

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, May 19, 2014 at 5:19 p.m. in Room CH-14 of the Charlotte-Mecklenburg Government Center with Mayor Dan Clodfelter presiding. Councilmembers present were Al Austin, John Autry, Michael Barnes, Ed Driggs, Claire Fallon, David Howard, LaWana Mayfield, Greg Phipps and Kenny Smith.

ABSENT: Councilmembers Patsy Kinsey and Vi Lyles.

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REVIEW OF AGENDA

Tammie Keplinger, Planning Department said we are going to talk about the review of the agenda, and then we are going to go over the follow-up report from last month, rezoning petitions with special interest and Text Amendment, Area Plan update. We will start with the Agenda Review and you will notice the first block of items is items that are deferred or withdrawn. Item No. 3 is Petition No. 2013-102, by Wajahat & Ferah Syed, one month deferral to June 16th. Item No. 4 is Petition No. 2014-013 by Hawthorne Retirement LLC, requesting a deferral until June 9th. The reason for this is that they have a sufficient protest petition and we don't have all Councilmembers present tonight. We will not have all Councilmembers present next week so the next meeting on which they can get on the docket would be June 9th.

Councilmember Driggs said I just wanted to ask are we going to vote tonight on whether or not to refer it to the Zoning Committee?

Ms. Keplinger said we would like for you to go ahead and vote tonight on whether you want to go with the change that has been made after the Zoning Committee decision is significant. If you decide that it is and that it should go back to the Zoning Committee we can do that in the interim before June 9th.

Mayor Clodfelter said the motion we will need to consider is if anybody wants to move to defer; well under the Council's policy it would be referred back to the Committee, right; because the change occurred post recommendation.

Ms. Keplinger said it would be referred back unless there is a ¾ vote not to send it back.

Mayor Clodfelter said if you don't want it to go back to the Zoning Committee we will need a motion not to send it back to the Zoning Committee and then defer it to June 9th.

Mr. Driggs said our procedure is ¾ of those present or is it 9 votes?

Ms. Keplinger said it is ¾ of those present.

Mr. Driggs said and you will clarify for us that the actual change, the question has to do with tree save?

Ms. Keplinger said it is actually noted in the agenda and the actual note is in there, but I will be glad to read that.

Mayor Clodfelter said the referral vote goes on a majority vote, correct; so maybe we can take them as two motions. Why don't I look to sort of figure out which motions you want to make on this one.

Mr. Driggs said the deferral can be taken in the batch with the others.

Ms. Keplinger said this one actually has a special date of June 9th; the others are either deferred to June 16 or July so this one is a little special and probably should have two motions technically.

Mayor Clodfelter said we've got different dates on these deferrals too, so I don't know that it is any more efficient than to just do them separately.

City Manager Ron Carlee said I appreciate the concern about all members not being here but there is no assurance that everybody will be here in June either or July of any future meetings.

Ms. Keplinger said I have actually talked to the petitioner about that and he is aware of that; tonight we have two Councilmembers that aren't present. They may decide that with only one absent they will move forward, but we will revisit that for June 9th.

Mayor Clodfelter said as far as the withdrawal, we have to vote that out too right?

Mr. Keplinger said Item 5, Petition No. 2014-014 by Sam's Real Estate Holding, Georgia, LLC is a withdrawal. It has been advertised so the Council does have to vote to allow that withdrawal, and there is a Protest Petition on that. Item No. 6, Petition No. 2014-019, by Charlotte- Mecklenburg Planning Department is one of the District 4 corrective rezonings at Mallard Creek and Salome Church Roads. We are still working with the property owners so we are requesting a two month deferral. Item No. 7, Petition No. 2014-021, by Charlotte-Mecklenburg Planning Department is a Text Amendment on the Mobile Grocery Stores; this is a deferral of the decision for one month to June 16th.

Councilmember Mayfield said this question is really for Ms. Campbell; is there any opportunity or chance to defer Item No. 7 to July instead of June. I know I'm going to miss that one and I've put a lot of work into the Mobile Grocery Store so would that cause a conflict?

Planning Director Debra Campbell, said no, I don't think so.

Mayor Clodfelter said when it comes up; I'm going to write your name down and if you will make the motion to defer it to July 21st I'll just recognize you.

Ms. Keplinger said Item No. 10, Petition No. 2014-031 by Wilkison Partners, LLC requesting a one month deferral. This does have a protest petition that is sufficient. Item No. 15, Petition No. 2012-090 by Charlotte-Mecklenburg Planning Department, this is a Text Amendment relating to the Board of Adjustment, a hearing requesting a two month deferral to July. That is all the deferrals and withdrawals. Item No. 2, Petition No. 2013-090 by Charlotte-Mecklenburg Planning Department is the Text Amendment for Eating, Drinking Establishments. This petition has already had a public hearing but staff has made quite a few changes to it and we took it back to the Zoning Committee and they decided that we need to have a new public hearing so we are bringing it forward to you tonight to ask you to call for a new public hearing on this case for June 16th. Item No. 9, Petition No. 2014-030 by Golden Triangle #2 is a decision for the hotel and residential units at Metropolitan. Last month we weren't sure about the protest petition but the Attorney has determined that the protest petition is not sufficient.

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FOLLOW-UP REPORT

Ms. Keplinger said Petition No. 2014-028, Lat Purser & Associates is a case that you have a decision on tonight and that is the case at Hedgemore and Abbey Place right off of Montford Drive and Park Road. There were several questions and one was about the height. You recall this building is proposed to be about 66 feet in height so the question was under the current O-1 zoning what height we achieved on that site. There are two ways that the height could be achieved; you could move the entire building, and have one building that is one height or you could do what we call a wedding cake or tier effect. If you have the building that is one building that is all the same height and you pull in all the setbacks and follow what the ordinance does then you can have a building up to 70 feet of height on that site today as it is. If you follow the tiering process you could have a building that could be up to 150 feet in height. So, to put that in perspective again the request is for a building that is 66 feet in height. That was one of the questions that Council asked. The Council also asked about traffic counts and I will ask Mike Davis to come up and talk to you about that, but skip over that just for one second and I'll talk about the flooding issues because there were some questions about that. Storm Water Services has reported that they have not had any opened or closed cases right around this property on this

side of Hedgemore and Abbey. They have had concerns over on Wakefield which is across the creek, over at the residential apartments and all those cases have been closed.

Mike Davis, CDOT said the main question I was trying to respond to is just we provide data on any given rezoning petition and try to predict how much new traffic will be added by the development as compared to what could be done by right. We've got a table here that kind of gives some of that information, but the question was to put that in context for how much traffic is already on Abbey Place and Montford Drive. The way that all breaks down is if this development goes forward with that traffic applied to either one of those streets you would see about a 19% increase in traffic on Abbey and about 7% on Montford. We did some additional field observation following the public hearing and did confirm some of what we heard the speakers talk about that night in terms of there are gaps in the sidewalk, there are improvements needed in street lighting over time. Some of that will happen through your redevelopment and some of it will probably have to happen through some capital investment where we fill in gaps in the system. The last thing I will mention is that we have had some interest and we're just not there yet, but to potentially signalize the intersection of Montford Drive and Woodlawn Road; there is not an accident pattern that supports doing that today. The traffic volumes are not high enough, but my guess is will see continued redevelopment in that area over time and at some point that will probably be warranted.

Councilmember Driggs said I'll just ask you a general question. When we look at these trips it is kind of hard to translate them in some applications to actual delays at intersections, so if you also consider how much longer it takes to get through there as opposed to just the number of cars.

Mr. Davis said we do, it varies a lot based on the sort of situation; whereas in this case we are talking about a project that sort of is not right on top of any one signalized intersection. We can usually make those kinds of predictions at the signalized intersections like Park Road and Woodlawn Road; I don't have that information for you now. I can tell you that intersection during morning and pm peak hours does experience what we would grade as an F level of service already. That is not uncommon. A lot of intersections around the City are over congested. It is a question of how long we experience that so often times we will talk about and actually on the next follow-up response I would like to get into this if you would like me to, but a lot of times it is not a question of are we failing, it is how much are we really spreading that peak out and what options do people have for mobility. And I would say in general about in this area that I do expect we will see continued redevelopment and I think the key from a transportation ability perspective has got to be can we accommodate that or accomplish that in a way where there is enough mixtures of uses, or people make shorter trips and they maybe have some choices that don't require that they go through those congested intersections.

Mr. Driggs said I'll just tell you I get challenged about this as you know from my past conversations and what my history is, so just my general comment.

Councilmember Smith said if you ever need your District Representative to do field recon with you on a Saturday night on Montford, please call. All joking aside I think the light at Woodlawn and Montford. I think some of traffic accident patterns may be a little misleading because it is almost so prohibitive, the dangerous turns turn left and it is almost prohibitive to turn left off of Montford onto Woodlawn and so hopefully that is not going to stay on and push forward.

Mr. Davis said I think that is true; if we were to win we would eventually signalize that intersection and my predictions is you would see more left turns occurring.

Ms. Smith said yes, just from practical experience, I never turn left off of there because it is just not safe.

Ms. Keplinger said 2014-030 by Golden Triangle #2 which is the Metropolitan. There were several questions asked about is Metropolitan Avenue a private street which runs through the center of the complex and what percentage of maintenance costs does the Homeowners Association pay. We were able to find out that it is a private street and each member of the Homeowners Association pays a fixed fee annually and although we didn't get those amounts, they were not disclosed, the Manager says there is no way for them to determine how much of

those fees goes towards the maintenance of the street, but they do take care of it on as an needed basis.

Councilmember Fallon said do the stores contribute to it?

Ms. Keplinger said yes ma'am they do.

Ms. Fallon said they may pick up the majority of it.

Ms. Keplinger said yes ma'am from my understanding that is correct. There were also some questions about trip generation so I hope Mike didn't go far.

