

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, July 21, 2014, at 5:12 p.m. in Room CH-14 of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Michael Barnes presiding. Councilmembers present were Al Austin, John Autry, Edmund Driggs, Claire Fallon, David Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

**ABSENT:** Mayor Dan Clodfelter

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**ITEM NO 1: AGENDA REVIEW**

**Tammie Keplinger, Planning Department** said you have a package of information and I'm going to go through what is in the packet first. First you have your Dinner Agenda Update, secondly you have a copy of the Speaker's List which is as of 2:00 p.m. today, so there may be some additions. The third and fourth items are letters on Rezoning Petition No. 2013-094 for Halvorsen; one is from Mr. Phipps and one is from the petitioner's agent. They have requested a deferral of that petition to October. The next item is labeled at the top, AFP Property LLC. This is for Item No. 13 in your agenda; this is from Al Allison. On Friday we sent you a letter from Mr. Allison talking about his opposition to this rezoning; today he sent this letter saying he is no longer in opposition. After that is a revised map for Item No. 12; this is a rezoning for CPCC and as we were preparing for tonight's meeting I received a call from Adams Outdoor Advertising and our map had included this small triangle of property right here on Charlottetown Drive that they actually own. This map is correct and that is not part of the rezoning. Next is the follow-up report and I will review that momentarily. Also, the list of the Upcoming Cases of Special Interest and then the Text and Area Plan Amendment which Debra will go over.

Now we will go through the list of deferrals and withdrawals. Item No. 2, Petition No. 2014-019 is a corrective rezoning on Salome Church Road which the Planning Department is sponsoring. It is part of the District 4 corrective rezoning. We are working toward finality with this and hopefully we will be moving forward in September, but we are asking for a two-month deferral until September.

**Councilmember Phipps** said can you refresh my memory; what is the nature of the protest on this one.

Ms. Keplinger said the property owner was protesting the city rezoning it to R-3, but since that time we have been working with him to come up with something in between the current zoning and the R-3 zoning. Additionally, the property has changed hands so several things have happened during the process of this rezoning and hopefully it will all culminate and we will have it all back before you in September.

Mr. Phipps so they have a sufficient protest?

Ms. Keplinger said yes sir; now they did at that time, the change of ownership may have changed that, but that is something we will check when it comes back in September.

Ms. Keplinger continued with the deferrals and withdrawals; Item No. 3, Petition No. 2014-021 is a decision. This is a Text Amendment for the Mobile Farmer's Market; a two month deferral to September 15<sup>th</sup>. Item No. 4, Petition No. 2014-027, this is for a rezoning to TOD-M on Dunavant Street. It says a one month deferral, but it is actually a two-month deferral to September.

**Councilmember Mayfield** said Tammie, No. 4 why are we deferring?

Ms. Keplinger said this is one that the city has sponsored because it is a TOD-M, but the person that actually made the original request, they are in the process of selling the property and they want to be sure that they have the correct zoning for their sale.

Item No. 17, Petition No. 2014-094 is a hearing; this is the Halvorsen rezoning petition. Staff has recommended a two-month deferral on this and the petitioner has agreed to the two-month deferral. Item No. 18, Petition No. 2014-003 by George Macon; it is a protested petition and we are moving the hearing to September 15. They also did not submit the community meeting report.

**Councilmember Driggs** said on Petition No. 2014-003, it seems like that has come up and that was postponed several times. Is anything actually happening there; he hasn't held a community meeting for a couple months.

Ms. Keplinger said there has been some movement forward on that case. When the case originally came in they showed the access for the property through the common open space from adjacent multifamily development and they can't do that because that property had a conditional zoning on it. They had to get permission from those folks and add it to the rezoning petition. They have just about finalized the negotiations and we expect it will go to hearing in September.

Mr. Driggs said so there has been a community meeting or not?

Ms. Keplinger said I don't know that he has actually had a formal community meeting that is required by the rezoning process, but I know that he has been meeting diligently with the folks in the neighborhood because of the issue with the driveway.

Item No. 19, Petition No. 2014-044 by C. Grey Poole on Park Road at Woodlawn, this is a request for a withdrawal and because it has been advertised it does need your permission to be withdrawn. Item No. 20, Petition No. 2014-049; this is a hearing for SBBH for a rezoning at South Park Mall for an office tower. The petitioner is requesting a two-month deferral until September 15. Item No. 33, Petition No. 2012-090; this is a Text Amendment for the Board of Adjustment which staff is recommending that this item be withdrawn. This is something that we are going to be looking at when we look at the new Zoning Ordinance so hopefully it will be incorporated into that process.

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### **ITEM NO. 3: REZONING CASES OF SPECIAL INTEREST**

Ms. Keplinger said for Items of Special Interest; Item No. 6, Petition No. 2014-031, this is a petition out in the Palisades and when this petition came before you and went through the public hearing process the petitioner showed a new site plan the night of the public hearing. It was one that staff had not seen because they cannot submit a new site plan four weeks prior to the public hearing. What ended up happening is when staff reviewed the site plan it did not conform to the subdivision ordinance and they had to go back and make some major changes and those changes have put that at odds with the neighbors, who had agreed on the site plan that they showed at the public hearing. Staff has recommended a new public hearing. The Zoning Committee has recommended a new public hearing and we are asking for Council to consider this tonight and we would schedule it for a September hearing. The protest petition on this one was sufficient. They removed part of the property owner's names from the protest petition, but they did not remove enough so it is still valid or sufficient and they can add more now that the time is definitely back for a new hearing if that is what you decide.

Ms. Mayfield said this is just for clarification, the e-mail that I sent to all of you asking for support for staff's recommendation for the new public hearing.

Ms. Keplinger said Item No. 9, Petition No. 2014-040; this is the Sardis Road Land Company, a rezoning at Chevron Road and Sardis Road. There is a sufficient protest petition on this and the Mayor is not here tonight so the petitioner is asking to defer it for one week to your Council meeting next Monday night. Actually your policy states that you don't have to vote on it if it is an automatic rollover unless the petitioner requests a decision on it tonight. There is no vote required. Item No. 15, Petition No. 2014-050 for Cooper Builders, and Cambridge Properties on Carmel Road and Colony Road. There is a protest petition but it is insufficient. There were two, one was removed and now what is left is not sufficient. Item No. 27, Petition No. 2014-063 is a rezoning for Pulte Homes at Atherton and Marshall, Euclid. We have several protest petitions on that one and we are working on the sufficiency and will have them in time for the decision. One other item I need to mention, on Item No. 16, Petition No. 2014-052, the attachment says 33 and it should be attachment 16.

Mr. Phipps said I notice we have seven protest petitions among this group of items that you just discussed. Has the Planning Department undertaken any kind of an analysis on the effectiveness of protest petitions in our overall process?

Ms. Keplinger said not that I'm aware of; not in the time that I've been here. That is not something that we've actually wrapped our head around?

**Councilmember Howard** said do you think we should do away with it?

Mr. Phipps said no, I was just wondering because I know it is a movement afoot because certain entities think that the protest petition is abused as a tool and I'm wondering if there is any kind of way we could show how effective it is in our overall process or if it didn't have any affect really. I know that is the first thing people do and the first thing out of the box when they want to make their feelings known about a petition. People will go for getting a protest petition just straight up and I don't know if it is effective as they think it is because most of the time I would think you would get the majority of the vote anyway. I was just curious.

**Mayor Pro Tem Barnes** said what is the status of that legislation?

Ms. Keplinger said the last we heard it got approved in the Senate, went to the House, the House changed it and it went back to the Senate and that is where I believe it still stands currently. We will get you a follow-up in the follow-up report for next month.

Mr. Driggs said actually my questions was the status of the legislation, but I think as part of the regulatory reform bill it is going back and forth and they are still trying to work that out. The other question I had was if you've looked at all of what is proposed do you know how the process would be affected; like if we have existing protests do they still trade as a super majority or do we kind of cut it off and after that there is no super majority vote because of the protest?

Ms. Keplinger said we really don't know at this point. Terrie and I have had conversations about it and what happens to those that are in process right now and I think it depends on the timing and what the actual outcome of the bill is. I think those are things that we have to wait and see.

Mr. Howard said I want to respond to Mr. Phipps for a second. If you ever get an analysis like that you have to take into account how many had a protest petition and dropped out because of it; how many had staff's support and we went on and did it because it had staff's support. The ones you should worry about are the ones that didn't have staff's support and we voted on anyway. I think that is probably a rarity in any situation. It is not just the effectiveness of the protest petition, you have to look at all those scenarios and figure out whether or not and what circumstances you have the more likelihood of not getting it or stopping something. It is not as simple as you make it; you have to look at all the pieces of it.

Mr. Phipps said I would hope that would be a part of the analysis.

Mr. Howard said I'm just saying if that is what you are asking I just wanted to encourage you to look at it a lot harder than just protest petitions.

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**ITEM NO. 2: FOLLOW-UP REPORT**

Ms. Keplinger said the follow-up report from last month; we had two questions. The first one was regarding the rezoning on Pete Brown Road and Statesville Avenue and the question was is there a proposed Red Line Light Rail Station near the rezoning. The closest one will be almost  $\frac{3}{4}$  of a mile from that site; .71 miles and that would be W. T. Harris Boulevard and Old Statesville Road.

Mr. Howard said that would be within the zoning that you would want TOD to be a part of though? Did you say  $\frac{3}{4}$  of a mile?

Ms. Keplinger said  $\frac{3}{4}$  of mile and we usually get within a  $\frac{1}{4}$  mile and a  $\frac{1}{2}$  mile radius.

Ms. Keplinger said the next set of questions was about Petition No. 2014-047 at Youngblood and Remount Road and Griffith Street. There was a question about Poindexter Drive and the impact to Mr. Allison's property and does the Charlotte Housing Authority have any plans for redevelopment on their site. In working with Mr. Allison and that is the way that Poindexter was set up in the development of 2014-047; there are several alternate ways that the road can swing and we feel that CDOT and Planning felt that we had accommodated many options for future development of Poindexter and Mr. Allison became comfortable with where we stood on that and as for Charlotte Housing Authority, we did get in touch with them and they said at this time they have no plans to redevelop Southside Homes.

**Assistant Planning Director Laura Harmon** said you do have a letter from him.

Mayor Pro Tem Barnes said so all controversy regarding this petition has been resolved. The District Rep supports it and Mr. Allison, so it is good.

Ms. Keplinger said and you have the letter I pointed out earlier.

Mr. Driggs said could I just point out that I have actually spoken to him and he has accepted the outcome. He is still a little unhappy about the fact of the way the current one is being approved. There is no possibility that some of the right-of-way will end up being on the adjacent property rather than all of it being on his, but I think he recognizes the other advantages of the proposal are critical.

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**ITEM NO. 4: AREA PLAN STATUS AND TEXT AMENDMENT UPDATE**

**Planning Director Debra Campbell** said you know my job is to go over the Text Amendment and Area Plan Study and I will try to be as expeditious as possible. I have a few that I want to bring to your attention and again just for your information. What is highlighted in yellow are updates to the document. The first item on page one is the Eating, Drinking and Entertainment Establishments Text Amendment. It is scheduled for a decision tonight and staff and lots of business owners and community organizations will appreciate your support. Mobile Farmer's Market; this is something that you heard Ms. Keplinger talk about in terms of a deferral and wanting to spend a little bit more time in looking at the issues that you all have raised at your public hearing in March. We've met with the Advisory Group and we just need a little bit more time to address this issue and our challenge in grappling with these individual issues. You see Mobile Farmer's Market, you see Mobile Food Trucks and we've got a lot of mobile retail types of uses and we really want to try to make sure that we address this in a fair, equitable manner and also respond to what we know is an evolving industry and we just want to make sure that

we've got the right kinds of regulations that will support, but yet protect the integrity of a lot of the residential areas that have got these types of locations where these uses want to go.

**Councilmember Mayfield** said just so that I am clear; this is the conversation that we started regarding Mobile Grocery Stores because I was trying to figure out how it turned from Mobile Grocery Stores to Mobile Farmer's Market because there is a difference between what is available at a farmer's market and what we originally started the conversation with looking at best practices in other cities and what is available on a Mobile Grocery Store.

Ms. Campbell said actually the change in the terminology came from the Community Advisory Group that we've been working with because they wanted to narrow the scope to just produce and fruits. Again this raises the issue of why we need to take some time and really look at this so we will come back with a recommendation in about two months.

**Councilmember Phipps** said can you have both a Mobile Farmer's Market and Food Trucks?

Ms. Campbell said no you can't. The way this is identified I don't think you can.

**Councilmember Lyles** said you mean one vehicle or two vehicles parked in the same area.

Ms. Campbell said one vehicle; we need to look at that.

Ms. Mayfield said Ms. Campbell with thinking about the last few comments that would be something that I would not be able to support with thinking about what the target goal was when we started this conversation more than a year ago. There needs to be a clear separation of what is what and we have best practices and we have models out there regarding successful Mobile Grocery Stores and the needs that they are fulfilling in communities. There is a very different need for the Mobile Trucks that is more in my opinion, more a luxury and an entertainment need opposed to that grocery store where we have areas that clearly have fresh food alternative inequities. There was a clear path of and my understanding when we started this conversation and the models we are looking at for best practices, unless there is a really, really good case of consistency of a best practice of a unit that has been able to do both, I would really like for the conversation not to get swayed any further outside of the original parameter of what the goal was and that was providing a service to parts of our entire community that have had concerns and issues with getting access to quality healthy foods choices, whether that is transportation related, location related or whatever the challenges are, not letting that turn into something other than what the initial intentions are.

Ms. Campbell said we hear you and we also have the challenge of a growing industry related to mobile vending in general. We think that there are mobile carts, there are mobile trucks, there are establishments or businesses that want to sell groceries, they want to sell dresses, they want to sell hats and all of this morphing into this barrage of trying to chase all these individual uses and try to figure out an individual term that we call them. Do we call them a grocery, do we call it a farmer's market, so we are retreating, we're saying let's do a lot more study and analysis to make sure that we are addressing this in a much more comprehensive and permissive manner. We will not lose the original intent and the direction that was given to staff with whatever recommendation we come up with. We will have something that addresses Mobile Grocery; I will assure you of that. It may be couched in a much more comprehensive look at mobile than this; whether you sell food, whether you sell groceries or whatever, but we will make sure that we definitely address the original spirit and intent.

Ms. Campbell said I'm going to turn the page to Animal Fostering. I think we provided you with a presentation in a Dinner Meeting in June and this is scheduled to go to public hearing on October 20<sup>th</sup>. Item No. 9, the Prosperity/Hucks Area Plan; this has been a fairly contentious Area Plan. It has been a long process for us as well but we are still working with the community. We have had some smaller sessions with some key representation from the

neighborhood to respond to some of the issues that they have in particular; concerns about the amount of multifamily that is occurring in the community and the type of retail that is being developed and overall they feel there has been a little bit of inconsistency in terms of the some of the decision making and development pattern that has occurred in this area, whether it has been consistent with the original Prosperity Area Plan, so we are continuing to work with the community. I would also like to thank Councilmember Phipps for working with the petitioner, that petition has been deferred, to give us time to work through the area plan recommendations for that site and the petitioner agreed and we appreciate that. We expect to have some preliminary recommendations about late August or early September and to have our final community meeting out there in October prior to the October 20<sup>th</sup> hearing which we hope to be able to move forward with the Halvorsen petition.

**Councilmember Fallon** said I think you answered it; there will be an October meeting?

Ms. Campbell said are you talking about the Community Meeting or the Zoning Hearing?

Ms. Fallon said the community meeting.

Ms. Campbell said that will definitely be before the rezoning petition goes to hearing. I'm going to turn the page, Item No. 12; the Zoning Ordinance update and the next steps. We really appreciate your support for funding for the actual update of the document, but also to allow us to have some more on an interim basis because as developed the ordinance is going to be extremely staff intensive and we have started the hiring process, advertising process for this position. The next item is Item No. 13, Transit Oriented Development Study; this was something we got back from Committee that said we think we need to make sure that these districts allow us without having to go through a conditional plan, to achieve the vision that we have for a number of Station Area Plans that have been adopted. We are looking at each one of those districts; we've had a couple of community meetings with stakeholders and we expect to have a Text Amendment to you before the end of the year to look at some modifications to those districts. I'm going to go to the last item that I have in terms of the updates and that is the Historic District Commission process improvements. We have been in the process of working with the Historic District Commission trying to enhance our staff, and as you all know we do have a new coordinator for that program, John Howard, as well as working with the leaders in each one of the locally designated districts. You will see a number of items that are listed in terms of enhancements and improvements, and I'm not going to go through all of them, but I wanted to bring two things to your attention, well maybe three. The first one with regards to the rules for the procedure manual; we actually worked with obviously the Historic District Commission, but we had a group of neighborhood leaders that came out of the locally designated districts. They presented us with some ideas about changes that we could use or incorporate into the rules of procedure and we have been incorporating some of their recommendations. I can't say that we have incorporated all but I think we incorporated the majority. We've gotten some very, very favorable e-mail messages back from those organizations so we are real pleased with the work we have done. They have not been adopted and won't be adopted until September.

The next item is Item No. 3, the hiring process and again have to thank Council for support to add an addition to help with this effort and think it is an extremely important effort to preserve historic qualities and characteristics in our neighborhoods and so we appreciate that. We have posted the advertisement again for that position. I said I wasn't going to go through all of them, but all of them are kind of important and we've got about 20 minutes so I'll take some liberties here. We also sent out a postcard to every property owner just to inform them that; did you know you were actually located in a historic district and there are certain steps and expectations that are required when you are making modifications to your structure. Here is your staff, here is your well addressed, here is a resource grouping, so please call us and let us know if you have any concerns or issues. This was done really because what we heard from a lot of the district

communities were that people don't know; they are not informed about what all the steps are, who they need to contact, especially since we've changed staff so we wanted to make sure that people were informed.

We've been awarded a separate grant to do some survey work for neighborhoods outside of the ones that have been designated so if you think about the Central District or Route 4, Woodlawn, Eastway, Scaleybark, Billy Graham Parkway that is kind of the area that we will be looking at to look at additional neighborhoods that may qualify for historic district designation. Lastly, I wanted to show you a new app that we have that we are going to need your help. These are the existing designated districts and we can go to an address to try to give our property owners an update on the status of a project.

**John Howard, Historic District** explains the use of the application.

Ms. Campbell said it will show you whether it a Certificate of Appropriateness was approved or what the decision was or whatever and also if you read in the document it says a new ACC app developed by Pontiff. Pontiff is actually a staff person so I didn't want you all to think it was the Pope, but it is staff. That is all I have and if I have overlooked something on one of the projects that you wanted an update on, please don't hesitate to ask me about it.

**Councilmember Austin** said Ms. Campbell, going back to No. 14 and that whole process we went through with NCDOT, have they shored up their process in notification and voting and all of that. Has that changed since we went through this thing with the noise wall?

Ms. Campbell said we actually discussed this at a staff meeting just last Thursday and Ms. Harmon can testify, we are going to continue to have conversations with NCDOT because they owe us two things. They owe us a relook at even how they determined how to place noise walls in urban areas and they said they were willing to work with not only us but other urban cities. The second thing is a discussion around design, particularly along I-277, so if you don't have a wall what will you have; what will replace the wall. Those are the two conversations that we need to have with NCDOT in terms of landscaping or whatever.

Mr. Austin said are we looking to, I know we said we didn't want a wall; so are we in a thought process now about what we are going to do since we made a commitment to the people in the community that we would do something?

Ms. Campbell said I don't know if we made a commitment to do anything. What we made a commitment to do was to work with NCDOT particularly around landscaping, but I don't know that we ever made a commitment to do something with NCDOT.

Mr. Austin said the letter we sent from Council kind of communicated that.

Ms. Campbell said we will relook because I thought we were very careful not to suggest that the City was going to do something if NCDOT didn't do it.

Mr. Austin said you may have but I think their interpretation was different.

Ms. Campbell said I may be wrong but we will definitely go back and look at the letter.

Ms. Lyles said I do believe that they are actually doing additional noise walls under the rules that are set up by the federal government and there are some I think down in the Piper Glen area that are being done. So this is how I try to tier it; here is the federal law, they are not going to change what they are doing from criteria; they are willing to work with cities, not just us, on best notification practices, tracking information and partnering on design but the standard has not changed and I don't think that they anticipate any change in that standard.

Ms. Campbell said for how do you determine whether you need a noise wall or not? I think Mr. Austin's is related to how you notify.

Ms. Lyles said they are going to work with I think other municipalities not to do what they did before. They are actually going to use an outside firm to verify and work on that.

Mr. Austin said that is what I'm talking about.

Ms. Fallon said Ms. Campbell, I don't have a petition number because I don't know if there is one; on David Cox Road they are building warehouses or something. There are Z's up but I don't see any petition number for it and I know the neighborhood is really getting upset about the fact it backs onto their homes and it will drain into Davis Lake which is polluted to begin with and it doesn't need any help.

Ms. Campbell said and we have a zoning sign up without a petition number?

Ms. Fallon said I don't know if it is a zoning sign; I don't know if it is by right or whatever or have they not come to you because they are moving land.

Ms. Campbell said we will provide a response in our follow-up report.

Ms. Fallon said they are in there bulldozing all the way through and the trees are down and I know that there is a problem with Davis Lake with it.

Mr. Phipps said going back to Item No. 15; you said you mailed out a postcard to the property owner's, does the Historic District Commission criteria and restriction supersede any HOA covenants and restrictions on architectural guidelines?

Ms. Campbell said I will defer to Ms. Hagler-Gray.

