

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, December 15, 2014 at 5:14 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, Ed Driggs, Claire Fallon, David Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

ABSENT: Mayor Dan Clodfelter

ITEM NO. 1: AGENDA REVIEW

Tammie Keplinger, Planning said we have quite a few things on the agenda that have changed since your hard copy that you received last week. First of all our colors, red is anything that has changed since last week; green is what you saw last week. We have 10 requests for deferral and that is Public Hearings and Decisions, so I will go over those real quickly. Item No. 3, Petition No. 2014-019 is one of our District 4 rezoning petitions; we are asking for a deferral to March. Item No. 4, Petition No. 2014-021 is a Text Amendment related to mobile farmer's market, we are asking for a deferral to January. Item No. 5, Petition No. 2014-043 for Mark Patterson up on Prosperity Church Road; we don't have a full Council with us tonight and this is a protested petition so they ask for a deferral to January 20th. Item No. 6, Petition No. 2014-068, this is the Joint Communication Center; we are asking for a deferral to March.

Councilmember Howard said Mr. Manager, why are deferring the Communication Center to March?

City Manager Ron Carlee said there are a number of issues that came up during the hearing and we want to work with those issues and have some opportunity for individual consultation.

Mr. Howard said how far off is that going to throw this?

Mr. Carlee said it is not going to impact; it is more important that we get it right.

Ms. Keplinger said Item No. 9, Petition No. 2014-092, Pavilion Development Company at Nations Ford Road and Tyvola Road, the protest is insufficient but they are asking for deferral to January. Item No. 11, Petition No. 2014-096 for Lenox Development Group; this is on Audrey Kell and they want to defer the decision tonight but they have some changes that they are going to be making to their site plan and they want to go ahead and ask for Council to refer them back to the Zoning Committee on January 5th so they can review those items with the Zoning Committee, get a recommendation and then come back to you on January 20th. Item No. 12, Petition No. 2014-101 for LGI Homes; this is off Reames Road, deferred to January; Item No. 14, Petition No. 2014-103 for Weekley Homes, deferral of the decision to February.

Councilmember Driggs comments inaudible.

Ms. Keplinger said they are taking another look at their project.

Councilmember Fallon said that is the townhomes.

Mr. Howard said while we are doing questions; No. 11, that is not a straight deferral, we need to actually defer it and send it back to the Zoning Committee?

Ms. Keplinger said yes.

Ms. Keplinger said Item No. 19, Petition No. 2014-078 for Park Selwyn on West Woodlawn Road, they are asking deferral to January and there is a sufficient protest petition. Item No. 21, Petition No. 2014-109, Midtown Area Partners II, LLC, defer the hearing until January. It is a protested case but we don't know the sufficiency of it yet.

Two cases to note tonight, Item No. 7, Petition 2014-75 for Crossroads Realty Group, LLC; this is at Fairview Road and Closeburn Road and the petitioner has agreed to add a note to the site
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plan and basically it took all construction traffic from the site and be directed to not use the portions of Park South Drive or Archdale Road for access to the site for deliveries of construction materials. This was a change after the Zoning Committee met so we will have to do the special vote and Council will have to determine if it is significant and needs to go back to the Zoning Committee.

Councilmember Lyles said I wanted to speak to that because I requested it; I sent you all an e-mail this afternoon and I hope you had a chance to read it. The neighbors along there are already experiencing a number of construction projects; I just thought since the ... had been made that would help alleviate some of the noise in the morning coming from that. I also want you to know that I live off of that street so it is not self-interest, but for some of the other folks along there and I would ask for your approval.

Councilmember Mayfield said since Item No. 7 is in Mr. Smith's District I wanted to find out if he had any issue with sending it back.

Councilmember Smith said Ms. Lyles sent me a note ahead of time; I think it may be hard to enforce but I think it is something that if staff is okay with putting it on there and the petitioner is okay with it. I just think it will be a tough enforcement; the original intent of the notes that I got put on there, Closeburn is a very narrow street and I did not want to have any staging occurring on that based on the size of the street. Sometimes it is multiple sources of traffic, but I'm okay with it.

Ms. Keplinger said Item No. 18, Petition No. 2014-074 for Terwilliger Pappas Multifamily Partners, there is a sufficient protest petition.

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ITEM NO. 2: FOLLOW-UP REPORT

Tammie Keplinger, Planning said the first item was a question about whether the petitioners can show if they have provided intrusive PCCO, Post Construction Control Ordinance on site or paying a fee-in-lieu of, if they can tell us that at the time of the rezoning. All new development must comply with the PCCO so at the time of the rezoning many of our sites are not fully engineered and I venture to say that most of them are not fully engineered so it may be difficult for our petitioners to actually identify which option they would choose to use, but they do have to comply and that is one of the things that is monitored and checked through the building development review process when they go through permitting.

Councilmember Phipps what do you mean they don't know for sure and they are not willing to venture a guess that and the ... that we will have to keep them around to see what the requirements are and whether they will be able to do it on a site ...

Ms. Keplinger said one of the issues that if they venture a guess on the conditional plan and they are wrong then they might have to come back through the process again to correct that. I think since that is something that is addressed down the line through the permitting process, I think that is why most people decide not to venture that guess.

Mr. Phipps said so there are no real metrics that you can point to sort of like after fact on something like this?

Ms. Keplinger said there was a question about outdoor lighting at the last meeting especially in relationship to the rezoning at Central Avenue and Eastway. What we wanted to tell you is what our outdoor lighting ordinance is about; we've got two sections in particular. One relates to non-residential development and how it cannot directly aluminate abutting residential districts and then there is a section that also deals with relating to glare of impairing motorist's vision. When we were looking at the properties that were up for rezoning last month and for decision this month, there are no violations on that site and Code Enforcement has indicated that they are enforcing both of those ordinances.

There was a question asked about the trip generation provided on Petition No. 2014-075 and this is the Closeburn Case that we just talked about a minute ago. The trip generation for the Fairview and Closeburn Road site: 80 trips per day for five dwelling units but 160 trips per day for 27 units. C-DOT has responded that they get their calculations and figures from Institute of Transportation Engineers and they indicate that the trip generation for single family, which would be five units is 9.52 trips per day, but for the condominiums and townhomes, the trip generation goes down to 5.18 and the data does not take into account the number of parking spaces that are on the site so that was part of the question because they are providing two garage spaces for each unit. That is why the trip generation was a little bit different on those two.

Mayor Pro Tem Barnes said maybe we will talk with Mr. Davis about that because it seems like a bizarre number. I think 9.52 for a single family house seems kind of high.

Councilmember Lyles said I would concur and I just wonder sometimes and I know that I do not know a whole lot about traffic engineering and I know that they are really the true keepers of all truth and light and justice, however sometimes when we look at these reports I don't understand them and I kind of think I get it, but at some point I would actually learn about truth more than just having ...

Mayor Pro Tem Barnes said actually I would like to hear about truth so if you could come up and explain the 9.52 versus the 5.81 I would appreciate it.

Mike Davis, Transportation said the first thing I will tell you is that a lot of what we do in terms of transportation engineering is predicated on science and a lot of it is not, so maybe the way I can try to be helpful is try to discern when I'm doing which of the two. In this case this is meant to be the scientific part; we can't predict locally with data that we can collect how every different type of use is expected to generate trips. That is why we rely on data that is provided nationally and we tend to not argue with it because it is statistically significant as a big data set that is used and updated nationally so when it comes down to trying to make distinctions about how many parking spaces may be provided; the data is not provided to us in that way. We can't go slicing and dicing and adjusting it so we tend to live and die by those types of figures. What we do with them beyond that tends to be sort of locally informed, try to understand how the streets work and things of that sort. If your question is specific about why a single family detached generated more than the condominium/townhouse attached, I couldn't give you the reason without going back and doing more research but I can tell you that is what the data tells not just us, but everyone nationally. It is something about that the use gets ...

Ms. Lyles said so as a follow-up I'd like to know more about the trend in the data and how did they explain that to you. I know they give you the numbers, but there has got to be some explanation and that is just we look at the numbers but why do we use them and is that the only measure that we should be using; are there other measures that compete with that, how often do they update. Just a number of things like that that you want to make sure you are picking up and especially since trends have changed after 2008; who is living in apartments, who is living in condos and who is living in single family. Single family at 1,500 square feet, single family at 7,000 square feet; is it all like 9.52 for a single family? I know there are physical variations and I understand that and I try to catch the statistics, but I don't know if that is the only standard we ought to be using.

Mr. Davis said I will be happy to look into what other options we could use other than just looking at that data.

Mayor Pro Tem Barnes said just from a practical perspective. Does that mean in terms of the definition what it reverts to for a single family detached house they usually have approximately 10 trips day, five away and five back?

Mr. Davis said that is right.

Councilmember Fallon said how many people are living there?

Councilmember Howard said that is kind of what it is; it is the number of people that can live in a single family house.

Mayor Pro Tem Barnes said is it based on square footage too?

Mr. Davis said it is not. What happens is once you introduce other variables you are narrowing down the data set and every time you do that you are making your data set less reliable together and they simply don't provide that data. I will say that many years ago Charlotte collected its own studies and I don't know the history to know why we thought it was prudent to do that, but I know that we did do that and I know that what we learned was that it generally trended with the national data and we discontinued doing those studies locally.

Mr. Howard said but to your point if you have so many square feet you have five people or six people, it is not that; it is families normally live in single family houses and it is where you have children with cars and you are not going to have the situation in condos or townhouses. It is not commonly and you can kind of take that from the uses of what normally happens in those two different dwellings.

Ms. Keplinger said the next is another transportation question and it was basically about the accumulative traffic impact in the SouthPark area. I'm going to put my transportation hat on again and Mike might have to come back up, but basically in the information that is provided we have two ways of studying traffic, one is when we look at it during modeling which is a large long-range or large scale perspective and then we have the traffic impact studies that you see with rezonings which are more on a small scale. There is no study that C-DOT uses to meet in between so when you have a mixed use center like you have with SouthPark you have a lot of trips that are generated within the center and end within the center so the impacts are not correctly measured. What C-DOT is working on now is looking for new ways to evaluate and new studies that they can use that are designed better to reflect certain ... of the impacts that we have in mixed use centers. That is something they are working on.

Councilmember Smith said we've had a bunch of petitions approved over the past two or three years and as an example a lot of them are out at the same time so for the 1,100 apartments on Carnegie are only able to – when we approved one subset there is another one that is either in the pipe or it doesn't seem to be taken into account. I think it is more than just trip generation, I think it is the total number of bodies that are coming into the area and how we can look at it at the 30,000 foot level if we are making one zoning decision, for example the Woodfield project came on the heels of, and the project has already been approved on Carnegie and you add another 300 apartments and they seem to be ... that as to how many trips were going to soon be generated. I know I asked that original question but that is sort of what I want to get an answer to, not just making sure that we are in the activity center taking up the trips that are sort of generated within. Mine is more if we are going to look at a project that we have a more comprehensive understanding of everything around it that has been approved or soon to be approved just so you can make sure that you are making an informed decision.

Mr. Howard said that is an interesting question; you guys start the count when the project is permitted or when it gets entitlement?

Ms. Keplinger said I will ask Mike Davis to come and answer your question.