Mr. Davis said as I understood the question on this one, it was really directed at a couple of things; maybe it was all about access. But to kind of lead you through what I take from some field analysis and the data that we have on hand, for anybody that has spent any time around the Metropolitan area you will know that the Kings of Charlottetown intersection does experience significant congestion. It is concentrated really around the lunch peak; there is a lot of activity in the retail area and then you see congestion again peaking right around 5:15. It is significant; you will see huge back-ups in several directions. There is a map included that show where we've observed and known for a while where that queuing really occurs. We are able to manage that traffic; that is not an issue and I mentioned a moment ago that there is a question of how long you experience congestion and thankfully the intersection congestion right now is not that significant in terms of its duration. It is a strong peak at lunch and again in the afternoon, but what I wanted to kind of put on the table like this one is a couple of things, the access that was talked about a lot during the hearing is really pretty well removed from this location. The development itself will create traffic, and it will add. Some of those trips will be located in that congested intersection. It is not going to make it worse, it may add to the length of duration of that congestion, but I also wanted to kind of talk about just from the perspective of how we created the Metropolitan development over time. When we dealt with the early phase of that development we did recreate connectivity over to Kenilworth with the Charlottetown connection, made improvements along Kenilworth and also reconstructed the Pearl Parkway Bridge, which were significant infrastructure investments that were really intended to create the canvas for some of this type of development. It is a little weird for me to step out of traffic engineering into land use but what I will tell you is that if we presuppose that there will be growth, this is a good way for it to happen. Yes, there is congestion and we've got pretty good infrastructure in terms of sidewalks, proximity to the greenway, a great, well connected local street network, so yes there is congestion that is centered around the retail, but there is plenty of options for mobility in the area. That is kind of my take on it.

Ms. Fallon said Tammie, I never asked it when I was on the Planning Commission and I should have. Do you guys physically go out and look at something when you decide whether you are going to approve it or not?

Ms. Keplinger said we actually have a field trip with CDOT where members of our staff have opportunity to go out and it depends on scheduling as to who is available to go out on those certain days. So yes, we do try to let those who write the staff analysis go out to the site.

Councilmember Barnes said Mr. Davis, regarding the traffic pattern and traffic impact that we anticipate occurring at this particular development, I understand the developer has created some means of ingress and egress that are fairly unique to and specific to that building, but in addition to that are there any things that we should do from a light time perspective or stop sign installation to help minimize traffic impact even at peak and at off-peak? One of the concerns I heard from the public last meeting was the concern about being inundated with traffic as a result of the construction.

Mr. Davis said whatever we are going to do to make the traffic work as well as it can, we are doing it now and as conditions change that is just an area where we experience enough congestion that we tend to stay on top of it. Other intersections we get into sort of a periodic fashion. This one is a location where the queuing is so significant in some cases that we just have to sort of manage it and we do. What I would say and suggest about the access in this case,

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I think there was some concern in particular about impacts on a private street which is Metropolitan Parkway or Avenue. The access as it is set up in this petition is such that I think it probably is ideal for reducing for two things; one is giving options for people so they don't have to go through a congested location, but also giving people the option of not having to drive on a private street. There is a diagram in this follow-up report that basically you will be able to make right turns in and out of Kings. We don't want to allow full movement because that could be hazardous at that location so for turns that can't be served by Kings Drive by rights in and rights out, you would need to use the private street near the intersection of Metropolitan and so there will be increased traffic on that and there could be some additional congestion on that part of the street.

Councilmember Autry said the question about the Cherry Plan, I saw the staff's assessment that it was in compliance. Obviously, the HOA across the street doesn't feel that it is in compliance. Could you help us navigate that a little bit please?

Ms. Keplinger said I'm not really familiar with their argument as to why; many times in our area plans we don't have specific uses listed out so we have a mixed use development and it may include retail office and residential uses and that would include the use of a hotel. It is consistent with our practice and how we consider the types of uses that are allowed in a mixed use.

Councilmember Phipps said with respect to the Metropolitan, the digital display boards, is that the first .. we have outside the center city for having those types of displays screens? Will they have movies shown there?

Ms. Keplinger said that is a possibility primarily in association with Parks and Rec from my understanding. Actually it is not the first area that we've had the digital screens that are outside center city. Down off of Arrowood Road and I-485 the Zoning Committee and City Council approved some signage of that nature down there. We established some guidelines for staff when we were looking at areas that would consider these types of signs and basically it is for mixed use developments that are very urban in nature.

Mayor Clodfelter said where will the moving signs be visible from lofts?

Ms. Keplinger said you may have to ask the petitioner that because I'm not sure of the exact location. That might be something that they could work with us on.

Councilmember Howard said Keith can you tell us where the screens will be?

Keith MacVean, Moore and Van Allen said the digital signs will be limited to Kings Drive and the park side of Midtown Park and only 30 feet of Metropolitan Avenue, so it would be Kings, Midtown Park and 30-feet of Metropolitan Avenue.

Mr. Howard said Metropolitan and possibly could be across from The Lofts.

Mr. MacVean said it is only 30 feet so it would probably be Trader Joes and very limited exposure to The Lofts.

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ZONING CASES OF SPECIAL INTEREST

Ms. Keplinger said I'm not going to go over all these and I know you are very glad it is just two pages. Just to let you know what is coming forward, you can read this at your leisure, but we have twelve cases that are currently on the docket for June. Right now we have twenty-six public hearings on the schedule for July we anticipate that some of those will find their way to September, but right now that is the docket. You can see the ones that are listed, twenty-six; so it is going to be a very busy summer, but if you have any questions or need any information about these please feel free to contact us.

Ms. Fallon said why are they of special interest?

Ms. Keplinger said they are just the cases that we've had a lot of calls about or frequently have had a lot of calls about or cases that staff has some issues and concerns or very large cases.

Ms. Campbell said we try to distinguish them because more than likely, you all will get calls about them as well so we just wanted to make sure we gave you a heads up.

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AREA PLAN STATUS & TEXT AMENDMENT UPDATE

Ms. Campbell said my task is to go over hopefully the last piece of paper that you have in your packet which is the matrix for the activities that the Planning Department has underway. These are Text Amendments or Area Plans and I'm not going to go through the whole list, but just highlight some of the, I don't know whether I want to say controversial or if I want to say things that will be coming to hearing very soon. The first on your list 2013-026, is the PED Density changes. It is a Text Amendment and we are actually having the public hearing tonight. I'm always pleased when we can come with a Text Amendment where both the development community and the neighborhood have finally reached agreement. I think you will see at the public hearing that you will have speakers from both sides of the camp saying that they support the changes that are being recommended regarding this amendment so I am so proud of myself for being able to bring the two sides together. We actually have someone from Dilworth who said if you need me to nod my head, so nod your head Dilworth. Okay, we've got agreement.

The next item is 2013-090, Eating, Drinking and Entertainment Establishment Text Amendment and you heard Tammie mention that we are requesting a new hearing and that is mainly driven by the input we've gotten from some neighborhood organizations that showed up at the hearing and requested some amendments. We've made those amendments and we think they are significant enough that we should have another hearing.

From Page 2, Item No. 3 is 2014-053 Mobile Grocery Markets; that one will hopefully be extended to July so we hope that comes to hearing at that time. We also need to have staff determine how we will engage with Council to review and get you all up to speed on the changes because at the hearing there were lots of concerns expressed; we've gone back and made some changes and we've been meeting with our Citizens' Advisory Group and by the way we are not going to be using Citizens' Advisory Group; that terminology, we're going to use resident or stakeholders or something because everybody isn't a citizen so we are going to be sensitive about that.

Mr. Barnes said did you say because everyone is not a citizen?

Ms. Campbell said that is correct; who participates in our processes. Mobile Food Trucks, that was referred to the Community Safety Committee and we appreciate you all particularly Committee members for taking that discussion on. We are hoping with Eric's approval we will get that into committee in June or July we hope.

Mr. Phipps said a quick question on Item #4. Is this an attempt to put more guidelines, more specificity around outdoor like back yard uses for trampolines and things like that in neighborhoods?

Ms. Campbell said it is for larger recreational uses. We will be presenting information on that; that is going to hearing tonight so we will have a fairly detailed explanation for you. Item No. 7, 2014-038 Stadiums, Arenas and Coliseums, that is up for a decision tonight and Item No. 8 is a new one on Commercial Kennels. We will be discussing this Text Amendment with you all just to give you a brief update at possibly your Workshop in July or maybe a Dinner Meeting so we can clarify and I think Mr. Autry you are familiar with this issue. How we manage pet care in our community and we think we have worked out a good solution as to where these types of uses are allowed and to distinguish between those who do it on a non-profit basis and those who do it generally for profit and it is more a business than it is generally an agency that takes care of animals.

Ms. Mayfield said you know we are going into detail for clarification with this are we also looking to address where we've had concerns from neighbors with residential where neighbors have taken it upon themselves to become rescue homes.

Ms. Campbell said that is what this is about. Wireless telecommunication facilities and cell towers, this is a new initiative and as you know this industry continues to evolve. Our ordinance and how we regulate towers needs to also evolve and we are undertaking that subject matter and probably will not be coming to hearing until sometime in October. We are doing a public input process and we have both residents and people who are in the industry that are participating with us.

Mr. Howard said are we looking at best practices in other cities and is the goal to deal with aesthetics or just the placement?

Ms. Campbell said all of the above, particularly also looking at our Zoning Ordinance because there are conflicting standards, there are standards that are not achieving the desired goals of having these uses being more compatible, and to respond as the industry has changed and they are doing different things with towers at a lot of locations so we are trying to respond to how the industry has evolved to update the Zoning Ordinance to make sure that we get mitigate impacts mutually as well as from a compatibility perspective and residential fairness. I'm hoping I'm giving you proper information.

Mr. Driggs said I just wondered on the wireless telecommunication. Does this have any impact on our talks with Google at all?

Ms. Campbell said it shouldn't. I think it is a different type of technology, one is wired and one is wireless.

Mr. Driggs said they were talking about 20 sites possibly and some of those located at the towers so I was just wondering if there as any interaction with Google.

Ms. Campbell said it shouldn't have any impact because they are looking at sheds whereas wireless has the towers. The last one is under the under the Area Plan section which is on page 4 and it is the Prosperity Hucks Area Plan. At your last Workshop we had a spirited group of individuals who came to speak about this particular Area Plan and we wanted to inform you that we have already had one meeting with a group of citizens who appeared and a lot of them actually spoke at your meeting. We have met with them and we are starting a conversation but not just with them, we will invite everyone from that area again to talk about our recommendations that are currently in the plan and how we can either clarify, revise, delete or whatever the results are going to be. It looks like the adoption process will not start up again until September because as you all may recall this particular plan had made it to Council for public comment and it was deferred. We continuously are keeping the Transportation and Planning Committee updated because that is the committee that is reviewing the plan. Between now and September before it comes back to full Council we will do a couple of things. One is we are going to work with the neighborhoods, we are going to probably make some revisions, but I think the revisions will be clarifications because I think that is the issue. The plan is not detailed enough to clarify response of some of the concerns that you all heard at your meeting. We will take it back to the Planning Committee for their considerations, whatever revisions you make and for their consideration, adoption, and we hope adoption and then it will come back to the Committee and then to the full Council probably sometime in September. That is all I have to report on, if you have any questions about any of these items I will be more than happy to try to respond.