**Senior Attorney Terrie Hagler-Gray** said I'm sorry what was your question?

Ms. Campbell said we know that the Historic District Overlay supersedes the underlying zoning, but does it supersede any kind of Homeowners Association covenants or by-laws?

Ms. Hagler-Gray said it wouldn't supersede them; they are separate. It would enforce differently, privately, but our standards would not supersede any homeowner's restrictions or deeds.

Mr. Phipps said covenants and restrictions on architectural guidelines or restrictions that they might impose on property owners.

Ms. Hagler-Gray said I think we would have to look at this closely and then determine; the more restrictive applies so it would probably be on a case by case basis. I don't know if I could give you a blanket answer.

Ms. Campbell said we can provide additional information in a follow-up.

**Councilmember Kinsey** said just based on my intimate knowledge of the Historic District situation, I would doubt very seriously that any project new enough to have a Homeowners Association would be within a Historic District. It could be built maybe but I think if it was going to be built there it would have to comply with the Historic District guidelines. I could be wrong; I'm not an attorney, I'm just basing that on some experience.

Ms. Campbell said usually you want these types of guidelines so that you have some uniform behavior based on the property and I think being in a locally designated district gives you that. To add additional restrictions, I'm not sure if that would give you any more protection.

Mayor Pro Tem Barnes said any other items from Council or anything related to Zoning/Rezoning before Ms. Campbell steps away. We have a chance to be here until midnight or be done by 9:00. The September meeting will be much, much, much worse so I trust everybody will want to begin at 6:00 so that we can be out of here as close to 9:00 as possible.



The Dinner Meeting was recessed at 5:53 p.m. to move to the Council Chambers for the regularly scheduled Zoning Meeting.

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### ZONING MEETING

The Council reconvened in the Meeting Chamber of the Charlotte Mecklenburg Government Center at 6:03 p.m. for the regularly scheduled Zoning Meeting with Mayor Pro Tem Michael Barnes presiding. Councilmembers present were Al Austin, John Autry, Ed Driggs, Claire Fallon, David Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greggs Phipps and Kenny Smith.

**ABSENT:** Mayor Dan Clodfelter

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### INVOCATION AND PLEDGE

Mayor Pro Tem Barnes gave the Invocation followed by the Pledge of Allegiance to the Flag.

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### INTRODUCTION OF ZONING COMMITTEE

**Tracy Dodson, Chair of the Zoning Committee** introduced the members of the Zoning Committee and said the Zoning Committee will meet next Wednesday, July 30<sup>th</sup> at 4:30 p.m. in the Government Center. At that point in time we will make recommendations based on the petitions heard here tonight at the public hearing. We will remind you that this meeting is not a continuation of the public hearing, however we invite any input that you want to give us prior to that meeting and you can find our contact information at [charlotteplanning.org](http://charlotteplanning.org).

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### DEFERRALS AND WITHDRAWALS

**Tammie Keplinger, Planning Department** said in terms of items for deferral; Item No. 2, Petition No. 2014-019 by Charlotte Mecklenburg Planning Department, a corrective rezoning on Salome Church Road, two month deferral to September 15<sup>th</sup>; Item No. 3, Petition No. 2014-021, the Petitioner is Charlotte Mecklenburg Planning Department, a Text Amendment for Mobile Farmers Market, two month deferral to September 15<sup>th</sup>; Item No. 4, Petition No. 2014-027 is a decision for a petition by the Charlotte Mecklenburg Planning Department on Dunavant Street between Remount Road and Merve Place, two month deferral to September 15<sup>th</sup>; Item No. 17, Petition No. 2013-094, Halvorsen Development Corporation at Prosperity Church Road and Ridge Road, deferral for three months to October 20, 2014. There is a protest petition on this case and the sufficiency is yet to be determined; Item No. 18, Petition No. 2014-003, a hearing for George M. Macon on the southeast corner at the intersection of Audrey Kell Road and Marvin Road, two month deferral to September 15<sup>th</sup>. There is a protest petition and it is insufficient; Item No. 19, Petition No. 2014-044 for C. Grey Poole at Park Road, Woodlawn and Montford Drive, this is a request for a withdrawal. Item No. 20, Petition No. 2014-049, hearing for SBBH, LLC at Morrison Boulevard and South Park Drive and Sharon Road, two month deferral to September 15<sup>th</sup>; Item No. 33, Petition No. 2012-090, hearing for a Text Amendment by the Charlotte Mecklenburg Planning Department for the Board of Adjustment, request for a withdrawal.

Motion was made by Councilmember Howard, seconded by Councilmember Mayfield, to defer the petitions outlined above as deferrals by Ms. Keplinger.
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**Councilmember Smith** said I have one comment on Petition No. 2014-040; I don't know if the petitioner is here tonight but it looks like we are going to grant the deferral and I think in some ways you were granted a little bit of reprieve. I got a call late afternoon from the citizens who filed the protest petition and it sounds like as if you guys may have just reached out to them the day of the vote. I would like to think that with this week delay that you may have some opportunity to discuss the issues with the citizen and take advantage of that week and put some work into it on its behalf. The phone call received from Mr. Tom Duggins, I believe you have contact information and I wanted to make sure of that.

**Mayor Pro Tem Barnes** said I think you were addressing Petition No. 2014-040 by Sardis Road Land Company, LLC and that one is a little bit different. Because it is a protested petition and the Mayor is not here, there is an automatic deferral to next Monday, the 28<sup>th</sup>. I was referring to the ones at the top so there was a motion and a second on those. Can we vote on the deferral at the top of the page?

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

Motion was made by Councilmember Howard, seconded by Councilmember Mayfield, and carried unanimously to approve the withdrawal of Petition Nos. 2014-044 and 2013-090.
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Mayor Pro Tem Barnes said just for clarity, Mr. Smith was referring to Item No. 9, Petition No. 2014-040 which is the Sardis Road Land Company, LLC, on the east side of Sardis Road and Waverly Hall Road and Chevron Road. Because the Mayor is not here we are down a person and there is an automatic deferral to next Monday night during our Business Meeting. We will take care of it then. Mr. Smith is there anything else you wanted to add on that?

Mr. Smith said no I think that sufficiently addressed it.

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#### DECISIONS

**ITEM NO. 1: ORDINANCE NO. 5423, PETITION NO. 2013-090 BY CHARLOTTE MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO CREATE NEW DEFINITIONS AND REGULATIONS FOR EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS BY REPLACING DEFINITIONS AND REGULATIONS FOR RESTAURANTS, NIGHTCLUBS, BARS AND LOUNGES. ALLOWS EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS BY RIGHT OR WITH PRESCRIBED CONDITIONS IN THE FOLLOWING ZONING DISTRICTS: MULTIFAMILY, UR-2 (URBAN RESIDENTIAL), UR-3 (URBAN RESIDENTIAL), UR-C (URBAN RESIDENTIAL, COMMERCIAL), INSTITUTIONAL, RESEARCH, OFFICE, BUSINESS, MX-1 (MIXED USE), MX-2 (MIXED USE), MX-3 (MIXED USE), MUDD (MIXED USE DEVELOPMENT), U-MUD (UPTOWN MIXED USE), CC (COMMERCIAL CENTER), NS (NEIGHBORHOOD SERVICES), TOD (TRANSIT ORIENTED DEVELOPMENT), U-I (URBAN INDUSTRIAL), INDUSTRIAL, PED (PEDESTRIAN OVERLAY) AND TS (TRANSIT SUPPORTED OVERLAY). AN EXEMPTION PROCESS IS ADDED, INCLUDING CRITERIA TO BE ELIGIBLE TO APPLY FOR A CERTIFICATE OF EXEMPTION WHEN AN EXISTING EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENT CANNOT MEET THE PROPOSED SEPARATION DISTRICT REQUIREMENTS.**

Motion was made by Councilmember Autry, seconded by Councilmember Driggs, and carried unanimously to approve the Statement of Consistency and Petition 2013-090 by Charlotte Mecklenburg Planning Department as modified and as recommended by the Zoning Committee.

This petition is found to be consistent with the Centers, Corridors and Wedges Growth Framework Plan goals and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a vote of 6-0 of the Zoning Committee. The Committee voted 6-0 to recommend approval of this petition with the following modifications:

1. Modify Section 12.546(2) (a) by allowing the minimum separation distance in the MUDD (mixed use development), UMUD (uptown mixed use), TOD (transit oriented development) and TS (transit supportive) zoning districts to be reduced as an optional provision if three conditions are met. The new subsection shall read as follows:

Minimum 100 foot separation distance in the MUDD, UMUD, TOD and TS zoning districts. The minimum required separation distance cannot be reduced as an optional provision unless the following conditions are met:

- i. There are no principal residential structures within 225 feet of the portion of the property line along which the reduction is being requested;
- ii. The optional request includes zoning conditions to mitigate the impact of a reduction in the separation distance including but not limited to: elevation changes, structures located between the outdoor use and the property line, enhanced screening and buffering, and noise reduction features; and
- iii. The optional request does not reduce the separation distance requirement by more than 50%.

**Councilmember Howard** said I just wanted to thank staff as well as the volunteers and the community to help with this one. This one wasn't an easy one, but one that has been coming for a while and I think we will be a better community because of it. I just wanted to say thank you to everybody.

The ordinance is recorded in full in Ordinance Book 58, at Page 798-835.

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**ITEM NO. 5: ORDINANCE NO. 5424-Z, PETITION NO. 2014-029 BY KYLE SHORT, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).**

Motion was made by Councilmember Smith, seconded by Councilmember Fallon, to adopt the Statement of Consistency and approve Petition No. 2014-029 by Kyle Short for the above zoning change 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 this petition with the following modifications:

1. Specified maximum building height as three stories.
2. Specified permitted uses as multi-family residential.
3. Showed and labeled Class "C" buffer. Specified that buffer will be developed per Class "C" buffer standards.
4. Amended Development Summary to reflect a 14-foot setback.
5. Amended the sidewalk along the internal street to six feet.

6. Labeled and indicated the dimensions of the area between the private internal street and the sidewalk as a two-foot planting strip.
7. Provided a note that the curb along the internal private street will be standard curb (not roll curb).
8. Provided a six-foot planting strip between the sidewalk and the private street the full length of the area beside unit 1.
9. Indicated the maximum height of the retaining wall will be eight feet.
10. Correctly measured and labeled the 14-foot setback along E. Woodlawn Road as being measured from the back of the future curb.
11. Revised General Provisions Note #1, last sentence, as follows: "Where specified conditions on this plan differ from ordinance, standards, in existence at the time of formal engineering plan review submission, the more restrictive shall apply."
12. Eliminated the following sentence in General Provisions Note #2: "The Site Plan is schematic in nature and represents a firm concept of development with regard to the arrangement of buildings, parking and circulation patterns."
13. Noted that the finished side of the proposed privacy fence will face the adjacent properties.
14. Noted that the stucco or masonry wall along the rear of the buildings backing up to Woodlawn Road will contain gated openings for private access from the street, will be 60 inches in height above grade, and will feature decorative pilasters every 20 feet maximum on center.
15. Provided the following renderings as viewed from E. Woodlawn Road: typical image of exterior, typical image of end unit, and views from adjacent yards with and without tree plantings.
16. Removed tree save area that was located in the right-of-way along E. Woodlawn Road.
17. Submitted plan to Fire Marshall for review as the fire access as shown may be an issue that would dramatically alter the site plan. Fire Department commented that additional information will be needed and possible tweaking may be warranted.
18. Specified two-car garages for the two single family detached dwellings, with a shared driveway.
19. Labeled right-of-way along E. Woodlawn Road to be dedicated.
20. Correctly labeled five-foot side yard at rear of property as a 10-foot rear yard.
21. Addressed CDOT comment by adding by dedicating 50 feet of right-of-way measured from the existing centerline along the site's public frontage on Woodlawn Road. The additional 16-foot right-of-way on E. Woodlawn Road will be dedicated and conveyed to CDOT.
22. Addressed Engineering and Property Management comments by providing a minimum 15-foot wide drainage easement clear of required buffers and structures.
23. Labeled all tree save areas to ensure compliance with the minimum 15 percent tree save requirement.
24. Removed guest parking from location on proposed private street as it violates Fire Code.

**Councilmember Smith** said I do want to compliment the petitioner; I think they took feedback that we provided at the meeting and did work to make some aesthetic design changes to try to make it a little more in keeping with Madison Park per recommendation from folks from the dais. I wanted to make sure they were noted for that.

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

The ordinance is recorded in full in Ordinance Book 58, at Page 836-837.

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**ITEM NO. 6: PETITION NO. 2014-031 BY WILKINSON PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.9 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF YOUNGBLOOD ROAD AND SHELburnE FARMS DRIVE FROM MX-3 (LLWCA) (MIXED USE, LOWER LAKE WYLIE CRITICAL AREA) TO MIX-3 SPA (LLWCA) (MIXED USE, SITE PLAN AMENDMENT, LOWER LAKE WYLIE CRITICAL AREA).**

**Mayor Pro Tem Barnes** said this is one of the items I believe Ms. Keplinger wanted to provide some additional information to us.

**Tammie Keplinger, Planning Department** said this is Petition No. 2014-031 by Wilkison Properties LLC partnership and it is located in the Palisades Development. This has already gone to public hearing and at the time of the public hearing the petitioner submitted a new site plan that night at the hearing. Once staff reviewed that site plan which had been worked out with the adjacent property owners we discovered that it was not in compliance with several of our ordinances including the Subdivision Ordinance and some major changes needed to be made to the site plan. In order to be fair to the adjacent property owners that had worked hard with the petitioner staff felt it was appropriate to have a new public hearing and the Zoning Committee also recommended a new public hearing. If the Council wishes for us to hold a new public hearing then we will set that schedule for September 15, 2014.

Mayor Pro Tem Barnes said just for clarity, this is Petition No. 2014-031 by Wilkison Properties, LLC for a change in zoning for approximately 5.9 acres in the Palisades community near Youngblood Road and Shelburne Farms Drive. The Zoning Committee recommended to the City Council that the changes to this petition are significant enough to warrant a new public hearing.

Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, and carried unanimously to hold a new public hearing for Petition No 2014-031 by Wilkison Properties, LLC.

Mayor Pro Tem Barnes said that matter will be on for public hearing on September 15, 2014.

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**ITEM NO. 7: ORDINANCE NO. 5425-Z, PETITION NO. 2014-035 BY ELECTROLUX NORTH AMERICA, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 90 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF DAVID TAYLOR DRIVE AND CLAUDE FREEMAN DRIVE FROM RE-2 (RESEARCH) TO RE-3-O (RESEARCH, OPTIONAL) AND O-1(CD) (OFFICE, CONDITIONAL), WITH FIVE-YEAR VESTED RIGHTS.**

Motion was made by Councilmember Phipps, seconded by Councilmember Fallon, to adopt the Statement of Consistency and approve Petition No. 2014-035 by Electrolux North America, Inc. for the above zoning change as modified, and as recommended by the Zoning Committee.

This petition is found to be consistent with the University Research Park Area Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend approval of this petition with the following modifications:

1. Provided clarity on the proposed amount and type of retail by limiting retail sales to 70,000 square feet of uses allowed in the B-1 district, and prohibiting a single retail tenant with more than 35,000 square feet of gross floor area.
2. Provided a six-foot sidewalk along David Taylor Drive approximately 525 feet from proposed Street #1 (Electrolux Way) to the eastern property line. Staff has rescinded this request due to topographical issues.
3. Complied with transportation requirements resulting from the review of the traffic impact study by listing the improvements by phase:
  - a) Phase I
    - (i) Construction of Electrolux Way;
    - (ii) Improvements at the intersection of W. T. Harris Boulevard and Research/IBM Drive;
    - (iii) Improvements at the intersection of Mallard Creek Road and Governor Hunt Road;

- (iv) Improvements at the intersection of Mallard Creek Church Road and Claude Freeman Drive;
  - (v) Improvements at the intersection of Research Drive and David Taylor Drive; and
  - (vi) Improvements at the intersection of Electrolux Way and David Taylor Drive.
- b) Phase II
- (i) Construction of Public Street #2;
  - (ii) Improvements at the intersection of Mallard Creek Road and Governor Hunt Road;
  - (iii) Improvements at the intersection of Mallard Creek Church Road and Claude Freeman Drive;
  - (iv) Improvements at the intersection of Mallard Creek Church Road and Senator Royall Place; and
  - (v) Improvements at the intersection of David Taylor Drive and Governor Hunt Drive/Existing Access "B."
4. Provided clarity on the optional request for detached directional signs by specifying two detached identification signs up to 50 square feet of sign area and seven feet in height, and two detached directory signs up to 24 square feet and up to five feet in height.
  5. Provided clarity on the width of the existing sidewalk connections to the site from Claude Freeman Drive by showing and labeling four-foot and six-foot proposed additions to an existing four-foot sidewalk, and noted that an on-site walking trail/sidewalk for use of the employees will be provided that runs between Claude Freeman Drive and David Taylor Drive. There is no existing sidewalk along the site's frontage on Claude Freeman Drive.
  6. Refer to Public Street #1 as Electrolux Way.
  7. Delineated and labeled Development Area 2A.
  8. Amended optional provisions as follows:
    - a) Added 2 (a) (iv) to specify that retail sales uses and restaurants located in Development Area 2A will not be allowed to provide parking between the building and public street #2.
    - b) Amended 2(c) to state that public urban open space requirements will not be met with private urban open space if retail sales and restaurant uses are located in Development Area 2A.
    - c) Amended Note 2(e) to request a 24-foot setback along Public Street #2.
    - d) Amended Note 2(f) to not require a six-foot sidewalk along the majority of David Taylor Drive, and to allow a sidewalk to be provided along portions of David Taylor Drive and Claude Freeman Drive; this sidewalk will be connected to the existing pedestrian trail along Claude Freeman Drive.
    - e) Amended Note 2(g) to exempt retail sales and restaurant uses located within Development Area 2A from the request to not require doorways to be recessed into the face of buildings.
    - f) Amended Note 2(h) to exempt retail sales and restaurant uses located within Development Area 2A from the request to not require each building façade oriented to a street to have an operable pedestrian entrance.
  9. Improvements to existing on-site pedestrian tunnel include repair of bridge, provision of eight-foot wide concrete sidewalk on each side, and repair of lighting inside tunnel. Existing on-site pedestrian trail will be maintained by Electrolux.
  10. Providing a CATS waiting pad on David Taylor Drive and Claude Freeman Drive.
  11. Limited to only one accessory drive-through window on the site.
  12. Amended phasing requirements to allow a certificate of occupancy for up to 390,000 square feet to be allowed upon substantial completion of Phase I transportation improvements.
  13. Amended phasing requirements to allow a certificate of occupancy for up to 968,874 square feet upon substantial completion of Phase II transportation improvements.
  14. Limited building height within Development Areas 1 and 2 to 150 feet exclusive of roof top mechanical equipment and screens or devices to screen roof top structures or equipment.

**Councilmember Howard** said John is in the audience so I thought we should just say thank you for the contribution you made to the community (Crisis Assistance Ministry) recently with the air conditioners. We don't take that type of corporate support for granted, so thank you.

**Mayor Pro Tem Barnes** said and for the soon to come 800 jobs that will pay over one hundred grand I believe on average. A lot of good stuff happening at Electrolux so thank you John and everyone else at Electrolux.

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

The ordinance is recorded in full in Ordinance Book 58, at Page 838-839.

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**ITEM NO. 8: ORDINANCE NO. 5426-Z, PETITION NO. 2014-039 BY JOHN M. MEYER, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR 0.145 ACRES LOCATED ALONG NORTH DAVIDSON STREET BETWEEN EAST 35<sup>TH</sup> STREET AND EAST 36<sup>TH</sup> STREET FROM B-1 (NEIGHBORHOOD BUSINESS) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).**

Motion was made by Councilmember Kinsey, seconded by Councilmember Mayfield, and carried unanimously to adopt the Statement of Consistency and approve Petition No. 2014-039 by John M. Meyer, as modified and as recommended by the Zoning Committee.

This petition is found to be consistent with the Blue Line Extension Station 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 this petition with the following modifications:

1. Specified that an eight-foot sidewalk is to be provided as shown on the site plan.
2. Decreased the amount of exterior seating from 3,100- square feet to 1,578-square feet, thus reducing the area of expansion.
3. Amended the wording for note III a. 2. to say "14' setback reduced from 16' setback as specified in the MUDD district."
4. Removed the label and line for the existing 20-foot setback from sheet 2 Site Layout.

The ordinance is recorded in full in Ordinance Book 58, at Page 840-841.

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**ITEM NO. 9: PETITION NO. 2014-040 BY SARDIS ROAD LAND CO, LLC.**

**Mayor Pro Tem Barnes** said Item No. 9 is the one we just discussed, Petition No. 2014-040, is an automatic deferral because there is a valid protest petition and the Mayor is not present so that will be voted upon by the Council next Monday night at our July 28<sup>th</sup> Business Meeting.

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**ITEM NO. 10: ORDINANCE NO. 5427-Z, PETITION NO. 2014-041 BY DOMINION INVESTMENTS PROPERTIES, LLC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.92 ACRES LOCATED ON THE NORTH SIDE OF PETE BROWN ROAD AT THE INTERSECTION OF OLD STATESVILLE ROAD AND PETE BROWN ROAD FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL).**

Motion was made by Councilmember Austin, seconded by Councilmember Howard, and carried unanimously to adopt the Statement of Consistency and approve Petition No. 2014-041 by Dominion Investments Properties, LLC for the above zoning change as modified and as recommended by the Zoning Committee.