Mr. Davis said can you repeat your question?

Mr. Howard said in the situation that Mr. Smith just presented, how do you look at the whole area, not just petition by petition; when you guys are looking at a petition and doing your traffic counts do you take into account what is entitled or what is permitted?

Mr. Davis said generally what is entitled. There can be reasons why we may take the privilege of go ahead and consider the combined effects of things that we know are coming. As mentioned we have a lot of contracts that we think will be coming through at SouthPark and I think the calls we've heard is there is a need to understand not just how each one of them works, and not each one based on the ones approved before it or get a sense of what is going collectibly and I really
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struggle how to not make this sound like gibberish but a center like SouthPark will behave differently than how these things are done and scattered around in other types of situations. We are doing some analysis that we've never done before that will start to give us some insights about how these sites and locations work because we know not everybody who lives in multifamily is going to walk and we don't really make that assumption. People who live there are not necessarily going to walk or bike but we also know a lot of those trips are captured internal with the center and there are some efficiencies gained so we are trying to understand that behavior as well.

Mr. Howard said where I was going with it, if you were looking at just what was permitted, really what you want to get is not only what was zoned but what is already on the ground because what we are zoning is actually changing the density more than what is entitled already.

Mr. Smith said I feel like we make decisions sometimes in a vacuum and I just want to make sure we have an understanding at the time and the vote.

Mr. Davis said the short version of this answer was we got the little picture and we got the very big picture and we are trying to work on some tools of what the best in the middle traffic ...

Ms. Fallon said do you ever sit down with Planning and do like monopoly so we know how the City is going to look around the way you are approving or the way you are saying there are just so many –

Mr. Davis said during the Area Plan process our team that deals with regional planning from a transportation perspective does work with the Area Planners and try to figure out where we have capital needs, where we think facilities or capacity added and based on the recommended land use plans in those Area Plans, trying to make sure that those entitlements over time will match the infrastructure so yes in the very big picture, as it relates to the rezoning that are coming, there are incremental changes and they tend to be more isolated. We don't sit down and map them out like you all do on the Area Plan.

Ms. Fallon said that is why it looks like it does; it is not cohesive and what is happening is you get something here and you get something here, you try to get something there and there is one here and one here and that becomes a problem. The roads are so crowded you can't get on them anymore. I don't know where we are going and we keep approving stuff that adds traffic to it without saying we are going to fix this road and it is done in two years, it is 30 years out so how are we going to fix that?

Mr. Davis said I would say that is a question that is bigger than just transportation analysis to rezoning. I think it is a larger question around how we are organizing intensities of development. The only thing I can say is there was work done in the past summer that involved asking people to stack Logo blocks in the region and in terms of trying to figure out, if we've got the growth and if the population employment continues where do you want to stack those Logo blocks and I do think a lot of our policies are really trying to reinforce the idea that there are some places that can support it better than others. We have growth in all types of areas but the greatest intensities of growth can happen in transit centers, it can happen in activity centers and in transit corridors.

Ms. Fallon said I'm looking at Prosperity Church and Mallard Creek; Highland Creek is a city in its own and we don't have the roads. You've got Ridge Road which you tried to correct by putting that thing in the middle, but it doesn't correct anything; it just backs up so I'm wondering where we are going and what we are going to do about it. We are doing development willy-nilly; somebody comes along wants it, picks a plan some place that was done 20-years ago, go ahead and the roads can't take it.

Mayor Pro Tem Barnes said with respect to Prosperity Village it would help for us to know for example that once the Village Plan is built out I-485 and all the connecting roads that there will be additional capacity. I don't know where you are going to add roads in SouthPark unless you start moving buildings because one of the things Mr. Smith and I have discussed is the fact that there is very little right-of-way left and unless you begin moving businesses out of the way to expand the roads and I'm not sure that would solve either. Your point is very well taken.

Mr. Smith said just to piggy back on that; I feel like you are doing traffic studies and Ms. Fallon touched on it. You have 1,000 apartments here and 800 apartments here nothing over here and I don't know if you always check how that feeds into ...

Mr. Davis said in your example are you assuming other developments are approved?

Mr. Smith said yes.

Mr. Davis said yes we did.

Ms. Keplinger said this is on Petition No. 2014-100 which was the NoDa petition for TOD and the question was how would the Cross Charlotte Trail cross the railroad and the response is that the master planning process is for the Cross Charlotte Trail will begin in January 2018 and it will take eight to ten months and after that we will have more detail and more knowledge about how the Trail Crossing would happen along the railroad. Another question from that petition was what type of building type you envision along the Blue Line Extension and all the uses along the Blue Line Extension of course are supposed to be transit supported uses and we recommended for those properties in those categories within itself have different height limitations for different areas. Not the particular property that we talked about last month for Petition No. 2014-100, there was no height limitation set because all of the properties surrounding it were industrial and if you have the TOD height that is already placed in the ordinance that would take care of any close residential properties that are close to that property. In other areas, for instance across on Davidson Street, there are some height limitations and those are areas where the properties are a little more at risk; you have residential that is closer to them so it varies from area to area along the Blue Line Extension as to what the height restrictions are.

The other thing I have tonight is the list of upcoming cases that is in your packet. We have seven hearings tonight, 20 scheduled for January, 17 scheduled for February.

Councilmember Kinsey said I would like to suggest that we start limiting the number of zonings heard each month; this is getting ridiculous and when we are here that late we don't do justice to the hearings. The decisions are first and I know the Mayor has mentioned this; we talked about it and think you all have talked about it but this is getting ridiculous.

Ms. Keplinger said the economy has definitely turned around.

Ms. Kinsey said it has and I'm very grateful but if we are going to do a good job we are going to have to start limiting the zonings.

Ms. Keplinger said we are still taking in 16 cases each month and we are not meeting that quota per month, but we do have a lot of referrals. That is why you see the numbers, like the 20; we have quite a few things tonight that are being deferred obviously so that is some of the reason that piled up, but we are working toward a solution.

Mayor Pro Tem Barnes said let me ask you a question about that; would it be feasible to let the petitioners know that when they defer it we are going to spread them out so that we have no more than 16 in any given month? That way if you deferred in December you may not get back on in March or April or May.

Ms. Keplinger said I think there are a lot of options that we are examining.

Mayor Pro Tem Barnes said would you all consider that Mr. Manager?

City Manager Ron Carlee said it is complicated because some of those that are now scheduled for January and February that aren't so new and deferrals will probably be first.

Mayor Pro Tem Barnes said right and I'm suggesting starting, say beginning July 1, 2015 so that people know that it is coming, not surprising them with it; maybe January 1, 2016 whatever that period of interim period, but say as of some date that there will be no more than 16.

Ms. Kinsey said 16 combined?

Mayor Pro Tem Barnes said no, hearings.

Ms. Kinsey said that is still a lot.

Mayor Pro Tem Barnes said that is a lot especially if it is ... or 12, but what I'm saying is it is some way to create some consistency from month to month instead of seven this month, 20 next month and I'm sure February we will be turning to 20. It is just a thought.

Councilmember Howard said I'm wondering from either the City Attorney or Assistant City Attorney can we do that. Have we ever done that where we capped the number of petitions before?

Senior Assistant City Attorney Terri Hagler-Gray said I think it is policy and it your policy with respect to the number of petitions that you have, so you can cap your policy.

Mr. Howard said anybody with Planning, have we done that in the past?

Ms. Keplinger said the only thing that we have capped is the number of petitions we take in each month. In the last 16 years we have never capped the number of petitions that are on the agenda.

Mr. Howard said I just want us to be cautious and I'm with you guys; I know 12:00 is a lot and I was here when we used to meet at 7:00 because we had nothing, so I'm just a little hesitant to start messing with market forces this early, but I hear what you are saying.

Ms. Kinsey said we can always walk out if we need to, if we get tired.

Ms. Fallon said I suggest that we don't schedule any other meetings for that day other that if we are going to have that many because from 5:00 to 12:00 I'm punchy already.

Mayor Pro Tem Barnes said the Mayor and I had a conversation about actually starting the meetings earlier in the day. I'm kind of reluctant to do that because if you work you've got to leave the office to be here, but if you all are okay with it ... staff and they have even talked to developers or their representatives about this idea of putting some cap on the number of hearings per month. Sixteen is a lot but whatever that number, just to give us some options and if we choose to continue, I agree with you, there were a couple of times back in 2007 when we were here until 1:00 a.m. and you are right, your brain is shot by 10:30 or 11:00.

Ms. Fallon said we were here until 12:00 the other night.

Mr. Howard said I like what Ms. Fallon said about no other meetings that day. The ones of us who came to the Legislative Breakfast this morning have been here since 8:00 a.m.

Mayor Pro Tem Barnes said that is a thought that we could talk about at Retreat.

Ms. Keplinger said one other thing that staff is looking at is short ... meetings and that is something that evolves with this discussion on the number of cases so there are several different options that we are looking into.

Councilmember Mayfield said I'm nervous to admit this since this is recorded, but I agree with you so I'm going on record, but I would like to get more information on what you suggested. I want to get more information regarding the deferral process because if we defer then that deferral is going to hurt the new petition then we need to look at some language that says okay, if you defer this will be your window, kind of like we went with the Cable Company, somewhere between 30 and 90 days because it is not fair to those that don't run into any challenges or anything because then they get bumped back.

Mr. Howard said we did have rules on deferrals and I don't remember what they were.

Councilmember Smith said I agree with LaWana and what you don't want to do is penalize somebody who has their contractual date and they are moving along and they are expecting a decision in January, closing in February and have those folks moved back. You made a point that is maybe worth noting; if somebody's option is to defer maybe they are then subsequently giving up a right, but even at that point they still have some timeframes to try to get a transaction done and then be cognizant of that side of it as well.

Mayor Pro Tem Barnes said Mr. Howard had a question about the rules around deferrals.

Mr. Howard said we have something set on how many deferrals you can do and how soon it has to be approved don't we?

Ms. Keplinger said no sir; there are no restrictions around the number of deferrals that you can have or for how long. We try hard not to do indefinite deferrals; at one time we had a lot of indefinite deferrals but our Zoning Ordinance and our policies do not have anything in place so that we can go back if someone is indefinitely deferred and make them bring their petition forward.

Mr. Howard said I remember doing something like that when I was on the Planning Commission.

Ms. Keplinger said we talked about a deferral policy, but nothing ever came of it.

Assistant City Manager Debra Campbell said we didn't take action on it.

Mr. Howard said we should dig that back up; we did something about three times in one year just so people wouldn't defer forever. At the Zoning Meeting next month could we get somebody to tell us what that was about?

Ms. Campbell said Ed will bring that back up.

Ms. Kinsey said I know none of the developers here tonight do this but I tend to think that sometimes they are anxious to get on the agenda so they kind of submit before they are really ready. I think we have some examples of that; nobody in the room, so we just need to let them know that they need to be ready when they come. I know things happen and there are emergencies or something will come up, but I think sometimes things aren't totally worked out yet.

Councilmember Driggs said I'm all in favor of shorter meetings; when it gets to be 10:30 or 11:00 I would do anything to get out but we are in the middle right now with the process of the County trying to streamline the licensing and permitting so we wouldn't take any action on zoning right now that adds an extra dimension of uncertainty into the total development timetable.