Mr. Barnes said a practical question about the Prosperity Hucks Plan, because there is a good bit of activity in that area now because I-485 is speeding towards completion in that area now, what are you able to do to communicate potential developers that we are working on this plan, persuading them perhaps to hold off a while or to have a clear understanding of the intent of the plan so we don't have things attempting to come out of the ground prematurely?

Ms. Campbell said unless there is a rezoning any person can go and get a building permit because ... For those who are going through a rezoning we are informing them that we have an adopted plan, we need to review your adopted plan right now for spirit and intent and maybe not specifically related to a specific land use recommendation. What we are trying to achieve, not only is it going to be retail or multifamily, but does it address the character issues that I think you all heard a lot about character and you also heard a lot about the amount of multifamily development that is occurring. Our intent in the plan was never to recommend just multifamily, it was to recommend a range of housing types, but unfortunately the language in the plan does not necessarily explicitly say that and so there were concerns expressed. When someone comes in we are going to talk about spirit and intent, and here is what we are trying to achieve. Hopefully with the next revisions we will have it clarified in the text as well as the maps and possibly with illustrations. We will hopefully make it clearer to anyone that wants to do development in that particular area.

Mr. Phipps said I think what the Director said, it really points to the fact that we want to get a plan that is appropriate for the area and with the tweaking that we are going through now will produce a better plan that is going to be an intentional plan and there is zoning that is out there now that has already been I guess deferred; the Halverson rezoning petition has been deferred at least one time for 30 days.

Ms. Campbell said at our insistence.

Mr. Phipps said right at our insistence so that is not to say that we might have another occasion to delay for a second 30 days, I don't know. I like the way and I appreciate my colleagues granting the deferral on the public comment period. I don't know if any of us expected that it would evolve into something that would be this protracted, but I think at the end of the day, being the public servants that we are, we look to satisfy the people with full transparency.

Ms. Campbell said that is not to say that we are going to satisfy all of the people, not with this plan.

Ms. Fallon said can we tweak an addendum maybe, saying this is not only meant for multi-family.

Ms. Campbell said we will be revising it to indicate the range of housing types.

Ms. Fallon said and high range. I know we can't but it would be nice.

The meeting was recessed at 5:57 p.m. to move to the Council Chambers for the regularly scheduled Zoning Meeting.

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The City Council of the City of Charlotte, North Carolina reconvened for the Zoning Meeting on Monday, May 19, 2014 at 6:06 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Dan Clodfelter presiding. Councilmembers present were Al Austin, John Autry, Michael Barnes, Ed Driggs, Claire Fallon, David Howard, LaWana Mayfield, Greg Phipps and Kenny Smith.

ABSENT: Councilmembers Patsy Kinsey and Vi Lyles.

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INVOCATION AND PLEDGE

Councilmember Fallon gave the Invocation followed by the Pledge of Allegiance to the Flag.

Mayor Clodfelter explained the process of the Zoning Meeting and asked Tracy Dodson, Chair of the Zoning Committee to introduce the Zoning Committee.

Tracy Dodson, Chair of the Charlotte Mecklenburg Zoning Committee introduced members of the Zoning Committee and said we will be meeting on May 28th at 4:30 p.m. in the Government Center to make recommendations on the public hearing cases that will be heard tonight. That is not a continuation of the public hearing; we welcome comments but you can reach us prior to that meeting and find our contact information at charlotteplanning.org.

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DEFERRALS

Mayor Clodfelter said we have a number of items that have been requested for deferral tonight. You will notice that we have two Councilmembers absent and normally when there is a petition that has had a Protest Petition filed against it under the Council's policy those petitions are automatically deferred until a time when all of the Councilmembers can be present. Some of the deferrals that we have tonight are for that reason and then there are other items that will be deferred at the request of the petitioner.

ITEM NO. 3: PETITION NO. 2013-102

Motion was made by Councilmember Barnes, seconded by Councilmember Driggs, and carried unanimously, to defer Item No. 3, Petition No. 2013-102 by Wajahat and Ferah Syed for one month until June 16, 2014.

ITEM NO. 4: PETITION NO. 2014-013

Mayor Clodfelter said Item No. 4, Petition No. 2014-013, by Hawthorne Retirement, LLC, this is the property on Kuykendall Road and there has been a request to defer that petition to June 9th, and Council should also understand that there has been an amendment to that petition after the Zoning Committee made its recommendation. Under your normal policy unless you choose to do otherwise, that petition would go back to the Zoning Committee for consideration of the change. Council is free to not send that back to the Zoning Committee if you choose not to.

Councilmember Driggs said the amendment in question has to do with the tree save at that location. I would like to move that this is not substantial and that we should not refer it back to the Zoning Committee.

Motion was made by Councilmember Driggs, seconded by Councilmember Barnes, and carried unanimously, that Petition No. 2014-013 by Hawthorne Retirement, LLC not be referred back to the Zoning Committee for further recommendation.

Mayor Clodfelter said the petitioner has requested that we defer the decision on this petition to June 9th; it is protested and the protest is sufficient. There is the possibility that it will be deferred again but Ms. Keplinger will work with the petitioner on that.

Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield, and carried unanimously, to defer decision on Petition No. 2014-013 by Hawthorne Retirement, LLC to June 9, 2014.

ITEM NO. 5: PETITION NO. 2014-014

Mayor Clodfelter said Item No. 5, Petition No. 2014-014 by Sam's Real Estate Holdings, Georgia, LLC has been withdrawn and since it has been advertised you must move to allow the withdrawal.

Motion was made by Councilmember Howard, seconded by Councilmember Austin, and carried unanimously, to approve the withdrawal request of Petition No. 2014-014 by Sam's Real Estate Holding, Georgia, LLC.

ITEM NO. 6: PETITION NO. 2014-019

Motion was made by Councilmember Phipps, seconded by Councilmember Barnes, and carried unanimously, to defer Petition No. 2014-019 by the Charlotte-Mecklenburg Planning Department to July 21, 2014.

ITEM NO. 7: PETITION NO. 2014-021

Motion was made by Councilmember Mayfield, seconded by Councilmember Howard, and carried unanimously, to defer Petition No. 2014-021 by the Charlotte-Mecklenburg Planning Department to July 21, 2014.

ITEM NO. 10: PETITION 2014-031

Motion was made by Councilmember Barnes, seconded by Councilmember Driggs, and carried unanimously, to defer the decision on Petition No. 2014-031 by Wilkison Partners, LLC to June 16, 2014.

ITEM NO. 15: PETITION NO. 2012-090

Motion was made by Councilmember Driggs, seconded by Councilmember Austin, and carried unanimously, to defer the public hearing on Petition No. 2012-090 by the Charlotte-Mecklenburg Planning Department to July 21, 2014.

ITEM NO. 2: PETITION NO. 2013-090

Mayor Clodfelter said Item No. 2 Petition No. 2013-090, by the Charlotte-Mecklenburg Planning Department, a Text Amendment relating to Eating, Drinking and Entertainment establishments. The suggestion has been made that because of substantial changes to the petition that it be deferred and a new public hearing be held on June 16th.

Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and carried unanimously, to defer Petition No. 2013-090 by the Charlotte-Mecklenburg Planning Department and to conduct a new public hearing on June 16, 2014.

HISTORIC LANDMARKS

Mayor Clodfelter said Item No. 1, Historic Designation of the James A. Blakeney House, has been withdrawn from the agenda and we will not be having that hearing tonight. The County has already held a public hearing on that matter and the County will proceed with that item.

DECISIONS

ITEM NO. 8: ORDINANCE NO. 5351-Z, PETITION NO. 2014-028 BY LAT PURSER & ASSOCIATES, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.68 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF ABBEY PLACE AND HEDGEMORE DRIVE FROM O-1 (OFFICE) TO MUDD (CD) (MIXED USE DEVELOPMENT, CONDITIONAL).

Motion was made by Councilmember Smith, seconded by Councilmember Mayfield, to adopt the Statement of Consistency and approve Petition No. 2014-028 by Lat Purser & Associates for the above zoning as modified and as recommended by the Zoning Committee.

This petition is found to be consistent with the Park Woodlawn Area Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee. The Committee voted 6-0 to recommend approval of petition 2014-028 with the following modifications:

1. Amended the proposed zoning on Sheet RZ-3 to say MUDD (CD).
2. Labeled the A-A site section guideline clearly on sheets RZ-1 and RZ-2.
3. Amended the proposed uses on Sheet RZ-3 to say "Proposed use: multifamily residential with up to (amount to be specified by petitioner) square feet of retail sales limited to those permitted in the B-1 district, professional businesses and/or general offices and located on the ground floor."
4. Showed parking access controls on Sheets RZ-1 and RZ-2 per Section 9.8507(8).
5. Provided a five-foot wide sidewalk from the fire access door on the southern side of the building to the sidewalk along Hedgemore Drive.
6. Showed the required loading space.
7. Provided a note on Sheet RZ-3 describing the dedication of land to Mecklenburg County Parks and Recreation. Supply the number of acres and use as a greenway/recreation area.
8. Provided at least 50% active ground floor uses along Hedgemore Drive and Abbey Place. The trash collection area does not count toward the 50% requirement.
9. Provided and show recessed doorways along both street frontages.
10. Illustrated how the lobby is accessed from the street.
11. Provide elevations, as opposed to perspective drawings, that match the site plan.
12. Revised Note 2.a on Sheet RZ-3 to say, "Subject to the restrictions and limitations listed below, the principal building constructed on the site may be developed for up too 150 multifamily residential dwelling units with up to (amount to be specified by petitioner) square feet of retail sales limited to those in the B-1 district, professional businesses and/or general offices and located on the ground floor."
13. Moved Note 5.b to be under Note 14.
14. Replaced the words "on existing and proposed streets" with "Abbey Place and Hedgemore Drive."
15. Deleted Note 8.a.
16. Clarified the nature of the amenity areas (intended for resident use or leasable spaces for businesses and offices).
17. Provide useable open space that is well integrated into the community through greenways, parks and plazas as recommended by the Park Woodlawn Area Plan. Staff suggests the open area east of the proposed building be developed with park/plaza that compliments the future greenway.
18. Make a clear distinction between the open space referenced in the site data on Sheets RZ-1 and RZ-2 and the required urban space described on Sheet RZ-3. The area to be dedicated to Parks and Recreation cannot count towards the minimum urban open space requirement. Describe the location of urban open space to be provided such as "the upper level courtyard, 4th floor terrace" and any other areas for urban open space.