This petition is found to be consistent with the Northeast District Plan and to be reasonable and in  
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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 this petition with the following modifications:

1. A note has been added that all uses in the I-1 district along with contractor's office with outdoor storage shall be allowed.
2. All the allowed uses have been placed in one section on the site plan.
3. A note has been added that "freestanding light will be fully shielded and downwardly directed."
4. Detached lighting has been limited to 20 feet in height.
5. Transportation issue has been addressed with a note that CDOT will review the proposed location of the second proposed driveway along Pete Brown Road.

The ordinance is recorded in full in Ordinance Book 58, at Page 842-843.

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**ITEM NO. 11: ORDINANCE NO. 5428-Z, PETITION NO. 2014-045 BY PARAG PATEL, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.5 ACRES LOCATED ON THE NORTHEAST CORNER AT THE INTERSECTION OF JOHNSTON ROAD AND NORTH COMMUNITY HOUSE ROAD FROM CC (COMMERCIAL CENTER) TO CC SPA (COMMERCIAL CENTER, SITE PLAN AMENDMENT).**

Motion was made by Councilmember Driggs, seconded by Councilmember Smith, and carried unanimously to adopt the Statement of Consistency and approve Petition No. 2014-045 by Parag Patel, for the above zoning change as modified and as recommended by the Zoning Committee.

This petition is found to be consistent with the South District 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 this petition with the following modifications:

1. Amended legend and site development data to reflect the rezone area as 5.5 acres and delineated the 1.35 acre area of proposed expansion.
2. Amended boundaries of development to reflect entire 5.5 acres. Delineated area of proposed expansion with the boundary.
3. Addressed Charlotte-Mecklenburg Storm Water Services comments by removing Note 7B and replacing it with the following "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Ordinance." Removed the note stating "area subject to PCCO storm water regulations" on sheet RZ-3.

The ordinance is recorded in full in Ordinance Book 58, at Page 844-845.

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**ITEM NO. 12: ORDINANCE NO. 5429-Z, PETITION NO. 2014-046 BY THE HOUSING PARTNERSHIP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.38 ACRES LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF STATESVILLE AVENUE AND MORETZ AVENUE ABUTTING MOSS LANE AND TRANQUIL OAK PLACE FROM R-22MF (MULTIFAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

Motion was made by Councilmember Lyles, seconded by Councilmember Mayfield, and carried unanimously, to recuse Councilmember Howard on Petition No. 2014-046.



Motion was made by Councilmember Austin, seconded by Councilmember Mayfield, and carried unanimously to adopt the Statement of Consistency and approve Petition No. 2014-046 by The Housing Partnership, as modified and as recommended by the Zoning Committee.

This petition is found to be consistent with the Central District 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 this petition with the following modifications:

1. Added notes committing to the following design standards:
  - a. Buildings along public and private streets shall have clear glass windows, glass and doors that face these respective streets. The walls of the buildings facing these streets shall be varied with a frequency of windows, doors and other architectural treatments. Long expanses of blank walls with no openings and minimal changes in material or architectural treatment over 20' long will not be allowed. Blank walls shall be treated with some combination of landscaping, building articulation, varied building façade planes, canopies, pedestrian oriented lights, public art or other similar treatment.
  - b. The principal buildings constructed on the site may use a variety of building materials. The building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass, brick, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardy-plank), EIFS or wood. Vinyl as a building material will not be allowed except on windows and soffits.
  - c. Residential buildings that front on a public or private street will be designed with buildings entrances that face the abutting public or private street, except that buildings with frontage on two streets (either public or private or two legs of a roundabout) may have an entrance to only one street.
  - d. Meter banks, BFP's and other similar utilities will be screened where visible from public view at grade level.
  - e. Roof top HVAC and related mechanical equipment will be screened from public view at grade level.
2. Included the conceptual renderings provided with the 2008 rezoning.
3. Removed UR-2(CD) from Developments Note 1c (Existing and Proposed Zoning).
4. Corrected the label in Development Area 11, which refers to Development Area 9.
5. Addressed CATS comments adding a note that states the petitioner will retain existing bus stop location and that new pad detail 60.01B will be coordinated during the review and permit process.
6. Addressed Neighborhood and Business Services comments by noting setbacks on site plan.
7. Addressed Transportation comments by providing the following:
  - a) Removed the "Proposed Right-In/Right-Out" note from the site plan, allowing for the final access management treatment of this intersection to be determined by CDOT and NCDOT during the driveway permit process.
  - b) Incorporated the public street alignment as per May 21, 2014 meeting with CDOT.
8. Removed all references to UR-2 (CD) as existing zoning from the site plan.

The ordinance is recorded in full in Ordinance Book 58, at Page 846-847.

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**ITEM NO. 13: ORDINANCE NO. 5430-Z, PETITION NO. 2014-047 BY HOPPER COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.21 ACRES LOCATED ON THE WEST SIDE OF YOUNGBLOOD STREET BETWEEN REMOUNT ROAD AND GRIFFITH STREET AND ACROSS FROM POINDEXTER DRIVE FROM I-2 (GENERAL INDUSTRIAL) AND TOD-M (CD) (TRANSIT ORIENTED DEVELOPMENT MIXED USE, CONDITIONAL) TO TOD-MO (TRANSIT ORIENTED DEVELOPMENT, MIXED USE, OPTIONAL).**

Motion was made by Councilmember Mayfield, seconded by Councilmember Howard, to adopt the Statement of Consistency and approve Petition No. 2014-047 by Hopper Communities as modified, and as recommended by the Zoning Committee.

This petition is found to be consistent with the New Bern Transit Station Area Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-1 vote of the Zoning Committee. The Committee voted 5-1 to recommend approval of this petition with the following modifications:

1. Removed optional provision (b), which is not needed because the driveways and garages shown on the site plan open onto alleys and not public or private streets.
2. Removed optional provision (c), as it is not needed with this request. TOD allows 1.6 parking spaces per unit plus a 25% bonus for structured parking, which equals 2 spaces per unit. Garage parking has been determined to be structured parking, so the option is not needed.
3. Installed eight-foot planting strip with trees and eight-foot sidewalk along Youngblood Street frontage and both sides of the proposed public street.
4. Added a note stating that windows will be provided on all levels of the end units visible from Youngblood Street and the proposed public street.
5. Noted that garages will be 5 feet to-7 feet deep from the edge of the alley.
6. Screened the ends of alleys from Youngblood Street with architectural and/or landscape screening.
7. Provide typical building elevations for front, back and sides. Staff has rescinded this comment as the petitioner has provided additional architectural standards and the project will undergo TOD review.
8. Provided a note that states that the proposed six-foot high fence will be opaque and made of wood or vinyl material, or a composite. In addition, brick or stone columns will be inserted at approximately 60' on center along the fence line.
9. Noted the common open areas on the site plan.

**Councilmember Driggs** said I would like to note quickly that a neighbor to this site, Mr. Allison raised some issues about right-of-way on it, but did work with the petitioner and today withdrew his protest petition. I would like to thank you for being constructive and will support the motion.

**Councilmember Mayfield** said I would like to thank Ms. Keplinger and the staff for working on this because I know there were some concerns. Thankfully this was withdrawn, but many years ago when this particular property was first purchased there was discussion as far as what future development would look like. Life has changed a little since then so now that we are moving forward I'm glad that the Charlotte Housing Authority was able to move forward with this particular development. I don't want to mix up the two different organizations and bring a positive development to the South End when I'm seeing so much multifamily that is coming, to see some for sale development that is happening. That also has a component that is going to have an affordable piece in there as well so I'm excited about this particular project.

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

The ordinance is recorded in full in Ordinance Book 58, at Page 848-849.

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**ITEM NO. 14: ORDINANCE NO. 5431-Z, PETITION NO. 2014-048 BY MARSH EUCLID APARTMENTS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.99 ACRES GENERALLY SURROUNDED BY SOUTH CALDWELL STREET, LEXINGTON AVENUE, EUCLID AVENUE AND TEMPLETON AVENUE FROM O-2 (OFFICE) AND TOD-MO (TRANSIT ORIENTED DEVELOPMENT – MIXED USE, OPTIONAL) TO TOD-MO (TRANSIT ORIENTED**

**DEVELOPMENT-MIXED USE, OPTIONAL) AND TOD-MO SPA (TRANSIT ORIENTED DEVELOPMENT, MIXED USE, OPTIONAL, SITE PLAN AMENDMENT).**

Motion was made by Councilmember Kinsey, seconded by Councilmember Driggs, and carried unanimously to adopt the Statement of Consistency and approve Petition No. 2014-048 by Marsh Euclid Apartments, LLC, as modified and as recommended by the Zoning Committee.

This petition is found to be consistent with the South End Transit Station 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 this petition with the following modifications:

1. Addressed CDOT issue by reducing the curb extensions to five-feet allowing two 10-foot traffic lanes and 5-foot wide on-street parking on both sides of Lexington Avenue.
2. Revised note 3.d. to say 68 linear feet.

The ordinance is recorded in full in Ordinance Book 58, at Page 850-851.

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**ITEM NO. 15: ORDINANCE NO. 5432-Z, PETITION NO. 2014-050 BY COPPER BUILDERS, INC. AND CAMBRIDGE PROPERTIES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.09 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF CARMEL ROAD AND COLONY ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL) AND UR-2 (CD) SPA (URBAN RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT).**

**Tammie Keplinger, Planning Department** said there were two protest petitions submitted on this petition and together they were sufficient. One was removed and the one that is remaining is insufficient so you do not have a valid protest petition on this case.

Motion was made by Councilmember Smith, seconded by Councilmember Fallon, and carried unanimously to adopt the Statement of Consistency and approve Petition No. 2014-050 by Copper Builders, Inc. and Cambridge Properties, as modified and as recommended by the Zoning Committee.

This petition is found to be consistent with the South District 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 this petition with the following modifications:

1. Enhanced drawings of typical courtyard and typical drive to better reflect layout of screen wall with pedestrian gates. Deleted proposed screen walls with gated pedestrian street access that were previously shown on Carmel Road and Colony Road.
2. Showed and labeled proposed tree save areas in Phase I and Phase II that meets the 15 percent requirement. Noted that identified tree save areas where tree canopy does not exist will be replanted at a rate of 36 trees per acre. Specified undisturbed and proposed tree save areas.
3. Showed building and parking footprint for Phase 2 as a separate inset on Sheet RZ-2.
4. Provided a typical front, side, and rear elevation for any façade that will be oriented toward a public or private street on Sheet RZ-4.
5. Designed elevations for end units that front Colony Road with architectural details that create a sense of entry and develop a pedestrian scale orientation towards Colony Road.
6. Amended Sheet RZ-1 to state that existing residential structure is to remain in Phase 1.

7. Relabeled “screen wall” along Colony Road and Carmel Road as “proposed site retaining wall.”
8. Specified acreage of Tract A and Tract B in the development data.
9. Amended development data to indicate that all units in Phase I and Phase 2 shall be provided a minimum 400 square feet of private open space.
10. Clarified that each single family attached unit will have a two-car garage.
11. Added a note that the internal private street shall not be required to connect to Carmel Road, per determination of the Subdivision Administrator.
12. Added a note that the petitioners shall install a northbound left turn lane on Colony Road prior to the issuance of the first certificate of occupancy for any single family attached dwelling unit constructed on the site.
13. Added a note that a door shall not be required on the side elevation of Units 3-6, 31-32, and 34.
14. Noted that the finished grade of each single family attached unit located with frontage on Carmel Road shall be a minimum of three feet below the elevation of the sidewalk located on Carmel Road.
15. Added a note that any railings required to be installed on top of retaining walls along the site’s frontage on Colony Road and Carmel Road will be constructed of decorative metal.
16. Provided a streetscape elevation of the proposed residential community along Colony Road.
17. Provided a conceptual landscaping plan.
18. Added a note that the shrubs to be located between the retaining walls and the sidewalks along the site’s frontage on Colony Road and Carmel Road will be installed during the first available planting season.
19. Noted that the on-site pond will be preserved.
20. Showed location of solid waste and recycling facilities.
21. Relocated proposed retaining wall at the intersection of Carmel and Colony Roads out of the 35’ x 35’ sight distance triangle.

The ordinance is recorded in full in Ordinance Book 58, at Page 852-853.

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**ITEM NO. 16: ORDINANCE NO. 5433-Z, PETITION NO. 2014-052 BY SNIDER FLEET SOLUTIONS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.26 ACRES LOCATED ON THE EAST SIDE OF NORTH GRAHAM STREET AND GENERALLY SURROUNDED BY I-85, REAGAN DRIVE, AND NORTH GRAHAM STREET FROM I-2 (GENERAL INDUSTRIAL) TO I-1 (LIGHT INDUSTRIAL).**

Motion was made by Councilmember Kinsey, seconded by Councilmember Phipps, and carried unanimously to adopt the Statement of Consistency and approve Petition No. 2014-052 by Snider Fleet Solutions as recommended by the Zoning Committee.

This petition is found to be consistent with the Central District Plan and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 5-0 vote of the Zoning Committee. The Committee voted 5-0 to recommend approval of this petition.

This ordinance is recorded in full in Ordinance Book 58 at Page 854-855.

\* \* \* \* \*

**HEARINGS**

**ITEM NO. 21: HEARING ON PETITION NO. 2014-054 BY QUIKTRIP FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.40 ACRES LOCATED ON THE NORTHEAST CORNER AT THE INTERSECTION OF NORTH SHARON AMITY ROAD AND CENTRAL AVENUE FROM B-1 (NEIGHBORHOOD BUSINESS) &**

**B-1 SCD (BUSINESS SHOPPING CENTER) TO B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL).**

**Tammie Keplinger, Planning Department** said on the map you can see North Sharon Amity and Central Avenue; this is the former Eastland Mall site. This is the existing zoning map and you can see that we have B-1 commercial uses at the center of the intersection and along the former Eastland site. Then it moves out to office uses, then multifamily residential and then the yellow being single family residential. The site is right in the middle and it is in the commercial area. When you look at the aerial for this site you can see the former Shell Station also the former Harris Teeter and then a portion of the Eastland Mall site. You can see other development along Sharon Amity road and along Central Avenue. In terms of this request this is a neighborhood business shopping center request to neighborhood business conditional to allow approximately 9,000 square feet of building area for a gasoline service station and convenience store with accessory pumps and retail uses and possibly a restaurant. The conditions include detached lighting which is limited to 22-feet in height and a 2.5 foot intermittent low screening wall along Central Avenue and Sharon Amity Road and I will show you more of that wall in just a minute. The building site itself faces Sharon Amity Road, but it also has main doors to Sharon Amity Road to the side street and also to Central Avenue. You can see there is a portion of the wall that is reserved for a neighborhood monument sign and this shows the location of the pumps and the proposed buildings.

In terms of access to the site there are several routes for this particular piece of property; there is one on Sharon Amity Road, one on Central Avenue, one into the former parking lot for the former Harris Teeter and one into the old Eastland Mall access road. From a perspective of what this site will look like from North Central Avenue, the Welcome to Charlotte sign is actually the neighborhood sign that may or may not say that, then you can see south from North Sharon Amity Road, you can see the line of hedges and the 2.5 foot wall is right behind that line of hedges and then this is a typical storefront with the landscaping. I wanted to show you these slides because they show you a little bit more about the building elevation without the landscaping. You can see the front, the two doors on each side, the south side and the north side and how they both have entry ways. In terms of the future land use plan the land use plan calls for a mix of office, retail, residential for this site as well as for the Eastland Mall site so this is consistent with that plan. You can see how we have again other commercial zoning in the area then we have office and then it swings out to multifamily and residential.

In terms of the plan the proposed request is consistent with the Eastland Area Plan recommendation for a concentration of retail for the Central Avenue and Sharon Amity Road intersection. We have some outstanding issues related to transportation and some other technical issues that we feel we will be able to resolve before we get to the Zoning Committee. Staff is recommending approval upon the resolution of those issues.

**Jeff Brown, 100 North Tryon Street** said it is a pleasure to be here tonight assisting QuikTrip on this proposal. In the material that has been handed out to you, there is some material on QuikTrip that talks about a number of the accolades they have received and their approach to business which I think is very positive and I commend to your review some of that material. I think it is an example of a business that is raising the bar for their type of use throughout the southeast. I just wanted to mention that we are very pleased to have staff's support and we really want to thank Ms. Keplinger, Ed McKinney, Laura Harmon, Solomon Fortune and others who have worked very hard on this proposal tonight and we appreciate all their efforts as well as the representatives of CDOT.

With me tonight are Jake Sutton who is the Regional Vice President of QuikTrip, as well as John D. Bernardo who heads up their development in the area and again they have been very active on this project. We appreciate, not only the staff, but we also thank Councilmember John Autry who has been active in this petition working primarily with the residents and obtaining

feedback from them on what we think is an important proposal, not only for its use, but for its location. We are pleased with the reception and we thank the residents who have worked with Mr. Autry to review this proposal and I believe Ms. Lindsey has provided material that is in support of this project as well. We think it is important to engage the community and the staff and Mr. Autry's support because we do think this is a particularly important project because of its proximity to the significant investment that the city has in Eastland Mall.

I believe we have a PowerPoint presentation and I will move through some of this and again Ms. Keplinger did a great job on this. This is a quick slide that shows the existing conditions; Mayor Pro Tem Barnes mentioned the old Shell Station. A lot of effort to try to show the changes; one of the requests from the community was to relocate the pumps that would go with the convenience store from the Central Avenue side as you can see, which was the first item there and instead move this over to the Sharon Amity Road side. We were able to accomplish that with an easement that is subject to the Council approval of the zoning that would allow the driveway into that portion of Eastland Mall to allow us to have about a 4,000 square foot easement in that location that would then allow the circulation around the pumps in that location. That also comes with the commitment from QuikTrip to improve this driveway as one of the entrances that would be into the overall Mall property. As importantly, it did allow us to make the change to the design that results in this updated plan. We've also adjusted the plan further to deal with CDOT request as well as the elimination of an access off of Sharon Amity Road in this location now. Very important, as I said earlier, this is a site that has been boarded up and basically no longer used for the gas station use. We are coming in with a significantly improved use, as examples that Ms. Keplinger has already shown, commitments for a brick wall, for signage, for landscaping, for sidewalks, for street trees; a number of things that we think will demonstrate positive movement for an area that frankly some of the parcels nearby could use some more movement and again being sensitive to the city's investment as well.

As you can see this is the entrance to the driveway into the mall property; some more examples of what we are talking about in terms of the landscaping, sidewalk treatments and otherwise. These are a few slides to give you a sample really of QuikTrip and the way in which they go about their activities with a kitchen, really elevating the bar of the convenience store program. I'm going to go back real quick here; one of the things I'll mention as well is in this location we have a parcel that had to be part of the rezoning, it is providing some access and is providing some limited parking, but what we have done is provided an opportunity for this parcel in this location which backs up to some of the other parcels that began the Eastland Mall area, that this parcel would not have to be a part of the QuikTrip site in order for it to comply with zoning. The reason for that is being sensitive to the comments from staff to allow this if over time this parcel wanted to be acquired and developed as part of the overall property, it wouldn't stand as an impediment to further development of the parcel next door. That is just one of many examples of the efforts that we've made to try to be sensitive not only to a positive use in this location, that moves positive development forward but also sets the predicate for positive things to happen at Eastland Mall. Again we comment to you Ms. Lindsey's letter of support. We think this is a great example of all the stakeholders working together in a positive way and we are certainly happy to answer any questions.

**Azieba Yohannes, Sharon Amity Central** said I do agree that the building that is potentially set up to set there does look better than the current building there so I'll start off with a positive. Where I have issues is; I have spoken to them when they had a meeting and showing the plans to community members where people that live within the 300 to 500 feet range of the actual site and I attended it and it was extremely informal. Where I had a couple of issues were the type of business that it is and I guess the type of people, well not the type of people, but the amount of people that it will bring to the area. It is already congested as it is; there hasn't been any widening of roads occurring in years. I've lived in the area for 15 to 20 years; nothing major like widening or making it more convenient and that intersection is already jammed packed as it

is. Plus they didn't add any walking because the bulk of that type of business, yes you will make a few pennies off the gas, but what you are really doing is making money from the inside and they definitely put money in there because they are trying to get people to come in buy the sodas, buy the hot dogs, buy the cappuccinos and I can respect the idea of making money, but you have to take into consideration, that means you are going to be bringing in a lot of foot traffic on top of that and there is already a lot of foot traffic in the area. I just feel like you are bringing in more traffic car wise; more people traffic wise on their feet so that could potentially be dangerous for the people in the community around there. You might get a hit and run or some accident may occur plus there is a bus station that is not too far from that area as it is. It is already considered kind of a drop off and pick up place for a lot of people so I'm a little concerned about the additional traffic. There were considering putting in a median I guess to reduce the traffic gridlock but it didn't address the widening of any roads because there will be additional people going into that place to stop off and get gas which will probably be cheaper than the Shell Station that works perfectly fine across the street. Those are more or less my concerns; yes they are a good employer, they are bringing 10 to 15 jobs out there, but I just don't think the community can handle the impact of that type of traffic on that corner. It is already congested, it already has issues so adding another business, I don't see helping the situation without the city getting involved in some way widening a few roads or making the intersection a tad bit better or potentially putting crosswalks for pedestrians to be able to walk across there, get their drinks, get their hot dogs and walk safely back home. The sidewalks are not in the best conditions as it is already, so you have to take that into consideration and that is kind of where I'm at.

In rebuttal Mr. Brown said we appreciate some of the concerns that were expressed. I think with regard to some of the issues, for example the foot traffic and the pedestrian aspects; I think one of the great things is that we are actually talking about doing is that we are taking an area now that in fact does have some pretty rugged sidewalks or lack thereof in some instances and we are going to be providing five-foot sidewalks, planting strips, streetscape, the wall treatment, all these things that actually we think will enhance the pedestrian activity in the area and will provide a much improved focal point as you move forward with the site. A technical transportation memo was submitted, was accepted by CDOT. This site is already zoned for a commercial use and again we are replacing it with a convenience store where there is already a gas station that was used before in this location so we do understand a desire for all the community for a lot of the area to improve and we think we are providing a significant step in that direction in support of the Council's investment and I think the community's desire as evidenced by the community support we've received from the land use committee and others.

