon Street proper and to find a location for those that would not only support our customers, but due to other legal ramifications, franchise law, etc. we were very limited in the locations to which we could possibly relocate. This site seemed compatible based on plans and policies as they were explained to us moving forward. I think by moving them off site into a controlled environment and an architecturally controlled environment we can begin to address a lot of the concerns that have been brought up and we look forward to continue to examine how that can move forward.

I would like to let Shaun Tooley with Land Design explain the plan to a certain extent and at the end of the comments, my sister Sissy Parks, who works everyday in that location has a few comments to make.

Shaun Tooley, 223 North Graham Street said I am here on behalf of the Arden Group and Cambridge Properties. Just to reiterate what Stuart said, the success of this project lies in pulling dealerships off of North Tryon to an architecturally controlled environment where you can share an identity and have an auto mall that can utilize the services of the Blue Line Extension. We recognize that there is a better land use potential for this site given as it is currently entitled for multifamily use that could be a gated community. We have been working with Planning Staff since May and it has been a great process and better ideas are before now than when we started and I think that is the whole goal of this process. The external relationships and connectivity for this site seems to be one of the largest impacts or one of the largest discussion points that we have been working with. The building configurations all front on a common plaza that further strengthens that common site and the common idea of this entire auto mall. Pedestrian and bike connectivity is very important as has come out of the discussions as well. Our ideas to extend the bike lanes on IKEA Boulevard or even pull them off IKEA Boulevard to a multimodal trail adjacent to IKEA. There is also a linear park/greenway component that is being talked about and discussed and we are behind and initiating that idea.

Sissy Parks, 19511 Tresia Lane said I have worked on North Tryon Street for 25 years at the current site and as everybody in this room knows that neighborhood has changed drastically. We are going to be greatly impacted by the light rail coming through that area and actually we are right next to the Tom Hunter Station right now so as far as impacting a transit stop, we are 50 feet from the transit station right now so actually we are trying to move further away and that was the only site that we could come with that worked out for everybody's purpose. That is part of the reason for our petition. We are very active in that community and I believe in North Charlotte and I want to stay in North Charlotte.

Zac Moretz, 1514 South Church Street said I am here speaking in favor of the petition. I am attorney in town and I represent Gregory Dealership Properties. My client which is also my first cousin by happen stance, has the 30 acres directly across from the transit station under contract right now to locate a major automotive dealership. That is the property just across Tryon Street off the corner of the picture. That property is already zoned for car dealerships and we could get a building permit and go ahead and build that dealership there but we think this is a better site. We had already met with Ms. Kiplinger and the staff and were starting to move forward with a major dealership there when we were introduced to Mr. Parks and became aware of this opportunity. It is our goal if you see fit to approve this proposal that we move that project here, get it off Tryon Street which I believe is everybody's goal. I'm told in speaking with the property owner if we don't build a dealership there he would like to do mixed use, multifamily on that property on Tryon Street which is a much better use directly across from your train station and we would not have an automotive use on that property. You would most of your automotive uses from North Tryon Street hopefully consolidated in this one area. That is why we are in favor of it and recommend you approve it.

John Northey, 6832 Morrison Boulevard said I was asked to come at the last minute. I am an attorney and I'm with the Wishart Norris Henninger & Pittman law firm. Our client happens to be the property owner. Their interest is broad in that area because they are acquiring property in that area and looking to deal with all of the possibilities in a way that is in everybody's best interest. I'm here just to touch on a few major misconceptions. The north light rail corridor in this vicinity is neither uptown nor urban, it is pretty suburban but most significantly it is highway. We are talking about I-85, Highway 29, Highway 49, North Tryon Street at its intersection of University City and City Boulevard all of which is a huge juncture and a valuable juncture of people going about their business in their way to which CATS had an incredible and useful addition, which is designed as a commuter transit stop in the middle of all of that. I could give you a lot of examples, but you probably know them yourself. In Metro DC you get outside the core city and you find these stops interspersed among residential stops and streetscape stops. This just happens to be a highway commuter stop. On the west side which is where this site is, is where all of the cars are deliberately drawn off of the road. That die was cast when the plans allowing IKEA and the Wal-Mart and City Boulevard to be built. All of those are going to be added to because CATS is drawing cars to this station as well. On the other side; North Tryon and University City side, it is almost like a split face. All of the ideal planning with respect to streetscapes and pedestrian uses would fit just fine, but on this side it is pretty set what is really happening. I can tell there are some internal details, I don't know anything about that and there

are some street details, all of which will probably get worked out. I'm just here to make the observation that this isn't the first time the City and CATS have dealt with. This is I-485 and the Pineville CATS stop all over again. It is big box, it is pulling people off the highway, it is getting them into a large CATS parking garage and sending them uptown. Those surrounding that particular stop are predominately automotive uses. My experience with that is it pulls people to those automobile dealerships; they leave their cars there for service; they then get on the light rail and go uptown. On the west side of North Tryon Street you've got a completely different complexion which is a suburban highway, which this auto mall fits right in. I can give you examples in Cary that work really well. They work really well to pull people off the highway, put them into that kind of environment and not have them proceed further into the well planned more pedestrian dedicated areas. I'm just here to make some big picture observations if it seems useful in anyway in support of what may be going on I may add some more later, but I'm going to end with that just to make the observation while it may be true on the east side of North Tryon and along North Tryon I hope it is true; I just can't envision folks strolling down City Boulevard toward I-85 looking for a Latte.

Shannon Binns, 1413 Briar Creek Road said I am the Director of Sustain Charlotte, a local, not for profit organization and at Sustain Charlotte our mission is to inspire choices that lead to a healthier more vibrant community today and for generations to come. I'm here to night to ask that you join us in opposing Petition No. 2013-052. As staff explained this parcel was zoned in 2008 for up to 360 residential units on this same 40-acre parcel, but this rezoning petition would permit an auto mall with zero residential units. The reason this is significant is because multifamily housing is exactly what we should build ¼ mile from a planned light rail stop. An auto mall is probably the opposite of what we should be building. I say this because our City, our Nation our State is pooling very valuable and limited resources to invest \$1.2 billion in the Blue Line Extension so we are all investors in this corridor and we deserve a good return on that investment. How will an auto mall impact the return on our investment? Has anyone yet done that analysis or seen it? I haven't but I can give you some ballpark figures based on a recent analysis done this summer by graduate students in UNCC's Master Urban Design Program. Their alternative futures report ran the numbers for six land parcels in close proximity to North Tryon, much like this parcel and the Blue Line Extension. Today these parcels generate between \$1,200 and \$20,000 per acre in property taxes. If we allow them to continue to be low density developments such as the proposed auto mall we can expect from \$3,000 to \$89,000 per acre in property taxes according to the students. However, if we change our expectations to more transit oriented development like what we seeing being built in close proximity to the existing Blue Line in south Charlotte the students project that our property tax revenues will jump between \$18,300 and \$704,600 per acre. This on average is a 400% greater return than our existing low density suburban development pattern. From one investor in this corridor to another, I think we can agree that 400% greater return is a better choice and I urge you to think carefully about the type of development we allow so near to our investment and resist additional low density, auto oriented developments such as auto malls that will reduce the shrinking available land for higher density transit supportive development such as multifamily housing. As we have seen in south Charlotte along the current Blue Line, it is not a matter of if this higher density and greater tax revenue generating development will come, but rather a matter of when.