19. Added the note requested by CDOT regarding the corner treatment of Abbey Place and Hedgemore Drive. Added the note requested by CDOT requiring a 12-foot sidewalk where the building and sidewalk abut.
20. Agreed to dedicate additional land to the greenway as requested by Mecklenburg County Parks and Recreation.
21. Removed Note 5.b and clearly labeled the trash area on RZ-2 to include a compactor and recycling per the Zoning Ordinance.
22. Added a note stating that the exact location of access control gates will be determined through the full development plan submittal process.
23. Amended Note 3.a to include access to Hedgemore Drive.

Councilmember Smith said I want to thank staff for doing some extra work and giving us some extra follow-up from our public hearing. We had some concerns raised by neighbors that I think did have some strong validity, but I also think it is important that we kind of walk through a couple of things that we were briefed on of interest to the public. First of all I had asked the question on what is size of the building currently titled on the existing property. I think all too often citizens don't understand if property has existing entitlements and I think it is important to note that under its current zoning you can put a building up to 150 feet in height on the property as opposed to what the petitioner is petitioning of at 66 feet. I also asked to have a traffic count done; typically staff does not conduct the traffic count on anything less than 2,500 trip generations per day and I think it is important to note that we did notice there may be a substantial increase in traffic there. There is a substantial increase in that corridor as a result of it being a thriving entertainment district, but it is on our radar, it is on the City's radar that there hopefully will be some relief coming in the upcoming years, specifically the intersection of Woodlawn and Montford which the city is sort of eyeing, hopefully to get a traffic light there at some point and we also notice that there is some pedestrian gaps along Abbey Place that I think are on our radar as well. In many ways the public hearing brought to light some issues that I think do need to be addressed. I'm comfortable after my conversations with staff that they are going to be addressed over time and that the project will be able to move forward.

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

The ordinance is recorded in full in Ordinance Book 58, at Page 699-700.

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ITEM NO. 9: ORDINANCE NO. 5352-Z, PETITION NO. 2014-030 BY GOLDEN TRIANGLE #2, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.3 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF METROPOLITAN AVENUE, SOUTH KINGS DRIVE, AND BAXTER STREET FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

A protest petition has been filed however it is not sufficient to invoke the 3/4 rule.

Motion was made by Councilmember Fallon, seconded by Councilmember Barnes, to adopt the Statement of Consistency and approve Petition No. 2014-030 by Golden Triangle #2 for the above zoning change, as modified and as recommended by the Zoning Committee.

This petition is found to be consistent with the Midtown Morehead Cherry Area Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 4-1 vote of the Zoning Committee with the following modifications:

1. Condensed the verbiage in Note 1C by removing reference of uses, sidewalks, structures, buildings, building elevations and other site elements as "schematic."
2. Amended Note 2C by reducing the optional request from 750 square feet of sign area per wall or 20% of the wall area to which attached, whichever is less, to a request allowing up to two wall signs with up to 400 square feet of sign surface area for each tenant and/or use

located on the site located on the top of the building (defined as the upper three floors), and up to 100 square feet of sign area or 5% of the wall to which they are attached, whichever is less, for wall area located below the upper three floors.

In addition, reduced the request for a digital wall sign from 380 square feet to 300 square feet, and specified that the digital wall sign may be used to:

- (i) advertise and identify tenants and merchandise located and sold at Metropolitan,
- (ii) advertise and identify events occurring at Mid-Town Park and on the Sugar Creek Greenway, and
- (iii) as a screen for motion pictures (e.g. movies, TV shows and the like, and
- (iv) to promote major events, which may include but are not limited to religious, educational, charitable, civic, fraternal, sporting, or similar events including but not limited to golf tournaments, festivals, and major or seasonal sporting events.

The design/content of signs displayed on the digital sign will contain predominantly graphic images (a minimum of 80 percent of the sign must be composed of interesting and unique art like graphic images); copy area will be limited to 20 percent of the sign area. This digital wall sign must be used to promote events occurring at Mid-Town Park, Sugar Creek Greenway and Major Events as defined above a majority of the time the sign is in use.

3. Limited the location of proposed digital wall signs to the portion of the building wall that faces S. Kings Drive and the first 30 linear feet of the building all that faces Metropolitan Avenue. The digital wall signs along these building walls will be limited to a maximum cumulative sign face area of 300 square feet of sign area.
4. Clarified that the digital wall signage requested on the building wall adjacent to Mid-Town Park may be used as a screen for motion pictures (e.g. movies, TV shows and the like), as opposed to being a separate request to allow a portion of the building wall along the southern property boundary to be used as a screen.
5. Amended Note 2E to state that the digital wall signs, which have replaced the request for use of a portion of the building wall along the southern property boundary as a screen for projected images and activities associated with the Sugar Creek Greenway, may be used to advertise and identify tenants and merchandise located and sold at Metropolitan, in addition to events occurring at Mid-Town Park and on the Sugar Creek Greenway; and to promote major events.
6. Amended Note 5A to indicate that “concept imagery” is intended only to illustrate examples of a building façade that meets the criteria set forth in the Architectural Guidelines and is not a specific or binding building elevation, nor are they a full list of possibilities.
7. Amended Note 5G to state that the zoning boundary for the Site will not be modified by a shift in the property line to accommodate shared site elements as described above.
8. Amended Note 5H to specify architectural guidelines for the Urban Edge portion of the building by removing subjective language “establish a stylish, memorable and highly visible building element” and added a note stating that a pedestrian scale edge will be created at the ground floor with display windows, awnings, integral; planters and other features that will complement the other portions of the building and the focal point feature.
9. Amended Note 5I to state “display cases” instead of “display windows.”
10. Clarified that sign options are additions/modifications to the standards for signs in the MUDD district and are to be used with the remainder of MUDD standards for signs not modified by these optional provisions.
11. Amended Note 5J to state that building service areas will be located internally and screened from view with masonry walls a minimum of five feet in height.
12. Deleted the minimum ordinance requirement regarding screening requirements in Note 6D.
13. Provided a note detailing that urban open space areas will be provided on the ground floor along the Greenway Entry portion of the building as well as on an upper floor of the building.
14. Addressed Park and Recreation comments by amending Note 5F to state that the petitioner will work with County Parks and Recreation to provide an architectural response to the existing artwork in the Midtown Park.
15. Provided the existing approved entitlement for the rezoning site, which is 155 multifamily residential dwelling units, to CDOT as requested. CDOT determined the trip generation under the current zoning as 1,030 trips per day.
16. Amended Site Development Data and Permitted Uses to reflect proposed uses as up to 155 multifamily dwelling units and/or a hotel with up to 175 hotel rooms together with accessory uses, as allowed in the MUDD zoning district.

17. Amended Site Location in Note 1A to delete replace a “mixed use building containing multifamily residential dwelling units and a hotel” with “a building containing multifamily residential dwelling units and/or a hotel on an approximately 1.30 acre site located at the intersection of South Kings Drive and Metropolitan Avenue.
18. Added Note 4D that states “The petitioner recognizes that due to the limited space around the Site and existing neighborhood constraints, a portion of construction parking and material staging will need to be located off-site.”
19. Amended Note 5D, 5H and 5I to reference display cases/windows and provided a definition of display cases/windows.
20. Amended Note 4D by adding “The location of the construction parking and material staging will be approved by CDOT as part of construction plan review approval.”

Councilmember Howard said I never like to let citizens feel like they are not being heard and I know that I read all of the e-mails that you guys sent and I would like to explain my vote on the issue. One of the things that is clear to me is when this was rezoned as a whole redevelopment some years ago when I was sitting back there on the Planning Commission, I always understood that this corner would have some height to it and as a matter of fact it is zoned already for 250 feet. At the public hearing I talked about that and depending how small the floors are that could be anywhere from 22 to 24 stories as it is. I heard the arguments about the view, I heard the arguments about traffic and in my estimation three more stories on the top is not going to change the view of what could be a 25-story building already. The other thing for me was traffic. I've spent quite a bit of time talking to folks about the traffic and my take on that one was that the height of what this building could be already and the number of cars that could be generated, I didn't get from anybody, including staff, that it would require any additional traffic studies on this one because they just didn't see the addition adding that many more trips. There is not a lot of compelling reasons not to support it and I just wanted to let you know that I actually did go through the process of evaluating the information that was shared but it is already zoned for a really large building. I know people don't agree, but I just wanted to share for the public why I'm voting for it tonight.

Councilmember Barnes said consistent with the point Mr. Howard just made, not only was it already zoned for that, I believe there is even a model in the sales trailer showing the model for the larger building being on the site and earlier tonight we had a discussion with our staff about traffic around the Metropolitan area and I asked Mr. Davis about planning with regard to traffic calming, signalization and stop signs, etc. and our staff is continuously taking that type of thing into consideration especially in an area like this where you are having a higher density introduced into a fairly small area, so not only did we listen to the public but we considered things and we asked questions so we are aware of the various concerns we've heard, but I'm going to support the petition because I think it will be another positive step for that area of the City.

Councilmember Fallon said from my point of view there was so little difference between the height that was approved to begin with and what the little bit extra that it really didn't make that much difference as Mr. Howard said. It was approved to be 22 stories so now it is a little bit more, but consistent with what that area will be and should be and bring the business and the need for hotel, which we have heard over and over again to this city so I will approve, as I did.

Mr. Howard said I forgot to add this part. I did talk to the petitioner about the fact that there is an area right on the Metropolitan Drive area where The Lofts I believe will be looking at the side of the building and I did ask the developer if they would do all they could to make sure that side of it was as attractive as it possibly could be because that is what they will be looking at. Again, it would have been a tall building anyway, but where you can treat that side of the building so it is a plus or at least does a little to deal with the view issue. It was going to be there anyway, but if you can make it more attractive to see that would be nice. That is one of the things I ask of the petitioner and they agreed to.

Councilmember Autry said there was lots of discussion; I had the opportunity to speak with several of my colleagues this afternoon after a couple of other meetings and I even ask staff to actually validate the consistency with the Cherry Plan that is in line and is compliant with that plan. Being consistent with those plans, especially when the plans are less than 10-years old is

always a very important thing for me and then there was some discussion about the parking and whether parking would flow over into the other areas. We heard that the parking for the hotel would be at no charge, thereby negating that concern so I intend to support the petition.

Councilmember Phipps said I happen to be around back in 2005 when we approved the first petition with Mr. Pappas and the plans are pretty much consistent except for the extra floors only 250 feet. I've listened and toured the area and just being in Mid-town we are going to have a sky scraper there so I think it is consistent, I think it will add some appeal to the area in addition to the other partnerships that are being undertaken with Parks and Rec department to help facilitate even some of the advertising on some of the events in the park, including Pearl Park there with the digital display boards, so I really do think this site and the building and hotel will do some transformative things to that site so I will be supporting this time too.