**Councilmember Howard** said first of all I wanted to say hello to Ms. Pat Cotham, County Commissioner in the audience. I think we should have respect for them when they come. Jeff, we talked about this when we met and I told you I would bring it up and it is kind of more of the nature of the orientation of the building for me. The first thing you should know is Mr. Sutton, thank you for reaching out to me earlier to try to talk before making a decision. For a lot of reasons I've been consistent on the way I feel about gas stations, especially when we are talking about urban settings and where we are trying to get buildings up to the street. I visit Atlanta a lot so I'm a QuikTrip fan and I think you guys do a great job. In this situation, because of the investment of the city and the property behind it and the fact that this corner, I think along with the other corner, sets the tone for what we would like to see which is more transit oriented. When we get the street car actually built, this will become a major stop. It will become the end of the line. I think trying to figure out how to make the main building hug that corner a little bit more so we set an urban tone is important to me and I would love for somebody on staff to address that or Jeff if you want to; maybe why the constraints of the site won't lend to that. I did talk to Ms. Campbell and they explained that they did try to work with you guys and that is where the half wall came from. For me it is actually setting up an urban feel for when you get to the Eastland Mall site so what develops behind it will feel the same way as well.

Mr. Brown said I will be happy to let Mr. Sutton speak to the constraints that are related to your questions Mr. Howard. Again, what we have demonstrated in some other areas of trying to do what we can to promote development in proximity to Eastland. Let me let him talk specifically about that question.

Mr. Brown said I would love to hear the staff response too if I could.

**Jake Sutton, 3701 Arco Corporate Dr.** said of biggest concern is obviously safety because we are convenience store; we run 24-hours a day, seven days a week and we have a lot of activity throughout the night. One of the things we also do that is different from other convenience store models is that we have a lot of employees with our stores so that we have about 20 employees upwards, some of the bigger stores have about 30 employees and what that means for us is that there is more lot activity and we really like to have that as visible as possible which is why we like to have our pumps street side visible. We have people cleaning them at night, customers using them at night and one of our biggest concerns is employee safety, customer safety, clientele' safety and we want those folks to be visible all night long, all day long in between the building and the street for that main reason.

Mr. Howard said I would still love to talk to you about it and I would love to get staff's response to that kind of their thoughts about the urban nature considering that will be a transit area.

Ms. Keplinger said Mr. Howard, our Assistant Director, Ed McKinney worked with the petitioner on this issue so we'll let them address it.

**Assistant Planning Director Ed McKinney** said as Ms. Keplinger showed earlier in the presentation there were several site plan iterations that evolved over time to get to this point. We worked and proposed several different variations that attempted to get the building closer to the street, get an orientation that was on Central Avenue for all the reasons we are working very hard to think through the future of the Eastland Mall site. At the end of the day, given the nature of the QuikTrip site plan model where we are today is about as far I think we can work with the model they have and the site plan constraints that they work under to get to what is a more urban condition. The big new was to turn the gas pumps to get them to orient off of Central Avenue to get the building in this case a little bit closer to Central Avenue orientation to eliminate the driveway cuts and access off of Sharon Amity Road and to really get to a better set of infrastructure that gets to that entrance onto the Eastland Mall site. We do believe there is still room to explore that some more. We really felt like as we got to where they are now, given the model that they have, this is about as far as we could push this site plan and this petition. There are probably some other options that could be explored.

Mr. Howard said I understand the nature of the fact that this is positive development for the eastside so I'm not fighting it, but I would like for you guys if you would just to consider the fact that the idea of making this an urban center if you will once we get the streetcar and figure out the development of Eastland Mall, that setting a tone on that corner is really important to me. I've been consistent about gas stations and if Walter Fields was here he would tell you that, because I just think we have to change the way that we orient them to the street so they are not so much of a big deal, but the form actually still works as if it was a regular building on the street.

**Councilmember Fallon** said you put one in my neck of the woods and I was not happy when you did it but let me tell you something. It is clean; it has improved a place that is nothing but fast foods and gas stations. I go there late at night on the way back from meetings and I feel safe because it is well lit, there are always people around and it is in the front and I'm not afraid. I won't go to a regular gas station because it is dark and you don't know who is there, but this is kind of an oasis on that strip.



**Councilmember Phipps** said I have several questions I would like to ask; the first one is have the previous tanks from the old service station been removed or is your intention to use those existing tanks.

Mr. Sutton said no, we will not be using those existing tanks and those are in the process of being removed right now. We are assembling the paperwork now getting ready to do that process. It is one of the things we are doing; during this rezoning we will be starting the process of removing those tanks and we will be placing new state of the art tanks for our store.

Mr. Phipps said will there be any other uses on the site like trailer rentals, like U-Haul Rentals and such as that?

Mr. Sutton said no, we've limited ourselves to just QuikTrip. The only thing that we will sell on the lot will be sold by QuikTrip. We do some fresh food inside and we do drinks and things of that nature, but that is all we will sell is QuikTrip retail.

Mr. Phipps said with respect to the neighborhood sign, will you all actually be providing the sign?

Mr. Sutton said yes sir.

Mr. Phipps said so from the design on up?

Mr. Sutton said we offered the original design because it matched the screen wall that we are placing as part of the pedestrian improvements and we are working with the Eastside Group on what it needs to say and what it needs to look like.

Mr. Phipps said do you all have a QuikTrip store under construction on Albemarle Road?

Mr. Sutton said we do, down by Regal Oaks.

Mr. Phipps said how far is that from this site?

Mr. Sutton said I don't remember exactly, but I believe it is over three miles.

Mr. Phipps said is that the distance or radius that you try to maintain between stores?

Mr. Sutton said it varies, one of the things we like about this is that Sharon Amity Road is a completely different feed for us and we were trying to capture those customers that were on that road that we don't have a store capturing and then Central Avenue would share a little bit of traffic with the Albemarle Road store, but we were really focusing on getting one for Sharon Amity Road as well.

**Councilmember Austin** said I do like the product and I'm familiar with them in Atlanta, however there was no concern about other similar types of stores and facilities nearby that intersection already. Isn't there already another gas station type convenience store?

Mr. Sutton said that is correct; there is another gas station but we feel there is no other QuikTrip in the area or anybody offering the services that we offer which is more pumps to choose from so there is not that heavy congestion. There are four points of entry and you can get in and out and we also offer a range of products that they do not, specifically fresh food and the wide variety of drinks.

**Councilmember Autry** said I just wanted to say that I know there has been a lot of back and forth with the staff and QuikTrip on this project and I wanted to thank staff for all the diligence that they have put into getting the plan to this point. I especially appreciate QuikTrip's friendly nature and ability to get out in front of this project. I think we started first talking about this back in December and had our first meeting with the community folks in February and QuikTrip was very responsive to the community and the neighborhood stakeholders and completely re-

oriented the entire station from Central Avenue to Sharon Amity Road. I'm just very appreciative that it seems like at this point it is a partnership between the community, the staff and QuikTrip; I'm very appreciative and I hope that we can find ways for all my colleagues to support this.

**Mayor Pro Tem Barnes** said among the things that Mr. Brown alluded to earlier, but just for the benefit of the public I would note that the managers of these stores make about \$70,000 per year, the assistant managers make \$40,000 per year so you all represent something of a game changer in the convenience store business.

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

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**ITEM NO. 22: HEARING ON PETITION NO. 2014-056 BY CENTRAL PIEDMONT COMMUNITY COLLEGE FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.19 ACRES GENERALLY SURROUNDED BY EAST FOURTH STREET, CHARLOTTETOWN AVENUE, SOUTH TORRENCE STREET, AND 3RD-4<sup>TH</sup> CONNECTOR STREET FROM B-2 (GENERAL BUSINESS) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) WITH FIVE-YEAR VESTED RIGHTS.**

**Tammie Keplinger, Planning Department** said this property is a little hard to see as I put a little yellow overlay on it so it makes it a little bit easier. You can see it is between 3<sup>rd</sup> and 4<sup>th</sup> Streets and is buffered by Charlottetown. You can see the zoning in the area; you have MUDD-O for the Central Piedmont Campus. There is a lot of other MUDD-O in the area, some business, B-2 mostly and little pockets of multifamily residential. In terms of the property to be rezoned, it is currently occupied with offices, retail and parking and in this aerial you can see some of the parking decks and buildings from the CPCC Campus. The request is to go from general business to mixed use development optional with five-year vested rights. The request is to allow approximately 900,000 square of institutional uses associated with CPCC. The existing buildings may be renovated or redeveloped. There are commitments that vinyl and sheet metal siding are not permitted. The maximum building heights will be 120 feet and there are multiple optional provisions but they all boil down to basically allowing the existing conditions to remain until the new development occurs. On this map you can see the purple line shows the area to be rezoned and the building envelopes are gray.

In terms of the adopted future land use this property is actually divided; it is partially in the Elizabeth Area Plan which is the yellow and the main portion of it is in the MMC which is the Midtown/Morehead/Cherry Area Plan. The section that is in the Elizabeth Area Plan, the plan recommends institutional uses and it calls for the future development and growth of CPCC. The Midtown/Morehead/Cherry Area Plan in the orange actually calls for this property to be retail, office and residential, so the request is inconsistent, however that plan acknowledged the CPCC Campus and even set as one of the land use goals to make the most of the proximity to CPCC. In terms of support for this petition, staff does recommend approval upon the resolution of the outstanding issues. While it is consistent with the Elizabeth Area Plan, it is inconsistent with the Midtown/Morehead/Cherry Area Plan, but we feel it is consistent with the goals that are established within the plan itself. The outstanding issues related to this petition are technical in nature and we feel that they will be resolved before the Zoning Committee meeting.

**Jim Allison, 1065 East Morehead Street** said my firm, Johnson, Allison & Orr represents CPCC; Mark Hanson, my partner has helped with this. Jeff Smith with Bulla Smith Design Engineering is here to answer any questions you may have. We appreciate very much working with staff and we think we have resolved all the outstanding issues. There are two technical points about a traffic impact study and parking deck usage on the first floor. We've agreed to

staff recommendations and so we respectfully request approval from City Council for us to move forward.

**Councilmember Howard** said maybe this is kind of obvious and I don't know it; what kind of plan are we doing along the streetcar lines as far as transit development? Is that a PED scape because I don't think we are doing station area plans for each one of them? What kind of planning are we doing?

Ms. Keplinger said Assistant Director, Laura Harmon will address that question.

Mr. Howard said the question I'm getting at is how far off are we going to encourage transit oriented development along the streetcar line and what we will be doing because the same thing will happen down Beatties Ford Road eventually as well.

**Assistant Planning Director Laura Harmon** said I think you might have answered the question. Most of the area, not necessarily the way we started out planning it, but has ended up being zoned with the PED Overlay District. We are looking for that urban form of development along the streetcar line which PED provides but not necessarily the intensity that you would find at the rapid transit stations along the LYNX Blue Line. We are looking at those urban districts and we have planned for actually most of the streetcar line is already zoned PED or in this case MUDD to allow for that urban form of development.

Mr. Howard said so there is a PED scape that goes down Elizabeth?

Ms. Harmon said there is MUDD along Elizabeth that we think is very supportive also of Streetcar and that form of development and then as you move further out you do hit PED zoning down Hawthorne Lane and out Central Avenue to The Plaza and then looking in the long-term, looking at the policy plans out there do call for that more urban form of development, though not necessarily at the intensity of a light rail station.

Mr. Howard said the reason I'm asking is because most of our light rail stations we've gone ¼ mile and ½ mile out trying to influence development intensity and this would be within one because of the streetcar on Elizabeth and I was just wondering are we staying just on that corridor of Elizabeth or do we care what happens ¼ mile out or something around kind of the station and if you haven't thought about that I hope we are thinking about some streetcar strategy if you will for development that is more intentional that we've got MUDD, we've got pedestrian because I would think the ripple effect would go further than just that street that the streetcar is on.

Ms. Harmon said it tends to be more linear than light rail because the stops are more frequent. But we have looked at that intentionally a number of years ago and said we wouldn't go with transit oriented development zoning just because it is a bit too intense, but looking more linearly along those corridors and on abutting streets where there aren't established neighborhoods.

**Councilmember Kinsey** said Mr. Allison do you have a site plan, do you know what is going to be going in these areas? I know they are already buildings on part of this or Central Piedmont buildings on it.

Mr. Allison said we are not building on these parcels yet and it depends on the funding we get from the County and the State, but basically you are looking at classrooms like the old Athens site which at Fourth Street and Charlottetown. That is going to probably be a classroom, these are preliminary probably 100,000 square feet, five-story building for classroom and labs. On the Fourth Street piece which are two parcels, again classrooms; that would support 200,000 square feet. That is all in the planning stages and on the fourth parcel where the administrative buildings are now, that is for future development and we are not sure. I think the intent here is to anticipate future development, anticipate when we might receive funding from the County and the State and have the zoning consistent with the rest of the campus so it would be

developed in conformity with the rest of the campus and similar to the rest of the campus. We had a community meeting; I've been in touch with the Dilworth Neighborhood Association and we've had no objections so again the intent here is to have a unified development which is consistent with what is there already.

Ms. Kinsey said you do like the red brick I've noticed.

Mr. Allison said yes.

Ms. Kinsey said this is in my neighborhood, Elizabeth and we do feel like that Central Piedmont is nipping away at our edges so there is a great deal of interest in what is going on there. This isn't exactly in the middle of a neighborhood but like I say we do feel like we are sort of being nibbled on around the edges. We are interested in knowing what is going on there.

Mr. Allison said I think Central Piedmont Community College is very sensitive to that.

Ms. Kinsey said probably so by now.

Mr. Allison said we've had little contentious situations in the past but I think we want to work with you and the Elizabeth community and make certain that you are informed to the greatest extent possible that you are in accord with whatever we do.

Ms. Kinsey said good; thank you, we appreciate you very much.

**Councilmember Phipps** said I have questions regarding transportation; comments under the transportation section of the staff analysis where it seems to have questions on whether or not the traffic impact study is necessary or required. I would think that it is pretty much a foregone conclusion that one is required given that there is a six fold increase in trip generation from 4,200 trips per day to 25,000 plus with all of the approvals that we've made around the dais around the metropolitan area. I would think that those things would add to the congestion in those areas and I was just interested in your rationale for whether or not some question if it was needed at all in the permitting process. It seems to me that it is appropriate at this point to go forth with it.

**Mike Davis, Transportation** said it is a significant increase in the amount of possible trip generation and I say possible because until the plan sort of unfolds in future stages we won't really know and we've talked to the petitioner about this. There is a lot of uncertainty built into how that development will take shape and so the petitioner mentioned during the presentation that one of the outstanding items that remains is that from the time this petition was submitted our interest was to get a commitment that as phases come in for development that we would have a commitment in place that allows studies to occur concurrent with the permitting process. I will tell you that in an area like this where we've had the benefit of local street network, what we are mainly going to be interested in is how each piece of the puzzle relates in terms of access. Unlike some other petitions were we do traffic studies during the rezoning stage where we want to make sure there is infrastructure and commitments to build, widen intersections, add turn lanes and things, that is probably not going to be the outcome in a case like this. It is more about how do we configure different pieces of the puzzle in order to make sure all of the access works within the network. We expect to see multiple traffic studies throughout the life of this large piece of land.

**Councilmember Smith** said just to piggyback on Mr. Phipps, if we ultimately vote for approval and I think we all recognize the important role Central Piedmont plays in our community and it is an institution we definitely can be incredibly proud of, but if we ultimately approve this is there anything during the permitting process, are we going to have any fail safe mechanisms to make sure that whatever development does happen that these trip generations if it does reach six fold; I ride down 3<sup>rd</sup> and 4<sup>th</sup> Streets on a daily basis and it is already an incredibly congested area and I do have concerns about the dispersion of the students and how everything will flow

because during rush hour 3<sup>rd</sup> and 4<sup>th</sup> Streets are backed up from that connector often times past Hawthorne Lane and sometimes as far south as Caswell and I think that is something we need to as a city make sure we have a handle on.

Mr. Davis said the direct answer to your question is yes; but the permitting process gives us authority to insure that the access permit, the driveway permit can be handled in a reasonable manner as it relates to congestion. We have that ability and I would just point out in terms of the raw trip generation, that number is almost meant to be alarming because that represents the upper most potential of this proposal. I do not think we will reach that threshold and the other thing to think about is 25,000 trips per day dispersed through a campus on this network is different than a lot of times what you see in these rezoning petitions.

Mr. Smith said one thing is I do think that understanding how everything is dispersed is part of it and I just want to make sure that I don't ultimately vote away a right to make sure that we still have the mechanism in place to your point that we often do it in the rezoning process.

Mr. Davis said one little bit of confirmation; we would have that right anyway and we are seeking additional clarity and commitment through this process.

Mr. Smith said we appreciate your hard work on that.

Mr. Phipps said do we have experience with this phased in traffic study approach?

Mr. Davis said it seems to me we did one recently as it related to I think it was a CPCC site as well out on West Boulevard I believe. We've done it something and again we don't want to do a traffic study just to do a traffic study. We want to use it to answer the questions that we have. Our questions will be more pertinent once we know more specifically what the proposal is when pieces come in.

Mr. Allison said I was just going to clarify; in addition to the right that you have staff recommended specific language about a traffic impact study as each phase is developed and we agreed to that. We've amended the development notes to put that on the site plan so it is doubly enforced.

Motion was made by Councilmember Kinsey, seconded by Councilmember Austin, and carried unanimously to close the public hearing.
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**ITEM NO. 23: HEARING ON PETITION NO. 2014-057 BY CRAIG & AMY FAILE FOR A CHANGE IN ZONING FOR APPROXIMATELY .229 ACRES LOCATED ON THE SOUTH SIDE OF YORK ROAD AT THE INTERSECTION OF LANGSTON DRIVE AND YORK ROAD FROM R-3, LLWCA (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE CRITICAL AREA) TO O-2, LLWCA (OFFICE, LOWER LAKE WYLIE CRITICAL AREA)**

**Tammie Keplinger, Planning Department** said this is a conventional request and you can see the R-3 and R-5 that is surrounds the site and the Grand Palisades Parkway entrance is right beside it. We had a rezoning immediately beside this property in 2013; it was rezoned to O-1(CD). This property actually has an existing single family structure on the site. The land use plan calls for a mix of uses, but this site is only about ¼ of an acre so it is going to be very, very limited on what uses can go there in terms of meeting parking requirements and things of that nature. In terms of the plan staff is recommending approval of it; it is consistent with the Steele Creek Area Plan and as I mentioned it is a conventional zoning, so no associated site plan.

**Mayor Pro Tem Barnes** said there are no speakers signed up for or against this petition.

**Councilmember Phipps** said so there was no meeting required for this?

Ms. Keplinger said no community was required because it is a conventional case, but we do have the open house forum that we hold in our office that gives anyone that is interested in the area an opportunity to learn about the petition, as well as our other means of notification.

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

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**ITEM NO. 24: HEARING ON PETITION NO. 2014-059 BY CROSLAND LLC & ALLEN TATE FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.65 ACRES LOCATED ON THE WEST SIDE OF SHARON ROAD BETWEEN FAIRVIEW ROAD AND HAZELTON DRIVE FROM R-17MF (MULTIFAMILY RESIDENTIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL)**

**Tammie Keplinger, Planning Department** said I want to orient everyone; this is Fairview Road and Sharon Road, South Park Mall is located here; this is Sharon Towers. Our site is right here on the same side of Sharon Road as Sharon Towers. It is a 3.65 acre site; in terms of what is on the site now, it is 40 apartments units and they are known as the Olde Town Apartments. They were built around 1963 and 1964 and you can see them clearly on the aerial. In terms of the request, it is a request from multifamily residential to mixed use development optional to allow two hotels within a single building with up to 285 rooms. There is a maximum building height of 70-feet. As you can see from the site plan, you can see the hotel; there is a one-level parking deck that is limited to 25-feet. There is a buffer of separation between the property and the adjacent residential property. There is a courtyard and amenity area. There is a proposed street that is to go through the property and provide future connectivity. There are several optional requests for this petition including storm water facilities for building features in the setback, for parking, some innovative street design standards and also for signage.

I wanted to show you some of the elevations they have submitted. This is a north view of the hotel and you can see it does appear to be one building and this would be the south side and you can see the amenity area. This would be from the residential properties to the rear of the site and you can see the one-level parking deck and the screening. This is the east and north side.

In terms of the adopted future plans, the plan is calling for multifamily residential with limited retail services on this site. Any new development should be compatible with the surrounding development and the plan specifically talks about building height in relationship to the adjacent properties. The proposed request is actually inconsistent with the South Park Small Area Plan recommendation for multifamily uses. The use has some residential characteristics and it is compatible with the development in the area. It benefits the community by providing the future connectivity and all the outstanding issues relate to building height, street design and some other minor technical issues that we believe we will be able to resolve before we get to the Zoning Committee next week. Staff is recommending approval of this petition upon the resolution of the outstanding issues.