Martin Zimmerman, 1616 Bonnie Lane, said I am the former Director of Facilities Planning at UNCC; have been a resident two blocks from the UNCC Campus for 14 years. I know most of you on Council quite well. I've had conversations with a few of you, not as many as I wish about this project and thank you for your comments on the phone Ms. Fallon. I don't have copies of the handout for everyone and was only able to give copies to those on the Zoning Committee and I apologize for that. Essentially the packet has the article that was on Plan Charlotte on Friday and that really is the complete summary of the position that I offered to you. I'm not going into the details of that today, but have just a few slides. It also has some Q and A if you care to ask questions afterwards. I'd be delighted to speak with anybody on City Council. You know a picture is worth a 1000 words and it is impossible in five minutes to go through a project of this complexity so I calculated approximately 48,000 I'm going to give you in the next 1 ½ minutes. Mr. Zimmerman showed slides to the Council. One of the key points of the Plan Charlotte article is that you are faced with a choice between suburban development design and urban development design. Urban development design is what we were able to achieve on the south project in the SouthEnd, which is mixed use with housing, offices looped around a big box
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retail. You have a big box facility that is integrated with other uses; you have an urban solution to an urban context of light rail context that is ½ mile from the station. If you come to our location, you have the LYNX station, you have ¼ mile, not a ½ mile to the auto mall so you basically have an auto mall being designed in the context of TOD. If this were zoned TOD that auto mall would be going TOD. You have two roads that will be built to North Tryon so you have three direct connections to the auto mall site. It is a terrific site for urban development. It is even closer to the light rail stop than the south rail project was. The south project, as it was developed, behind the housing is a blank wall for the Lowe's Super Store so you have the Super Store completely blocked by the housing. It is really an ingenious solution. As the article pointed out in Plan Charlotte, the perfect solution in a suburban text would be the Hendrix Auto Mall which is located in the North Lake region of the county and you have autos on display in a major plaza, you have approximately 50 acres, about the same size of this auto mall, but it is a totally suburban solution, it is not an urban solution at all. Even though the architecture, the detailing and every bit of it is first rate, it is still an auto mall and one of the key points of the Plan Charlotte article was it doesn't matter how nice you make the auto mall look, it doesn't matter how nice the plaza looks, it doesn't matter whether you group the buildings around a nice plaza, which will probably have cars displayed on it, you are still stuck with a suburban model or design. It is not an urban model. It is suburban. You saw the elevations already, alright there is a pallet, but let's face it ladies and gentlemen, there is no such thing as an auto mall getting a design award. You may get incrementally better facades than you might otherwise get through negotiation but you are not going to get an urban solution. In conclusion if you look at the Q and A question #5, I think would be my parting comments to the Council tonight. This is Councilmember Barnes' District. Shouldn't City Council defer to him on this issue of the auto mall. The answer that I am providing, there are four stations in University that have not had updates on their station area plans for this corridor. Those updates are due next year in 2014. The other 8 have been approved by City Council for an urban corridor so the alternatives that I suggest to you and your colleagues Mr. Barnes is defer this decision until the actual station area plans follow due process, are studied, are reviewed by a stakeholder group and come back to your respective committees and to City Council for judgment and incorporation into the total set of stations for the entire corridor.

In rebuttal, Mr. Parks said we also support a sustainable Charlotte, we support energy efficiency, we support good decisions by government. We feel as though we are working diligently in support of planning work that has gone on for the previous, I don't know how many years on the Blue Line as part of a much larger project, and we look forward to continuing to work with the City on that project in support of that goal. We are very excited to be a part of this community, we are very excited about moving our project forward and we look forward to seeing a resolution shortly so that we can make some plans and move forward.

Councilmember Howard said from what I can see there is enough room for maybe three or four dealerships. You guys represent one, do you have commitments from others already?

Mr. Parks said we have been working closely and one of the reasons there are four; there are currently four franchise dealers along the corridor. Part of our locational discussion is that they are all bound by franchise law. Discussions were had with them and are on going with them. It is a little bit of wait and see. Two of them own their property and they are invested just like we are. We own our property. It is a big investment and a big part of these are small businessmen so they are waiting to see what the outcome of these discussions are. Our job is to create an environment that is seductive so we can move forward. Those discussions are very positive and are moving forward.

Mr. Howard said you are not helping me because actually that was my concern. My concern was how many of them are existing and are going to leave big, big boxes in these corridors that are already really bad off. What you really just told me is there is a potential for four big boxes on North Tryon.

Mr. Parks said I look at it a little differently. The Planning Department has done extensive market studies and analysis and quite a bit of work looking at the corridor and a lot of planning work into how the corridor will evolve. I think the uses that are there will have to continue to change to support those plans.

Mr. Howard said I agree. Is there any commitment from you or the other potential folks that own properties along the corridor to do anything other than just move out of them and leave them vacant?

Mr. Parks said I think as we look for example, which we will be discussing at the end of the evening, on Tom Hunter Road for example, and Tryon Street where we currently operate. I think that will have to be something of a project; trying to figure out what is going to happen there based on the planning. We believe it will be supported transit oriented design; it will be supportive of the station; supportive of Hidden Valley; supportive of the Tryon Street corridor, but to say that I have exit strategy plan as we try to move forward with an alternative of how to create those opportunities, no I do not have precise commitments or information on how to do that. I would say that one of them was here this evening so that indicates some support for the plan from the other franchise dealers on the corridor.

Mr. Howard said what I'm telling you is that one of the things that is going to be really hard for me is to accept the fact, and I was just talking to the Director about this, I get the fact that this is one of the only spots along that corridor where it gets this close to the freeway. It wants to be off the freeway, but it wants to be TOD at the same time. I know there is a tug of war between the two trying to figure that out, but what is not going to make it easier for me is to know that in a place like Hidden Valley where it is already struggling that there could be a big box further down North Tryon where I would assume some of the other ones are right near Eastway where it is already really bad and it keeps getting worse. So some idea about what it can be and some commitment from the property owners other than just saying bye, bye and leaving it vacant will be important to me.

Mr. Parks said I'm 100% here. We live in this community; we are not moving out; our customers are there; we are very active in the community. All I can say to you is that will be something that we will have to strive for. I cannot walk away from our commitment there.