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

The ordinance is recorded in full in Ordinance Book 58, at Page 701-702.

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ITEM NO. 11: ORDINANCE NO. 5353, PETITION NO. 2014-038 BY THE CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT, FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO ADD STADIUMS, COLISEUMS AND ARENAS AS USES PERMITTED UNDER PRESCRIBED CONDITIONS IN THE MUDD (MIXED USE DEVELOPMENT DISTRICT), AND TO CORRECT THE USE TABLE TO INDICATE STADIUMS AND COLISEUMS ARE CURRENTLY PERMITTED, UNDER PRESCRIBED CONDITIONS IN THE UMUD (UPTOWN MIXED USE DISTRICT).

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously, to adopt the Statement of Consistency, and approve Petition No. 2014-038 by the Charlotte-Mecklenburg Planning Department as recommended by the Zoning Committee.

This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-0 vote of the Zoning Committee.

The ordinance is recorded in full in Ordinance Book 58, at Page 703-704.

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HEARINGS

ITEM NO. 12: HEARING ON PETITION NO. 2014-029 BY KYLE SHORT FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.58 ACRES LOCATED ON THE SOUTH SIDE OF EAST WOODLAWN ROAD BETWEEN OLD WOODS ROAD AND FAIRBLUFF PLACE FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Tammie Keplinger, Planning Department said I will give you a little bit of context first; this is East Woodlawn, South Boulevard is just to the far left of the map. If you look in this area you can see where we've had some other rezonings for attached single family housing in the past. There is one little area of B-1 that is a pre-existing convenience store. The site that we are talking about tonight is actually a piece of property that has frontage on Woodlawn, a lot of the surrounding properties are in the adjacent neighborhoods and they back up to the site. You can see from the aerial a little more definition of the lots and the relationship to this site, but again you have the backs. This site also faces Woodlawn and this one is on the corner. This is the site plan that is proposed for this request. It is single family residential to urban residential conditional for 15 attached residential units. There is a stucco/masonry wall that is along

Woodlawn that is going to provide a private barrier to the garden areas for the houses, the attached multifamily that are along Woodlawn and this is similar to other treatments that we have further down Woodlawn. We have another set of attached single family that has that same type of treatment. In terms of the development along Woodlawn we are going to receive new sidewalks, new street trees and all new streetscape along that section. You can see there is a private drive that leads into the site; with as I said 15 residential units, two of them are actually stand-alone. There is a buffer provided for all of the adjacent properties. You can see the elevations; this is a typical perspective from the internal drive. It will look different from Woodlawn Road because you can see the stucco brick wall as opposed to the front of the buildings. This is the future land use map and you can see the kind of green/gray is all single family residential. Staff is recommending approval of this request upon the resolution of the outstanding issues. It is consistent with the Park/Woodlawn Plan which was adopted in 2013. It recommends single family attached dwellings. It asks for redevelopment projects to make use of the infrastructure while improving streetscape. It meets the recommendation for entrances on the public streets and height compatibility with the adjacent single family properties. The outstanding issues on this case are technical in nature and we believe we will get those resolved prior to the decision.

Steven Overcash, 2010 South Tryon Street said I appreciate Ms. Keplinger's help in presenting this case. We feel like it is very consistent with the bigger picture plans along Woodlawn Road to gain some density. We think it will fit in well with the neighborhood. We've done just about everything we've been asked to do on this petition. It's got good street edge for Woodlawn and we've addressed the street. It is 14 units, not 15; we dropped one unit during working out some of the details and they are units that we think will be important for this area. They would be either starter homes in the neighborhood of 3 bedrooms, 1,800 square feet up to some potential empty nesters for people that don't want to leave the neighborhood that could be 4 bedrooms, up to 3,000 square feet. They are good size homes, we are not trying to pack too many in the site and we hope that you will consider the petition positively.

Nancy Cowan, 8040 Golf Course Drive said my house is one of the ones that backs up to the proposed townhouses. It is located on the left side, the third house back. My back yard will literally; I'll open up my back door and I will look straight at the back wall that they are proposing to do. As she said as she went through it, across the street from me has been rezoned from townhouses, down the street has been rezoned for townhouses and now they are proposing right in my back yard to put townhouses. I bought my house over 20 years ago; it is in a nice quiet neighborhood; my back yard is a sanctuary right now. If they go along with the proposal, units 10, 11 and 12 will be right behind my back yard and then there will be the other units. Three more is on either side. As he said they are looking at doing it as starter families so you are talking about families, children, dogs. I don't know where the decks are that are located and typically I think of a deck as high. The neighborhood behind me that he bought slopes up so if it is high it means literally I will have three decks looking straight down on my backyard. That concerns me. I'm not sure what the fence is going to be made out of because it didn't stipulate, it said 8 feet, but who is going to maintain that that I'm looking at. That is a concern of mine. The traffic – you all talked about that in other incidents; it is Woodlawn, we've got Old Woods and then Fairbluff Place. If you put those 14 units at a minimum that is 28 more cars trying to come out turning right or left while the cars from Fairbluff and Old Woods and those are two very short roads. Those aren't roads that go on down into the neighborhood. Those are very short roads with those people trying to get out those short roads. We have no other option; we have to get out that direction. Architectural wise, the other townhouses that have been built, especially the ones that are right across the street from me are very in keeping. That neighborhood was built in the 1950's; they are all ranch style brick. The townhouses across are very pretty, they are brick and this is very contemporary. It said it would be in keeping with other materials, I don't know anything else that looks like that in our neighborhood so that concerns me. The water run off that they noted, that concerns me, again as I said it is up and all those units coming down I want to make sure that the water isn't going to come down into my area. Basically I'm starting to feel like that little movie "Up" where the man had the little house and all the skyscrapers went up around him. That is how I'm feeling. I bought a house in a neighborhood of single unit and it is very unnerving to me that I got a letter in the mail that said 15 units were going to be built behind my backyard and I have no say in it. That is why I decided for the first time in my life to come and say something.

Mayor Clodfelter said you have a say here. Everyone does, so thank you for coming down tonight.

In rebuttal Mr. Overcash said I'm just going to address the water issue. We have been working with Engineering, with the retention and we have a series of on grade drainage and underground piping to get all the water to the retention pond, so everything will stay on site. We did build the 8-foot fence in order to provide some fairly good screening as well as the required buffers that we have to have.

Councilmember Mayfield said we are thinking about the question I was asked and mainly because a number of us have received these questions from constituents, who would be responsible for the area between the 8-foot fencing and the residential? Unfortunately, there does sometimes see an impact of trash or liter from any number of causes. Who will be responsible for maintaining that right-of-way?

Mr. Overcash said the homeowners would maintain all the way up to the fence and if the fence had any problems it would be maintained by the homeowners as part of the homeowners association.

Mayor Clodfelter said there is an association?

Mr. Overcash said there would be and if there were any dead trees that fell; anything on their property would be maintained by the association.

Councilmember Howard said I wanted to ask a question about design. Just from what I see driving down that street; I'm not sure I see anything that looks contemporary like this so how does it fit into the area? Could you comment or explain about how it fits into the design of the area.

Mr. Overcash said it is Madison Park and I've lived in two different houses in Madison Park and it is a good mixed bag of architectural styles. It was built after World War II in the 50's and 60's and there are some mid 50's contemporary style houses around and this was the style that the petitioner liked and wanted to play off of versus some of the ones that were just brick and straight ranches, but there are some mid-century contemporary in this neighborhood.

Mr. Howard said I think about the designs that I see going down Woodlawn, right beyond this they went the more contemporary route in design so I think I'm going to have some issues with the design. I don't think it fits into the context of this area of Madison Park. Just FYI and I'm not sure who the petitioner is and I will be happy to talk to him about it, but in this situation it feels like we are wedging something in here and if it looked like some of the stuff down the street, I'm not sure I'm bothered by the site layout, but the design looks a little contemporary for what is over there from my taste.

Councilmember Smith said ultimately I assume that the potential buyer will decide if the design is worth purchasing or selling, but I'm going to agree with my colleagues, having knocked on a lot of doors in Madison Park during my campaign, I haven't seen a lot that looks like that and as you come up and down Woodlawn it is more of a traditional brick structure. It may be personal preference, but I don't see that really fitting in with the neighborhood, but not really commenting on from the use. I think the use could probably work.

Councilmember Phipps said I want to go back to the comments from Engineering and Property Management about the detention issue here. It says in the staff analysis that it is not consistent with the natural drainage patterns for the majority of the site and may not completely satisfy anticipated storm water requirements. What exactly is going to be done there? Is correction going to be made and I know we have a host of storm water issues right now and I would hate for this one to be something that would be added to the future list going forward.

Ms. Keplinger said your concerns are very valid and when we saw the comments from Engineering and Property Management the Planning staff was also concerned because there is a
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note in there about a 15-foot clear way that should be provided at the rear of these properties and that would have changed the entire site layout for the site. We got in touch with the petitioner and asked them to work with Engineering and Property Management and they have done that. Engineering and Property Management after looking at the information that Mr. Overcash's team provided has indicated that they are okay with proceeding and that they don't have any of those issues anymore.

Mr. Smith said looking at the outstanding issues Mr. Overcash; one that does jump out is specify the maximum building height. Have you figured out the height yet?

Mr. Overcash said 40-feet maximum.

Mayor Clodfelter said Mr. Overcash do you have a drawing of the rear of the units, what it would like along the rear that you could show to Ms. Cowan?

Mr. Overcash said we do not; we will generate that. What it would look like from her house. We were requested to do an elevation from Woodlawn which we are working on at the same time. We can do the one from the back.

Mayor Clodfelter said so you will be doing all of those together?

Mr. Overcash said yes sir.

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

* * * * *

ITEM NO. 13: HEARING ON PETITION NO. 2014-033 BY COLONY AT PIPER GLEN FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.72 ACRES ON THE EAST SIDE OF REA ROAD BETWEEN PIPER STATION DRIVE AND BALLANTYNE COMMONS PARKWAY FROM NS (NEIGHBORHOOD SERVICES) TO NS SPA (NEIGHBORHOOD SERVICES, SITE PLAN AMENDMENT).