**Collin Brown, 214 North Tryon Street** said I'm with K & L Gates on behalf of Crosland and Allen Tate. Joining me tonight are Allen Tate, III and Fred Hines from Tate and Adam Ford from Crosland and I can assure you that Mr. Tate and Mr. Crosland are monitoring this closely, hopefully from somewhere a little more comfortable. Thanks to Ms. Keplinger for the overview; I will give you a little more context from the site. The property was developed in 1963 by the Crosland and Tate families. Since that time it has been owned and managed as an apartment development by the Crosland/Tate families. What is interesting is we will talk a lot about the neighborhood behind which is called Laurel Wood which the Crosland/Tate families

also had a hand in developing and the single family neighborhood and the apartments have co-existed for about 50-years. However over that time the apartment community has aged and certainly South Park has definitely changed around it. Due to the tax value of this property as well as competition from hundreds of other multifamily units that are coming on line in South Park, the existing site is just beyond its usable life; it is time for redevelopment there. The property owners have evaluated what can be done on the site, but as I mentioned because of what else is in South Park it is just not feasible to redevelop and renovate these existing properties. By way of context I do want to let you know, and this is something we discovered as we started communicating with the neighbors, prior to 2007 there was a development plan that encompassed redevelopment of this entire corner so it would have incorporated the shopping center and this apartment community. A rezoning was never filed on that but a lot of conversations were had, plans were drawn and there were conversations with neighbors so as we went out and met with the adjoining property owners we found that many of them were familiar with the previous proposal so I think in the minds of some neighbors they knew there would be redevelopment here likely in the future. Related to that and I want to point out these two parcels at the corner of Hazelton; at that time prior to 2007 these properties were controlled by entities related to Crosland as there was an idea that they might be incorporated into the larger development. I do want to point out that Crosland has divested its interest in those properties; they have not owned them since 2007 and as we looked at development of just the apartment property, the decision was made to draw the line here in accordance with the South Park Small Area Plan and not to include these properties in the development so they are no longer owned or controlled by any entities related to the petitioners, however we have communicated with the owners of these properties to make sure they are aware of our rezoning petition and these owners did not have concerns with the site plan. You will see as we talk to owners how feedback from certain adjoining owners impacted the development of our site plan. We've had a lot of engagement I think with property owners along Walden Court here; you may hear from some of them later. I hope that they will acknowledge that we've had a lot of dialogue with them and as you might imagine as we talked with them and when I talked to most neighbors they want to be impacted as little as possible by the new development. I think there is a recognition that something will happen here so as I show you our site plan, great attention has been paid by Crosland and Tate and their design team to mitigate the impact on these owners on Walden, many of whom are long time owners, some have owned there since the lots were developed so they have lived next to this for 50-years, so it is a big change. You will see a lot of focus was placed on our relationship to that property.

That is what we've heard from the neighbors as having as little impact on this area as possible. On the other hand as Ms. Keplinger mentioned, the ask from the Charlotte Department of Transportation is because there is a traffic signal here at the existing driveway, CDOT requested from us the ability to connect a future street through our site so there could be eventually a street connection from the signal here at Ashley Park Drive deeper into the heart of South Park. If you see our plan based on where that is you can imagine essentially we lose about 30% of the site to accommodate that street. We've worked with the neighbors on Walden and CDOT on this area and what happens is we are really boxed into an area here where we can work on our site plan and that has led to the site plan that you are looking at. This is a look at our conceptual plan; this is actually one step further than the plan Ms. Keplinger showed and we are still working with both neighbors and CDOT on this. As you can see the shaded area is the footprint of our structure and we've really concentrated that in this location so that we can stay as far away as possible from the neighboring single family homes on Walden and that we could provide for this future connection through the site for CDOT. That leaves us a pretty small building envelope to work with.

Ms. Keplinger mentioned the concern; we have an outstanding issue with staff and we are working on height. Right now our maximum height is 70-feet; that is exclusive of our architectural features on top which will be our enhanced roof. I think I'm correct in saying staff

is comfortable with the overall height. Sharon Towers south of us is at about 100-feet; we're at 70-feet and I think staff's greatest concern is the height and its proximity to this property line. However, as I mentioned there is not much place for us to go on this site because of the conditions with the future street connection and what we are trying to set aside for the neighbors here. We've focused on this area and this is where our height and mass is. We have not received concerns from that from these two property owners where the height is located. What you are seeing here at the rear of the site; this is the parking structure so we would have structured parking, however that is limited to one-level of parking so it is essentially there is the ground level and then one table of parking on top of that. We have a 20-foot separation from the property owners on Walden to this deck so as you can imagine we've had a lot of conversations with the property owners in this area as to what the deck would look like, what the buffering would look like. I wanted to share with you, since at this time we will be submitting, this is part of a buffer screening and planting plan which we will submit as another sheet of our rezoning plan that really illustrates a lot of the commitments we've made with the property owners. I wanted to point out some of them are here watching; we have said we are going to do this, we have shown them several versions of this plan and we will submit it; however, we couldn't submit it within 30 days of the hearing so I wanted to point some of those out. Number one, this is the parking structure; it would be limited to one floor in height, our cross sections here are showing it about 18.5 feet and I want to point out a couple other things. As we talked to the neighbors on Walden one of their request is that we have a solid wall on the lower level of the parking deck so there will be a solid wall on the lower level, on the upper level and this is shown here in the cross sections in this area here which is closest to the neighbors there will be an eight-foot wall on the top level of the parking deck. From grade to the top of eight-foot wall is about 18.5 feet so we think we will be; 20 feet is safe, to be lower than that. In addition we are showing the separation here of 20 feet in this area between the property line and the closest portion of the building. Within that area we are showing a pretty detailed buffer plan for our plantings in that area. We've talked with the property fairly extensively about the types of plants that would be located in here; there is a Duke easement for some power lines so it does limit what we can do in the very closest zone, but we've talked to neighbors and really individualized plantings based on feedback from them.

One of the things I wanted to point out is we talked about getting the building as far away from these property owners as possible. If you could see this site plan in detail you would see this area here from here to here is about 173 feet from the property line to the hotel structure itself. If I could overlay a photo of the existing development you would see the apartment property as it exists today almost has asphalt going up to the property line so in many cases there will be an improvement as we will have some open space, some nice plantings in between, 20-feet before you get to the parking deck which is capped like I said at about 20-feet and then over 150 feet into the site is where our hotel structure is, but that is far away from the adjoining property owners as we could get it. In addition we are providing a fence along the rear property line, an elevation of which is attached, it will have brick piers and panels which are a neutral color. So again this is a plan that has gone back and forth between the adjoining neighbors and us. We will be submitting that prior to Zoning Committee so it becomes part of the conditions, but I wanted to review them because we've had a lot of conversations with the neighbors. The other issue that we are working through is the C-DOT issue of providing the connectivity through the site.

**Rachel Kubie, 4738 Sharon Road** said I'm a resident of Olde Town and I think most of the residents believe that razing their townhomes are already decided, but I do feel the need to speak up for the people who live here and for keeping some affordable housing at the heart of South Park. The renters here aren't a transient population, speaking for several of us, we don't just live in these apartments, we also work and shop and use services in the South Park area. Several of the residents work at the Mall at Belk's, Macy's, the Apple Store. I work for the Library in South Park; one neighbor works for The Whole Foods across the street and another



did work at Jimmy John's Sandwich Shop across the street before her retirement. Two of my neighbors from the complex have lived in South Park their whole lives and remember when the mall itself was horse farms. One of them raised her son in these apartments and brought her mother here when she needed to be closer and needed her care. Her son's soccer games were on the lawn out front before the huge trees were planted. She tells me she will probably be moving to South Carolina to find affordable place to live that is comparable to what we have here. I have been here two years and I've loved having a place where I can make dinner while my kids are playing out front and where I don't worry about the kids having to tip-toe around since we don't have downstairs neighbors. I was in the Colony Apartments before this and because they raised my rent about \$100 each year I renewed I had to leave after the third year that I was there. I think, like myself, most of the reason that renters seem transient is because we have to keep moving as rents go up. I assume you already know what a nightmare the intersection between Fairview and Sharon and this Whole Foods driveway is right now and how much more congested it will be with a hotel there. I assume that you already know that there are six upscale hotels within a mile of our front door and I assume that you already know that the homeowners behind us will be living next to a busy intersection rather than a quiet cul-de-sac and our gardens and our noise levels and our property values will be affected I'm sure it sounds like they have been in conversation with the planners but I do hope that you will remember that you also represent the renters that are here and many of us of course may have to change districts as a result of this. I hope you will ask with all of this progress who exactly it is benefiting if many of the residents are pushed out for more luxury commercial business. I also want to say in terms of the management and the history of this complex that everyone I've spoken to, the residents, love living here and it has been a blessing for all of us. The townhomes are solid, they are safe, they are clean, they are quiet, they are convenient and they've always been well cared for and that is a lot to ask for affordable living and it is also a lot to lose for the South Park area.

**Peter Estes, 4815 Walden Court** said I do live on Walden Court and my backyard does face right up against their property. There are two issues I would like to talk about; one of them was the height of the fence that they will be allowed to put between the two properties and I know that I have to ask you folks to ask them to get a variance in order to raise that height of that fence from eight feet to 12 feet which would give us a little bit less sight of the property and concerning the traffic and the cut-through traffic that the hotel will bring into the area, request at the corner of Hazelton and Walden Court that a stop sign be put up to prevent cut-through traffic through our neighborhood. Those are basically the two issues I wanted to talk about.

In rebuttal Mr. Brown said I would like to say a quick thank you to Mr. Estes, he has been point person for the neighborhood contact and has endured a lot of back and forth in trying to find some consensus. As he mentioned we did speak earlier today and he asked me if we could increase the fence height from eight feet to 10 feet. I mentioned that I think that is something we would consider and I did ask him to say that to the Council so if we have to get an optional provision to allow that you will see. We will evaluate that as far as the stop sign on Hazelton, I will leave that to CDOT. In response to the concerns of the current residents disappearing, certainly that is something that we understand and I think both the Crosland's and the Tate's feel very strongly about affordable housing. We appreciate the need for it, however this site, it is time for some reinvestment and they looked at could this be a multifamily redevelopment, but the amount of dollars that would have to go into that site to make it competitive with the others, it would price out a lot of the existing residents. As we looked, and the market analysis shows that there are hundreds of new units coming on line in South Park; I doubt too many of them are affordable, but it looked like the multifamily market was delivering. We did find that it has been about 15 years since a hotel has developed in South Park and with the growth of all the multifamily units, all the office units, there is a clear demand for that. The petitioners have applied for, I think I can say, a Hilton franchise so this was a quality development that we thought, when you look at everything that can happen on this site, which was the least impactful. Generally the adopted plan recommends multifamily, hotel is close to that. As we

have looked at traffic, of all the different types of traffic the real issue at Sharon and Fairview are the peak trips and a hotel use has a lesser impact on peak trips than retail, residential or office so we felt it was a good fit.

**Councilmember Smith** said I've for a couple comments and a couple questions both for Mr. Brown and for staff. First I want to say this may be a comment that is usually reserved before the actual vote, but I do think it is important for context for everybody around dais to understand they have been put in a little bit of a unique position in which they have had to balance the concerns of neighbors, Planning and CDOT as they have worked through this site plan and they have worked hard to appease the neighbors along Laurel as that is where the highest concentration of non-renters and I have been involved with it and they have been working very hard on that. A lot of the feedback I've gotten from the neighbors is regarding this right-of-way for the road and where that may lead, the likelihood of that happening and how that may impact the neighbors has been most of the line of questioning I've gotten. I would like to see if Mr. Davis can help us shed some light on that because he was unable to attend the neighborhood meeting and I think it is important, and then I have two questions for Mr. Brown.

**Mike Davis, Transportation** I knew there would be some dialogue and I would need to talk about what this street connection would look like. To Mr. Smith's question about the street I want to go real big picture for a moment and also ask you to think also long term about what a street connection like the one we are talking about can mean in South Park. This is the site down here and I wanted to give you an aerial view just to give you a feel for how that site relates to the entire mixed use activity center of South Park. So same image, just took the aerial photo away and part of telling the story is to let you know that we know there is a lot of development intensity and pressure in South Park. We've seen that as exhibited by multiple recent rezoning petitions and with each one what we are trying to do is try to figure out how to evolve South Park into that mixed use activity center. Part of how we intend to manage traffic over times relates to having a strong mixture of uses because it allows you to reduce trip lengths. They generate a lot of traffic, but having them occur over shorter distances is a helpful thing so hold on to that thought, but where I really wanted to go with this is to talk about the streets and the reason the streets are important is because of this. We know that Sharon Road, at least at the major intersections are where we experience a lot of congestion today and we did a lot of widening to those thoroughfares 10 – 15 years ago and we've basically reached the limit of what we can do through conventional widening. Even if we could do more you are likely to just fill those lanes up with more traffic during peak hours so the strategy that is going to serve these land uses is one where we can continue to build out the local street network. That is why it is important to understand how we can get little bits at a time through each development that happens. We can't talk about all of South Park so just to kind of zoom in on this area that is bound by Park South, Fairview on the north and Sharon on the east, the big idea is how can you get a street to connect from Park South over to Sharon in order to alleviate the kind of probably cut-through traffic that you see through neighborhoods and also congested traffic occurring on Fairview. So when you bring in this piece, which is a little hard to see, but it is in blue; that is the hotel site. What it represents is an opportunity to get a piece of a future street, the idea would be to connect from the signal at Ashley Park, not through the single family neighborhood, but skirting along the back side of development and eventually with redevelopment of Sharon Corners, which is why I say very long-term, would connect to basically where McDonald's is, if you know where that is on Fairview. That is a location we think we will probably signalize in the future which also helps with pedestrian connectivity to transit. That is the Sharon Corners site there and then off of that ring road we would seek through further redevelopment more connectivity to connect in with existing local streets that have already connectivity to Fairview. That is the big picture view and it will take us a long time to get there, but that is how a piece of the puzzle like this hotel can help us in the long run. Just in the near term what I would say is I don't think there will be any near term harm by this street and certainly the long term intent

would be to provide more relief for than threat to the single family that is behind it. Hopefully that helped, if not I'm still around.

Mr. Smith said I think that was helpful; he was unable to attend the neighborhood meeting and this was a topic of big concern so I appreciate you taking some time to put together the presentation and if anybody has any questions you can reach out to me and I can set you up with

Mr. Davis. A quick question for Mr. Brown on regards of the actual development, is there going to be any rooftop activity such as clubs, I know it is in a hotel, but some sort of an amenity that may actually protrude some noise out into the neighborhood?

Mr. Brown said no, we are asking for a little room with our height so instead of having a flat roof hotel we've got the nice peak roof which is shown on our elevations and that would be the only thing allowed.

Mr. Smith said I know another potential concern for some of the neighbors is the pool on the rear; what kind of buffering? I've stayed at hotels where soccer tournaments come through and the kids are out horsing around all hours of the night. What kind of buffering and noise abatement can you put on the pool that was shown up there and is that something you've got on your radar?

Mr. Brown said one of the things is the intentional location of that pool and open space area. I hate to say you go to the path of least resistance, but as we talked to all of the adjoining owners there are the adjoining owners that want to do something different so from our site plan that is laid out in that way we will have the separation in place as well as fencing and plantings in that area.

Mr. Smith said you did say that you guys are progressing with a Hilton flag is that correct?

Mr. Brown said the Hilton franchise has been applied for; I think that is what I'm allowed to say.

Mr. Smith said how far along are you in that process?

Mr. Brown said I couldn't say and I don't know if we can say too much more.

Mr. Smith said my last question is the height and mass of the project; you've touched on this some, by existing right, what could you build there?

Mr. Brown said the existing zoning is R-17MF and we've talked with the neighbors that that district would allow up to 100 feet in height, however to get that height you would have to step away from the property lines. The max height we are asking for is 30-feet lower than what is currently allowed. Staff's point is that we are closer than they are comfortable with to that property line, which if Mr. Davis don't make us build that road we are happy to shift the building, but to accommodate all things that is the best we can really do.

**Councilmember Mayfield** said Ms. Keplinger I would like to get a clearer understanding when we Council, as well as Planning Staff have put not only a focus but also intention and financial dollars behind and showing that we have diverse communities, I'm really trying to understand why in this conversation that I'm hearing, I'm hearing from the potential impact of the neighbors, I have a concern that I'm not hearing enough regarding the residents so I would like to get a better understanding of why staff would support a development that would displace current residents to create a development of potentially hotel space but also would like to get an idea, because I seem to recall that we have recently approved hotel development around this area so I'm trying to get an understanding behind why this would be a project that staff would approve or support.

Ms. Keplinger said I think that is a complicated question and I think the answer to it is that the staff responds mostly to the rezoning petitions that are put in front of us. I certainly understand the concerns about the people like Ms. Kubie and her family that would have to relocate because of this and hopefully there will be some other options in the area. You are correct we have had several requests for rezoning over the years; we've had some that have been denied in the South Park area for hotels too. I think from our perspective we are responding basically to the request that is before us now and in terms of the uses that are there the market provides more for where the displacement of those folks and for where they may go in the future. Mr. Brown may have some additional responses to that particular question in terms of how they are going to deal with the folks that are living there and working with them if this property is redeveloped.

Ms. Mayfield said I would share that this sends a very clear mixed message as far as what our plan and our goal is when we are looking at trying to diversify, so I will have challenges with considering moving forward with this type of development, but thank you for those responses. Mr. Brown, I want to make sure that I heard you correctly because you mentioned that to up fit this building could be a very costly project so am I to assume that maintenance and upgrades had not been maintained over the years in order to make sure that this building pretty much stayed competitive in the market. I understand it is an older building, but I want to make sure that we had the opportunity to maintain adequately this particular building since we have current residents. I could understand if this was a building that did not have residents, but if we are looking at current homes for all the discussion that I've heard up to this point has really been in the vein of this decision has been made and we are talking to the neighbors opposed to the residents, I would like to know if this property has been maintained, but I would also like to know what is the displacement plan if any for these current residents.

Mr. Brown said I would point out that this is not a subsidized housing situation; this is a situation where the property owners have owned for many years and have maintained rents at an affordable level so that people can live there. I think what I was saying is it is to a point and I think I heard the residents say this is maintained well and everyone who lives there is happy. It is to the point where it requires reinvestment in the site so as the owners have looked at it, there are currently 40 units there, and the current zoning would allow us to do about 65. Just as a frame of reference the most recent multifamily zoning I've handled in South Park were developing new product are 60 to 100 units per acre. The current density there would be 10 to 12 units per acre. If we were to redevelop this site to just have 10 to 12 units per acre it would really be cost prohibitive for most anyone to live there at that density. It is the market driver and if we were going to include an affordable component there would have to be enough units to really offset that which would be several hundred units. That, as you probably know, meets with an awful lot of opposition so I think it is functional. I do think the property has been well maintained and I think that is why the residents would love to continue staying there, but at 50-years it is at the point where something different has to happen. If it were to stay at that low of a density again, it would be cost prohibitive for most to live there.

Ms. Mayfield said what is the plan for displacement for the current residents?

Mr. Brown said I would have to consult with the property owners and the management to let you know that plan. At this point we are going through the rezoning; I think probably leases are not being renewed for the next year, but I don't know their discussions with the current residents on where they will be going once their lease terms end.

Ms. Mayfield said for disclosure and transparency for what I'm hearing this evening it will be extremely difficult for me to consider even the idea of this particular development without having some very clear questions answered because we as a Council, just in the last few years, have made major investments and partnerships with how we move forward with housing development and multifamily so we need to look at will this possibly in another 20-years create an environment where we are looking to do the investments that we are doing in some other

areas to try to identify housing options. It is not the position of whether or not this is workforce or affordable housing, it is affordable housing right now for the people that live there and if we are talking about moving those people out and them taking the chance to possibly identify other housing I think we really need to consider how we want our city to grow.

**Councilmember Phipps** said the current South Park Area Plan was I guess approved back in 2000 so in view of the many approvals and rezoning activity we've had it would seem that it is about time for another relook at the South Park Area Plan inasmuch as it is 14-years old now and I would say it is almost too old for meaningful application, even though we've said what this petitioner wants to do is inconsistent with that plan, but given what is taking place it seems that the activity has really out grown that plan. Do we have a timeline on when that plan is going to be revisited; the South Park Small Area Plan?

Ms. Keplinger said that is something that we have talked about and I would like to turn that question over to our Director, Debra Campbell.

Mr. Smith said we met last week to have this very discussion and it is going to require a formal application from somebody in the area to get the ball rolling. Some of the neighborhood leaders are going to get that on file so that we can begin the process to figure out if we will do a full plan review, review around the edges or how to integrate all the growth.

**Planning Director Debra Campbell** said thank you Mr. Smith; in all seriousness we know that there are lots of areas that need area plans; that we need to update those plans. We go through a process we call Area Plan Assessment and we do that every two to three years. We currently have 15 areas ahead of South Park because we use a lot of data both social, economic, transportation, lots of things that indicate to us that we need to put planning resources in these geographies. We are thinking about that maybe we need to do something a little different than just having the full scale, the normal, unfortunately nine to 12-months sometimes 24-months and sometimes even longer that, Prosperity/Hucks for example, Area Plan process so we are looking at some more innovative ways that we might be able to do area plans so that we can accelerate the process of looking at these geographies because we have a number on our list and I will just name a couple, Ballantyne for example; the Cotswold area, lots of change that is happening in these areas. I-85/Sugar Creek/North Tryon/Graham Street area; that has been on our list for a couple of years that we think we need to address. We just recently got requests for something again along West Boulevard to go back into Grier Heights, to go back into Druid Hills. Again, we are looking at this and we think and Mr. Phipps I know that was a long way to say that is probably a year away before we can truly focus on trying to address an area plan for South Park because again we have so many demands for our resources right now.

**Councilmember Howard** said my first one is about the fence; what do you have to do to actually get what you need to address raising the fence?

Mr. Brown said I just talked to Mr. Estes about that this morning and I will need to consult with staff and see if we can do it as an optional provision. If we can we will pursue that route or if we would have to go get a variance to go over eight-feet.