Ms. Kinsey said I'm ready to do it.

Mr. Howard said the only thing I would remind you is that I think we did have a threshold that you have to meet, but if we start messing with the cap you are going to have people doing what you just talked about even more so. They will be trying to get into the rotation just so they don't get bumped in a month or two.

Ms. Kinsey said they have to meet a certain threshold.

Mayor Pro Tem Barnes said it sounds to me that we are going to try to figure out a way to resolve this internally, but not necessarily in fact what you all are doing so don't panic, don't start calling; we are going to fix it internally.

Ms. Keplinger said I skipped one case on the follow-up report; it was Petition No. 2014-095 which is the QuikTrip off of Highway 29 and the question was are there any other gasoline pumps on other approved CD Plans in the area and there aren't on any other approved CD Plans
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in the area but there has been an Engineering and Property Management pre-submittal meeting for a Kangaroo Express on the south side of Highway 29. There was also a question about whether NC-DOT has any improvement plans for Salome Church Road or Pavilion Boulevard over the next two years. We looked at the NC-DOT Improvement Program which is a ten year span and there were no plans for either of those roads in that plan.

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ITEM NO. 3: REZONING CASES OF SPECIAL INTEREST

Interim Planning Director Ed McKinney said we are making active progress on the Text Amendments in front of you, one of them you will be making a decision on tonight. Area Plan Process, No. 6, we had a public meeting last week and the draft plan will be out next week; will be back through the Committee reviewing the adoption process starting in January. Prosperity/Hucks we are finalizing the draft plan currently will have that done in early January with a public meeting, follow-up on that and adoption following that, so we will bring back the first part of next year for that.

Councilmember Howard said I was wondering how many area plans do we have; is that in here?

Mr. McKinney said at the very moment we have those two; University City update and Prosperity/Hucks.

Mr. Howard said any in the pipeline?

Mr. McKinney said not yet; we've got a list and we've got updates that we are working very hard on and are trying to gauge how we want staff relative to that and tying the Area Plan Process ...

Councilmember Smith said just for clarification ... SouthPark ... pipeline, do you mean that once the staff is actively taking up a deferral where would it be in the pipeline if somebody has submitted a request to have a review?

Mr. McKinney said I'll give you an update; I don't have that list memorized.

Mr. Howard said I always thought there were three or four going on at one time; is it just only two at one time?

Mr. McKinney said one of the big things we did last year ... to the Zoning Ordinance ... trying to evaluate how that relates ultimately to the Zoning Ordinance, and so there are some update process to the Area Plans, that we've been doing, spend some focus energy during that last year. So while we are doing those two Area Plans we are also assessing how to hopefully make it more efficient, make it tie better to the Zoning Ordinance work and then gear up for some new things that we would do in the planning process. We absolutely understand the need to be out there attending to that.

Mr. Howard said we have so many what we need it is kind of a fall back for us now because they are old we treat them or ignore them almost; I'd like that not to become the norm.

Mr. McKinney said part of the mission in that evaluation was to identify ways that we can deal with a number of things that are more relevant.

Mr. Howard said I would be real interested next month to hear which ones; I guess the pipeline is not the right way, the ones that have requested updates and kind of where they are.

Mr. McKinney said we are in the process of evaluating what kind of development activities are going on and the use in terms of what is happening out there to help us prioritize as well.

Councilmember Fallon said who does the ... gold rings; is that the State or us?

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Mr. McKinney said the roundabouts?

Ms. Fallon said three cars and nobody moves.

Mr. McKinney said the ones on Prosperity Church; those were built as part of the NC-DOT interchange design in construction. Those are all part of the design in that interchange.

Ms. Fallon said do they realize that they are too small?

Mr. McKinney said the work they are doing up there and the congestion that is up there now; I would argue that a lot of the congestion is because there are pieces of the ultimate construction that is not there yet.

Ms. Fallon said yes, and the ones that are there are too narrow and too small because the traffic instead of moving it, gets caught up in the circles.

Mr. McKinney said it will be different once the full system is in place.

The Dinner Briefing was recessed at 5:59 p.m. to move to the Council Chambers for the regularly scheduled Zoning Meeting.

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ZONING MEETING

The City Council of the City of Charlotte reconvened at 6:04 p.m. in the Meeting Chamber for the 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, Gregg Phipps and Kenny Smith.

ABSENT: Mayor Dan Clodfelter

ABSENT UNTIL NOTED: Patsy Kinsey

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INTRODUCTION OF ZONING COMMITTEE

Tracy Dodson, Zoning Committee introduced members of the Zoning Committee and of the Planning Commission and said the Committee will be meeting on January 5th at 2:00 p.m. in the Government Center. At time we will make recommendations on the public hearings that we've heard tonight. That will not be an extension of the public hearings, but we do invite you to reach out to us prior to that meeting if you have comments or questions and you can find our contact information at charlotteplanning.org.

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INVOCATION AND PLEDGE OF ALLEGIANCE

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

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DEFERRALS

Mayor Pro Tem Barnes said we have a number of deferrals tonight and I will go through those in case people are here to speak to those items or to witness a vote on the items. The first one is Item No. 3, Petition No. 2014-019 by Charlotte Mecklenburg Planning Department for property at the intersection of Mallard Creek Road and Salome Church Road; the request is to defer that item to March 2015. The next item is Item No. 4, Petition

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No. 2014-021 by Charlotte Mecklenburg Planning Department for a Text Amendment related to mobile farmer's markets; the request is to defer the item to January 2015. The next item is Item No. 5, Petition No. 2014-043 by Mark Patterson concerning property on the west side of Prosperity Church Road between Prosperity Point Lane and Pinewood Lane. As I recall it concerns a daycare center and the request is to defer to the January 2015 Zoning Meeting. The next item is Item No. 6, Petition No. 2014-068 by the City of Charlotte. This concerns land along Statesville Avenue, Dalton Avenue and North Graham Street. The request is to defer the decision to March 2015. The next is Item No. 9, Petition No. 2014-092 by Pavilion Development Company concerning property at the northeast corner of intersection of Nations Ford Road and Tyvola Road; the request is to defer the decision to January 2015. The next is Item No. 11, Petition No. 2014-096 by Lenox Development Group, LLC concerning land on the north side of Ardrey Kell Road between Blakeney Heath Road and Community House Road across from Carson Whitley Avenue; the request is to defer the item to January 2015 and to also send it back to the Zoning Committee and we will deal with that separately Mr. Driggs. The next is Item No. 12, Petition No. 2014-101 by LGI Homes NC, LLC concerning land on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive. The request is to defer the decision to January 2015. The next is Item No. 14, Petition No. 2014-103 by Weekley Homes, LP concerning property on the north side of Endhaven Lane between North Community House Road and Misty Ridge Lane; the request is to defer the decision to February 2015. Next is Item No. 19, Petition No. 2014-078 by Park Selwyn, LLC concerning land on the north side of West Woodlawn Road between Brandywine Road and Selwyn Avenue. The request is to defer the hearing to January 2015. Next is Item No. 21, Petition No. 2014-109 by Midtown Area Partners II, LLC concerning land at the northeast corner of Baxter Street and South Kings Drive. The request is to defer the hearing to January 2015.

Motion was made by Councilmember Howard, seconded by Councilmember Mayfield, and carried unanimously to approve deferral of the above listed items with the exception of Item No. 11, Petition No. 2014-096.

Councilmember Kinsey arrived at 6:12 p.m.

Motion was made by Councilmember Howard, seconded by Councilmember Driggs, and carried unanimously to refer Item No. 11, Petition No. 2014-096 back to the Zoning Committee due to changes to the petition.

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DECISIONS

ITEM NO. 1: ORDINANCE NO. 5538-Z, PETITION NO. 2012-102 BY EASTWAY HOLDINGS AMENDING THE OFFICIAL ZONING OF MAP THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 21.50 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF EASTWAY DRIVE AND CENTRAL AVENUE FROM B-1SCD (BUSINESS SHOPPING CENTER) TO B-1SCD SPA (BUSINESS SHOPPING CENTER, SITE PLAN AMENDMENT).

The Zoning Committee found this petition to be consistent with the Eastside Strategy Plan. Based on information from the staff analysis and the public hearing, and because the plan identifies this area for redevelopment and revitalization; therefore the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because the proposed site plan allows the redevelopment of a portion of the existing shopping center and the proposed site plan does not exceed the maximum square footage allowed by the previous petition. The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

1. Amended Proposed Development Summary to reflect total square footage for the

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- B-1SCD SPA (business shopping center, site plan amendment) as 225,753 square feet, which aligns with Note 3 under Development Limitations.
2. Addressed CATS comment by adding a note committing to provide a bus shelter pad, at a location to be determined with CATS along the site's frontage on Central Avenue.
 3. Addressed C-DOT comments as follows:
 - (a) Added a note that prior to the issuance of a certificate of occupancy for the new building, petitioner shall dedicate and convey to the City of Charlotte right-of-way in the northwest quadrant of the intersection of Central Avenue and Eastway Drive as follows:
 - (i) an area in size of 12 feet by 115 feet on Central Avenue; and
 - (ii) an area in size of 19 feet by 125 feet on Eastway Drive.
 - (b) Added a note that before the proposed Building A certificate of occupancy is issued, only one driveway will be permitted between Central Avenue and existing Building F. The location of Driveway #5 will be determined in the construction permitting phase and approved by C-DOT and NC-DOT.
 4. Amended Proposed Development Area Summary to reduce the portion of existing building demolition from 4,501 square feet to 3,401 square feet.
 5. Amended Proposed Development Area Summary to reduce the proposed building addition from 17,500 square feet to 16,500 square feet.
 6. Amended Note 3 under Development Limitations to reflect a new maximum of 16,500 square feet for the freestanding building.
 7. Added the following notes under the heading of Lighting:
 - a. All direct lighting will be designed in a manner that minimizes glare toward adjacent streets and properties.
 - b. All site lighting installed on the site after the approval of the site plan amendment shall be "full-cut off" type fixtures. Light trespass shields shall be used on site lighting installed after the approval of this site plan amendment to avoid light spill across property lines. No new floodlights or unshielded wall-pak lighting may be installed on the site after the approval of this site plan amendment.
 8. Added note under heading of Signs that no more than two project identification signs may be erected on the site.

Motion was made by Councilmember Fallon, seconded by Councilmember Kinsey, and carried unanimously to approve Petition No. 2012-102 by Eastway Holdings.

Councilmember Kinsey said there was concern about the lighting and that has been resolved and I appreciate the developer working with the neighborhood on that.

Motion was made by Councilmember Howard, seconded by Councilmember Austin, and carried unanimously that this petition is consistent with the Eastside Strategy Plan, based on information from the staff analysis and the public hearing and because the plan identifies this area for redevelopment and revitalization; therefore this petition is reasonable and in the public interest based on the staff analysis, the public hearing, and because the proposed site plan allows the redevelopment of a portion of an existing shopping center and the proposed site plan does not exceed the maximum square footage allowed by the previous petition.

Mayor Pro Tem Barnes said thank your leadership on that.

The ordinance is recorded in full in Ordinance Book 59, at Page 156-157.