Tammie Keplinger, Planning Department said this is the Zoning Map that shows I-485, Ballantyne Commons Parkway and the site is right here in the middle at Piper Station. You can see that everything in this area for the most part is already zoned commercial or CC which is commercial center or BS-1(CD) which is neighborhood shopping center district. This is the site and in 2012 this property was rezoned to allow the development of an 8,000 square foot office retail building. The request that is before us tonight is for neighborhood services site plan amendment to add 1,000 square for a total of 9,000 square feet of office retail and add a structured parking facility. You can see the building location; there is a hardscape plaza that is along Piper Station Drive at the intersection to the drive and then the parking structure. These are the building elevations and I will point out that these building elevations to do not include elevations of the parking deck and we have asked the petitioner to provide those for us.

The future land use map shows all of this area pretty much as commercial or commercial mixed use. You can see the neighborhood business services again in this location for this site. Staff is recommending approval upon the resolution of the outstanding issues. This rezoning is consistent with the South District Plan, recommendation for office, retain and residential uses on the site and allows a small increase in the square footage of the building and additional parking. The outstanding issues are technical in nature.

Walter Fields, 1919 South Boulevard said I'm representing Colony at Piper Glen and this is a small site plan amendment. The main component that is being added to this development, and we have the topo working with us, is actually some additional parking. We were a little bit concerned that with just the single surface lot that was approved originally, we might have some parking that would spill out onto the drive which serves a larger office development to our south. Because we do have the benefit of the topo working with us we are actually going to excavate and put one single level of parking underground and then have a single level of parking above it
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and even that level will still be below the elevation of Rea Road. We have an illustration on our site plan that we resubmitted that does show the top level of the parking deck. It is essentially a brick and stone, sort of a façade and I think we can clarify that with staff very easily. The other two or three matters that were listed on the staff's comment list I think can be easily addressed.

Councilmember Howard said I'm just trying to understand just adding the 1,000 additional square feet of space but adding structure parking didn't add up to me so I was just trying to figure out, is there another phase that you are going to try to accommodate with this extra parking or is this it?

Mr. Fields said on the original plan Mr. Howard, we actually had some on-street parking. We carved out some areas along that drive and had parking along that.

Mr. Howard said along Piper Station?

Mr. Fields said yes, the existing plan is shown in your packet. We had some parking that was added as part of that rezoning along that driveway. We just felt it made better sense to leave the driveway in place and provide the parking on the site. We are thinking that this might be a location that might attract a restaurant and we wanted to make sure that we had ample parking for the restaurant and for the additional tenants in this building so really we are adding parking because we have the ability to do so with the topography and it opens up the door in terms of sorts of tenants that we might be able to attract by having that extra parking on the site.

Mr. Howard said just an added expense of doing podium parking is expensive and I was just trying to figure out; it had to be more to this than another 1,000 square feet.

Mr. Fields said no sir, no additional phase that I'm aware of. We are just blessed that the topography allows us to do a fairly simple and fairly inexpensive one level deck.

Councilmember Phipps said the fact that you had a community meeting that no-one attended, does that mean that the people are generally satisfied with this project, even though it is a 400% increase in trip generation?

Mr. Fields said Mr. Phipps I'm certain that is what that means. I'm very confident. No one came to the open house forum either and again this is an amendment to a petition that was approved not that long ago and when it went through the first time we did have some people that came to the meeting. The Manager of the multifamily community next door came and some of the neighbors came and they were satisfied with that one because we had no opposition. I would assume they all got the same letter and we told them what we were doing and this is a small thing.

Councilmember Driggs said the expansion is consistent with the appearance of the buildings that are there now, right; the extra 1,000 square feet?

Mr. Fields said the architecture for the building as provided as part of this application is the same as what was originally approved. The office buildings that are a little further around the driveway are much larger buildings and they do have a different style.

Ms. Keplinger said I would like to clarify, there is a typo in the staff analysis and Mr. Phipps alluded to it. The current zoning in terms of trip generation will be 1,320; the proposed is 1,420 so the change is very small.

Motion was made by Councilmember Driggs, seconded by Councilmember Fallon, and carried unanimously, to close the public hearing.
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ITEM NO. 14: HEARING ON PETITION NO. 2014-034 BY MASON KAZEL FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.61 ACRES LOCATED ON THE EAST SIDE OF SEIGLE AVENUE BETWEEN EAST 10TH STREET AND OTTS

STREET ACROSS FROM GREEN TRAIL LANE FROM I-2 (GENERAL INDUSTRIAL) TO MUDD (CD) (MIXED USE DEVELOPMENT, CONDITIONAL).

Tammie Keplinger, Planning Department said to get you organized, this is East Brookshire Freeway, here is Seigle Avenue and Otts Street, one of the City's Operations Facility is located here. This is our site and you can see right now under the zoning it is zoned I-2 which is our heavy industrial district. What used to be on this property was a church and the building that we are going to be discussing in just a minute was the fellowship hall. This is a rezoning from general industrial to mixed use development. All non-residential uses in that district are to be allowed; it increases the building from 3,782 square feet up to 5,000 square feet. It adds a second story and a roof-top deck or terrace, has outdoor seating. It also has store front treatments along Seigle Avenue. On the site plan you can see where the small addition will be; there is outdoor seating along Seigle Avenue. I want to show you this slide and I realize that the elevation at the top is a little bit hard to see, but I wanted to point out is the store front they are adding along Seigle Avenue and this will have the outdoor seating here. You can also see the deck that is being added. This is a profile of the deck and you can see how this area is glassed in; they are incorporating a lot of glass into the design.

I want to show you the adopted future land use plans for the site. This site is actually inconsistent with the Belmont Area Revitalization Plan because it recommends institutional uses and that is based on the church use that was located on the site. The rezoning of this petition supports the façade improvements for the existing structure that are recommended by the plan. It is an amenity to compliment the redevelopment in the area. There are no outstanding issues and staff is recommending approval.

Councilmember Howard said go back to the proposed language. It has always been understood that the City's Maintenance Facility on Otts would kind of redevelop over time. Does the plan actually say what that should become as that started to redevelop?

Ms. Keplinger said I do not know for the actual Operations Center for the City but I will be glad to look into that and get that information for you.

Mr. Howard said it is a pretty substantial piece of property and we should have something that would make it what it should be because this could be starting what that is.

Ms. Keplinger said we've actually had several rezoning's in the area and if I can go back to the rezoning map I can show you. We've got the Seigle Point Development that is developed here. We have this big area of MUDD(CD) that was rezoned several years ago; that has not yet developed, but it is a mixed use development for office, retail and residential. There are additional rezonings that we've had here for another old mill so there has been a lot of redevelopment in this area.

Mr. Howard said so that is the Crowder's property you said was rezoned MUDD?

Ms. Keplinger said I believe it is Hawthorne Mill that is at that location.

Mr. Howard said I think you understand my point. If our yard starts to change we need to figure out how that fits in. The MUDD doesn't necessarily go with the I-2.

Councilmember Phipps said is the entire church building vacant or just the fellowship hall?

Ms. Keplinger said the church has been torn down; the sanctuary, the fellowship hall is the only thing that is left.

Mr. Phipps said it says the intended use is a restaurant but all other non-residential uses are allowed in this MUDD District. What else could it be if it wasn't a restaurant?

Ms. Keplinger said it is basically your retail and office type uses along with the restaurant.

Tim Foley, 16740 Birkdale Commons Parkway said I just wanted to sign up to speak in case there were any questions or anything that came up with the petition. I don't have a formal presentation and I don't want to take up a lot of your time. I think she did a good job of presenting what the petitioner is trying to do, so I will leave it at that.

Mason Kazel, 9917 South Hampton Commons Drive said I am the property owner and basically we purchased this property in December last year and the main reason is to change it to a restaurant. This will be a new concept; we will have a library that serves as a lawn and we believe this will be more like an artistic place. We would like to have a Mediterranean restaurant. I understand there will be residential and there is a residential complex across the street and I think this will be a great addition to the community.

Councilmember Austin said since there is a neighborhood so close will you be having outside entertainment or anything of that nature or just outside dining?

Mr. Kazel said no sir; we probably have like small venues indoor, open mike events to bring poets; it is not going to be loud and will probably be like 6:00 to 7:00 only.

Mr. Austin said in the community meeting, any concerns of the neighbors in reference to that or do they support it?

Mr. Kazel said based on the report I believe they don't have any issues. They just ask us a few questions to understand the nature of the restaurant.

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

Mr. Howard said I'm real excited about the fact, and I don't know how this zoning is going to go down to be honest with you; but it is exciting to know that somebody wants to invest in what used to be Piedmont Courts. There was a time when there wouldn't have been anything close to this, even blocks away, let alone across the street from it. It just shows what we do to reinvest in the communities is working. Just 7 or 8 years ago this would have never even been on the table. It is exciting to have this option at least considered.

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ITEM NO. 16: HEARING ON PETITION NO. 2013-026 BY CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO 1) ADD NEW DEFINITIONS; 2) CLARIFY THE RESIDENTIAL DENSITY IN THE PED (PEDESTRIAN OVERLAY; 3) ADD NEW PARKING REQUIREMENTS FOR MULTIFAMILY UNITS LOCATED IN THE MIDTOWN, MOREHEAD, CHERRY PEDESTRIAN OVERLAY DISTRICT AND THE EAST BOULEVARD PEDESTRIAN OVERLAY DISTRICT; AND 4) ADD NEW SUPPLEMENTAL DESIGN STANDARDS FOR THE MIDTOWN, MOREHEAD, CHERRY PEDESTRIAN OVERLAY DISTRICT AND THE EAST BOULEVARD PEDESTRIAN OVERLAY DISTRICT.

Laura Harmon, Assistant Planning Director said I'm going to walk you through what we are proposing with the Pedestrian Overlay Zoning Districts, some changes to the district. You may not be familiar with what we affectionately call PED. This was a zoning district that was adopted in 1999; development standards have been updated as recently as 2011 and this is a district that we use in a lot of our urban business districts, mixed use districts. It overlays on the existing zoning and provides more urban development standards than what you would find in the underlying zoning districts such as B-1, O-1, O-2, etc. It allows most of the uses in the underlying district and accessory uses, but it is really very design focused in making sure we get a more urban product than what some of the underlying districts would allow.

A little bit of background of how we got here tonight. We actually came to you all after finding out early last year that we had a lack of clarity as to whether density as we traditionally apply it,

units per acre applied to areas that were zoned PED. We brought you in March of last year a Text Amendment that clarified that and saying there is not a density calculation if you are in PED, but instead to determine how much development should occur, you would use your building envelope, your setbacks, your yards, your height and you could build within that, but there would not be a specified maximum density. When we got here we heard from some folks at the public hearing from the Dilworth Neighborhood that they had concerns about that. That hadn't been their understanding in the past of PED and after that we followed up with them and ended up beginning a process working with property owners, particularly in the Dilworth part of town and the Morehead corridor and the Midtown/Cherry area as well as East Boulevard. We worked with residents in those areas as well as the property owners that had properties zoned PED. What we've done is based on that. We've updated the text amendment not only to clarify density, but do some other things to address the concerns that we had and we are back actually for a second public hearing on this text amendment.