Mr. Howard said Ms. Keplinger what do they need to go over eight-feet?

Ms. Keplinger said that is something I will have to look into, I was trying to rack my brain as that question came up and I know that there are height requirements restrictions to the front but I'm not sure about the rear so we will be checking into that and we will get back to them.

Mr. Howard said what I'm hearing is that you guys are open to pursuing the height of the fence to help with the neighbors. The other thing was simple, he asked for a stop sign, so what needs to happen to help them with the stop sign at Hazelton?

Mr. Davis said the best advice I can give is if I can maybe get with the citizen; I guess we've got the contact information, so I will contact that citizen and we will work that through our public service process.

Mr. Howard said I just wanted to make sure that was on the record. Then this road, I heard the fact that you would like to see this partial road go in and I heard Mr. Brown say that if you require it so where are we on this, is it required or not required?

Mr. Davis said technically is not required by anything. There is no ordinance that says you have to do this. It is my best advice to you, of Council, that in order to make this petition contribute to what we are trying to do in South Park that it include a street and it is not required.

Mr. Howard said I think a contribution to the road network would be helpful.

Mr. Brown said it is shown on our plan.

Mr. Howard said I'm not going to repeat anything that Ms. Mayfield said, but I will say there are resources in the community that I hope you guys will tell the residents about, including the fact that right across the street there is a Senior Building called Spring Croft and the apartment building across the street actually it looks like the one that Bank of America developed actually has 32 units that they co-developed with the Housing Authority and they are workforce units, I don't think they are public housing, so there are some resources there if you not familiar with it, I'm sure the staff can help with. I will let you and Ms. Mayfield figure out that whole package thing but at the very least I hope you are giving them resource about what is offered in the community and in that area.

**Councilmember Lyles** said I want to address the issues around the plan that Ms. Campbell referenced maybe a year out or maybe even more, but more importantly I wanted to talk specifically around that road issue and it is more for the staff Mr. Davis if you don't mind. In 2000 when we rezoned South Park Mall so it could double in size I remember the traffic being horrendous and after we made all of those improvements along Fairview Road, Colony Road, that was 2000, 15 years ago and we are now in a situation where we are in a very robust development period in South Park. We are very fortunate to have it as one of our five employment centers. I think the challenge that I have is that the recommendation has been to get this roadway built through a reservation of land and to move it around the Sharon Corners Shopping Center and kind of through there, but when I look at maps of the area I really would challenge us to say one of the issues that we've had in South Park is that we've had a number of streets that do not connect. There is not a grid system among the residential properties anywhere between Sharon Road and Park South, all the way to Park Road actually, very little connectivity and we've kind of just let that happen. One of the question I think about, you are on Walden Court or Hazelton and I have to say I walk that area a lot, if you are the only person that is having to give something to get the connectivity that place is a tremendous burden on a few, but if the South Park area would actually look at all of the unconnected roads and try to do something to connect them in a way that built more of a grid system I think we would have easier traffic facilitation and we wouldn't be reserving sites coming through these developments that we are doing because there is the opportunity versus the intent to kind of get to that place. I would like to ask that we look at the system in a way that actually doesn't bring us back to a 14-year decision, which is where we are. When we are building a city like this we ought to be building something a lot more long-term and I would like to see if the staff could bring choices in the long-range plan around how South Park could actually be built. That is my first point and my second point is that the neighbors on Park South Drive have talked specifically about the opportunity that we had to connect South Park to the area where Piedmont Row is down to Fairview and then you've got a two-lane road across Fairview going south that is pretty much all residential after you pass the The Ivey. There is some concern for me in terms of how we are doing all of this as opportunity presents itself without intentionality again. I don't know if there

is a response to that now but I think we've got to look beyond 14-years and we've got to look beyond just an opportunity.

Mr. Davis said I have two thoughts and I will take them in reverse order. No doubt there has been missed opportunities and I think we've known for a while that we have connectivity policies for a good reason, they are helpful and it is becoming very evident in South Park of the need for them as the development pressure continues. That is not to say we haven't been trying before, it is just becoming more and more apparent of the critical importance of doing it well. To your first point of opportunities to study other connections I think that is a great suggestion and what I would just point out is I will actually be back here in front of you next Monday night to appropriate funding from a prior zoning petition; it is a \$366,000 contribution that does give us the ability to begin to do some transportation planning work in the area. A lot of that is intended to be used around the Carnegie area but I don't believe there is any limitation on our ability to begin doing some of that staff analysis on roadway network specifically, so I think that is a good opportunity for us to give us some things to begin looking at.

**Councilmember Fallon** said Mr. Brown how many families will be displaced if this is approved?

Mr. Brown said I know that there are 40 units on site and I don't know how many are occupied. They are mostly currently occupied, but the leases are expiring.

Mr. Fallon said you know a spoonful of sugar makes the medicine go down and possibly that spoonful could be helping with relocation because you are displacing families who have lived there for a while and there is fairness. You do have in the community the intelligence to know where there are places that they could afford that would be similar to where they are living and I think the Council would appreciate it, if you expect it to be approved.

Mr. Brown said there are not many people that know other options better than the folks at Allen Tate so we will certainly look at that.

Ms. Fallon said that is what I'm saying.

**Councilmember Kinsey** said Mr. Brown, I'm looking at the site plan and I can't tell exactly where that proposed road goes through and how close it is to the hotel. I honestly thinking we are stretching a bit Mr. Davis to even suggest that we should do that.

Mr. Brown said we are working hard. The issue, and Mr. Brown can help here, is that it has to line up with the existing signal so that kind of sets the point here.

Ms. Kinsey said that is what I thought was a road, but I know it is a small site plan.

Mr. Brown said this is essentially the street connection through and could ultimately be made here.

Ms. Kinsey said how wide is the road?

Mr. Davis said if I may Ms. Kinsey, you may be reacting to the same thing I did when I saw this plan which this doesn't look a lot like a street and so we've been working with the petitioner.

Ms. Kinsey said it doesn't look anything like a street.

Mr. Davis said right, it doesn't have sidewalks, the driveway treatments are not the way we want them so we've had specific meetings around how that gets to be made more like a street. You will begin to see planting strips, sidewalks, driveway treatments, the parking will be handled differently, and the alignment is going to look different. We are in a period where that plan couldn't be submitted for display here is how I understand that, but going forward between now and the Zoning Committee that would be depicted a little bit differently.

Ms. Kinsey said to me that looks like we are taking more of the property for the sidewalk and planting strip. Obviously, I support those amenities, but I just have a real problem with us trying to make this happen because to me it looks like it right at the front door of the hotel and if this road is traveled as much as everyone seems to think we are going to have it traveled because it will alleviate traffic somewhere else, I think that would not be really very good. I would like to see us plan a road somewhere else.

**Councilmember Autry** said I would just add that if we are going to be talking about small area plans, there were two small area plans recommended with the Eastside Strategy Plan approved in 2003 that we don't have yet.

**Councilmember Driggs** said it feels to me like there are two conversations going on here tonight and one of them has to do with the circumstances of the current residents and the fact that some affordable housing could be lost, I think it is a valid concern to raise. The other one is the land use decision that we make for zoning and I think a clear separation is needed and maybe it would be helpful to me personally for the City Attorney to brief me a little more, but I get uneasy when I see a burden being placed on the petitioner to somehow address what our Housing and Neighborhood Development type of issues that probably are more our problem frankly. I don't see, at least in my limited experience here, that it is the responsibility of the petitioner to solve this issue. It is a problem, but I don't think it is his problem is my feeling and I just want to make sure that we have a proper zoning conversation and we make our decision properly on those terms and then that we think about the circumstances of the people who live there and see what we can do about that.

**Councilmember Austin** said thank you for your comments, but I think our charge is to make sure that all people in Charlotte are treated equally and fairly. I'm always concerned where we are having development and we are displacing people and it doesn't sound like we have any sort of real plan for those individuals that are there. Not so much about affordable housing and those types of things, but how we are treating people. That is what I like about Charlotte, we know how to treat people and we try to treat people well, so my comments are around the petitioner and how they are treating those individuals. We can't guarantee that there is going to be affordable housing but what we can guarantee is how we treat those individuals and I think that is the charge of Council many times to make sure that we are treating people well and that we do want development, we do want your petitioner to make money and probably will, and that is a good thing, but we also need them to treat other people well and that would be my comment.

Mr. Smith said I'm going to stay out of the affordable debate; I have a question about the road. As we project the likelihood of when that may occur are we looking at a 10, 15, 20; what is a reasonable estimate on the horizon because my fear is to sort of piggyback on Ms. Kinsey and my fear is that the road may not actually be built while the useful life of the hotel there and we are impacting the site plan almost for naught.

Mr. Davis said my understand is that the Sharon Corners Development which is really kind of the key to pulling this off in the future, recently signed long-term leases. I don't know the duration of those leases and I think that development at least appears to be in good shape. I can't put a number to it but it clearly a long-term investment, but I would suggest a different way to look at that is if you forego this opportunity it becomes a chicken-egg and you will never get out of that.

**Mayor Pro Tem Barnes** said I can appreciate what you are saying. The one thing that grabbed my attention was when Mr. Brown talked about giving up, was it 30% of the site roughly to this right-of-way and one of our interest, among many, is the whole idea of creating taxable land uses and so if you are able to relieve some of the compression on that space by either expanding further the size of the facility or moving it, certainly we can tax land where buildings are and land that you own and not where roads are. I understand that a lot of the conversations are



taking place, which I appreciate, and you've heard a lot from everybody on the dais had something to say about this one. I know you guys are going to keep working on it and unless there are any other issues I would entertain a motion to close the hearing.

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

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**ITEM NO. 25: HEARING ON PETITION NO. 2014-060 BY DAY HIXSON FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.46 ACRES LOCATED ON THE EAST SIDE OF NORTH MCDOWELL STREET BETWEEN EAST 35<sup>TH</sup> STREET AND EAST 36<sup>TH</sup> STREET FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO UR-(CD) (URBAN RESIDENTIAL).**

**Tammie Keplinger, Planning Department** said as you can see from the map this is about ½ acre site on McDowell between 35<sup>th</sup> and 36<sup>th</sup> Street. What I think is most important is this aerial that tells a story that started in 1914, a story of three houses built on two lots and they have been there since 1914. In accordance with our current standards for this area, which is for the R-5 district, you cannot subdivide these lots so that you could get one house on each lot. Day Hixson has come in and asked for a request to rezone this to UR-1(CD) and the proposed request would allow three lots to be developed, one house on each lot. This back part would be cut off through a sub-division process if the rezoning is approved. You can see how the lots would be divided; it is single family residential to urban residential conditional use. The density is going to be seven dwelling units per acre. It is a little bit more than what is allowed by the future land use plan, which actually recommends six dwelling units per acre and that is the Blue Line Extension, 36<sup>th</sup> Street Transit Station Area Plan, but the use is consistent with what is happening in the area and it has been there for a very long time and staff feels this is appropriate for approval upon the resolution of outstanding issues.

**Day Hixson, 801 East 35<sup>th</sup> Street** said I was told to sign up just in case you had any questions. I don't really have anything to say; I thought after the one you just went through you might like that.

**Councilmember Kinsey** said I've looked at this map and I can't quite tell; are you just subdividing for the three houses or are you going to add a house?

Ms. Hixson said I'm not doing anything except changing it; right now there are three houses and I'm making it have three property lines. I'm not developing it. Is that what you are asking?

Ms. Keplinger said it will be three houses on three lots; she is not adding anything new.

Ms. Kinsey said and there could be no more houses?

Ms. Keplinger said no ma'am.

Ms. Kinsey said okay that is all I needed to know.

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

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**ITEM NO. 26: HEARING ON PETITION NO. 2014-061 BY ROMAN CATHOLIC DIOCESE OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.0 ACRES LOCATED ON THE SOUTH SIDE OF SUTHER ROAD BETWEEN OLD CONCORD ROAD AND SANDBURG AVENUE FROM INST(CD) (INSTITUTIONAL,**

**CONDITIONAL) TO INST(CD) SPA (INSTITUTIONAL, CONDITIONAL, SITE PLAN AMENDMENT.)**

**Tammie Keplinger, Planning Department** said just to orient you, this is University City Boulevard, this is Suther Road, this is UNC-Charlotte. Most of us are familiar with the Crescent rezoning from 2012 so I will point that out as well. This is the site that is up for rezoning tonight. It is approximately 10 acres, is developed with a Roman Catholic Church, the St. Thomas Aquinas Church. There are multifamily uses to the east and multifamily to the west and then you have University Hills Baptist Church which is located to the south. In terms of the request tonight I want to start out by telling you what is allowed there now. In 1995 there was a rezoning that allowed about 40,000 square feet of building area to be built on this site. There was a variance that was granted for a 42-foot buffer between the adjacent residential properties and there was a building height of 28 to 61-feet. The request today is basically to add to the square footage to allow up to about 71,000 square feet. The building heights will be limited to two-stories with the exception of the church steeple which does go up to 61-feet tall. They've prohibited schools and general education uses so this will clearly be for a church use. They have some buildings on the site; there is a proposed building in this location. The main building is to remain and these buildings may actually be redeveloped, torn down or just redeveloped. There is a one-way existing proposed road in this area and this will require a small portion of the buffer to be reduced by 25% which is allowed by the ordinance, but it is only for that small section where that one-way driveway will exist.

In terms of the adopted land use plan it does recommend institutional uses for the subject property based on that 1995 rezoning. The request is consistent with the Northeast District Area Plan. The issues are technical in nature and we are supporting it based on the resolution of those issues.

**David Powlen, 5815 West Park Drive** said I am here just representing the Diocese and to answer any questions that you may have. I also have Father Jason Christian from St. Thomas Aquinas Church who can answer questions if need be as well.

**Councilmember Phipps** said it looks as if this particular project has been well received by the community; I'm not aware of any objections to it. I did have a question of clarification that I wanted in terms of the proposed request details and it says a note prohibiting a school or general education use allowed on the site. I would assume that excludes routine Sunday School and Bible Study activities.

Ms. Keplinger said what we would interpret that to being is an educational type facility for school children, it would not exclude Bible studies and educational church related activities.

**Mayor Pro Tem Barnes** said would it include residential uses?

Mr. Powlen said residential as far as –

Mayor Pro Tem Barnes said rooming houses, anything of that nature. Will people be living at the site?

Mr. Powlen said no the proposed uses are simply for the expansion of the church and meeting rooms. There might be public uses of the meeting rooms, but at this point it is just to expand the services the church is providing.

Motion was made by Councilmember Howard, seconded by Councilmember Austin, and carried unanimously to close the public hearing.
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**ITEM NO. 27: HEARING ON PETITION NO. 2014-063 BY PULTE HOME CORPORATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.68 ACRES LOCATED ON THE SOUTH SIDE OF ATHERTON STREET BETWEEN EUCLID AVENUE AND MARSHALL PLACE FROM R-5 (SINGLE FAMILY RESIDENTIAL) AND B-2 (GENERAL BUSINESS) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

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

**Tammie Keplinger, Planning Department** said this request is located on property that is situated between Marshall Place, Euclid Avenue and Atherton Street. South Boulevard is located here, this is the current zoning map so you can see we have a lot of TOD along the south transit line and then you get back over into the Dilworth neighborhood and you see all the yellow which is the single family residential. The property is divided so that you can see the single family homes that are located on one side of it and the non-residential uses on the other side. That is also the division line for the two area plans that I will discuss in just a minute. This request is single family residential and general business to urban residential conditional to allow 37 single family attached units with a density of 15.81 units per acre. It is our understanding that the petitioner is going to be showing you a new site plan tonight that he believes addresses many of the issues that we have outstanding on this petition. One of the changes is that this is now 39 units so the density is a little bit higher than what I'm showing here and what is in your staff analysis. If you recall, we cannot accept new site plans less than four weeks prior to the public hearing so that is why the information in your staff analysis is based on this plan.

The building height here was limited to 36-feet in height and as you can see a lot of the buildings that were shown here have their ends facing along Marshall Place and Euclid Avenue and that was one of the concerns that staff had. These are the elevations that were submitted; this was the rear that would be along the street front along Euclid Avenue and along Marshall Place and along Atherton Street in some places. The adopted future land use plan for this property is actually divided into two sections. The major portion is within the Dilworth Land Use and Streetscape Plan that was approved in 2006 and it recommends single family residential at four dwelling units per acre for the majority of the site. The other part of the site is within the Newbern Transit Station Area Plan which was adopted in 2008 and it recommends transit oriented development and if residential is to go there it is a minimum of 15 dwelling units per acre. I want to point out the Newbern Street Transit Station so you can see the location proximity to this. I also want to point out that recently we had a rezoning for Weekly Homes on this site; it was Petition No. 2014-01 which was approved for townhomes.

In terms of this request it is inconsistent with the Dilworth Land Use and Streetscape Plan recommendation; it is consistent with the land use for the Newbern Transit Station Area Plan but not with the density. There are outstanding issues that relate to the land use; there are very we believe significant site design issues and then there are some other technical issues that go along with this plan. For those reasons staff does not support this petition in its current form.

**Scott Stone, 136213 Whisper Creek Drive** said as Ms. Keplinger mentioned this has been iterate process going back and forth quite a bit with the community, with DCDA, with the neighbors and so this project has evolved over the last few months. We've had several meetings and we're incorporated a lot of their plans and I'm representing Pulte Homes who is the petitioner. We wanted to share with you the new plan that we plan to submit this week, which is the earliest chance we had to resubmit a new plan. This plan represents a lot of the comments we've received from the community. This is the site location with a little different look to it; this is in a transitional area, it is directly behind Mack's Speed Shop and you've got commercial on one side and single family on the other side of it and it is ¼ mile away from the Newbern Station. This is the new site plan that we will submit. Staff has seen this; they have not reviewed it formally, but we've run some of this by them to get their input to make sure things

are done as they've requested; make sure it meets certain city requirements. We've also mentioned and it is worth noting, this is the David Weekly site right here which is by now the Council has already kind of set a precedent that this is a good block for higher density in the townhouse development. Given that buffer between the commercial and the single family, we are kind of carrying it forward down the rest of the block. We are proposing UR-2 because that is what the Weekly project was and it makes sense for this site, but also we don't want to reinvent the wheel. The difference between this and the Weekly project, and I mention this only because it is fresh in your minds because it was only a few weeks ago, it is less dense than the Weekly project; theirs was over 20 per acre, this one is about 14.5 per acre. We are saving a lot more existing trees; we have more open space, we have a lot of on street parking more than they did and we have more on-site parking as well so this project is not creating more parking issues. It says 39 units and is a little bit different than we had before but as you will see the biggest issue here that is different than what you have, and I do have some site plans, if it is helpful to anybody to take a closer look at it. All the units face the street. As we met with the community, we met with DCDA, the neighbors, that was one of their very biggest issues that every unit should face the street. When we first were developing the ideas of how to lay this out, we had 20-foot driveways rear loaded behind every unit and because that site kind of pinches you will see it kind of pinches right here, it just gets very narrow and it is very difficult to make that work with those driveways. The last iterations we went through we ended up taking out some of the driveways which is allowed by the ordinance, but it ends up allowing us to fit those units so they can all face the front. That was a big issue for the community and this is something that we've been able to address.

One of the other issues that was addressed early on is there is no connections onto Marshall Place so those alleys that connect in are only going through from the Euclid side. Very quickly I want to highlight the tree save areas in green and these are basically the canopy size of some of the very large trees that we are saving. We talked through with staff about how we could rework the sidewalks of the plan so we could work around some of the existing trees and save them. Again, something that was a very important for issue for the neighborhood so we are very pleased with that. This is an example of one of the biggest trees we were able to save. We are also adding 30-onstreet parking spaces. For anyone who goes to Mack's they know that on-street parking is a big issue on Euclid, they are parking there no matter what. There is a little bit of on-street parking on the other side, but it is tough. This project has two-car garages and 15 of the units have 20-foot driveways in addition to the 30-onstreet parking spaces. Also this new plan has some two and three unit buildings versus the four and five. It is going to help feel a little less dense and feel a little bit more open. This is what you have there now; this is the corner of Euclid Avenue and Atherton Street so this is basically what is there now; this is what would be there in place of it.

I want to note that the rendering that you see incorporates what we attempted to do was a Dilworth type and feel; it's got more of a craftsman and style as best we could with a townhome, but originally Pulte had suggested brick and masonry, different stone effects was the original concept. These materials were brought up to try to address the community concerns. This is a view of the existing area on Euclid Avenue and you can see the on-street parking, the very little amount that exists behind Mack's and we will be adding on-street parking all along several spaces throughout Euclid Avenue. This is along Marshall Place; these are all rental properties currently and this will be the view basically at the corner of Marshall Place and Atherton Street. You can see to scale. Basically it is a rendering to give you a sense of it but that is the scale of the trees we are trying to save to give it a community feel. Those trees are very Dilworth feeling and we want to try to preserve that. This is overlaying two different area plans, Newbern calls for TOD; the Dilworth Plan calls for no increase in density on these parcels, however the area plan also does include encouraging different types of housing and the area plan also for Dilworth includes increasing density where it makes sense. As a community we have continued to seek higher density close to the transit plans and this being a transitional

block essentially we felt it was a good use and a good proposed project. Staff had cited about 21 outstanding issues; we believe that 19 of those are already addressed in this revised plan that we are going to submit this week so hopefully a lot of those issues will go away. The two issues that will remain outstanding is the consistency of the density with the Dilworth Plan and staff would like us to have brick and stone elevations and not the siding and the type of changes that we've made from the original proposal. That is something we will have to try to decide; are we going to go with staff's request or are we going to try to meet what the neighborhood has wanted. It is something Pulte is going to have to decide.