Mr. Howard said what I'm asking is that you think about that before we come back next month, to give some idea about it because the idea of just leaving them vacant, and I don't want you to go out of business so I get both, but there has to be a balance here. With regards to storage of cars, that didn't look like a big layout. Where are the cars going?

Mr. Parks said they are going there and part of the evolution of the business plan, we do need less area than we did 25 years ago. How we manage inventory, how we manage our business is much more efficient, the market is much more efficient. It is a slightly different business model and that is part of what you are seeing there.

Mr. Howard said Mr. Binns you mentioned that study which the students did; would you make sure that all of the Council gets a copy of that because it was really good information. What it essential said is when you do a suburban model around a TOD you've got a lot less tax revenue. It was amazing how much more tax revenue you could get the more intense the development is. It was like \$100,000 more so will you share that with everybody please?

Ms. Kiplinger said I wanted to clarify for Mr. Howard that Item No. 35 in your agenda tonight is a request to rezone the Parks Chevrolet current site from B-2 to TOD-M so that is on your agenda tonight. The Parks family has made part of the commitment that you were talking about.

Mr. Howard said is that us sponsoring that or is there a plan for it?

Ms. Kiplinger said it is sponsored by the City because it is a TOD request.

Mr. Howard said is there a plan for it?

Ms. Kiplinger said no sir there is not. It is a straight TOD conventional. In terms of the site plan; in terms of the location of the inventory that Mr. Howard requested information on, the outskirts areas, the building envelopes are shown by the dotted lines so you can see where they are and then the rest of the facility would be allowed for inventory provided they meet their setbacks.

Mr. Howard said if you have a bigger site plan that will plot it out would you send me that in e-mail?

Mr. Kiplinger said absolutely.

Councilmember Cooksey said Mr. Moretz did I understand correctly that you are representing someone who could anytime now open up a car dealership on the eastside of Tryon across from that LYNX Station that we see on this map?

Mr. Moretz said that is correct. Basically we have the words LYNX Station there. We have that under contract right now. It is 30 acres zoned B-2 which allows auto dealerships as of rights.

Mr. Cooksey said I understand contract and all this kind of issue, but what level of certainty could this council rely upon in making this rezoning decision that it is not going to wind up, if it chooses to vote for the petition, that it won't wind up with an auto mall zoning west of IKEA Boulevard and a car dealership on North Tryon east of the station?

Mr. Moretz said Mr. Northey spoke to that to some degree, but I did speak with the property owner this morning and I said if we do agree to not go here and to go with Mr. Parks because we like his site, can you give me any commitment that there will not be another car dealer here? First of all, car dealers are required by law; really they can't move outside of a 2-mile range without a lot of legal issues. There are a limited number of dealerships that can do that in the first place. Second of all he assured me and said 99% certain I want to TOD here and I will be approaching the Council at some point in the future to discuss that. I want to do multifamily and retail at this site, it is perfect for it; they ought to flip the zoning on these two properties.

Councilmember Barnes said I want to address a few issues with this particular rezoning; first by saying that I had a meeting with Stuart Parks several months ago, a subsequent meeting with Sissy Parks and some of their people a few months after that and there is no doubt in my mind that they are good corporate citizens. The challenge I have is the vision that I have had for that part of the City and some of the issues that you all are aware of, for example when I first got on the Council, CMPD used to report to us that they were over 80 car dealerships between uptown and University City along Tryon Street. What I expressed to them was the concern about the proliferation of car dealership up Tryon Street, a point that I believe Mr. Howard was alluding to. They have not been able to resolve to my satisfaction anyway to prevent that from happening. Also if we think about the investment we are making in the CIP and the applied innovation corridor, our goal in the CIP was to actually change the complexion of North Tryon Street, change the uses to actually make it more in keeping with where we want to see Charlotte move into the future and from my perspective car dealerships aren't necessarily a part of that. I also think about the highest and best uses for this particular site and it is obviously within ½ mile of that station and my sense is not that a four car dealership auto mall is the best way to use the site. I'm no huge fan of what we could put there now, but I think that a creative plan that would incorporate TOD or TOD-M would be much more in keeping with where we want to see northeast Charlotte go. You guys recall a few months ago we approved a couple of student oriented housing developments there where one had 700+ parking spaces, the other had 500+ parking spaces and we began to wrestle with this idea of introducing urban uses in suburban areas and we are spending a billion dollars on the Blue Line so why should you have all the parking for the cars, but let them take the train and use alternative means of transportation. In this case I recognize that I-85 is near the site, but also recognize what we were trying to do and hoping to do through the CIP and through the small area plans with that part of Charlotte and it continues to be a struggle for me to envision a scenario where you have this auto mall built and have the potential for those two dealerships that Mr. Moretz talked about and the empty dealerships along Tryon Street that Mr. Howard talked about. I won't be in this seat next year and I may not be on this Council next year. It will be Greg Phipps' problem or Will Russell's problem, not mine, but if you ask me what I want to leave behind and what I want people to say, it isn't that I continue the proliferation of car dealership up North Tryon Street. The reason you all have helped me deal with the apartment issues in north Charlotte and some of those retail issues we've had is because you all recognize that we can do better. My sense is that even with this particular proposal we can do better.

Motion was made by Councilmember Howard, seconded by Councilmember Cannon, 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. 23: HEARING ON 2013-055 BY MARSH REALTY COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.47 ACRES LOCATED ON THE NORTH SIDE OF EUCLID AVENUE BETWEEN TEMPLETON AVENUE AND LEXINGTON AVENUE FROM O-2 TO TOD-MO.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a request for a TOD-MO zoning district and you can see the property is on Lexington Avenue at Euclid. It is shown as a variety of land uses including office. It has multifamily, single family residential adjacent to it. In terms of the request it is an O-2 to TOD-MO; the site will be developed for any uses that are allowed in the TOD-M district. They have asked for several optional provisions. There are limited encroachments within the certain setbacks; to increase the building height by 5-feet along Euclid and to increase the maximum wall or fence height allowed within the setback. As you can see some of the optionals apply to the full area that is proposed on the site plan and in the amenity area. In terms of this request, staff is recommending approval upon the resolution of the outstanding issues. It is consistent with the South End Transit Station Area Plan. It is ¼ / ½ mile walk of the Carson Boulevard Transit Station and all the outstanding issues related to this petition are technical in nature.

Keith MacVean, 100 North Tryon Street said Jeff Brown and I of Moore and Van Allen are assisting Marsh Realty Company with this rezoning petition. With me tonight are Jamie McLawhorn with Marsh Realty Company as well as Tom Wright with ... Moore Wright Architects. I'm going to turn the presentation over to Jamie so he can give you a little bit of background about Marsh Realty Company, then I will finish up.