Mayor Pro Tem Barnes said for the benefit of the viewing public and the attending public, as a result of the North Carolina Court of Appeals decision we've had to lengthen the process by which we approve these petitions and there is some additional language built into the rules and the petitions now that I have to read and the Mayor reads when he is here, so it seems a little convoluted, and it is from my perspective, but we are following the law here and trying to make these things work as efficiently as possible.

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ITEM NO. 2: ORDINANCE NO. 5539, PETITION NO. 2014-001 SUB BY CHARLOTTE MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE SUBDIVISION ORDINANCE TO: 1) MODIFY THE DEFINITION OF PLANNED DEVELOPMENT; 2) CLARIFY EXISTING REGULATIONS AND UPDATE REFERENCES, FORMATTING AND TABLES; 3) RELOCATE REGULATIONS INTO THE PROPER SECTION; 4) CORRECT THE DIMENSION OF THE RIGHT-OF-WAY REQUIREMENTS FOR LOCAL RESIDENTIAL WIDE STREETS; 5) REMOVE THE REQUIREMENT FOR DELIVERY OF FINAL PLANS TO THE PLANNING DEPARTMENT AND REMOVE REFERENCE TO THE COUNTY AND BOARD OF COMMISSIONERS; 6) CLARIFY STREET SPACING REQUIREMENTS; 7) CLARIFY THE STANDARDS FOR REQUIRED STREETS WHEN LOTS OR BUILDING SITES ARE PART OF A MULTIFAMILY DEVELOPMENT; 8) UPDATE THE NOTICE AND HEARING REQUIREMENTS FOR VARIANCES AND APPEALS; THE STANDARDS FOR GRANTING A VARIANCE; AND THE STANDARDS FOR MAKING DECISIONS; AND 9) UPDATE THE APPEAL REGULATIONS.

The Zoning Committee found this petition to be consistent with the Centers, Corridors and Wedges Growth Framework and consistent with the North Carolina General Statutes, based on information from the staff analysis and the public hearing, and because the text amendment provides clarification to the existing regulations; and updates the notice and hearing requirements for variances and appeals; the standards for granting a variance; the standards for making decisions; and the appeal regulations and preserves and enhances existing neighborhoods; therefore the Zoning Committee found this petition to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because it makes the regulations consistent with the North Carolina General Statutes. The Zoning Committee voted 7-0 to recommend approval of this petition.

Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2014-001 SUB by Charlotte Mecklenburg Planning Department.

Motion was made by Councilmember Lyles, seconded by Councilmember Fallon, and carried unanimously that this petition is consistent with the Centers, Corridors and Wedges Growth Framework and consistent with the North Carolina General Statutes, based on information from the staff analysis and the public hearing, and because the text amendment provides clarification to the existing regulations; and updates the notice and hearing requirements for variances and appeals; the standards for granting a variance; the standards for making decisions; and the appeal regulations and preserves and enhances existing neighborhoods; therefore is reasonable and in the public interest based on information from the staff analysis and the public hearings, and because it makes the regulations consistent with the North Carolina General Statutes.

The ordinance is recorded in full in Ordinance Book 59, at Page 158-207.

ITEM NO. 7: ORDINANCE NO. 5540-Z, PETITION NO. 2014-075 BY CROSSROADS REALTY GROUP, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.6 ACES LOCATED ON THE SOUTHWEST CORNER OF FAIRVIEW ROAD AND CLOSEBURN ROAD BETWEEN PARK ROAD AND PARK SOUTH DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Barnes said because there have been some changes made to this since it last went to the Zoning Committee the Council has to vote on whether or not to send it back to the Zoning Committee. The changes were that the petitioner agreed that all construction traffic from

the site will be directed to not use the portion of Park South Drive, south of Archdale Road for access to the site and for delivery of construction materials. They are limiting themselves to certain means of ingress and egress to the construction site.

Motion was made by Councilmember Smith, seconded by Councilmember Lyles, and carried unanimously not to send this petition back to the Zoning Committee.

The Zoning Committee found this petition to be consistent with the South District Plan, based on the information from the staff analysis and the public hearing and because the proposed single family attached use is consistent with the residential use called for in the adopted area plan, and the proposed site qualifies for an increase in density up to 17 dwelling units per acre; therefore, the Zoning Committee found this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because units along Closeburn Road will be oriented so that front doors of units front the street; and units along Fairview Road will be oriented so that either front doors or side of units will be oriented toward the street and the rear of the units and garages may be not be oriented toward either street; and a 15-foot wide landscaped area will be provided abutting existing residential zoning and/or land use to the side and rear of the site; and a pedestrian pocket park that will be improved with landscaping and seating areas will be provided and construction traffic is limited to Fairview Road. The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

1. Specified minimum plantings within the 15-foot landscaped areas as four trees per 100 linear feet and a variety of evergreen and deciduous shrubs at a rate of 10 shrubs per 100 linear feet.
2. Specified that the proposed pocket park will be improved with landscaping and seating areas.
3. Addressed Engineering comment by adding the following note: The petitioner will provide peak flow control for the 100-year, six-hour storm run-off from the developed site to the predevelopment peak flow rate. The petitioner reserves the right to perform a 100-year storm no rise analysis of the site to demonstrate that the additional peak control for the 100-year storm event is not needed.
4. Added the following notes under the heading of Construction Traffic and Construction Staging:
 - a. The petitioner will direct construction traffic from and to the site and deliveries of construction materials to use Fairview Road to access the site.
 - b. Staging for the development of the site will occur on site.

Motion was made by Councilmember Smith, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2014-075 by Crossroads Realty Group, LLC.

Motion was made by Councilmember Smith, seconded by Councilmember Austin, and carried unanimously that this petition is consistent with the South District Plan, based on information from the staff analysis and the public hearing, and because the proposed single family attached use is consistent with the residential use called for in the adopted area plan, and the proposed site qualifies for an increase in density up to 17 dwelling units per acre, therefore, this petition is reasonable and in the public interest based on information from the staff analysis and the public hearing, and because units along Closeburn Road will be oriented so that front doors of units front the street and units along Fairview Road will be oriented so that either front doors or sides of units will be oriented toward the street and the rear of units and garages may not be oriented toward either street and a 15-foot wide landscaped area will be provided abutting existing residential zoning and/or land use to the side and rear of the site and a pedestrian pocket park will be improved with landscaping and seating areas will be provided and construction traffic is limited to Fairview Road.

The ordinance is recorded in full in Ordinance Book 59, at Page 208-209.

ITEM NO. 8: ORDINANCE NO. 5541-Z, PETITION NO. 2014-79 BY CRESCENT COMMUNITIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.0 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF SOUTH TRYON STREET AND EAST STONEWALL STREET FROM U-MUD (UPTOWN MIXED USE) TO U-MUD-O (UPTOWN MIXED USE, OPTIONAL).

The Zoning Committee found this petition to be consistent with the Charlotte Center City 2020 Plan, based on information from the staff analysis and the public hearing, and because Charlotte Center City 2020 Plan recognizes Center City as the central economic engine and diversified employment hub of the region, and encourages enhancement of the pedestrian environment through use of visual improvements as one means to identify, support, and retain retail and business activities; and the subject property will complete the Tryon Mall on the southern side of Tryon Street; therefore this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because the subject property will complete the Tryon Mall on the southern side of Tryon Street. The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

1. Amended optional requests under Notes 2A and 2B to specify the need for and proposed use of the signage options requested, as follows:
 - a. This signage shall be limited to building identification, tenant identification, and artistic/civic/cultural displays or messages. Off-premises signs and outdoor advertising signs shall not be permitted.
2. Deleted optional request under Note 2C to allow deviations from the paving system requirements established under Section 9.906(2) (a) of the Ordinance.
3. Amended Notes 2A and 2B to specify that off-premises signs and outdoor advertising signage shall not be permitted.
4. Deleted optional request under Note 2D to allow deviations from the street tree standards established under Section 9.906(2) (g) of the Ordinance.
5. Amended optional request Note 2C to delete the following: “unless otherwise approved by the Planning Director, the temporary retail vendor zones may accommodate, but shall not be limited to push-carts, tents, stands, tables, wagons and trailers.”
6. Amended optional request Note 2C to state any vendors within the retail vendor zone must comply with any applicable street vendor ordinances or policies.
7. Deleted vendor structures shown on Sheet RZ-09.
8. Amended optional request Note 2F to specify the following:
 - a. This reduced setback shall only apply to an approximately 270 foot portion of the site’s Stonewall Street frontage measured from the back of curb on the south side of Tryon Street and extending in a southerly direction down Stonewall Street. Portions of the site’s Stonewall Street frontage beyond this area must comply with standard Ordinance provisions.
 - b. Walls within the reduced setback area shall incorporate plantings, integrated seating, or other features to stimulate pedestrian interest; all as generally depicted on RZ-03 through RZ-05 and RZ-09. Additionally, such walls shall be made of decorative architectural precast or stone or other natural materials, or a combination thereof.
9. Addressed C-DOT comments by amending optional requests.
10. Added Note 2E as follows: Deviations from the street right-of-way and streetscape requirements established under Section 9.906(i2) (f) of the Ordinance to remove the requirement to provide furniture or benches within the right-of-way along the site’s Tryon Street frontage.

<p>Motion was made by Councilmember Kinsey, seconded by Councilmember Fallon, and carried unanimously to approve Petition No. 2014-79 by Crescent Communities, LLC as modified.</p>

Motion was made by Councilmember Driggs, seconded by Councilmember Fallon, and carried unanimously that this petition is consistent with the Charlotte Center City 2020 Plan, based on information from the staff analysis and the public hearing, and because Charlotte Center City 2020 Plan recognizes Center City as the Central economic engine and diversified employment hub of the region and encourages enhancement of the pedestrian environment through use of visual improvements as one means to identify, support, and retain retail and business activities and the subject property will complete the Tryon Mall on the southern side of Tryon Street. Therefore, this petition is reasonable and in the public interest based on information from the staff analysis and the public hearing, and because the subject property will complete the Tryon Mall on the southern side of Tryon Street and the subject property will comply with the majority of the Tryon streetscape elements designed to provide uniformity through the area and tie together the various architectural styles and unique urban spaces.

The ordinance is recorded in full in Ordinance Book 59, at Page 210-211.

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ITEM NO. 10: PETITION NO. 2014-095 BY QUIKTRIP CORPORATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.08 ACRES LOCATED ON THE NORTH SIDE OF NORTH TRYON STREET BETWEEN WEST PAVILION BOULEVARD AND SALOME CHURCH ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND NS (NEIGHBORHOOD SERVICES) TO B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL).