The purpose of this text amendment again is to keep what we had originally, to clarify that density does not apply for properties with an overlay district of PED, but also to address those concerns that we heard to better align the plan recommendations, the policy with the PED zoning district regulations for these areas, and to promote compatible development that will compliment the existing character of what is in the Midtown/Morehead/Cherry and East Boulevard area.

Councilmember Howard said clarify for me what you mean on the first bullet. The PED density is not governed by the PED overlay?

Ms. Harmon said we don't use the density in the underlying districts to govern what happens in areas zoned PED. For example in O-2 we might have 22 units per acre I believe is the correct amount. That does not apply nor do we have a density standard at all for properties zoned PED.

Mr. Howard said so you are just trying to remove the confusion that was there when you put PED on top of it?

Ms. Harmon said exactly, and we did that very clearly when we did this in 1999 with floor area ratio, we said that didn't apply. We didn't do that clearly with density and so even though that had been our practice it wasn't clearly stated in text.

Mr. Howard said so you want to let the form of the building take on what it becomes and how big it becomes?

Ms. Harmon said exactly. With respect to public involvement and how we got here. We had four stakeholder meetings; we held 18 stakeholder small interviews, anywhere from one to three or four people and we had a design round table with folks from the architecture and engineering community to make sure what we were proposing and which we will talk about in a minute, was actually feasible, that it did make sense and it could be done on a regular basis. Again what we heard throughout this was protect the character of East Boulevard, Midtown/Morehead/Cherry, make sure we have standards that did not require the exact same design over and over again, but that they were flexible and allowed you to meet the intent many different ways. Make sure we raise the bar, got higher quality new development and again that final thing is making sure we have multiple options.

Specifically in addition to what we are recommending, clarifying with respect to the density with PED, we have some other design oriented amendments. The design oriented amendments will apply only to Midtown/Morehead/Cherry and East Boulevard, not to the other areas at this point in time zoned PED. The density amendment will apply across the board. The main things we are looking at; building character and parking, and we have some changes that I'll go over more specifically, but they are really in three areas; dealing with very long buildings, which we are seeing more and more of in Charlotte, dealing with ground floor of buildings and amending the multifamily parking ratio.

Councilmember Fallon said what's building character?

Ms. Harmon said as we talked about it, it really dealt with the forms of buildings and as we talked about it mostly on Morehead Street is where we heard that repeatedly that there is a certain rhythm of building, certain size of buildings that you see over and over again and PED would allow something very different, much larger buildings. Not necessarily the architectural design, but the form of the buildings, the height.

Ms. Fallon said materials?

Ms. Harmon said we did not get into materials.

Ms. Fallon said so it is basically the form, the consistency with other forms in the area?

Ms. Harmon said yes, making sure we are not deviating too far from that. This is the geography we are looking at. This is East Morehead Street. This is Little Sugar Creek here and moving up into the Midtown area. We picked up the area from the Midtown/Morehead/Cherry Plan and also the East Boulevard PED District; this is from actually our first plan that created an area for PED to be applied to. We added some new definitions and I will go through these quickly and then we have some visuals that will probably be more helpful. Building length along a street identifying the length of the building along the street is what is between either your setback or yards at either end of that building and façade modulation which would be variation in the plane or the building wall to break up the massiveness; the bulk of the building. With respect to building length, if you have a street here the building length is the area between the side yard on this end all the way to the setback on this end because there is another street over here. This is the length of the building on one side along a street and this is the length of the building on another side along the street. We needed to put that definition and make it clear as we are talking about the standards. The façade modulation, I think this gives you an example of what we are looking at and you can see how the building is inset here and you can see also with these other buildings that they inset areas here. From this angle it is a little hard to see, but this is on South Boulevard and they are also insets; making sure that we don't have a continuous wall along the street of building. With the three standards that we are updating in addition to density, the first is large scale building facades. We are looking at these standards only for the Midtown/Morehead/Cherry and East Boulevard and for buildings that are longer than 250 feet, and giving three options on how you could deal with these long buildings with either façade modulation, building mass separation or architectural variety. I will quickly take you through these. These are buildings that are longer than 250 feet so I think that gives you an idea of what we are talking about and trying to address, some of the much larger buildings that have been built or been proposed recently in Charlotte.

Mayor Clodfelter said what is the typical length of the blocks, street to street in Morehead Street and East Boulevard?

Ms. Harmon said East Boulevard is probably more regularly about 400 feet. Midtown/Morehead Cherry area we are getting some longer blocks that may be 600, 700, 800 where we may not have an intervening street.

Mr. Howard said it is not about just letting them build long buildings and making them break them up into multiple buildings?

Ms. Harmon said we are not recommending that you can't build the long buildings, but we are recommending that they not be long flat buildings without any variation as you go down the street, so as you look at this building on the bottom left corner, that is a pretty flat façade of that building. You don't see a lot of variations so I'm going to show you the three alternatives that you could choose one of those to address those long buildings. This gets into a little bit of calculation, but façade modulation so that for every linear foot you have five square feet of building modulation, building inset. Modulation would have to be in the areas that are at least 10-feet wide and 10-feet deep so it is meaningful and pictures will help in a minute. Measure from the front building line, you can have multiple insets or modulations and modulation has to occur at least every 200-feet. You can see examples where people have done this; they have inset their building in a way that it meets those standards. You can see on a site plan from above where people have provided modulation that really starts to give the appearance of multiple
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buildings even though it is one building and that is really our intent with this standard, is getting that feel that it is multiple buildings, but still allowing the design to be one building. For a 250-foot long building you would have to have modulation in one or more areas of 1,250 square feet, so this is where your open space could be and in some cases you might be able to have driveways, just taking a part of that building and pushing it back from the street.

The second alternative if you don't want to do modulation is similar to the first one, but what we are calling building mass separation where you have an area of at least 25 by 25 feet and at least every 200 feet along your building. What the difference is, the first alternative allows you to do much smaller insets, this one requires something much larger and pictures can really be helpful as you look at these projects. This really looks like two buildings, but technically it is one building. You can see it is connected back here. These look like multiple buildings, but they are one building and similarly here. That is where you might have less frequent modulation or insets, but they are larger and give you a different feel.

Mr. Howard said on the picture on the bottom right corner, that parking deck that is in the middle, so you are okay with it being offset but not what it looks like? Is that in Charlotte?

Ms. Harmon said that is in Charlotte; I believe it is between Scott Avenue and Kenilworth.

Mr. Howard said that situation to me it seems like they put some screening so it wouldn't look like a deck.

Ms. Harmon said I'll be glad to go back and see what went on there, but I certainly see your point and we would with current standards require if it is visible from the public street, we would require a different design than you see here.

Councilmember Driggs said in that situation, is the appearance of the building on either side of the split different to promote the perception that they are actually different buildings, or can the style be the same along the whole length?

Ms. Harmon said the style can be the same along the whole length although on the bottom right corner the buildings do look different. I think while we would prefer that, we are not requesting an amendment that would require that. That was a perfect segue to the next slide which is our third alternative and we would have people choose one of the three and not have to do all of these, but an alternative that you could choose would be a design that incorporates façade variations every 100 feet which would have your building; it may all be attached, but it would look like different buildings in an urban context that were attached to each other. It could be all one building connected within, but it would look like more of a traditional downtown where buildings are attached to each other but each looks different. This would be something that would be assessed and approved by the Planning Director or the Director's designee. I promise this is the most complex and it gets easier from here.

Mr. Howard said do you have any examples of the architectural variations?

Ms. Harmon said we did not provide any examples and we haven't throughout this process because we are afraid that people will decide that that is the standard. We could probably give you some examples, but they may not be from Charlotte. We could put them in the follow-up report but we didn't want to get people too tied to an exact example, either from a staff side or from a development side. We really feel like it will be fairly clear when we see it whether or not it meets that standard.

Mr. Howard said a big long building would get the material; it still looks like a big long building.

Ms. Harmon said we would look for more than just different materials; we'd look for different roof pitches, different roof heights so that it really might be moving in and out a little so the offset wall plains, different architectural styles, it would have to look truly like different buildings in an urban context that were on zero lot lines that were attached to each other.

The second standard is treatment of ground floors and we have a number of multistory buildings being built in the PED districts and we've really felt it was important for any building over five stories to be designed with an architectural base or a ground floor or a couple of floors that really looks different from the rest of the building. As you look at these buildings here you can see this ground floor looks very different from the upper stories. This one is a little hard to see in this picture, but has different design and you can see this has a different window pattern, has a different floor height here than what you see higher up on this building. That was a second standard that we are proposing for these two districts. The third standard is simply increasing multifamily parking ratio from 1 to 1.25 per unit. We heard a pretty substantial concern from the community that some of these areas may be being under parked and because they are not on rapid transit lines; at least the two that we are looking at, most of the area is not close to rapid transit, though it is close to center city, we did think we needed to look at a little bit higher parking ratio.

Councilmember Smith said when was the Morehead designated PED? This predates me.

Ms. Harmon said I don't know exactly the year, but it was since the Midtown/Morehead/Cherry Plan so it was probably two years ago.

Ms. Smith said at the time all the stakeholders participated and gave feedback?

Ms. Harmon said I think sometimes you don't know what you've got until you've got it and I think as they learned a little more about PED they did express some concerns to us.

Joe Padilla, 1201 Greenwood Cliff said this may be a first so enjoy it. We do agree and I think this is something for one thing I want to commend your staff; we've come a long way on this, probably going on 6 months now it seems, but we ultimately feel like what was presented tonight in terms of the amendments are things that a lot of members and a lot of developers are already doing and that they can comply with in a way that is economically reasonable and feasible. Of course the density change is essential; that needs to be clarified and that was the reason a lot of this started to move along. We are in support and would ask that you vote in favor of these changes. I would point out as well, to Mr. Smith's point about how frequently this is being changed. We were concerned because this was just adopted on Morehead about 2 years ago and to now have changes come through, we are creating an uncertainty in the market when you have investors who come in, buy a piece of property, expect those zoning overlay rights are going to remain, so we would just caution going forward that this not become something that is dove back into on a regular basis, but that we let it sit, let it play out and let it develop as the stakeholders in that corridor intended it to develop as.