Jamie McLawhorne, said I'm President of Marsh Realty Company and Marsh Properties which is our operating company which you may have heard of. We are a family owned real estate firm that was founded in Charlotte in 1925 and we've been owning and managing real estate since that time. Mr. Marsh started developing apartments in Charlotte in 1953 with the Sedgefield Apartments which are on Poindexter Drive, which we still own and manage today. We are known as a long-term holder of our property and our family takes great pride in providing homes for the residents of Charlotte.

Regarding tonight's petition, we are excited about the possibility to develop and manage an additional apartment community in the Dilworth Neighborhood. Our corporate office has been on Park Road in Dilworth for over 45 years and we are excited to build what we think will be a signature apartment building in the Dilworth Neighborhood to enhance the quality of life for an area we are already in. I want to thank the DCDA Land Use Committee with whom we've been meeting since January, as well as the residents of Templeton and Lexington Avenues for their willingness to meet with us to discuss the rezoning request. We appreciate their working with us to find common ground that our company and DCDA Land Use and residents could agree on a zoning change that everyone would be satisfied with.

Mr. MacVean said I want to take a moment to thank the Planning staff for their assistance with this petition. We have read the staff analysis and understand there are three minor site plan issues. We will be revising the plan and submitting that to the Planning Department by the end of the week. This request is consistent with the SouthEnd Transit Station Area Plan; it is 2.47 acre site zoned O-2, going to TOD-MO to allow the site to be developed as shown on the site plan subject to the optional conditions and the site plan that is attached. In terms of uses it could be a number of uses, obviously the Marsh Company is in the residential development business

and that is their intent, but the site plan would allow other uses to be developed on the site. It does commit to providing at least 1.3 spaces per residential unit and also commits to providing \$7,500 toward traffic calming on Templeton and Lexington, something the residents of those two streets felt we should try to address. There is some traffic from Dilworth and from South Boulevard going into Dilworth that uses those streets so we have provided some funds to help with traffic calming if the streets qualify for that.

Motion was made by Councilmember Howard, seconded by Councilmember Cannon, 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. 25: HEARING ON PETITION NO. 2013-065 BY WEEKLY HOMES LP FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.24 ACRES LOCATED ON THE SOUTH SIDE OF IVERSON WAY BETWEEN SOUTH BOULEVARD AND LYNTHURST AVENUE FROM R-5, B-2 AND O-2 TO UR-2(CD).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a request for a UR-2(CD) rezoning and is right at the edge of Dilworth. Ms. Keplinger pointed out the Lowe's Store located in Dilworth and said this property is right across the street and consist of three parcels. The proposal is to rezone this for multifamily development. On the site plan you can see there is recessed parking along Iverson Way. There is 22 multifamily units; 40-foot maximum building height; a 10-foot buffer for the adjacent R-5 property along Iverson Way. There is a possible future public pedestrian connection to Atherton Street. There is also a 30% commitment for all of the exterior building walls to be brick, stone or similar masonry products or other fiber cement board. There are restrictions on fences or walls; there are lighting restrictions and the density is 17.7 dwelling units per acre.

In terms of this request, the majority of the property is located in the New Bern Transit Station Area Plan which recommends transit supported development. A small portion of the property is located in the Dilworth Land Use and Streetscape Plan which is recommended for four dwelling units per acre. It is within ¾ mile walk of the New Bern Transit Station Area Plan. From a staff perspective we are recommending approval upon the resolution of the outstanding issues. We feel like it needs appropriate design orientation that needs some additional work to provide transition to the residential neighborhood and the remaining outstanding issues are technical in nature.

Walter Fields, 1919 South Boulevard said let me introduce Mark Gibs and Shannon Bowling with David Weekley Homes who are making a statement in Charlotte that I'm happy to be a part of. For years and years we've talked about the City growing and growing and now that we can't annex any more we have to grow back toward the center so infill is going to start to be much more important part of our development future. This is one of two cases tonight that David Weekley Homes is bringing to you for your consideration.

We are starting with a site which is predominately zoned for non-residential uses already. There is one lot that is R-5, but the remainder is zoned O-2 and B-2 and we are going to an urban residential district. This is in area that would support TOD zoning, but in our conversations with the community, they made it clear that they did not want TOD zoning on this property so we have worked with the staff and arrived at the UR-2 District as being the appropriate one for the location. We are consistent with the plans for the area and we have a few technical comments. I want to make a point about this rendering that you see behind me and on your screens. At the time that we had our site plan deadline for tonight's hearing we had not yet developed this particular design, but this is the design that we showed to the community and this is the design that we will be committing tonight to add to our application and make it part of the rezoning request. One of the staff comments relates to orientation of buildings on the site and it was in

their original staff write-up to us and we actually agree with them. We have buildings that orient to Iverson Way and we have some buildings in the rear and we took their advice and actually rearranged the buildings in the rear, but just to be sure we took our plan up to the Building Standards Department and had in particular the Fire Department review it and we were told by the Fire Department that the original plan that we submitted, they could approve, but the plan that the staff had asked us to look at, they would not. We are sort of between a rock and a hard place on that one so the plan that you see is one that meets all of the City's standards including the Fire Department. We will be working with the staff to refine these few remaining technical issues.

Councilmember Howard said what was the neighborhood's problem with TOD?

Mr. Fields said we had some early conversations with DCDA Land Use Committee and they had some concerns about TOD zoning in this particular area. Remember we are right across the street from the Lowe's Store. We were able to achieve the purpose that we were trying to achieve with the urban residential zoning. The TOD zoning is really designed for a much larger, more complex development than what we are proposing here and if you look across the street towards where the transit stations are, those multi-story buildings, that is really what TOD zoning is designed to accommodate. The neighbors felt it was inappropriate here and we don't disagree with them on that. This achieves our objective with a category that works with the urban districts but doesn't bring TOD zoning down Iverson Way into the community.

Mr. Howard said my only issue is that isn't this right across the street where Public's is going?

Mr. Fields said it is down the block from where Public's is going.

Mr. Howard said it is across South Boulevard from it.

Mr. Fields said right but we don't go all the way up to South Boulevard.

Mr. Howard said we are not consistent and I guess it is a good transition maybe, but if we are not consistent, that is what I've been talking about all night. If we are not consistent about TOD we are not going to get the density we are talking about along the transit line. We can talk about it off line. It looks pretty dense, but I would think filling back into South Boulevard that could be a lot denser and a lot of higher considering what will be across the street and a density that Lowe's has around its building.

Mr. Fields said I would agree with you this property toward South Boulevard probably does warrant a more significant density, but we are over the top of the hill going down into the neighborhood and we are in a transitional area.

Councilmember Pickering said our write-up mentions that these units will be for sale units. I just wanted to confirm that because we haven't seen that in quite a while.

Mr. Fields said yes mame, the housing market is coming back. Infill is the name of the game.