This petition is found to be inconsistent with the Northeast Area Plan, based on information from the staff analysis and the public hearing and because the Northeast District Plan recommends residential land uses for the site and the adopted plan limits most of the retail uses to the opposite side of North Tryon Street where a large amount of undeveloped land zoned appropriately for the proposed use exists and the proposed site design and layout is inconsistent with the adopted policies. Therefore, this petition is found not to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because the petition is inconsistent with the adopted area plan and the proposed site design and layout is inconsistent with adopted policies. The Zoning Committee voted 5-2 to recommend denial of this petition. The following modifications have been made:

1. A note has been added that accessory service windows will not be allowed on the site.
2. The proposed parking has been removed from the 30-foot setback along Salome Church Road.
3. 0.57 acres has been labelled to be dedicated for the future West Pavilion Boulevard Extension.
4. A note has been added that "The maximum gross square footage allowed on site shall be 8,000 square feet. The area under the canopy over the gas pumps associated with a convenience store shall not be included in the calculation of the maximum gross floor area."
5. Possible tree save areas have been labeled and shown on the site plan.
6. The note has been modified under Architectural Standards that "changes will be allowed per section 6.207 of the City of Charlotte Zoning Ordinance."
7. The proposed building materials on the proposed elevations have been labeled.
8. A note has been added that large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, glass windows, water table, and/or soldier course.
9. A note has been added that pole signs will not be allowed.
10. References to the proposed signage have been removed from the site plan.
11. Amended Note 4 under Architectural Standards to include "above ground backflow preventer assemblies."
12. A note has been added that a northbound right-turn lane with a minimum of 100 feet of storage will be constructed on Salome Church Road and extend the storage for the existing westbound directional crossover on North Tryon Street at Salome Church Road from 260 feet to 475 feet.
13. A note has been added that the petitioner shall dedicate and convey to the City of Charlotte right-of-way necessary for the future construction by others of a southbound right-turn lane with a minimum of 100 feet of storage on West Pavilion Boulevard at its intersection with North Tryon Street.

14. A wetlands letter has been submitted for the petition as requested by Engineering and Property Management.
15. Identification signage will be limited to 50 square feet and a height of seven feet.

Motion was made by Councilmember Phipps, seconded by Councilmember Austin, to deny Petition No. 2014-095 by QuikTrip Corporation.

Councilmember Fallon said I would be for it except for the egress and ingress; there is no cut in the road for you to get directly into the station. You have to come around one side and the other side and there is housing there and will be more housing. It is very confusing and it is going to back up because you can't get directly into the station and a station as big as QuikTrip needs a way to get without having to circumvent everything. I will vote no even though I like QuikTrip and I think they are an oasis in neighborhoods.

The vote was taken on the motion to deny and was recorded as follows:

YEAS: Councilmembers Austin, Barnes, Driggs, Fallon, Howard, Kinsey, Lyles, Mayfield, and Phipps.

NAYS: Councilmembers Autry and Smith.

Motion was made by Councilmember Phipps, seconded by Councilmember Mayfield, that this petition is inconsistent with the Northeast Area Plan, based on information from the staff analysis and the public hearing and because the Northeast District Plan recommends residential land uses for the site and the adopted plan limits most of the retail uses to the opposite side of North Tryon Street where a large amount of undeveloped land zoned appropriately for the proposed use exists; and the proposed site design and layout is inconsistent with the adopted policies. Therefore this petition is found not to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because the petition is inconsistent with the adopted area plan and the proposed site design and layout is inconsistent with adopted policies.

Councilmember Smith said I don't like going against the District Rep but on this I have looked at the site over and over and I just think it is a tough site to develop. I'm not sure what else goes there and QuikTrip sort of stepped up to the plate and were willing to take a site that I suspect may otherwise stay vacant if they don't develop it and I just wanted to go on record stating that was why I supported them. I liked the site plan and I think there are some challenges for the site for other type of development. I failed to say that at the last point.

The vote was taken on the motion and recorded as follows:

YEAS: Councilmembers Austin, Barnes, Driggs, Fallon, Howard, Kinsey, Lyles, Mayfield and Phipps.

NAYS: Councilmembers Autry and Smith.

ITEM NO. 13: ORDINANCE NO. 5542-Z, PETITION NO. 2014-102 BY CHARLOTTE MECKLENBURG PLANNING DEPARTMENT TO ESTABLISH ZONING FOR APPROXIMATELY .59 ACRES LOCATED ON THE WEST SIDE OF EAST STONEWALL STREET BETWEEN SOUTH COLLEGE STREET AND SOUTH CALDWELL STREET FROM NO CURRENT ZONING TO U-MUD (UPTOWN-MIXED USE.)

The Zoning Committee found this petition to be consistent with the Center City 2020 Vision Plan, based on information from the staff analysis and the public hearing, and because the Plan recommends mixed residential and non-residential uses. Therefore, this petition is found to be

reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because the petition establishes the zoning for property that was former I-277 right-of-way; and the petition allows all uses in the U-MUD (uptown mixed use) district. The Zoning Committee voted 7-0 to recommend approval of this petition.

Motion was made by Councilmember Kinsey, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2014-102.

Motion was made by Councilmember Driggs, seconded by Councilmember Kinsey, and carried unanimously that this petition is consistent with the Center City 2020 Vision Plan based on information from the staff analysis and the public hearing and because the Plan recommends mixed residential and non-residential uses. Therefore this petition is reasonable and in the public interest based on the information from the staff analysis and the public hearing and because the petition establishes the zoning for property that was former I-277 right of way and the petition allows all uses in the U-MUD (uptown mixed use) district.

The ordinance is recorded in full in Ordinance Book 59, at Page 212-213.

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ITEM NO. 15: ORDINANCE NO. 5543-Z, PETITION NO. 2014-106, BY QUAIL HOLLOW VILLAGE, C/O HARRIS LAND COMPANY, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 19.13 ACRES LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION BETWEEN PARK ROAD AND GLENEAGLES ROAD FROM CC (COMMERCIAL CENTER) TO CC SPA (COMMERCIAL CENTER, SITE PLAN AMENDMENT).

The Zoning Committee found this petition to be consistent with the South District Plan, based on information from the staff analysis and the public hearing, and because the South District Plan recommends a mixture of retail, office and residential uses as amended by a previous rezoning. Therefore, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because the proposed uses are largely unchanged from the prior plan except for the addition of by-right multifamily residential. The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

1. Amended Note E under permitted uses to read as follows: “Residential units may be converted to retail, eating/drinking/entertainment or office space at the rate of one residential unit for 300 square feet of retail, eating/drinking/entertainment or office floor area up to a limit of 30,000 square feet of retail, eating/drinking/entertainment or office floor area so converted.”
2. Replaced “restaurant” with “eating/drinking and entertainment establishments.”
3. Deleted the following note under Permitted Uses: “For the purposes of determining individual development restrictions that may apply, the term ‘restaurant’ will be deemed to include both ‘eating, drinking and entertainment establishments’. Specified that Type I and Type II eating/drinking and entertainment establishments are permitted.”
4. Noted that parking is not permitted as a ground floor use along Glen Eagles Road or Park Road, with the exception of a portion of the Park Road frontage.
5. Retained the existing elevations and added and/or amended notes under the heading of Architectural Standards as follows:
General Character
 - (a) The elevations associated with the building to be located within the building envelopes are included to reflect the spirit of the architectural style only and may change in location and massing as the plan evolves further.
 - (b) The architectural character throughout the project will take inspiration from a neo-classical interpretation of elements found in Southeast American resorts. Primarily this will mimic design elements of what is called “Italianate” Mediterranean. All sides of the

buildings are to be constructed using four sided architecture using brick, stone, synthetic stone, stucco, synthetic stucco, wood, synthetic wood, and similar materials for primary walls. Vinyl siding will not be used as a building material for exterior walls but may be used for trim, soffits, and architectural detail.

- (c) Meter banks will be hidden from public view. Mechanical equipment located on the roof of the buildings shall be screened from public view at grade and will include screen walls of architectural quality and material comparable to the primary buildings walls.
- (d) Uses shall not primarily orient the service side of buildings to Park Road or Glen Eagles Road. Solid waste/recycling areas will not be allowed to abut either street unless such areas are enclosed by a wall treatment similar to the architecture of the building and that incorporates a combination of complimentary details. Service areas, dumpster areas and recycling areas will be enclosed by a solid wall with one side being a decorative gate. The wall used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the buildings. If one or more sides of a dumpster area adjoin a side or rear wall of a building then the side or rear wall may be substituted for a side.
- (e) Above ground backflow preventer will be screened from public view and will be located outside of the required setbacks.
- (f) Uses on the site that may include the use of a drive through service window will be integrated into the overall building massing and architectural design and not be located as freestanding uses on out parcels.
- (g) Open spaces on the site can include combinations of landscaping and hardscape, urban gardens, seating and gathering spaces, ornamental architecture that could, but are not required to include, structures, fountains, performance spaces, and similar amenities to be developed as each part of the site that the open space is associated with is developed. The minimum size of the main urban open space area on the site will include a minimum of 15,000 square feet of area.

Buildings along Park Road

- (a) The arrival circle from Park Road is now an urban-style courtyard framed by buildings that will sweep traffic arriving midblock to the small arc of parking to the south, and into the upper parking level.
- (b) The row of commercial buildings to the corner of Gleneagles Road now front directly on Park Road. Although the functional address faces the internal side, these structures will be built with four sided architecture and streetscape along the Park Road frontages as generally depicted on the illustrative concept plan.
- (c) The small gathering space between the buildings along Park Road closest to Gleneagles Road is meant to accommodate outdoor seasonal seating, streetscape features and become a primary visual focus for that main portion of the site.
- (d) The building massing at the corner of Park and Gleneagles Roads may take on a multi-story character, up to four levels with architectural elements and roofline elements that reinforce the classical architectural character outlined.

Buildings along Gleneagles Road

- (a) Where the site slopes dramatically close to Park Road the structure will allow for a 'base' that accommodates street facing display windows, options for tenant and project identity, and extensive landscaping to soften the base edges.
 - (b) Along Gleneagles Road the building footprint is angled to create a strong view corridor into the village plaza level allowing for tenants to take advantage of outdoor seating, display, and storefront potentials.
 - (c) A small retail/commercial pavilion sitting in the apex of the two internal drives from Gleneagles will break down the scale of the taller elements beyond and feature four-sided architecture, external gathering and seasonal seating spaces, and a roofline that will be crafted to highlight its key location.
 - (d) The building massing along Gleneagles next to Seven Eagles will have a base retail/commercial and upper level residential units. This creates a distinct street wall along the project's internal drive setback off of Gleneagles Road accommodating unit features such as terraces allowing for interplay of visual variety along this façade.
6. Provided a definition for specialty retail as follows: "Specialty Retail is a term used as part of the trip calculation process and are generally small strip shopping centers that contain a variety of retail shops and specialized in quality apparel, hard goods and services such as real estate offices, dance studios, florists and small restaurants."