John Friday, 1119 Belgrave Place said I'm here to represent the Dilworth Community Development Association. I asked Mr. Padilla to go down and sign up to be in opposition so we would have 10 minutes, so if I run over if you will give me just a little more leeway I would appreciate that. We asked about a year ago that you defer the unlimited density text amendment due to concerns that we had on Morehead Street and East Boulevard, which are very important roads in the fabric of Dilworth. As Mr. Smith said; how did we miss this in less than 18 months before it happened? As many of you know Dilworth experienced the very first Small Area Plan; we had the first PED; we had the first TOD and we'll have the first of whatever else comes up. We are seeing most of the affects from light rail and what we've done is we've learned from each of those. Our concerns were that the PED ordinance needed modification to provide additional protections and incentives to not only encourage development on these key streets, but it needed to protect the character and fabric. I think as Mr. Howard pointed out, you have all asked really wonderful questions tonight and I don't think any of those things up there you think are all that great for Morehead Street; we don't either. The question is how do you write it and we've found that planning agreed and the staff has worked really diligently to generate the changes that you've seen. Is it all that we would want? No it certainly isn't, but it is a reasonable series of modifications to add to the current ordinance and we hope that you will support it. The ordinance actually requires a PED design review for all projects that happen in the PED so the planning staff has another shot at everything that happens to make sure it meets not only the old ordinance; but these amendments.

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

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ITEM NO. 17: HEARING ON PETITION NO. 2014-036 BY CITY OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.18 ACRES LOCATED ON THE NORTH SIDE OF WEST BOULEVARD AND GENERALLY SURROUNDED BY OLD STEELE CREEK ROAD, ELMIN STREET, WALTER STREET AND WEST BOULEVARD FROM O-1(CD) (OFFICE CONDITIONAL) AND R-5 (SINGLE FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES).

Tammie Keplinger, Planning Department pointed out on the map where the site is located; pointing out West Boulevard, Old Steele Creek and the site is right in the middle. The front part is zoned O-1(CD), the back part is zoned R-5. That O-1(CD) was established in 2005 and it was for a 15,000 square foot funeral home and that funeral home never developed. The site is located between an area of neighborhood business services and a little bit of industrial. In terms of the aerial you can see the site is vacant. You can see the industrial land use to the west and the businesses to the east and the residential to the north. This petition is for the Police Department and other governmental offices on West Boulevard. The rezoning is from single family residential and office conditional to Neighborhood Services to allow a 16,000 square foot building. The building envelope is shown in the area that is on the slide now and when I click this again you are going to see where they are proposing to put the building. This is the building and this is the parking, but this building may slide a little bit within that envelope. This area shows the secured parking with most of these facilities you are probably familiar; we do have an area of parking that is secured. The line shows the area of the fence and this is a detail of that fence.

This is a colored rendering of the site and again you can see there is access to Elmin Street and access to West Boulevard. This is the building elevations from the front and you can see the front elevation or the south elevation, the east elevation and the west elevation. The future land use plan calls for office or institutional uses on the site and that is based on the previous rezoning and on the back portion it calls for single family residential. Staff is recommending approval of this petition upon the resolution of the outstanding issues. In this particular case we do have a split consistency; the rezoning of the portion of the office is consistent with the Central District Plan recommendation for institutional uses whereas the rezoning of the portion on single family is inconsistent with the recommendation for single family residential. Locations of institutional uses are usually not identified in our area plan; that is something that we look at on a case by case basis. In looking at this one it is an appropriate site because it is located along a major thoroughfare and within close proximity to the area for the service area for the facility. The outstanding issues that are associated with this rezoning are related to the future use and treatment of the properties along Elmin Street in addition to several technical issues. We think all of those will be resolved by the time we get back for a decision.

Councilmember Barnes said I would note that since the City is the petitioning party, we are very comfortable with our proposed project and the fewer words you say the better.

Chris J. Todd, 200 South Tryon Street said I'm with Cole Jenest & Stone and we are representing the petitioner and we are simply here to answer any questions you have.

Monifa Woodside, Engineering and Property Management said I'm the Project Manager with the City and I also am here to answer any questions.

Mayor Clodfelter said why is it necessary to rezone the portion of the property along Elmin Street from residential when you are not proposing to use it?

Councilmember Howard said the driveway.

Mayor Clodfelter said well that creates a big issue in a lot of neighborhoods. Why is that being done?

Ms. Keplinger said that is actually the way the application came in and that is one of the things we hope to work with the petitioner on between now and the Zoning Committee meeting.

Mayor Clodfelter said if you put the site plan back up it looks like there was going to be landscaping along the back of the secured parking area and that all of the property along Elmin Street could perfectly well stay residential for future residential use.

Ms. Keplinger said it possibly and that is something we will look into.

Mayor Clodfelter said is that an issue you are going to be talking about.

Ms. Keplinger said yes sir.

Mr. Howard said I am worried about the fact that there is only one way in and out on West Boulevard. It needs another egress and I guess that would be the reason. You have enough road frontage to do one in and out on West Boulevard but I'm sure there is a reason why you didn't want to do that.

Mr. Todd said there were six parcels that were required to put this together, five of which were owned by the same property owner. It is just a matter of how it was assembled and at the time we didn't realize how the plan was going to lay out. We do need a second egress out to Elmin.

Mr. Howard said if it was anything other than a Police Station I would agree with you. I think because it is a police station and always will be, it probably will be okay, but that is dumping a lot of traffic into a neighborhood potentially.

Mayor Clodfelter said it is causing a lot of problems in other places in the City.

Councilmember Phipps said is the size of this station consistent with the size of the other stations we've constructed in the recent past?

Mr. Todd said it is slightly larger than the Eastway Station that is being completed at this time. The size and shape are essentially the same because it also houses Neighborhood and Business Services.

Councilmember Mayfield said part of our discussions in the neighborhood meetings, and we had a number of neighborhood meetings so a lot of conversation was around the development of this and we also made sure there was meeting room space for the community room, so if you look at the Wilkinson Boulevard Police Station, it is pretty much the same entryway where you are turning in off of Wilkinson Boulevard, but you really go behind to go out and hit the neighborhood street to come back out at a light and there is very little impact on the neighborhood. You think about who is your target audience that is coming in, so occasionally you may have a neighborhood meeting. Other than that CMPD, the people they are bringing in aren't going to be driving back out on the back side in their own personal vehicles. I don't believe it will be a major inconvenience on the neighborhood but I do understand the concern.

Motion was made by Councilmember Howard, seconded by Councilmember Mayfield, and carried unanimously, to close the public hearing.
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ITEM NO. 18: HEARING ON PETITION NO. 2014-037 BY CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE CLARIFY THE SCREENING AND BUFFER REQUIREMENTS FOR LOTS ABUTTING RECREATIONAL FACILITIES.

Sandra Montgomery, Planning Department said this is a text amendment to clarify the screening, buffering and separation distance requirements for outdoor recreational uses. These could be public or private uses. There are some pictures here of tennis courts, ball fields, swimming pools, picnic shelters, soccer fields. We are not talking about accessory use like swimming pools or trampolines to residential. These are actual outdoor recreational uses per se. There are some additional pictures here, ball courts, club houses, golf course, practice greens, fitness centers, snack bars, pro shops and any associated parking areas with any of these.

This text amendment really just clarifies one table to make it more user-friendly. It does not change any of the requirements or numerical requirements, none of the buffer widths have changed. It is just improving the user friendliness of the table; adding a section reference and adding a foot note about how distances are measured. Staff does recommend approval of this petition and it is consistent with the Centers, Corridors and Wedges Growth Framework goals.

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

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MAYOR AND COUNCIL TOPICS

Councilmember Driggs said I wanted to report to Council that the Environment Committee met on Wednesday night and heard a presentation from staff about a proposed legislation in the General Assembly to basically eliminate the right of local governments to regulate trees on private property. The presentation we heard dealt with the impact that might have on the benefit of trees and the effect that removing our ability to control where they are could have. Basically the Committee voted to ask Council to refer this matter to the Intergovernmental Relations Committee and to make opposition to it part of our legislative agenda. The last I heard, it is not clear how likely this is to advance, but I would at least like to get Council to authorize the Intergovernmental Relations Committee, if necessary, to take it up and express our opposition to the ordinance.

Mayor Clodfelter said the request is for Council to approve referral to the Intergovernmental Relations Committee of a pending legislative item; unless there is objection to that, so ordered.

Councilmember Autry said I just wanted to express my appreciation to the Vice Chair of the Environment Committee for conducting that meeting last week in my absence without dismantling the whole operation.

Councilmember Howard said I wanted to welcome the Hornets back to Charlotte. I wore the colors tonight and I think at midnight tonight they actually become the Charlotte Hornets again. Having grown up with that it means a lot and it is a source of pride. People in other parts of the country wonder why we care, but if you've been here any amount of time you know it is a huge deal for us so "Welcome Back Hornets."

Mayor Clodfelter said we are the Hornets Nest of the rebellion, not Bobcats of the rebellion.

Councilmember Smith said while it is technically in the City of Concord, the Speedway is named after Charlotte and there are a lot of wonderful festivities this week for the longest race in the NASCAR season and I encourage all of Charlotte to participate when and where possible. It is a very important industry to Charlotte and when we had Mr. Johnson down the other week it just goes to show that they do a lot more than drive cars.

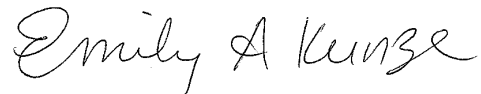
Councilmember Mayfield said two things, one I would like to congratulate Maureen Golden of the Haitian American Association of the Carolinas. This past Saturday was Haitian Flag Day and there was a celebration in the community and it was a great opportunity for our Haitian Community to get to know each other and meet and greet and expand their outreach in the Charlotte area. I also wanted to thank Mr. Ed Smith! I had an opportunity to go to Philip O'Berry Saturday morning, thanks to the Beta Mu Lambda Chapter of Alpha Phi Alpha. They

have an amazing program that is a 10-month program reaching out and working with the youth called Project Alpha Leadership and they were training this past Saturday. I had an opportunity to speak to them. I just want to congratulate Beta Mu Lamda Alpha Phi Alpha Carolinas Chapter for all the work that you are doing and to say good luck with any future and continuing training classes.

Mr. Howard said we should recognize Ms. Mayfield; she got accepted to Harvard School for State and Local Government Officials and she starts in June. She will be leaving us get more educated.

ADJOURNMENT

The meeting was adjourned at 7:43 p.m.



Emily A. Kunze, Deputy City Clerk

Length of Meeting: 2 Hours, 24 Minutes
Minutes Completed: June 6, 2014