**Mark Moffett, 4700 Wynfield Lane** said I own the property at 2412 Marshall Place. I am an original Charlottean; I'm a commercial real estate broker with Commercial Real Estate Services and I represent all the residential owners in the Pulte petition. We have been, over the last four or five years, looking to see what we can do with our investment properties here. We are the only properties in this area that back up to commercial properties. Everybody else further down Ideal Way backs up to residential houses so we've barred the traffic, the dogs and all the other issues with the commercial properties and what like about what Pulte is presenting to us is that these Marshall Place Townhouses are serving as a buffer transitioning from the commercial to the multifamily, their project, to single family along Marshall Place itself and the recent approval of the Weekly multifamily on the other end of Marshall Place is a testament to the type of development that the city is look for the Transit Overlay District. We are wholeheartedly endorsing this Pulte rezoning petition.

**Walt Guyer, 2421 Marshall Place** said I live at 2421 Marshall Place which is across the street from the land proposed for rezoning. Tonight I am speaking on behalf of myself and my neighbors on Marshall Place, Atherton Street and Ideal Way. Many of those neighbors are here tonight and I would like to ask them to raise their hands to be identified and show their support. I'm here to say we oppose the rezoning and subsequent proposed development of 39 townhomes by Pulte. We have submitted the rezoning protest petition signed by ten homeowners surrounding the rezoning area and we have support of all other surrounding neighbors. While the developer has introduced a new plan to you tonight with townhomes facing the street our community still opposes this rezoning. As referenced in our protest petition we oppose the rezoning request because it conflicts with the Dilworth Land Use and Streetscape Plan adopted by Charlotte City Council in 2006. This area is within the scope of that Dilworth Land Use Plan and that plan states that it should remain R-5. The requested rezoning area and surrounding area are mostly single family homes, different from the pictures you saw there which were the small commercial properties that they displayed.

The Dilworth Plan is working today and we are seeing changes on Marshall Place and Atherton Street confirming the plan is working. There are three land parcels on Marshall Place and Atherton Street that have recently been redeveloped by two different home builders. All three of these parcels have been developed into single family homes that match the craftsman and bungalow style homes of the neighborhood and two of those homes are already under contract. The Plan is working and we should not abandon the Plan. Allowing high density redevelopment of this portion of Dilworth not only conflicts with the Dilworth Plan, but it changes the face of our neighborhood. The Plan was created and approved by City Council to protect this area from haphazard development. Furthermore it is proposed that this be a build as sold development, meaning that the developer will clear and prepare the land, then one set of townhomes will be built to produce the model home. No further construction would occur until these certain thresholds of townhomes are sold and then they would be built in small pods or two to three units as they referenced earlier. This essentially leaves a 2.7 acre vacant lot where single family homes and mature oak trees stood. My neighbors and I would be left looking from our front yards and porches across red clay and dirt to South Boulevard traffic for three years or longer and that timing is based upon information from the developer. While the developer indicates the land would be landscaped with new trees they do not mention the replacement trees will be

three to four inches in diameter, providing little to no protection similar to the 30, 40 and 50-inch diameter trees that exists today and significantly altering our streetscape. We would be left with a view similar to the one you see here and this is actually a picture that represents a project that Pulte did in Fort Mill where they created townhomes and kind of raised the land and this is what we will be left with until they sell all the townhomes. We are also aware of the rezoning petition, the David Weekly project that was referenced and approved. It does include the development of higher density townhomes that occurs on the corner of the neighborhood. The surrounding neighbors view this as an acceptable buffer into the neighborhood even through the rezoning was not consistent with the Dilworth Plan; however any further rezoning to support higher density is no longer a transition or buffer but a complete intrusion into our neighborhood. After watching the approval for the David Weekly development the neighbors want to insure that our voice is heard on this petition. We have organized as a community and openly discussed this proposal to come to consensus of opposition. We've worked with the Dilworth Community Development Association and their land use committee to insure the immediately impacted neighbor's concerns align with the interest of the broader Dilworth Community and they do. As mentioned previously, there are three new homes that have been built on Marshall Place and Atherton and they all fall within that protest buffer. Both of the builders signed the protest petition because they believe this proposal will diminish the value of their investment homes and have indicated this would steer them away from future development into this corner of Dilworth. We all know this area is in high demand and we should not set up for a proposal that conflicts with an existing Dilworth Plan. Any future development should align with the Plan and we know there is interest in developing this area in a way that does.

I would like to quickly read; I have a letter from a developer and home builder at 2501 Marshall Place, one of the folks that signed the protest petition. They state: "Cobalt DBS is a privately held small business that develops boutique single family residences in urban neighborhoods. Currently we are developing in Dilworth and continue developing in Dilworth in 100% compliance with the Dilworth Land Use Plan." There we have confirmation that builders are interested in continuing to develop Dilworth in a way that is consistent with the plan that is in place. A couple points I would like to address from the developer's comments; the homes are all rentals and allowing the rezoning will improve the community is their perspective. I can tell you that the community there disagrees and we are not opposed to seeing the area redeveloped, but we don't want it to deviate from the Dilworth Plan. The developers have also said that neighbors have expressed support for this project, we heard Mr. Moffett speak, but who these neighbors represent are the absentee landlords who currently own the homes being sold to Pulte and they have no vested interest in the long term development of the land. I would like to wrap it up by stating the Dilworth Land Use Plan governs the land, the plan dictates that it should remain R-5, the plan was approved in 2006 and the plan is working. We are here as a community to ask this Council to vote against this plan and petition.

**John Gresham, 717 East Kingston Avenue** said I'm on the DCDA, also on the Land Use. We voted two weeks ago to unanimously oppose this rezoning. Why? Contrary to the Dilworth Plan, a very good plan, you did it, we did it as a neighborhood, and so did the Planning Department. This is what they tell us should happen and let's look at the conclusion of that plan which you have continued to adopt. Dilworth is one of Charlotte's most historic and charming neighborhoods. Dilworth has retained much of its original character, has many assets of a good neighborhood and considerable diversity. This is a small area of Dilworth because young folks have moved back in, it is resurgent, three new homes in the \$6,000 to \$7,000 range have been built on these three streets within the last year. What does it say? The desirable characteristics have put Dilworth in the unique position of balancing the pressure for new development with the conservation of the existing neighborhood. This will impact that existing neighborhood. This will impact the people who have come in and taken a corner of Dilworth and now made it a much better place. Second point, this notion that this project will be developed in sections, and we were told at our last land use meeting that there will be four units built at one time. One as a

model and then another three and then when those are sold there will be more and then there will be more. Think about this kind of development in a neighborhood where there are now three streets, where there is solid residential development and people moving in and making that again a part of Dilworth. That is not what this Council anticipated when they did the Dilworth Plan. We are surprised that the protest petition has not yet been voted on or has not yet been approved because we've understood that there is a solid neighborhood opposition. The only folks over there who are in favor of it are the absentee landlords who now see a chance to make some money. We think they can make as much money when some of these developers, some of these home builders who have come into this neighborhood and built \$6,000 and \$7,000 homes will use this land the same way. We hope that when the protest petition is approved that it won't be just four of you, it will be all of you voting against this project.

**Mayor Pro Tem Barnes** said you meant \$600,000 and \$700,000 homes?

Mr. Gresham said \$600,000 yes.

Mayor Pro Tem Barnes said otherwise we were all going to buy one tomorrow.

Mr. Gresham said we think you can put 16 on this property so at \$600,000; we think we have sold most of them already.

In rebuttal Mr. Stone said Pulte has gone out of the way to be collaborative with the community and has met with them many, many times, tried to address their comments and that is why you've seen several iterations of the plan and the biggest issue we heard from them were three, facing the streets, the trees and essentially the look of the properties. All of those three have been addressed and we are still being pushed back on. The density was not their big issue, it was those other three elements. That is why we've worked so hard to incorporate their input. Pulte is not looking at coming in and doing something different from what Dilworth is, they are looking at being part of that Dilworth Community and part of that fabric; it is just adding a different type of building product there. One of the things that was brought up in the presentation was trees. The trees, we are going out of our way to save as many trees as possible. There are some great old trees that are going to be saved as well as a lot of new trees being put in as is required by the landscape ordinance. There have been concerns by the neighbors in the past, about the renters that are now, so what you are hearing is they are opposed to this but in hopes that something better may or may not come along, but they hope it will, but that is not what is being proposed. Some of the people that are here today representing the project and there are some people here that are in favor of the project but just didn't sign up to speak. Some of them have owned the properties a long time and some of them have raised their families there. I think there is being a little bit of disrespect to those folks who raised their families and were part of the Dilworth Community for decades. I think the Dilworth Plan has a lot of elements to it. It is a broad plan that covers a huge part of the City and this is a unique property that it is a transitional property; it is between commercial and residential.

**Councilmember Howard** said my comments kind of jump around so I'll tell you that ahead of time. I supported the Weekly rezoning for a lot of reasons that I heard from the residents, because it was on Ideal Way and on a corner of the community and I remember us voting to put a really high density building right where the pet hospital is now. That corner made a lot of sense to me. As you go down the street I do start to have some concerns so my question is for staff, so you've got a couple things going on. You have the commercial that is Mack's, the hospital and those things that front South Boulevard and then you have this block across from it. It seems like you want some type of multifamily to transition to single family, but for the life of me I can't see single family lining up looking at the back of commercial. So what does that transition usually look like and if it is happening somewhere else in Dilworth I'm happy to be corrected. The next thing is the Dilworth Plan, and it looks like this area is covered by two different plans, it calls for 5 units to the acre, but the Newbern Plan calls for up to 15 units,

actually encourages 15 units per acre. I would love to know where you guys come down on that. Are you splitting districts or what are you doing because if it is within ½ mile of the transit corridor again we have a policy that encourages density. How are we dealing with transition from commercial to residential; how will we see that happen. The single family doesn't seem like the ideal thing to look at the back of commercial and where are you coming down on the density suggestions from both of the plans?

Ms. Keplinger said Mr. Howard those are really good questions and I think that in response to the transition, when the Newbern Transit Station Area Plan was developed I'm sure there was a lot of discussion back in 2008 about where the boundary lines should be between the neighborhood and the transit oriented development and at that time it was chosen for the most part Euclid Avenue would be that boundary line with that one little section of the industrial properties that you saw in Mr. Stone's presentation and I would estimate the reason that those properties were not included in the residential portion was because of their very nature. Because they were industrial in nature; they are warehousing. I think that probably provided a natural boundary when that plan was developed to say at this point we are going from Euclid Avenue and all the single family residential, we are going to keep that single family residential and protect the character of the Dilworth neighborhood.

Mr. Howard said you are talking about the back side of this property not the front side along Euclid Avenue. You are talking about the Marshall Place piece more than anything?

Ms. Keplinger said I'm going to use Mr. Stone's map; this section has the industrial buildings located on it and this is the section that is in the Newbern Transit Station Area Plan, and that is the area that the density is proposed for a minimum of 15 units per acre. My assumption again is that when this plan was developed that was included as part of the station area because of the nature of those land uses.

Mr. Howard said in that situation we are talking about; you still what I'm saying, you are talking about 15 on that little piece and then five on the back side of it. That doesn't seem like a proper transition.

Ms. Keplinger said I'm going to get to that one in just a second. When that station area plan was developed this area was all part of the Dilworth Area Plan and it was slated to protect the character of the residential area.

Mr. Howard said this actually gets to exactly what we talked about on the Blue Line Extension, kind of where you run into these neighborhoods that have some existing character and how you transition. It is the exact same conversation.

**Assistant Planning Director Laura Harmon** said I think to add to what Ms. Keplinger was talking about, and I will start with the properties in the Dilworth Plan that front onto Marshall Place, it is not uncommon for us to have properties in Charlotte that vend back to commercial land and that is what they do here. What is a little bit unusual is that you have this intervening street of Euclid Avenue. But as we developed the Newbern Station Area Plan, we were very intentional about protecting the neighborhood. One of the principles in the station area principles is the preservation of existing neighborhoods and we did call for this area to actually not be included in the Newbern Transit Station Area Plan, but we did call for that area to remain out. Certainly you do make a good point about that property that fronts on Atherton; it is a very unique parcel. This parcel here that is uniquely placed behind the single family home, but just in general to have a transition even up and down the transit corridor where we do have requirements for height in the Transit Station Area that require you to move gently from the lower heights that you find in single family to the greater heights and intensity you find in Transit Station Area, so this is a pretty typical situation that you see here.



Mr. Howard said would you recommend single family? I guess you are, so the yellow is single family?

Ms. Harmon said we do recommend single family or lower density housing in this area and preservation of the neighborhood.

Mr. Howard the other thing that I have is R-5; the newer houses that are developed in the neighborhood, it seems like those a lot denser than R-5.

Ms. Harmon said they probably are larger homes, but they are being built back on the original lots and they are fitting into the R-5 zoning. They are just physically larger homes than maybe the original homes that were there.

Mr. Howard said the only other thing I have is that we have this very interesting dynamic and I've participated in a couple of them at my job where you have these older neighborhoods that are seeing kind of this infill of the bigger houses and there is tension between the old and the new. I've heard it here tonight; the folks that have been there for years waiting to actually get some investment out of their property compared to the people who have moved in, actually looking for the same quality they've bought into. I would hope that when you guys go back and you talk, neighborhood included, that everybody realizes the folks that have been there for a long time have been waiting for this opportunity and they deserve a right to get some investment out of their property. I hope over the next month there is more talk about kind of what that tension and the policies are not helping a lot here so how do we actually bring some compromise to this in some kind of way, I think is important in this conversation and we will hear a lot more as these communities keep redeveloping.

**Councilmember Fallon** said I just wanted to know from the homeowners there that object, what do you envision going there, understanding something is going to go there?

Mr. Gresham said we see single family housing there because unlike some of your other places Mr. Howard, there is a street there as a buffer. If you look at the houses right above that area you see where the blue line jets up higher, those are houses that have been built and there is a fence between them and the blue area. If you build those housing facing inward, not on Euclid Avenue that is where the back fence or wall will be and there is a street between there and the other development so I don't think your concerns are that likely to occur. We see single family houses that are compatible with the other side of the street and by the way, the people who own those houses don't live there; they are not long-time residents, they are long-time landlords. That is the difference between the people across the street who are now some long-term and others more recent actual residents. That is what we want that area to be where there can be more residents there.

Mr. Howard said Mr. Gresham you know we always have very spirited conversations; just to be clear whoever owns it, owns it and you don't know what the history of those families are so let's just be fair you don't know how they came into it. I'm still talking about the fact that single family houses don't usually look into the back of commercial. That is all I'm really saying.

Mr. Gresham said they are not going to be looking into it; they are going to be facing the other way. You've got to understand that they will face toward their neighbors. The only people who will be facing toward those will be Mr. Pulte if you look at his development, his townhouses face that area.

Ms. Fallon said Mr. Gresham has anybody reached out to any builders or developers to talk about it to you?

Mr. Gresham said yes.

Ms. Fallon said they have, and are they willing to build single family houses of that price line?

Mr. Gresham said maybe a little less on that side of the street. Maybe they are only \$400,000; I got my number right this time.

Ms. Fallon said but it is single family housing; more than one person I hope.

Mr. Gresham said it is single family housing and I think there are two or three developers that are looking at that and to point back I don't think most of the homeowners over there Mr. Howard have ever lived there. I think those industrial folks bought that property as rental property.

**Councilmember Phipps** said I'm interested in looking at the picture again of the use of the current site, the commercial if you could bring that picture back up. I'm talking about the picture with the trucks and things. Has any of that site been used for any maintenance facilities or have you stored any petroleum products or other hazardous materials on that site?

Mr. Gresham said I think Mr. Pulte would have figured that out if that were the case. We are not aware of any on that and actually what you are doing there is looking across Euclid Avenue to the other side there so I don't think only one of those buildings is actually within the area. The one with the trucks are not; they are on the other side of Euclid Avenue and not a part of this.

Mr. Guyer said this is the part of the Newbern Station Plan so this is already B-2 and you don't see this from Marshall Place. What you see across from us are ten older homes built in the 40's that need some maintenance, but still that is what we are looking at today, not this, this is what the back part of the development is.

Motion was made by Councilmember Austin, seconded by Councilmember Smith, and carried unanimously to close the public hearing.
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**ITEM NO. 28: HEARING ON PETITION NO. 2014-065 BY NASIR AHMAD FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.91 ACRES LOCATED ON THE EAST SIDE OF I-85 ALONG JOHN ADAMS ROAD NEAR THE INTERSECTION OF GALLOWAY ROAD AND JOHN ADAMS ROAD FROM RE-3 (RESEARCH) TO RE-3 SPA (RESEARCH, SITE PLAN AMENDMENT).**

**Tammie Keplinger, Planning Department** said how about if I go straight to the consistency slide for you. This is for about a 7,000 square foot banquet hall, the maximum building height is limited to two-stories and 45-feet. There is an existing cell tower on the site which you can see on the aerial. There is multifamily across the street that has been partially developed. This is an RE-3 Site Plan Amendment; the area plan calls for research uses so it is consistent with the Northeast District Plan. There are technical issues that we feel will be resolved before the Zoning Committee meeting and we are recommending approval upon those resolutions.

**Mayor Pro Tem Barnes** said did you say that a banquet hall was consistent with research uses?

Ms. Keplinger said it is a use that is actually going to be an eating, drinking, entertaining establishment type two and those are allowed in the Research District.

Mayor Pro Tem Barnes said all occurring inside the facility?

Ms. Keplinger said in this case there is a 900 square foot patio area but it will have to comply with the type two regulations.

**Councilmember Phipps** said that was one of my questions. Will the hall have any outdoor use space aside from parking?

Ms. Keplinger said I will go back to the site plan and I will show you they have a small open terrace area that is about 900 square feet.

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

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**ITEM NO. 29: HEARING ON PETITION NO. 2014-066 BY LEVINE PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.094 ACRES OF EXISTING RIGHT-OF-WAY FOR ST. JULIAN STREET LOCATED BETWEEN COMMONWEALTH AVENUE AND INDEPENDENCE BOULEVARD FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO B-1(PED) (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY.)**

**Tammie Keplinger, Planning Department** said this has to be one of the smallest rezoning's that I have dealt with in the time that I have been with the City. It is for approximately one tenth of an acre of land, and there is a little bit of a story behind this. This is actually part of right-of-way that is being abandoned; it is right-of-way for St. Julian Street between Commonwealth Avenue and Independence Boulevard. If you look on the aerial you can this is the half that is proposed to be rezoned; there is another half that runs right along that portion. St. Julian Street ends right here at Independence; the adjacent property owners have petitioned the City to abandon this right-of-away and as typical with right-of-way abandonment process half of the property will go to the property owner on the east and half will go to the property owner on the west. Once this abandonment is completed which is scheduled for completion I believe next week at your City Council meeting, then the property owner on this side has a purchase agreement for this strip of land.

Now I want to talk to you about the zoning and I'll put all of this together for you. This property is zoned B-1 PED, this side is zoned R-5. With zoning we go to the center line of the street so when you take the whole street, half of it is going to be B-1 PED and half of it is going to be R-5. The property owner on this side that has the purchase agreement wants to include this portion in their development so they need to rezone it to B-1 PED so that is the request that is before you tonight, to rezone that one-tenth of an acre to B-1 PED. It will be combined with the B-1 PED property that is adjacent to it for development. This is consistent with the Plaza/Central PED Scape recommendation for multifamily, office and retail uses in this area. Like I said the right-of-way abandonment process will be completed before you actually have to vote on this rezoning and there are no outstanding issues.

**Councilmember Kinsey** said I just missed this Tammie; the petitioner is asking for both sides of the right-of-way to be rezoned?

Ms. Keplinger said no, they are asking for one side of the right-of-way.

Ms. Kinsey said just his side?

Ms. Keplinger said actually no, it is the opposite side; this side is already zoned B-1 PED; this is R-5 so when all of this is abandoned they want to take the R-5 portion and combine it with the B-1 PED.

Ms. Kinsey said which technically belongs to his neighbor.

Ms. Keplinger said right, and they've got an agreement to purchase.

**Councilmember Driggs** said I just wanted to do something about this because a tenth of an acre that is zoned R-5 doesn't make a lot of sense.

**Councilmember Phipps** said was there any consideration given to connectivity to East Independence Boulevard?

Ms. Keplinger said I believe that through the abandonment process that has all been vetted and if CDOT had an issue it would have not gotten as far as the abandonment process as it has.

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

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**ITEM NO. 30: HEARING ON PETITION NO. 2014-067 BY ALDERSGATE UNITED METHODIST RETIREMENT COMMUNITY, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 91.31 ACRES LOCATED ON THE SOUTH SIDE OF SHAMROCK DRIVE ACROSS FROM GLENVILLE AVENUE AND THE EAST SIDE OF EASTWAY DRIVE ACROSS FROM DUNLAVIN WAY FROM R-17MF (MULTIFAMILY RESIDENTIAL) AND INST (CD) (INSTITUTIONAL, CONDITIONAL) TO INST (CD) (INSTITUTIONAL, CONDITIONAL) AND INST (CD) SPA (INSTITUTIONAL, CONDITIONAL, SITE PLAN AMENDMENT).**

**Tammie Keplinger, Planning Department** said this is a request rezone a small portion of R-17MF to institutional and to amend the existing site plan for the institutional (CD). This is all a portion of the Aldersgate United Methodist Retirement Community and it is located between Shamrock Drive and Eastway Drive. You can see the portion that is currently zoned R-17MF. One thing I want to point out to you is right here is the Park and Rec Ball Field and the zoning line is proposed to go straight through this. We are going to talk about this in just a minute and I'm going to tell you about a special request they have in regard to that ball field. In terms of the development you can see they have some cottages that are developed over on this side that is also part of the retirement community, but this is the main portion of their site. In terms of this request you have to turn your head a little bit; Shamrock is up here now, there are no changes in the areas that are in gray. Those are all to remain the same. The area where the ball field is located right here and the property line and the zoning line are going to run right through the middle of it. Normally we would require a buffer through the middle of that right there on that property line because it is a break between residential and institutional, but because of the ball field that is very active the petitioner has submitted a request for an alternative buffer which will be approved by Planning, Engineering and CDOT to move that buffer to the outside of that ball field so that ball field can remain active. There is a note on the site plan that if that ball field ever ceases to exist that they will put the buffer in place as it is needed.