7. Provided a note that any drive through window service lane along Gleneagles Road will be screened with a combination of landscaping and low masonry wall.
8. Added the following note related to conversion allowances:
Based on the conversion allowances listed above, and with full recognition that the maximum numbers presented below are theoretical and would include concomitant reductions in the amounts of other development types, the following list is intended to provide a 'maximum' development amount for each of the development types allowed on the site subject to the total trip generation limitation below:
 - a. Total maximum retail space including all retail types: 290,000 sq. ft.
 - b. Total maximum office space including all office types: 205,000 sq. ft.
 - c. Total maximum hotel rooms: 200
 - d. Total maximum residential units at 22 du/ac: 420
9. Added note that square footage/use conversions will be documented through the Administrative Approval Process to verify that the conversion proposed complies with the provisions of this site plan.
10. Added notes committing to construct a minimum of 10,000 square feet of office floor area, and a minimum of 80 residential units as part of the overall development.
11. Specified open space to be provided as a total of 184,000 square feet consisting of 60,000 square feet of urban open space and gardens, and 124,000 square feet of additional open space that includes buffers and utility easements. Also specified the minimum amount, location and amenities on the site plan.
12. Amended Note E under Transportation to specify that sidewalks may meander to add variety to the streetscape.
13. Added a note indicating that exterior corridors will not be utilized as part of the hotel building.
14. Amended note under Permitted Uses as follows: All of the foregoing development types and amounts listed and the conversion rights reserved above are subject to a total trip generation of 13,250 trips per day as specified in the Transportation Memorandum that accompanies this plan amendment. A cumulative total trip generation count will be provided by the petitioner as part of building permitting submittals to ensure that the total trip generation for the site does not exceed 13,250 trips per day.
15. Addressed Transportation comments by providing a technical memorandum to update the original traffic study, and revising Note D under Transportation to remove the last sentence as follows: Construct an additional westbound left turn lane on Glen Eagles Road with 440 feet of combined storage and a 15:1 taper. ~~It is anticipated that this lane can be developed within the existing median.~~
16. Amended the arrangement of building envelopes and eliminated Building Envelope D.
17. Amended the following notes under Architectural Standards General Character:
 - a. Note D: Uses shall not primarily orient the service side of buildings to Park Road or Glen Eagles Road. Solid waste/recycling areas will not be allowed to abut either street unless such areas are enclosed by a wall treatment similar to the architecture of the building and that incorporates a combination of complimentary details. Service areas, dumpster areas, and recycling areas will be enclosed by a solid wall with one side being a decorative gate.
 - b. Note G: The minimum size of the main open space area on the site will include a minimum of 15,000 square feet of area.
18. Added the following notes under Architectural Standards General Character:
 - a. Note H: Underground or structured parking will not be exposed along Park Road or Glen Eagles Road.
 - b. Note I: Streetscape treatment will be a unifying element through the use of consistent paving, lighting, landscaping and, when provided, site furnishings throughout the site.
 - c. Note J: Specialty pavers, stained and patterned concrete/paving or other similar means will be used to call attention to amenity areas, gathering spaces, plazas and as a method of way finding.
 - d. Note K: Facades over 200 feet in length along Park Road and Glen Eagles Road shall incorporate wall projections or recesses a minimum of five feet in depth. The combined length of said recesses and projections shall constitute at least 20% of the total façade length.
 - e. Note L: Facades greater than 20 feet in length and over five feet in height shall be treated with a combination of display windows, building step backs, change in materials, landscaping or other pedestrian oriented architectural features.

- f. Note M: Ground floor facades facing Park Road and Gleneagles Road shall have windows or doors for at least 50% of a vertical zone 2.5 feet to 8 feet above finished floor of the buildings. Windows can be display/showcase windows, poster cases, closed shuttered windows or real windows into the store but it is not mandatory to actually see into the store. Tenants can also have signage for each individual space facing Park Road and Gleneagles Road that comply with City of Charlotte Signage Ordinance. Ground floor facades located in front of parking spaces along Park Road are required to have clear vision glass.
19. Added the following notes under Architectural Standards Buildings along Park Road:
 - a. Note E: The petitioner will provide landscaping or a complimentary wall to screen the grocery service areas from Park Road.
 20. Amended Sheet RZ-2 to clarify that plaza areas and part of extra wide sidewalks beyond eight feet will count toward open space.

Motion was made by Councilmember Smith, seconded by Councilmember Howard, to approve Petition No. 2014-106 by Quail Hollow Village as amended.

Councilmember Smith said a lot of people in Charlotte are familiar with this site and I am supporting it; I have supported the petitioner's engagement and what they have tried to do in the community and I think this site is going to be transformative when it finally comes to fruition and I applaud the petitioner's efforts and stick-to-itiveness on this site. I look forward to visiting it in hopefully 2017 just before the PGA Tournament comes to Charlotte and I look forward to shopping there and I look forward to frequenting it.

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

Motion was made by Councilmember Driggs, seconded by Councilmember Kinsey, and carried unanimously that this petition is consistent with the South District Plan, based on information from the staff analysis and the public hearing, and because the South District Plan recommends a mixture of retail, office and residential uses as amended by a previous rezoning. Therefore, this petition is reasonable and in the public interest based on information from the staff analysis and the public hearing, and because the proposed uses are largely unchanged from the prior plan except for the addition of by-right multifamily residential.

The ordinance is recorded in full in Ordinance Book 59, at Page 214-215.

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ITEM NO. 16: ORDINANCE NO. 5544-Z, PETITION NO. 2014-111 BY CAMBRIDGE PROPERTIES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.31 ACRES LOCATED ON THE NORTH SIDE OF ALBEMARLE ROAD BETWEEN HOLLIROSE DRIVE AND CIRCUMFERENTIAL ROAD FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) AND R-3 (SINGLE FAMILY RESIDENTIAL) TO B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) AND B-1 (CD) SPA (NEIGHBORHOOD BUSINESS, CONDITIONAL SITE PLAN AMENDMENT).

The Zoning Committee found a portion of this petition to be inconsistent with the Eastside Strategy Plan and a portion of this petition to be consistent with the Eastside Strategy Plan, based on information from the staff analysis and the public hearing, because a portion of the property is recommended for retail and a portion of the property is recommended for institutional. However, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because the proposed request will allow for a more consistent development pattern with similar development requirements. The Zoning Committee voted 6-1 to recommend approval of this petition with the following modifications:

1. Petitioner has amended site plan to add language and note that total maximum building square footage for all three buildings combined will not exceed 20,000 square feet. The petitioner has replaced “restricted” with “prohibited” in the first sentence under Permitted Uses.
2. Reduce parking between the building and the street and design the parking in a pattern consistent with other new development along this segment of Albemarle Road. *Staff is rescinding this request and agrees with the petitioner’s rationale for allowing the parking layout to remain as proposed on the site plan. Justification provided by the petitioner is as follow:*
 - a. Provides parking on the sides of each building to limit the number of parking spaces in front of the building.
 - b. Commitment to a 2’-8” brick knee wall (to match the brick of the buildings) at the back of the 30-foot setback, which will also include a hedgerow.
 - c. Each building has a dedicated five-foot pedestrian walk connecting the building to the new six-foot sidewalk along Albemarle Road.
3. The petitioner has labeled all elevations as shown on Sheet RZ3.1.
4. The petitioner has included revised elevations for each proposed building including typical side elevations and brick detail.
5. The heading PCCO Treatment has been renamed Environmental Features.
6. The note pertaining to the required 30-foot setback (formerly Note 9a) has been removed since the setback is shown. Notes pertaining to buffers are now under Streetscape and Landscape.
7. The heading Sideyards/Buffers has been removed from the site plan.
8. The site plan has been modified to state signage will be per ordinance.
9. Addressed C-DOT and Storm Water comments as follows:
 - a. Addressed C-DOT’s request to place maximum building square footage on site plan (maximum 20,000 square feet for all three buildings combined).
 - b. Addressed Storm Water comment by removing notes 7a and 7b and replacing language as requested: “The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance. The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.”
10. Modified the height of the proposed screen wall along Albemarle Road to read as 2’-8”, which was previously noted as 2.5 ft.
11. Added the following to the list of prohibited uses: tattoo parlors, smoke shops, liquor stores, pawn shops, check cashing stores.
12. Added a detail on Sheet RZ2.0 that depicts the improvements between Albemarle Road and the proposed parking area (8-foot planting strip, 6-foot sidewalk, lawn/setback, shrub hedgerow with 2’-8” brick wall).

Motion was made by Councilmember Autry, seconded by Councilmember Fallon, and carried unanimously to approve Petition No. 2014-111 by Cambridge Properties, Inc. as amended.

Motion was made by Councilmember Fallon, seconded by Councilmember Autry, and carried unanimously that this petition is inconsistent with the Eastside Strategy Plan and a portion of this petition is consistent with the Eastside Strategy Plan, based on information from the staff analysis and the public hearing, because a portion of the property is recommended for retail and a portion of the property is recommended for institutional. However, this petition is reasonable and in the public interest based on information from the staff analysis and the public hearing, and because the proposed request will allow for a more consistent development pattern with similar development requirements.

The ordinance is recorded in full in Ordinance Book 59, at Page 216-217.

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HEARINGS

ITEM NO. 17: HEARING ON PETITION NO. 2014-042 BY MOSS ROAD DEVELOPMENT PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.84 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF SOUTH TRYON STREET AND MOSS ROAD FROM NS (NEIGHBORHOOD SERVICES) TO NS SPA (NEIGHBORHOOD SERVICES, SITE PLAN AMENDMENT).

Mayor Pro Tem Barnes declared the hearing open.

Tammie Keplinger, Planning said just to orient everyone and give you some context for this site; this is South Tryon Street, this is Moss Road. The site that we are looking at tonight is currently zoned NS and is located on the southwest corner of that intersection. You can see there is an area to the northeast that is zoned B-1 SCD for shopping center; there is a portion immediately to the east that is zoned O-1(CD); that is actually restricted to an ATM and then you have single family and multifamily residential surrounding the site, industrial across the street. In terms of this property you can see that it is currently vacant. In 2007 it was rezoned to allow 34,000 square feet of office uses and of that 34,000 square feet there was an agreement that 5,000 square feet could be used for a bank with a drive-thru facility. The office building would locate to the rear of the property in this area and the bank would be on the corner.

The request before you tonight would allow 6,000 square feet of automotive service facilities and increase the proposed office from 29,000 square feet to 30,000 square feet. The petition does provide a sidewalk along Moss Road and internal pedestrian connections. It provides buffers for the adjacent residential properties. You can see the proposed office building and then the proposed automotive service building. These are the elevations that the petitioner has submitted; this is the elevation of the office and this is a carryover from the 2007 rezoning petition that has not changed. You can see the elevations for the proposed auto service center.

In terms of the future land use plan the Steele Creek Area Plan recommends office for this site based on the rezoning from 2007; the plan was updated in 2012. The office portion of the site is consistent with the Area Plan, but the retail and automotive uses are inconsistent. Staff feels that there are opportunities for non-office development across South Tryon Street so we are not supporting this petition in its current form. There are outstanding issues that are related to the land uses as I just mentioned and other technical issues.

Councilmember Howard said before we go to the speakers I want clarification on the map; what is the lighter use; is all of that residential? It is saying that the zoning right beside the property is residential?

Ms. Keplinger said this is multifamily residential and that is single family residential.

Walter Fields, 1919 South Boulevard said I am representing Moss Road Development Group; Doug Bumgardner and Brian Rolar are directly behind me so if I say something wrong they can get me back on the right track. Thank you Tammie for your presentation; this is a site that I was involved with the previous rezoning and so were these two gentlemen back here. It is a 2.8 acre site, a small site as you can see on the Zoning Map; hardly a homogenous zoning pattern with a lot of different things going on with this intersection of Moss Road and York Road. It was approved in 2007 based on the best information that we had at the time and you all will remember what was going on in economy then and what expectations people had and that is what got us the zoning that we have. The NS zoning is actually a business zoning district; Neighborhood Services is equivalent to a B-1 so from the standpoint of that corner being zoned Neighborhood Services, it is a business district to start with.