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

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

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ITEM NO. 26: HEARING ON PETITION NO. 2013-066 BY WEEKLEY HOMES LP FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.22 ACRES LOCATED ON THE NORTH SIDE OF SHARON VIEW ROAD NEAR THE INTERSECTION OF SHARON VIEW ROAD AND MOUNTAINBROOK ROAD FROM R-3 TO UR-2(CD).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this request is for 36 single family detached or single family attached units. The property is located on the north side of Sharon View Road. Phillips Place is located immediately to the north. We have had several townhome developments that have developed along Sharon View Road between the current proposed property and Sharon Road. You can see the adjacent multifamily and townhomes that have developed. There is a small area of single family residential that is remaining. In terms of the property the proposal is for 36 single family attached homes; proposed density of 6.90 per acre so it is relatively low density. There is a maximum 40-foot building height; there is a proposed private/shared driveway and you can see the building and lot layout. There is a future public street connection to the adjacent property which is still zoned single family residential. Staff is recommending approval upon the resolution of outstanding issues. This request is consistent with the SouthPark Area Plan recommendation for up to 12 units per acre. The outstanding issues are both design related and technical, but we are still working with the petitioner to resolve those.

Walter Fields, 1919 South Boulevard said again David Weekley Homes is excited about this infill opportunity as well as the last one we just dealt with. This is a little bit larger site in an area with slightly lower density. This would make this one of the lowest density communities up and down that portion of Sharon View Road. This is 36 units split roughly half and half between single family detached and single family attached. The detached homes will be on the front portion of the site. They related to Sharon View Road and the attached homes would be in the rear of the site back towards the back side of Phillips Place. We are working through a couple of design issues with the staff. One I want to talk about specifically which was sort of a late arriving comment. We understand the reason, but the staff has asked us to consider creating some sort of connection through this property, eventually to connect to Phillips Place. There are some topographic issues with that and there are several other things that I think would make that a difficult situation for us to figure out how to accommodate, but more importantly, dating all the way back to the beginning before anything was here and Phillips Place was actually still on the drawing board, there has been a commitment from the Phillips family and from the developer of Phillips Place Development not to create a connection through the property between Fairview Road and Sharon View Road. This has been a long standing commitment and if you look at all the developments that have occurred along there, there is no connection and Phillips Place is not designed to accommodate a connection. Where we adjoin Phillips Place to the rear there is a stream and then there is a very large lake that is part of their storm water detention facility. We are going to talk some more with the staff about that but there is some history that goes along with that and the relationship that the Phillips family has had to this property for years and years. That is something we are going to need to work on with staff.

The rest of the issues I think are technical in nature and I don't think we will have any problem with the staff. I do want to point out we are having a really good conversation with the South Hill Community, which is the townhome development just to our south so we share a common boundary with them. I've been communicating with them and we've sent them some additional plans and additional information. We are trying now to set up a meeting with a small group to focus on edge relationships. There are areas that we have identified on their site where they have no trees whatsoever and we are looking at ways to actually put trees on their property to create a screen that they don't have today. In other areas in our site more towards the rear where we will be removing some trees is to reestablish the tree canopy that is there now with a mixture of evergreen trees and fast growing deciduous trees. We are trying to set that meeting up now and if we can get that done in time to get it to the staff in our plan on Friday we will and if now we will continue to work on that until we resolve that issue with the South Hill Community, they have been very supportive.

Councilmember Dulin said I think this is a pretty good project. It is the last piece of farm property at SouthPark and the Phillips family live there and it is a beautiful piece of property, but it cannot stay farm any longer and if were going to be developed, I've gone over this project many times and I think it is a good project. Unless something wild happens in the next month I look forward to supporting it.

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

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

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ITEM NO. 27: HEARING ON PETITION NO. 2013-067 BY WITHROW CAPITAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 18.95 ACRES LOCATED ON THE WEST SIDE OF NORTHLAKE CENTRE PARKWAY NEAR THE INTERSECTION OF MADISON SQUARE PLACE, NORTHLAKE MALL DRIVE AND NORTHLAKE CENTRE PARKWAY FROM R-3 AND BP TO UR-3(CD).

The scheduled public hearing was held on the subject petition.

Sonda Sanders, Planning said this petition is 18.95 acres located on the west side of Northlake Centre Parkway. The property is currently zoned R-3 and BP and the proposed zoning is UR-3(CD). The property is currently vacant. There are single family and multifamily uses to the north across I-485; to the south there is multifamily and retail uses, mainly Northlake Mall. This petition seeks to allow 416 multifamily apartments at a density of 22 dwelling units per acre. Access to the site will be provided off of North Lake Centre Parkway. The site plan sets up a provision for a future connection to the north. There is a 50-foot Class C buffer abutting the R-3 to the northwest which may be reduced to 37.5 feet with a fence and there is a 100-foot SWIM buffer that will be dedicated and conveyed to Mecklenburg County. Elevations have been provide and the site plan stipulates that a minimum 30% of the building exterior will consist of masonry products, hardi-plank and/or fiber cement board. Vinyl as an exterior building material has been prohibited. The building height is limited to four-stories along Dixon Branch and six-stories elsewhere on this site.

The petition is consistent with the Northlake Area Plan which recommends a mixture of land uses consisting of residential, office and/or retail. The outstanding issues are technical in nature. Staff does recommend approval of this petition upon resolution of outstanding issues.

Walter Fields, 1919 South Boulevard said representing on this occasion Withrow Capitol and their petition for the rezoning of this property and I'm hoping that we can put the map up that shows all the area around there because I think that is instrumental in talking about this site. This is an area that was recently studied as part of the Northlake Small Area Plan. All of this property north of the mall on both sides of Northlake Centre Parkway all the way up to the Huntersville City Limit line and I was involved in that process along with the property owner and out of that came a very high expectation for the area around Northlake Mall in the future. Because the mall is there, there is already a significant retail presence, the plan looks toward adding residential, adding employment and adding other surface uses in the future. This is really part of a large tract of land as sort of the first element of a piece of property on the west side of Northlake Centre Parkway which fits in with that small area plan expectation. This will be part of a larger development that will include a mixture of uses; the first phase just happens to be multifamily. This is about a 19 acre site and you can see it is part of a very large area that is designated for mixed use. If you look on the site plan you can see the area that we are proposing to rezone is cross hatched, but you can see the extent of the remainder of the property which will come in with other petitions at a later date. In working with the staff on this we have set up the development for extensions to the future portion of this same site and we have finally found a way to open up access to properties which were actually land locked by the construction of I-485 on Forest Drive. A lot of the property owners in Forest Drive were very appreciative and interested in this coming their way because otherwise they had no way of getting in or out.

We are working on some issues with the staff in terms of refining more specifically building relationships, defining edges along streets, defining percentage of street frontage that would be composed of building. We had some earlier ideas about trying to create some flexibility, but we actually met with the staff just 10 days ago at their request and had a really good meeting. We are applying a lot of the details of this plan so when it goes forward it is easier for everybody to

understand and everybody to administer. We have to add some comments from C-DOT about some turn lanes and things of that nature, but the bulk of these staff comments are technical in nature and I feel certain we will be able to work all those out by the time it gets to the Zoning Committee.

Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, 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. 2013-068 BY WFG ASSOCIATES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.15 ACRES LOCATED ON THE WEST CORNER AT THE INTERSECTION OF EAST WORTHINGTON AVENUE AND CLEVELAND AVENUE FROM TOD-R(CD) TO TOD-R(CD) SPA.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a TOD-R conditional district site plan amendment. That is what all the acronyms stand for. In 2006 this property, which is located at the corner of Cleveland and Worthington Avenue was rezoned to allow 80 condominiums. At that time the conditions included that the buildings be 5-stories; the parking structure would be below the building and the parking would be 1 space per bedroom. Switch to today, they are asking for a Site Plan Amendment, instead of 80 units they are requesting 33. It is a density of 30 dwelling units per acre which is still consistent with the recommended 20 units per acre in the TOD District. They are proposing on street parking; planting strip; sidewalk along Worthington and along Cleveland Avenues. Staff is recommending approval. It is consistent with the SouthEnd Transit Station Area Plan. It reduces the number of units and the height. It provides a transition from more intense development along South Boulevard and the light rail to the neighborhood and they are no outstanding issues.

Cynthia Schwartz 409 Rensselaer Avenue said I co-chair the Dilworth Community Development Association Land Use Committee. While the DCDA has been in discussion for several months with two other petitioners on two other projects you've already heard tonight, this is not the case as it relates to the zoning petition before you now which was filed by WFG Associates, therefore as is our policy, the DCDA has no choice but to oppose the proposed rezoning since the petitioner has not made any effort to present the proposed project to the DCDA and work with the neighborhood on any potential issues that may exist. I understand that Ms. Fields is a relatively new developer but she has been before the DCDA Land Use Committee on prior occasions as it relates to a project currently under construction. It is difficult for us to understand how she would not have known the process. Further, I did speak to Mr. Kinley in the Planning Department and he gave me the impression that the Planning Department had made her aware of the DCDA and her need to work with us. With that said if it is amenable to the City Council, I would like to propose in lieu of opposing a project that the DCDA knows so little about, we would instead request that the public hearing not be closed, as I understand may be possible, and instead be left open until the petitioner is able to come before the DCDA Land Use Committee to present the project and work with the neighborhood to resolve any potentially objectionable aspects of the proposed project. We have a meeting on Wednesday which the petitioner is more than welcome to present, otherwise our next DCDA Land Use meeting is on the 16th of October and as I understand it both of those meetings are before the next City Council Zoning meeting. We respectfully ask that you not close the public hearing on this matter to allow ample time for the petitioner to work with the DCDA towards what we hope will be another amiable solution.

Mayor Kinsey said is the representative of the petitioner here? I do not see one.

Terrie Hagler-Gray, Assistant City Attorney said if you have a question about whether the hearing could be continued, Ms. Keplinger was just reminding me that we have your lame duck

rules in place so you could continue the hearing until October, but there would not be a decision until December.

Mayor Kinsey said that is a little bit worrisome because we will have new members on Council so we are sort of in a pickle here.

Councilmember Howard said I have a lot of respect for the Dilworth Community and I'm worried about the precedent of just stopping it because if you had issues about the petition I would love to hear those about the site plan. Why not just close it and let them take a chance at it.

Ms. Schwartz said I'm actually concerned that she is not here. There has been no presence on their behalf in the neighborhood and now not in front of City Council. I would love to have this resolved and be able to say by the next month that we would have no opposition of any kind and the vote would be non-objectionable at all to the neighborhood. I think that would be advantageous for everyone involved, but without her here I think it raises a big question for me as to her involvement and willingness to achieve our goal.

Mr. Howard said the way I would take that, that means next month on our vote I will take that into consideration. I'd prefer to do that than to leave it open and cause whatever this ripple effect is and if she wants to defer and you guys want to defer next month – just let the process go and not leave it open. That way it is clean – we close the public hearing, move on and if for some reason there is still problems we can defer next month.

Mayor Kinsey said we don't do it often, I know we have done it but I don't remember the last time we did it. I'm a little concerned the petitioner isn't here particularly since she is aware of how the Dilworth Association works. I'm a little surprised and I've had no communication with her at all. Mr. Maddalon, have you?

Councilmember Maddalon said no.

Councilmember Dulin said I would feel more comfortable if we close the hearing and keep to our standard process.

Motion was made by Councilmember Dulin, seconded by Councilmember Howard to close the public hearing.

Mr. Dulin said the Dilworth Neighborhood and the petitioner, it sounds like the petitioner is going to have to get off the couch and get to work, but I would like to keep it in front of the work that I've got in front of me now and we can best do that I think by closing the public hearing tonight and moving it forward. If the petitioner doesn't get together with you all, this Council can vote it down.

Mayor Kinsey said I do think it is a problem if we heard it next month and this Council did not make the decision. I could go any which way.

Mr. Maddalon said I would be inclined to be very sympathetic to DCDA's concerns on this. I have heard from the community association and they have been very active with a number of rezoning petitions lately and they have reached out to this petitioner and they haven't heard back. It does give me concern. I think if there is a commitment on behalf of the Council to take that into consideration, if and when we get to the approval stage then I would be inclined to close the public hearing, but otherwise I would like to do whatever I can to keep DCDA options and their leverage to weigh in. I ultimately think that this is going to be an acceptable project to DCDA and I do understand and they have every right to have wanted to have an audience with this petitioner and they have not been able to get that which gives me heart burn.

Councilmember Cannon said staff, has the petitioner been open with you through this process?

Ms. Keplinger said I personally have not been dealing with the petitioner, but when I talked to Ms. Schwartz about not having contact with the DCDA I did check into that. Ms. Schwartz was on the mailing list that we provided the petitioner which means that she did get our notices that we sent out. I also called the petitioner and left her a voicemail message indicating that DCDA was concerned that they had not heard from her and asked for a return phone call and I never heard back from her. She may have contacted one of my other staff members but she did not contact me.

Mr. Cannon said I would like to assume that she is going to reach out at some point to be in contact with someone along the way. This obviously has to go before the Zoning Committee and I would assume that she will show up for that.

Ms. Keplinger said she did have a community meeting and at that community meeting she did have seven people in attendance.

Councilmember Cooksey said I noted on our report there had been the legally required community meeting and seven people showed up, but Ms. Keplinger covered that.