In terms of the development itself the proposal is to allow the expansion of the retirement community. The area of the largest expansion will be in this vicinity. What they are doing is adding 125 independent units and 150 dependent beds. They have some buildings that they are contemplating tearing down and some new buildings that they will put up. This is all in the center core of their development so there is a lot of movement that will occur within, but overall the development rights that are approved for this site will not be exceeded. In terms of the future land use the area plan recommends institutional for the main portion of this site. For the little area that is zoned R-17MF it does recommend multifamily just by the nature of that zoning but we feel it is appropriate. Multifamily uses are consistent with the Eastland Area Plan and the institutional uses also so we are recommending approval upon the resolution of all the outstanding issues.

**Suzanne Pugh, 3800 Shamrock Drive** said I am the Chief Executive Officer of Aldersgate United Methodist Retirement Community and with 10,000 baby boomers retiring, turning 65 at least every day in the US we began about two years ago a very intensive strategic planning process. We've been operating, serving elders for close to 70-years now right there on

Shamrock Drive. I will assure you that the first question we ask because this would not be where we had been green fielded would probably not be a typical place that we would go to develop the type of business that we've historically done in Charlotte. All of our competitors are in fact in the South Park area primarily, but I've gotten with Ms. Campbell I think it was almost two years ago and said our Board is looking very closely at our future and how we remain sustainable, not only in our core mission, but also how can we continue to connect to the community around us. In that regard our first question at the master planning table was do we stay or do we go. After looking very closely at not only our core business plan, but also thinking very deeply about our place in the east community around us, we made a very intentional decision to not only stay but as of this past Wednesday, our Board approved an investment of close to \$70 million in expansion on our property there in East Charlotte. We have 227 acres and actually as of tomorrow we will have 234 acres. We are the largest employer in the area; we've been around for a long time and we are very committed to the East side of Charlotte. This replacement, the largest building you see there is a skilled nursing facility. This will allow us the opportunity to continue to serve folks who are the most frail at this point in their lives. We've also petitioned the state to add beds there to allow us the opportunity to serve more folks. We largely serve short-term post-acute rehab in that building and we serve over 600 elders annually just in that building. We serve another 400 across the rest of our campus. We are committed to our mission, we are committed to the East side and we respectfully request your consideration of this petition as we strive to continue to make the East side a growing and thriving area of Charlotte.

**Councilmember Phipps** said I was confused in reading the staff analysis; actually how many units are we talking about? How many units do we have currently and when you add the amount that they are proposing how many total units would that be?

Ms. Keplinger said right now, and I will ask Ms. Pugh to correct me if I'm wrong, but we believe there are 294 independent and dependent living units and about 90,000 square feet of common facilities which are their operational areas.

**Frank Quattrocchi** said currently 525 units are allowed for the 1999 rezoning and what was being requested is an additional 275; 150 of those will be for the skilled nursing or dependent beds and 125 of those would be for additional independent living units, multifamily units.

Mr. Phipps said so that is 800 units then? Another question, and I think the petitioner answered it, so a Certificate of Need is required to add additional beds.

Ms. Pugh said right, in the State of North Carolina to add additional licensed skilled nursing beds we must apply for a Certificate of Need and we have already petitioned for that. We actually had our public hearing for that this past Friday and would expect to hear from that within the next couple of months. To be clear, those are only for the additional 20 beds. We currently have licenses for 100; this would add 20 more that would be sheltered beds for folks who have contracts with Aldersgate currently.

**Councilmember Howard** said I wanted to commend Ms. Pugh on making a really smart move; she asked Pat Garrett who moved to Wilmington to join their Board of Directors so they've got some top talent out there.

Ms. Pugh said she is a winner for us and I should also comment for us if I may that there was a request from what I'm understanding from Parks and Rec about the possibility of an easement related to a swim buffer area and our Board likewise approved to work with the Parks and Rec in that regard as well to be able to offer that.

Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, and carried unanimously to close the public hearing.
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**ITEM NO. 31: HEARING ON PETITION NO. 2014-069 BY NOVANT HEALTH FOR A CHANGE IN ZONING FOR APPROXIMATELY 81.75 ACRES LOCATED ON THE NORTHEAST QUADRANT AT THE INTERSECTION OF ALBEMARLE ROAD AND I-485 FROM INST(CD) (INSTITUTIONAL, CONDITIONAL) AND B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO O-2 (CD) (OFFICE, CONDITIONAL) AND B-1 (CD) SPA (NEIGHBORHOOD BUSINESS, CONDITIONAL, SITE PLAN AMENDMENT.)**

Motion was made by Councilmember Howard, seconded by Councilmember Mayfield, and carried unanimously to recuse Councilmember Lyles from Item No. 31.

**Tammie Keplinger, Planning Department** said just to orient everyone this is I-485, this is Albemarle Road and the site we are talking about is in the northeast quadrant. You can see that there has been some grading on this site, but no development to date. In terms of the rezoning request I want to talk a little bit about what was approved in 2008 for this property. The property was rezoned from R-3 to B-1(CD) neighborhood business conditional for a 100-bed hospital, for 140,000 square feet of medical office space and for 20,000 square feet of retail uses. The request before us today is to rezone from institutional and B-1 (CD) to O-2 (CD) which is office conditional district and neighborhood business (CD) SPA, which is conditional site plan amendment. The request is to modify the previous approval to 50 beds in the hospital and 117,000 square feet of general office, retail commercial uses. You can see on the site plan on the board, there is a proposed public street right off of Albemarle Road that feeds into the development. This is the area of neighborhood business and this is area of office zoning. The total buildings will not exceed nine and there are some transfers that are allowed between the office square footage and the retail square footage between the office and business districts. In terms of the commercial section there is only one accessory drive-through that is permitted and it cannot be associated with a restaurant. There are buffers on the parameters of the site and there a number of transportation improvements. You can also see that they have a proposed helipad for the hospital.

This is the elevations of the building from the north and south sides. One of the outstanding issues is that staff has asked them to clarify the types of building materials that are shown in these elevations so we will have those for the record. In terms of future land use the land use does recommend institutional and retail for this site based on the rezoning that was approved in 2008. That is the Albemarle Road/I-485 Interchange Plan. It is consistent with that plan recommendation, however there are several transportation issues that exist and I would like to call Mike Davis up to talk about those, then we will complete the slides.

**Mike Davis, Transportation** I will give you a brief summary of this and I will start by saying we are actually very close to being able to recommend support from a transportation side, but there are some details to work out. Essentially what this has been about from a transportation perspective is when we first saw this zoning come through and it was approved as a larger format hospital with more uses generating more traffic there was a larger commitment in terms of infrastructure and what we've been evaluating with the petitioner is trying to make sure that what is now proposed, which is a smaller format generating less traffic the infrastructure proposed is adequate to handle it. That has been some pretty technical back and forth and it has also been pretty recent. It's been ongoing but recently we've had some progress in terms of understanding what probably needs to be done relating to specific drive-way locations and also how we set up that future street to be extended through additional development later on. I can walk you through the details, but essentially it is that we think we've got it scaled right now, but we will need to get it detailed properly in a plan before Zoning Committee.

**David Park, 3600 Country Club Road, Winston Salem, NC** said I'm Senior Vice President of Construction Facility Services for Novant Health. I've been involved with this project literally from day one. The project is located in east Charlotte adjacent to Mint Hill and is one that is near and dear to us and we have been looking at this and working through a number of infrastructure issues over the time to get to the point where we are ready to start construction. I want to be very clear that the reduction in the hospital beds have nothing to do with what was approved from the CON (Certificate of Need). We will be building the hospital as defined, as approved by the State and the CON. The reduction was a matter of 50 future beds and with Health Care's current unstable environment we are not sure when those future 50 beds would be needed. That is the reason for stepping back from 100 beds to 50 beds. Mr. Brown is going to walk you through much more detail and I think like Mike said we have most of the traffic issues resolved and hopefully can move forward.

**Jeff Brown, 100 North Tryon Street** said it is a pleasure to be assisting Novant Health on this matter. It is an exciting project and we had a community meeting in which residents from both the east side of Charlotte as well as residents from Mint Hill were coming. A lot of enthusiasm and excitement to see this positive development moving forward. We really a talking about trying to insure that it is done in a way that will insure proper transportation adequacy because the nature of the project is actually reducing the amount of the development. We are making some other changes that are relocating the buildings a little bit because of the different format that the hospital is using, there are some changes in the footprints that we're proposing. We do appreciate very much the work we've had with the staff and also with CDOT and NCDOT. This is a project at a high impact intersection and we want to make sure it is done right, but there is also quite a bit of development that is near the site and we want to make sure that the design of the project ultimately is set up to insure that we have connectivity long-term to the undeveloped land that is nearby. Those are some items that we've worked very hard on. We thank Mike Davis and Dennis Rory and others at CDOT for their efforts.

I've mentioned the reasons for the rezoning and the project coming before you tonight. There is a reduction, not only in the potential for the future beds, but also there is a reduction back to 50 which is consistent with the Certificate of Needs (CON), but there is also a reduction in the amount of the entitlement for the office to allow us to make this move forward, but in a way that will work for the transportation improvements. I will not go through all of this because but I will highlight for example on this slide in front of you is the types of transportation improvements that are taking place in connection with the first portion of the development, which is the bulk of the development although there is a good bit that we withheld for future transportation improvements on the network. This gives you a sense of some of the improvements that we've been working with Mike Davis CDOT on and we are going to continue to refine the notes really in a matter of a day or so, so we will be ready to go for the Zoning Committee. One item we discussed was in addition to the primary entrance into the hospital site we also will have a right out so it could be a right out/right in in this location that will insure that the traffic leaving the site in the p.m. peak hour cues properly. That is one example of the type of efforts that we've done with CDOT as we've gone through this traffic study work. I won't go through all the other improvements; I will point out on this slide, which is the long-term plan framework for transportation for the area and that is in the green area. Novant's boundary stops at this location so we don't own the rest of the property. There are a number of other property owners that own the property moving to the east. We had discussions with CDOT and NCDOT that as these properties get developed there would be a potential connection road here and out to Albemarle Road to provide additional relief. We have held back development from our project in a phase that the development could not be developed until the connection roads would take place. I'm giving you a sense of the types of work we've had with CDOT; happy to go into detail but except to say that we are very pleased that CDOT through our efforts and NCDOT finds that we are in the right place and we will be finalizing these aspects as we move to zoning.

I am also pleased to reference in the material that was provided by Ms. Lindsey earlier of a meeting we had with representatives from the east side of Charlotte who came to the community meeting with support and I would also like to recognize in the audience Troy Pollard who is a longtime resident of the area, many of you know; he has also been very supportive, came to meetings and he is here. I'll ask him to raise his hand and he is also here to offer late night for support of this project. We are happy to answer any questions. We thank you for your patience. I know it has been a long evening and we are pleased that we are on the same page with the staff going forward.

**Mayor Pro Tem Barnes** said I wanted to ask a question if I might, Ms. Hagler-Gray; can I ask him what the value of this investment is. I'm curious about the cost of building a hospital facility and such.

**Senior Attorney Terrie Hagler-Gray** said I can't tell you not to ask it, but price points should not be a consideration in the final determination of the rezoning.

Mayor Pro Tem Barnes said I understand; he heard the question, if he wanted to volunteer an answer he could, right?

Ms. Hagler-Gray said correct.

Mayor Pro Tem Barnes said thank you for coming; did you come down here from Forsythe County?

Mr. Park said yes sir. This is important; I've been working on this project since I bought the site. There is nothing more important to me today than what we are doing right here. A hospital project really gets broken into components; you have the site, the construction and the equipment. The total investment out here is all said and done somewhere in the \$80 million to \$100 million range. Total number of jobs that would be out there in our recent experience, similar size hospital, 350 to 400. That investment will pretty much start as soon as we've got the go ahead. We've got a lot of infrastructure work to do so we probably got a year's worth of infrastructure and design but in order to beat CON we have to open the hospital in 2018 and we are on target to do that.

Mayor Pro Tem Barnes said I appreciate that and welcome back to Charlotte.

**Councilmember Smith** said will Novant be the primary tenant in the MOB?

Mr. Park said the MOB that is on the back of the hospital that is adjacent to the hospital; we will be the primary tenant. The MOB's out parcel on the front, we will probably occupy some of them but hopefully, quite honestly, that is done for us to encourage other non-Novant physicians to come to the campus.

**Councilmember Driggs** said does the CON as it now stands allow you to put up to 100 beds at this location?

Mr. Park said no sir, the CON as it stands only allows for 50 and that is what we are rezoning to. The original zoning, we asked for 100 anticipating doubling the hospital over time. We do not know that that is a logical conclusion at this time based on the number of out-patient ambulatory surgery cases we are seeing in healthcare going forward.

Mr. Driggs said shorter lengths of stay?

Mr. Park said they are very much shorter lengths of stay; most of ours in large are out-patient now.

Mr. Driggs said so there is no contingent plan already to expand to 100; right now you are going with the 50?



Mr. Park said that is correct; right now it is 50. We will build it for possible infrastructure to expand, but right now we are asking for 50.

**Councilmember Phipps** said Ms. Keplinger are we looking to the petitioner to bear all the cost associated with the road improvements?

Ms. Keplinger said I would like to defer that question to Mike Davis.

Mr. Davis said that would depend on which improvements you are talking about. There are some that the petitioner pays for now, for example on Albemarle Road where there might be provisions made for U-turns and the left over treatment for example. We are also looking for some contribution to the long-term street network and so part of that is done by Novant paying for the construction of the street on their property and then likely some additional contribution to pay for a portion of that phase two infrastructure that was mentioned that will ultimately require that other development pick that up and build the rest of that street network.

Mr. Driggs said we've got a couple of public streets in here that right now just terminate at the boundaries and I'm wondering whether we know already how we intend for them to join up and what kind of traffic flows to expect when those connections have been made?

Mr. Davis said the long-term plan would be that this location, which is not going to be in play in the near term, would be the signalized access that would be full movement for the hospital and the reason it is this one and not one is because NCDOT primarily requires a minimum separation from the interchange ramp and so that is why the long-term infrastructure is that we get a street that can access the signal with a connection back this way. The near-term will be heavily reliant on the left over; we think this can work fine today with the addition of some additional egress in particular from the hospital but understand this is essentially where you've got to make rights out to either access I-485 or make a U-turn. That can probably work, according to NCDOT's technical analysis they think that can work for the next 10 to 15 years. In the long-term it is going to require that this gets build. If that doesn't get put on the table in that 10 to 15-year timeframe we may be back looking at whether or not this can operate in some different fashion, like for example, a signalized left over. I don't know the numbers that is sort of how it is generally meant to work.

Mr. Driggs said I was also looking in the other direction going up to the top of that picture. You've got an ER in there and when I look at that neck between the two it just looks to me like if you had higher traffic volumes there is a lot of potential for congestion through there.

Mr. Davis said this plan may do a better job. As I recall the site, now we are turned a little bit, 90 degrees so this connection here I think as I recall the topography has pretty limited ability to serve much additional development. This street will have some more traffic so were you referring to the interaction between this and that driveway?

Mr. Driggs said I'm referring to the one that goes out to the left; it is a public street that goes to the left of the property and just ends. Is that right?

Mr. Davis yes I don't expect that that can serve too much land based on the topography.

Mr. Driggs said so we don't have a problem with emergency vehicle access through that bottleneck?

Mr. Davis said basically being a hospital, the way the emergency access is going to mostly concerned about ingress; egress is important too, but mostly getting in. The way the access sets up is sort of the way I described it. I think in the near term it is going to be very good; in the long-term is should be fine too with the addition of additional infrastructure and if not we will have to basically reconfigure some of the access that we are setting up now.

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

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**ITEM NO. 32: HEARING ON PETITION NO. 2014-070 BY CHARLOTTE MECKLENBURG PLANNING DEPARTMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.63 ACRES LOCATED ON THE EAST SIDE OF SOUTH CHURCH STREET BETWEEN WEST SUMMIT AVENUE AND WEST BLAND STREET FROM 1-2 (GENERAL INDUSTRIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT – MIXED).**

**Tammie Keplinger, Planning Department** said this is the subject site; it is currently zoned I-1 General Industrial, it is undeveloped and the request is to go TOD-M which is consistent with the Southeast Transit Station Area Plan that was adopted in 2005. It is within ½ mile of the Bland Street Transit Station and staff is recommending approval.

**Councilmember Smith** said I assume Mr. Belk has no opposition.

Ms. Keplinger said I believe no.

**Councilmember Kinsey** said he is not here.

Mr. Smith said we've had people not show up to oppose stuff; I just wanted to make sure.

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

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**MAYOR AND COUNCIL TOPICS**

**Councilmember Mayfield** said this has been a busy week-end and Monday for the city so one, I would like to congratulate the Smart Start Board and Council for Children's Rights. Earlier today here at the Government Center in Room 267 they held the traditional Laws Enforcement Lunch and Learn so I have on my little "Ask me about the first 2,000 days button" so for those of you at home, if you did not already know, the first 2,000 days between the time of birth and beginning Kindergarten is when the brain's architecture is first being formed. So just a little bit of information to share regarding pre-natal care and getting ready for Kindergarten. Second, I would love to congratulate Charlotte's Black Gay Pride Board and volunteers for this past week-end. The hosted actually a five-day celebration and education of Charlotte's african american lesbian, gay, bi, trans community. Also want to congratulate Mr. Herb and Felicia Gray on their 2014 Gray Classic, the 100 black men were the beneficiaries and supporters and three young men received a total of \$18,000 in scholarship going from \$3,000, \$5,000 and the oldest young man \$10,000 for the next four years, every year to cover his schooling, so congratulations to them. Hopefully we can keep that creative talent right here and my final will be a point of privilege, I would like to thank the voters of cueless as well as the center of black equity for the award and acknowledgement this past Wednesday and Friday evening. Countdown, July 31<sup>st</sup> starting at 8:30 a.m. the Charlotte Premium Outlet will have the breakfast with the outlet opening up I believe at 9:30.

**Councilmember Phipps** said I would like to thank the residents of District four and the city at large for a very successful identify theft shred event that we had on Saturday at IKEA. I want to thank our community partners IKEA, Cintas, Charlotte Mecklenburg Police Department, Charlotte Fire, CharMeck 311 and FBI. Matter of fact we collected about 19,300 pounds of sensitive documents to shred that comes to about 9.6 tons of sensitive documents.

Councilmember Autry, being the Chair of the Environment Committee you can appreciate this in terms of environmental savings. We saved 19 barrels of oil, 164 trees, 67,480 gallons of water, 29 cubic yards from going to landfill and that's 38,560 kilowatt hours we saved. I could go on and on but I know you are ready to go home. It was very successful and I really do appreciate people coming out and taking advantages of it.

**Councilmember Howard** said mine is a referral; I would actually like to ask the Transportation and Planning Committee to get an update on the Gateway Station. It has been a while since we've heard anything from the state and I'd like to see where that is and see if we have a plan on how to figure out how to move forward with it. I'm not sure the state is doing what they said they were going to do with Heins and I think may be need to make some suggestions to them on what to do. There is probably no more important piece of that in the City of Charlotte than that station, so if that is okay without objection.

**Mayor Pro Tem Barnes** said no objection that is fine.

**Councilmember Kinsey** said I just want to thank Neighborhood and Business Services for the Neighborhood Symposium this past Saturday. I spent about two hours there; there were four neighborhoods from district one so I visited all those neighborhoods. They do a great job and the neighborhoods are going great guns. I saw Mr. Austin and I know there were others there, but it was good.

**Councilmember Driggs** said as Intergovernmental Relations Chair I wanted to acknowledge Dana Fenton who has been bravely on the front lines in Raleigh reporting on activity there and look forward to getting kind of a wrap-up of the short session. We know a lot of things come up, some of them have been acted on and others haven't and I think it would be useful for all of us to get a synopsis of everything that was done in Raleigh because we are coming to a close.

**Mayor Pro Tem Barnes** said I wanted to take a brief moment to thank the ladies of ALPHA KAPPA ALPHA for holding their convention in Charlotte last week. They made a tremendous impression on the city and I think the city made a tremendous impression on them. I want to thank the CRVA (Charlotte Regional Visitors Authority,) Tom Murray and his people for executing very efficiently and effectively. I've heard nothing but positive things about that convention. That is a good thing and so hopefully we liked them, they liked us and we would like for them to come back.

Ms. Kinsey said just piggy back on that, I had the pleasure of meeting the Mayor from Baltimore this past week, AKA, to talk about what we are doing here with our affordable housing and Pam Wideman took her on a tour of some of our developments.

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#### ADJOURNMENT

Motion was made by Councilmember Phipps, seconded by Councilmember Smith, and carried unanimously to adjourn the meeting.
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The meeting was adjourned at 9:41 p.m.



Stephanie C. Kelly, MMC, NCCMC, City Clerk

Length of Meeting: 4 Hours, 33 Minutes  
Minutes Completed: July 31, 2014