As I said a lot of things have changed since 2007 depending on who you talk to there is all sorts of terminology for the new market reality and how developers do things. Serious changes in the banking industry. I'm involved and have been for the 30 some years with the Charlotte Metro Federal Credit Union, like a bank, only better and we are focused all the time on how to serve our customers and here is my bank of the future (held up his phone). Everything I need to do in

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banking is right here in my hand and so fewer and fewer locations are being sought by financial institutions to actually build brick and mortar buildings. There are sites that are going vacant, there is consolidations occurring in the banking industry and as time has gone on there simply has not been an opportunity to try to find a financial institution to go on this corner as we thought we might be able to in 2007. By the same token there have been changes in the automotive world since then. I grew up and worked at a gas station; there were garage bays and you could pump gas out front and buy a pack of nabs inside at the counter and get your oil changed and your tires rotated. Those functions have now separated and you dealt tonight with the gas part of that what used to be neighborhood business and we are dealing here in this zoning case with the service part of what used to be a neighborhood business. This is not unlike a service center that was approved recently by the Planning staff out in Ballantyne at the edge of an existing community. We believe that we started with a neighborhood use which is automotive service and we are starting with neighborhood zoning which is an NS district.

The Steele Creek Small Area Plan started in 2009 and it was adopted in 2012; it does show office on this site and as Tammie said it is because that was what the site plan showed for that particular location. I think it probably would have been more accurate to show it as the neighborhood service district that it was, but none the less it was shown that way. I don't know how you all feel about it, but it is sort of doing a plan looking forwards starting by looking backward is kind of a strange thing. It would seem to suggest that once a piece of property gets zoned it can't be changed unless the plan is also changed and that is actually what happened here in 2007. As Tammie correctly pointed out the staff did oppose that petition; the land was zoned R-3 and it went to Neighborhood Services and it has been the City Council's policy for as long as I can remember that if a rezoning is approved that is inconsistent with the plan you have in fact amended the plan. From a standpoint of this location this is a Neighborhood Services location. What we are asking for here is a site plan amendment. As I said the bank is just not going to be something that is going to be a reality. The Steele Creek Small Area Plan calls for a significant amount of retail growth in the Steele Creek Plan area, for example in the years from 2010 to 2015 basically while the plan was being done, and to where we are today, the plan called for an extra 650,000 square feet of retail demand to show up in this area. There have been some zoning cases I think that you have dealt with that are already starting to recognize that and put pieces in place to fill that demand; that translates into about 50 acres of land. If you take the next step from the market analysis that was done as part of the plan it says from 2015 to 2020 will be another 538,000 square feet of retail demand in the entire Steele Creek Planning area. That is a lot of development and one of the things the Steele Creek Plan doesn't do is point out where all that development is going to go because it also includes assumptions about floor area ratios, etc.

The Small Area Plan doesn't talk much about population growth; it talks about household growth and it talks about job growth, but it doesn't talk much about population growth. Let me give you a couple numbers; from 2000 to 2010 the area within one mile of this site in terms of population increased 43.9% and that is projected to go up another 15% between 2010 and 2017. Within three miles of this site the population from 2000 to 2010 went up 106% and is expected to go up another 17%; and five miles, etc. While the Small Area Plan talks a lot about households from a land use standpoint in terms of where they would locate it doesn't talk a lot about the number of people that the area is going to grow to accommodate and the services that we think they would need. I can give you numbers about the demographics, the breakdown of the population that 51% of the population are female and I say female because that is women and younger females and these are the people that need the services; these are the people that can't drive out to Independence Boulevard or over to Pineville to a dealership and try to get their car worked on. This is the kind of business that is designed to serve them and it is a small business; it is six garage bays, it is not a giant service center, it is very small.

We worked with the staff on this for many, many months and you can tell by the case number it has been around for a while and we worked through several issues and then it became clear to us that the staff had concluded they would oppose it, at least partially because they opposed it before and because the plan for the property today said it was office and therefore it needed to be office. We worked with C-DOT and NC-DOT to make sure we had the transportation issues worked out and that has all been resolved. There are a couple minor technical issues in the staff analysis that I think can easily be resolved, but more importantly we have worked with the Steele Creek Community. The staff plays an important role in giving you advise and information about

a rezoning, but we also talk to the people that live in this community and drive past this site would potentially be folks that would have an interest in bringing their cars here for service. We met with the Steele Creek Residents Association; one large meeting and then a number of e-mails back and forth with different versions of the plan, different modifications and I want to tell you that Pep Boys has made some concessions on this site that may be one of a kind in the country; all the way down to and including the actual design and color of their logo sign. We got a specific comment from some of the folks in the community and that is a lot of red and if Tammie will put the architecture back up there you can see that was done away with in order to address the specific concerns. Where you see it says Pep Boys, the national brand is for that to be red. We've done it as they asked us to do it and toned it down here. As a result we have a letter of support from the Steele Creek Residents Association which I would like to read to you, or a portion of it. "Steele Creek Residents Association's Land Use Committee endorses the latest VP of Pep Boys building design and intended use in our Steele Creek Community. The latest design incorporates our suggestions to allow Pep Boys to serve our community with a design that is in line with our overall vision of integrating business development into our area. The new Pep Boys Business on the corner of Moss Road and South Tryon Streets will provide our residents with access to convenient auto care service center. We would like to thank you for taking the time to listen to our suggestions and for the building design in order to better integrate this business into the Steele Creek Community." I would comment that letter to you as a pretty strong endorsement that we have found the right use for this location; we have worked with the community, the people who are the most directly affected and we would ask for your consideration and your vote to approve this request when it comes back before you in January.

Councilmember Howard said explain to me how this office building and this Pep Boys garage actually coexist. Can we go back to the full site plan? I'm kind of use to one use, but how do they actually work together and what use will actually go in an office building where there is a service center outside because I've never seem them both together.

Mr. Fields said there are probably examples around town of similar arrangements of uses. I think you are going to have a zoning case where an office building is part of a retail complex so the uses coexist quite well. From the standpoint of this particular site plan we still think there is going to be demand for office in the future particularly office as a neighborhood service follows retail. I've lived for years and years over near Cotswold and the retail part of Cotswold was there but I watched the office develop along both Sharon Amity and Randolph Road as the area matured. As I said this area is growing and as it matures we think there will be demand for that office building and that office use. The reason we rounded the office floor area up from 29,000 square feet to 30,000 square feet is it occurred to us that a 15,000 foot floor plate makes a lot of sense but whatever half of 29,000 was a strange building configuration so we just evened it up.

Mr. Howard said what is coming to mind now is the corner of Tyvola and South Tryon where we approved one piece with a promise of something else, but it never happened. Do you think the office is actually possible, and if so maybe not tonight, but I would love to know what kind of uses would go in it if it is small? Medical, I mean what is that use and if you can think of any examples where you've seen them both go together because you've got cars being serviced, parking outside along with people visiting the building. I just never seen both of them put together so I would love examples if you have any.

Mr. Fields said I will put something together for you unless you want me to try to respond now.

Mr. Howard said later.

Councilmember Phipps said Mr. Fields you indicated in your presentation that it seems as if you had several community meetings with larger homeowners associations and such but your community report that you filed listed one person so I was curious about that.

Mr. Fields said that was our required community meeting which actually occurred in October, but we had been meeting with the Steele Creek Residents Association since back in the spring and while we had one large meeting with their Land Use Committee, I was in communications with their Committee Chair and members of their committee throughout the summer and up into the fall as we went back and forth on the design issues. It wasn't necessary to get a meeting
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together to e-mail somebody the building plans and ask them if they had any additional comments or concerns, so we did a lot of it back and forth. Then we had sort of a summary meeting in October out in the community again with seven or eight of the Steele Creek Residents Association Board Members and Land Use Committee members there and out of that meeting came the letter that I read to you tonight. We had made the changes they had asked us to make as we fine-tuned and again the Pep Boys people agreed to do something here that I don't know if they would ever do anywhere else and that is literally change their national brand because it was a specific comment from somebody at that meeting.

Mr. Phipps said so in essence you went over and beyond the required restrictive requirements and did something extra.

Mr. Fields said absolutely.

Councilmember Kinsey said actually Mr. Howard addressed my concern; somehow I don't see the connection between an office building an automobile service center which tells me that office building may not be built. That concerns me.

Councilmember Mayfield said there were a number of meetings since the Spring and I'm trying to remember because I attend quite a few of the meetings throughout my district when we are looking at a rezoning and I don't seem to remember any of these meetings or any conversation regarding this particular development. I'm trying to get a little more information because I'm in constant contact with the Steele Creek Residents Association and I'm a little concerned that with multiple conversations that you and I have had regarding other development that the first time I'm hearing about this particular discussion of a rezoning is tonight. I have concerns about how we move forward when you look at the proposed development and you look at the most recent rezonings that have been approved and development that is happening in that area if this particular development would really be a benefit to the area. We have a month to get more information back but I am going to be reaching out to the community to find out more information regarding what meetings were held and what discussions were held, but I do want to share that I am disappointed that the first time I'm hearing about this particular rezoning is this evening.

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

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ITEM NO. 18: HEARING ON PETITION NO. 2014-074 BY TERWILLIGER PAPPAS MULTIFAMILY PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 10 ACRES LOCATED ON THE NORTHEAST CORNER AT THE INTERSECTION OF NORTH COMMUNITY HOUSE ROAD AND BRYANT FARMS ROAD FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO NS (NEIGHBORHOOD SERVICES).

Mayor Pro Tem Barnes declared the hearing open.

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

Tammie Keplinger, Planning said the property in question is located right in the center of this map; currently zoned B-1(CD). Community House Road runs north and south and Bryant Farms Road to the east and west. In terms of the area, the property is currently undeveloped as you can see; Ballantyne YMCA is to the south, fire station, Hawks Ridge Elementary and then residential properties surround it. In 1991 there was a rezoning on this particular piece of property and it allowed 70,000 square feet of B-1 uses and that included the main property and the two smaller properties which you can see highlighted here.

The request tonight is basically about two areas and I'm breaking up the presentation so that I can talk to you specifically about those two areas. First we are going to talk about Area A which is located at the very corner of Bryant Farms Road and Community House. The request for this portion of the property is to allow 15,000 feet square of non-residential uses. It would be up to two buildings, limited to one accessory service window and the access to that service window would have to be off of the internal street that is shown here. There are landscaped setbacks adjacent to North Community House Road and to Bryant Farms Road; there are some minor specifications on building materials and there are some transportation improvements that are provided. What this petition lacks for Area A is the detail that we typically include as retail components on a conditional rezoning. Some of those things are prohibited uses, commitment to building placement, standards for blank walls, treatment for the drive-through, location and treatment of service areas and pedestrian connections to other uses.

Area B which is this area is proposing to have up to 194 residential units with a density of 19.4 units per acre. There are up to three residential buildings with a maximum of three stories in height. The garages which are located on the edges of the site are limited to one-story and the height of detached lighting is also limited. There are again landscaped setbacks along both North Community House Road and Bryant Farms Road; there are buffers for the adjacent existing single family residential properties. They have specified building materials, they provide transportation improvements and they also provide elevations for this portion of the site. You can see this is the Community House Road elevation and this elevation is looking north and if you will follow with me I'm going to back up one slide and show you where this elevation is. It is looking directly here off of the internal street.