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

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

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ITEM NO. 30: HEARING ON PETITION NO. 2013-070 BY LIBERTY HEALTHCARE PROPERTIES OF MECKLENBURG COUNTY FOR A CHANGE IN ZONING FOR APPROXIMATELY 17.48 ACRES LOCATED ON THE SOUTH SIDE OF PROVIDENCE ROAD WEST BETWEEN OLD ARDREY KELL ROAD AND COMMUNITY HOUSE ROAD FROM INST(CD) TO INST(CD) SPA.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is an institutional conditional district sire plan amendment. Back in 2011 Liberty Homes came before the Council and asked for a rezoning to allow a skilled nursing facility. It had 120 beds of dependent living and 168 of senior independent living. The property is located on Ardrey Kell and Providence Road West. You can see the area before construction began and they have actually started construction now. The proposed request will increase the number of units allow in the independent living building from 168 to 178 so it is 10 additional units. Ms. Keplinger pointed out where it adds covered parking and where the addition is located. It clarifies that the dwelling units in the independent living building can be a combination of or one of independent living units, assisted living units or multiunit housing with services. It removes the condition that construction can only enter off of Providence Road West so it does allow construction traffic to enter off of Old Ardrey Kell Road which as I understand they are currently doing. She pointed out the elevations of the new additions and the carport additions. Staff does recommend approval upon approval of the outstanding issues. It is consistent with the South District Plan. It is a small increase in the number of units which fills the gaps between the two wings that were previously approved and the outstanding issues are technical in nature.

John Carmichael, 101 North Tryon Street said I am representing Liberty Healthcare Properties of Mecklenburg County, LLC. Doug Whitman, of the petitioner, Phillip Hobbs, the petitioner's landscape architect are with me to night and they are available to answer any questions that you may have.

The skilled nursing facility that is being constructed on the site will contain a maximum of 120 beds. It is almost complete and the petitioner is currently constructing the intersection improvements to Providence Road West and Old Ardrey Kell Road that are required in connection with the prior rezoning that you approved in 2011. The 168 unit senior independent living building is also currently under construction but it is not nearly as far along as the skilled nursing facility. There has been a great deal of demand for the product and that is why we are

here tonight. They want to add 10 units to the building and by doing that they also have some room for some additional amenities within the independent living building. They also want to add covered parking in certain areas, basically carports because they have discovered that there is demand for that sort of parking. All the parking spaces will not have the ability to have covered parking, but there will be some along the south side. They also want to clarify that in the independent living unit building, which there could be 178 if this petition is approved, they will consist primarily of independent living units, but there could be some assisted living units and some units known as multi-unit services units. If you have any questions about that Mr. Whitman is going to talk about that. They also wanted to have the construction entrance on Old Ardrey Kell Road and folks here can answer questions regarding that as well. There are two outstanding site plan issues. I met with Mr. Kinley in the Planning Department about 35 minutes ago and we resolved those. They are very minor and deal with some labeling issues in architecture, but we resolved those and I would appreciate the Planning Staff's support.

Councilmember Cannon said the intersection improvements that are going to occur, when is that going to began and when will it be completed?

Mr. Carmichael said they are underway as we speak but I will get Mr. Hobbs to answer your question.

Mr. Cannon said a nice oak tree has been removed that was right in the middle.

Phillip Hobbs, 2320 West Morehead Street said in terms of the intersection improvements and when they will be finished; we think within a matter of weeks. They are making good progress on it now. There was some delay in getting started, acquiring properties and such, but it is now full speed ahead.

Mr. Carmichael said it has to be completed before they can the certificate of occupancy for the skilled nursing facilities which is almost done.

Mr. Hobbs said we hope to open the skilled nursing facility in late fall so the intersection improvements have to be done before that happens.

Mr. Cannon said the covered parking garages which you said would be to the south so is that going to be on the Old Ardrey Kell side?

Mr. Carmichael said it will be to the rear of the building. It will be carports, it won't be garages.

Mr. Cannon said so those will be on the back side of where the homes are?

Mr. Carmichael said there will be surface parking closest to the homes and closest to the 50-foot buffer and then closest to the building will be the carports.

Mr. Cannon said so what we are talking about is basically an add on to what is already been approved by this body, correct?

Mr. Carmichael said that is correct.

Mr. Cannon said relative to the number of trips that will be generated; I'm looking back at what the current zoning was. Staff, are these old numbers from the last rezoning? You have a current zoning of 915 and then this proposed would generate another 940. Are those the old numbers from the last rezoning petition?

Dennis Rory, C-DOT said the 915 that you see reflects the trip generation for the rezoning that occurred in 2011 and the 940 would represent the current petition that is before you. It reflects the 10 unit increase in the senior living facility.

Mr. Cannon said did I hear you say that you wanted to have an entry point on Old Ardrey Kell as well:

Mr. Carmichael said right now there is an approved entrance from Old Ardrey Kell for the senior living units and from Providence Road West. Under the current zoning the construction entrance is required to be located off of Providence Road West so they want the ability to use Old Ardrey Kell Road for the construction entrance for the independent living building.

Mr. Cannon said I don't see it in the write-up but I assume there are no public safety issues with that given how close the intersection is to where they will be coming off of Old Ardrey Kell onto Old Providence Road West.

Ms. Keplinger said I am getting a nod from C-DOT saying that there are not.

Motion was made by Councilmember Cooksey, seconded by Councilmember Cannon, 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. 32: HEARING ON PETITION NO. 2013-073 BY EASTWAY II HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.47 ACRES LOCATED ON THE WEST SIDE OF EASTWAY DRIVE AT THE INTERSECTION OF EASTWAY DRIVE AND BISCAIYNE DRIVE FROM B-1SCD TO B-D(CD).

The scheduled public hearing was held on the subject petition.

A protest petition has been filed; its sufficiency is to be determined.

Tammie Keplinger, Planning said the B-1SCD is an old zoning district prior to our current ordinance from 1993. It stands for business shopping center district. The request tonight is to go to distributive business conditional district. Most of you will recognize this property at Central Avenue and Eastway Drive, this is the former Wal-Mart Building. The request is to take approximately 3.74 acres that includes a portion of the former Wal-Mart Building. If you follow on the site plan you can see the area in purple that shows exactly what is proposed to be rezoned by this petition. The area highlighted in the blue/gray is the building area within that land area. The proposal is to take about 52,000 square feet of the existing 121,000 square foot building and convert it to self-storage. This will be the only use that is permitted on the site. There are buffers that are adjacent to the residential property. This is zoned R-9(CD) and that is not being rezoned. It is 100-foot buffer which will remain. Along this property line there will be a 43-foot class buffer adjacent to the residential properties. In terms of this proposal it is inconsistent with the Central District Plan with a recommendation for retail uses, but the proposed land use adheres to the District Plan's intent of maintaining an active existing retail center. The adaptive reuse of the vacant retail building will help prevent deterioration and help maintain the life of the shopping center and there are no outstanding issues.

John Turner, 674 Colville Road said we are making one slight modification to the proposed plan in front of you and there should be a hand-out that each of you have. We are proposing to reduce the amount of land and square footage in the existing building that we are proposing to rezone by approximately $\frac{3}{4}$ of an acre or 10,500 square feet. In essence have a clear demarcation line, one line that bifurcates the rezoned portion of the property and that is what you have before you. We think that is simpler and is a plan that will work for us and we also think it will be viewed favorably by our neighbors and also by staff.

Councilmember Howard said there is something in the building now?

Mr. Turner said Wal-Mart vacated and we have a new tenant called Chef Store which is in currently in place and they are currently expanding as well.

Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, 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. 35: HEARING ON PETITION NO. 2013-064 BY CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 14.44 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF NORTH TRYON STREET AND TOM HUNTER ROAD FROM B-2 TO TOD-M.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a request to rezone from B-2 to TOD-M. This is the Parks Chevrolet site located at Tom Hunter and North Tryon Street. You can from the aerial the property that is involved and how it is currently developed. Staff recommends approval of this request. It is consistent with the Blue Line Extension Transit Station Area Plan and the petition will allow all permitted uses in the TOD-M.

Martin Zimmerman, 1616 Bonnie Lane said this is conditional upon approval of the auto mall. Let's be very honest about this. In other words if the auto mall passes this goes TOD, if the auto mall does not pass it does not to TOD.

Ms. Keplinger said the petition that was submitted did say that this petition is conditioned on the other rezoning, but that is not something that we can legally do. This stands on its own merit.

Mr. Zimmerman said I'm in favor of TOD zoning as long as it is not conditional upon the auto mall. Let's get TOD zoning on this corridor; it is plain and simple. I totally support the substance of Councilmember Barnes' statement earlier this evening. We must stop dealerships from being on this corridor. This corridor has to go TOD plain and simple. We need four more station area plans for University City and you folks need to review those plans; you should put this stuff on hold until you get those station area plans done for University City. To me it is pretty obvious; maybe I'm missing something. I'm in support of this as long it is not conditional upon the rezoning of the auto mall.

Stuart Parks, 223 Plymouth Avenue said I'm here to answer any questions and I'm representing the property. In response to some extent to Councilmember Howard's comments earlier, when we moved into the facility more than 30 years ago it was an adaptive reuse condition. I think moving forward a lot of what we are talking about here has to do with market timing and getting the station and figuring out how do we attract highest and best use to the corridor and a lot of questions and trying to move forward had to do with completion of the Blue Line and looking at options that people have as the project moves forward. I think there were a lot of questions along North Tryon Street of existing businesses and other people and they obviously will be answered as the project moves forward. We think there is a great future there and a lot of opportunity there for other uses adjoining the station. We've committed to the 14 acres to contribute to the community; contribute to Hidden Valley. We just have to see what happen with the train to figure out how that is going to play out over the next 5 to 7 years.

Councilmember Barnes said I wanted to make a statement about something that Mr. Zimmerman said and some of the complexities we are dealing with. If you all had a clue about the uphill climb this Blue Line Extension is and figuring how to decouple and couple certain issues, figuring out how to deal with a lot of the impacts on businesses and residences along the corridor, it is quite an experience for me and I know it is 10 times worse for our staff people. We are working on addressing the need for TOD zoning along the corridor. There are a number of things that are happening that haven't become public yet. There are a number of things we are doing that are public, for example we've done the station areas for University City. They are

being laid out now and I wish I could tell you and some other people that all the T's have been crossed and all the I's have been dotted. They haven't been, but the paper is on the table and the pens are laid out. We are about to start doing it and what happens at the Parks Chevrolet site could be a great thing for both the Parks Family and the University City area and northeast Charlotte, but it is going to take a bit of additional work and a bit more of a push to make it all happen, but it is all going to happen. In other words what I'm saying to you is that I think there is a shared vision between elected officials and our staff to see some of these things implemented in the way that the Parks Chevrolet folks as well as you Mr. Zimmerman want to see. It is just that we have to go through this process of codifying certain things and having public hearings and having stakeholders groups all this business to get it done. I think it will be Mr. Phipps' issue or his opponent's issue, but at the end of the process 5 to 7 years from now you will see that we have tried to do what it is that people expect us to do. I see Ms. Campbell shaking her head and some of my colleagues shaking their heads also. We are trying and I think people will be pleasantly surprised in a few years with what they see.

Mayor Kinsey said none of it happens over night unfortunately. It takes a long time.

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

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

ITEM NO. 36: HEARING ON PETITION NO. 2013-074 BY CHARLOTTE MECKLENBURG PLANNING DEPARTMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.24 ACRES LOCATED ON THE EAST SIDE OF SOUTH BOULEVARD NEAR THE INTERSECTION OF RENSSELAER AVENUE AND SOUTH BOULEVARD FROM B-1 TO TOD-M.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said the only thing I can add is that the request is consistent with the SouthEnd Transit Station Area Plan and staff is recommending approval.

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

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

ITEM NO. 37: HEARING ON PETITION NO. 2013-076 BY CHARLOTTE MECKLENBURG PLANNING DEPARTMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.19 ACRES LOCATED ON THE WEST CORNER OF THE INTERSECTION OF SOUTH CHURCH STREET AND WEST PALMER STREET FROM I-2 TO TOD-M.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is consistent with the SouthEnd Transit Station Area Plan.

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

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

ITEM NO. 38: HEARING ON PETITION NO. 2013-078 BY CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT FOR A CHANGE IN ZONING FOR APPROXIMATELY 60 ACRES GENERALLY SURROUNDED BY WILKINSON BOULEVARD, MARSHALL DRIVE, SHORELINE DRIVE, I-85 AND VIRGINIA CIRCLE FORM R-3 AND B-2 TO I-2.

The scheduled public hearing was held on the subject petition.

Motion was made by Councilmember Cannon, 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. 7: MAYOR AND COUNCIL TOPICS

Councilmember Mitchell said I just want to remind the citizens that the Novant Health Thanksgiving Day Parade is having their first community meeting on Wednesday, September 18th at 2:30 at the Charlotte Convention Center. We are asking all interested parties who want to be a part of the Novant Health Thanksgiving Day Parade to please attend. If you want to park at the NASCAR Hall of Fame there is a \$3.00 off coupon that will be provided. We invite the community to come out and start planning to make sure our parade is a success.

ITEM NO. 8.5 CLOSED SESSION

Motion was made by Councilmember Barnes, seconded by Councilmember Cooksey and carried unanimously, pursuant to NC General Statute 14-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling or settlement of the case of City of Charlotte v. The State of North Carolina and Charlotte Douglas International Airport Commission, 13-CVS-12678.

The meeting was recessed at 8:11 p.m. to go into closed session.

ADJOURNMENT

The closed session was completed at 9:02 p.m. and the meeting was adjourned at that time.

Stephanie C. Kelly, City Clerk

Length of Meeting: 4 Hours, 16 Minutes
Minutes Completed: October 11, 2013