In terms of the adopted future land use plan the South District Plan which was adopted in 1993 recommends retail uses for this site and that is based on the current zoning. Staff is recommending approval of this petition upon the resolution of the outstanding issues. It is consistent with the South District Plan recommendation for retail so the retail is consistent with the plan, but the residential is inconsistent with the plan. If the outstanding issues are addressed the proposed project could provide a well-designed and integrated multiuse development, but we have a lot of questions on Parcel A and additional details and commitments are needed on Parcel A in order for us to have a well-designed integrated mixed use development. The outstanding issues, we have reviewed some of those and we have others that are related to site design and details and some are technical in nature.

Peter Pappas, 4277 Sharon Road said before I begin my best wishes to you and your families for a Happy Holiday Season. We are very pleased to present what our team believes is a very updated approach to land use in this fast growing area of South Charlotte. We have been studying this property for quite some time; during that process we've worked very closely with Councilmember Ed Driggs who represents District Seven and with Jim Anderson who represents the Bexley Neighborhood which is adjacent to the site. Mr. Anderson has been very cooperative to meet with our team on a number of occasions as has Councilmember Driggs to help discuss concerns and issues and work toward some very positive resolutions for what we believe could be an excellent project in this location.

The site that we are requesting a change on is part of Ballantyne; it was originally zoned in 1991 so if you can think about that the plan was done 23 years ago before ground was broken on Ballantyne and probably before the outer belt was opened, so obviously, there has been significant change in this area. There has also been significant change in market conditions and I want to speak to that for just a second because we are seeing in our industry and in our Company at Terwilliger Pappas a real change in lifestyle where there are more renters by choice, people are making a lifestyle decision to rent and that is all across the board, those are young people, empty nesters, professionals who might be working in the Ballantyne area so there is more demand for high quality multifamily housing and we believe this site is very well positioned as it is close to the Ballantyne Corporate Park and walkable to the Morrison YMCA.

On the screen are a few images of the some of the communities we are building; this happens to be one in Charlotte in the South Park area called Solis Sharon Square; this is in Raleigh, Solis Crabtree and you can see a tremendous amount of attention to architectural detail and amenities really addressing this changing lifestyle need that we are seeing all across the markets that we
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work in. The original plan that we filed in June is on the screen now shows two development areas which are going to be significantly different on the plan that we will put up in just a minute. It also shows two out parcels that were not part of the original petition. These two out parcels are owned by Harris Land Company, the balance of the eight-acre site is owned by Harris Teeter so our original petition and our original plan filed in June included only the land owned by Harris Teeter and as you can see with the configuration of the property, a bit more challenging to come up with a unified development plan.

Due to the tremendous cooperation that we have received from Harris Land Company and Harris Teeter to give us more time to work through an exchange of property, we have now come to an agreement with Harris Land where we will exchange the two out parcels that were previously; one of them directly across from the single family entrance to the Vineyards and one of them across from the Harris YMCA so the current plan had basically B-1 zoning, no restriction on uses, no restriction on architecture and the ability to do a drive-through directly across from the Vineyards Subdivision entrance. Now to the current plan where the two non-residential parcels, the two business parcels are in development Area A at the new round-about that will be constructed by the City of Charlotte as part of their road improvement plan for this area and then development Area B will include the 194 units of multifamily housing with garages along the rear property yards. We have single family housing to the east and to the north, the YMCA to the south, single family to the west and we've been able to basically reorient the retail all to the corner. We will build at our expense an internal street between Community House and Bryant Farms Road to service the retail and to service the housing and then you will have residential abutting residential. I would also point out in the current plan, which is zoned for 70,000 square feet of retail, there is a very limited buffer that can be removed and replanted along the northern and eastern boundary directly adjacent to the single family. In the plan that we are proposing we will have a 40-foot buffer, of which a portion of that will be non-disturbed and the rest of it will be enhanced with additional landscaping.

The existing zoning, as I mentioned earlier, did not limit uses in the B-1 area; this current zoning will reduce the number of drive-throughs from two to one in development Area A and in addition to the buffered treatments that we have committed to with the neighbors, the new plan will commit to the up to date regulations for the PCCO and the Tree Ordinance. Through a large effort on the part of the neighbors and our team, a tremendous amount of input, we've been able to come up with a plan that I think is more logical from a land use perspective; has a much enhanced buffer between our development and the single family and the multifamily buildings are actually about 150 feet from the single family homes as where the current plan would allow retail to back up to the single family area. I think we have a much improved land use plan, one that meets the current market conditions. There are some aspects of the plan that we are still working through with the staff and with the neighbors and we will continue to do that until we get to a good resolution for everyone. With that I will turn it over to Keith MacVean to point out a few other aspects of the technical plan.

Keith MacVean, 100 North Tryon Street said as Mr. Pappas mentioned this site was part of the original Master Plan for Ballantyne; this is a copy of that Master Plan; it was 1,700 acres and really none of this was there when this was done. The roads all came afterwards; highlighted in yellow is the 10-acre site that is part of this petition, zoned B-1(CD), no restriction on uses. This is the concept plan that was part of the Master Plan and as you can see a typical retail center in the back, parking lot here, two out parcels as indicated, a potential third location for an out parcel at the corner, a cross section indicating typically what the relationship was going to be here in the back, a 25-foot rear yard with screening, but again as indicated, the buildings could actually be within 25-feet of the homes in the Bexley Neighborhood.

A couple of points to re-emphasize again the 1991 Plan was a retail based plan that does not reflect the market conditions of Ballantyne today. It was zoned B-1 with no use restrictions, 25-foot separation at the back, 10-foot screening requirement; the commercial out parcel and again very close to the entrance to the Vineyards or right at the entrance to the Vineyards, heights could exceed 40-feet. There were no restrictions on lighting and there were no accompanying architectural elevations to go with the plan that was approved. The proposed plan that is before you tonight is an updated land use plan with significant design commitments; has limited uses, 194 units, 15,000 square feet of non-residential, only one of those uses can be a use with a drive-
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through window. Buildings are in excess of 175 feet from the property line as the residential building moves around the site. We have a 40-foot buffer; the outer 25-feet is undisturbed and there is a decorative aluminum fence as part of that, there is additional small maturing evergreen trees, eight feet on center within portions of the buffer. There are three types of buffer plantings and we've worked very closely with the folks in Bexley as you will hear later on to design the buffers to meet their concerns and issues. We've placed one-car garages adjacent to the buffer to create another barrier at the back of the garages as a solid wall. It helps create another barrier between the development and the homes in Bexley. There are conditions here on lighting, there are limitations on height; the multifamily use is limited to three stories, the commercial use is limited to two stories. We've limited the height of lighting to 15-feet and 20-feet and again we have a high quality architectural design with high quality materials.

Jim Anderson, 10422 Buffton Court said I am the neighborhood spokesperson for Bexley and with me is Eric Howard who is the HOA President for the Vineyards.

Ms. Keplinger said the slide show was submitted to someone other than Planning Staff; we think we might be able to get our hands on it but we are not sure. We are going to get someone to make copies of the hard copy for Council if you will give us just a few minutes.

Mayor Pro Tem Barnes said we will stand and recess for three minutes.

Mr. Anderson said thank you very much Councilmember Driggs for all your advice, support and guidance throughout this process; it is has been enlightening for the neighborhoods. I would like to position this a little bit in terms of a status of where we are with our negotiations and the different things we've worked towards and a little bit in terms of some comments on where I think we still have some work to get done. In the area of a rezoning petition which is what we are dealing with right here, we've spent over four months, multiple meetings with staff, multiple meetings with the developer and I will tell you that the staff has been very accessible and very knowledgeable and very helpful; the developer in my opinion has negotiated in good faith with the community which are all good aspects of things to try to get something good to happen.

We started with about 20 some odd specific concerns with the site plan; most of those concerns have been worked out and we have agreement in most of those areas. There are two areas that are still outstanding; a significant one that goes back quite a ways is the current buffer along the boundary of the residential area and the Bexley Neighborhood. In the beginning we knew this old site plan contained a 50-foot buffer, 25 feet undisturbed, 25 feet landscaped. Through negotiations we are down to 40-feet now; that happened as a result of the building height going from four-stories in the center to three-stories which flattened out the footprint and made the footprint a little bit wider for the actually development of the apartment complex. What I would like to point out here is the staff has identified this as 19.4 dwelling units per acre which is correct on 10-acres, but the actual apartment complex sits on eight-acres. I know that is the way it looks within the various planning conditions and all that and it is appropriate, however, the eight-acres yields about 25 plus dwelling units per acre; the current B-1(CD) zoning is maxed at 22 dwelling units per acre and the GDP suggest six dwelling units per acre. Our thought here is that if we continue to reduce density a smaller portion of that footprint will be required and we could actually get back to the 50-foot buffer which is where we started. I will tell you that is a concern of some of the community. The second item is specific to the Vineyards and I will ask Eric to talk to that.

Eric Howard, 10201 Ventana Court said I am representing the homeowners of the Vineyards and would like to thank the Council for the opportunity to speak. One of our major concerns is the Vineyard Homeowners who are west of the development and whose backyards back up onto Community House are facing several large changes in addition to this development, including the opening of the Community House Bridge, which will increase the peak hour traffic, projected 40% by C-DOT along with the new round-about which is planned to start construction in 2016. With this increased traffic and with the new development across the street there are significant concerns about additional screening of the traffic and the new development which will be across the street along Community House. These folks backyards up to Community House are not significant lot sizes and for a portion of the development they are below the grade of Community House as much as 10-feet and the grade of the proposed development including the non-
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residential portions I believe are going to be five-feet above Community House so a grade differential of 15-feet there entirely.

Mr. Anderson said one of the things I wanted to point out is the rezoning process has within it a lot of metrics and a lot of legal requirements that are obviously necessary in order to make a decision in terms of what is and what is not appropriate for a zoning standpoint. There are other things that this whole process is embodied, which is our South District Plan as well as I'm sure other plans relative to this City. One of the things that is missing in these conversations is in that South District Plan there are some very specific goals that were outlined to help protect, preserve and enhance the character of existing neighborhoods. What happens as we go through this rezoning process, we are very focused on one little thing on this parcel we want to get rezoned, but that has to be in context with the overall goals that were also established for District Plan. If you look at that specifically in the South District one of the most important goals of the Plan is protection of the District's neighborhoods, even though it states all goals are equal. Also to have a balanced urban land pattern use that helps protect the distinct identity of the community as well as trying to encourage timing of development, whether that is the city or developers together when improvements are being made so that we have the least amount of impact to those communities that we are working in. These things are part of what I believe needs to happen within this process; they all have a real view in terms of what is happening in each one of these whether it is rezoning, whether it is a new plan to do something or whether it is improvements that the City is doing. It doesn't matter this is part of our overall goals and I will tell you at this point in time I believe that if I were to ask each of the Councilmembers how well we are doing with this I would probably get as many answers as I have people here, which tells me we are not measuring ourselves against these goals. If you don't have measurements on your goals I don't understand why they are there.

What we have here are some concerns that are really aligned to those goals as part of this plan. One of the things Eric brought out and I will point you to the top of that slide first, is that if you look at the Bexley and Vineyard neighborhoods, the little circle there on Community House Road, what are all the other things that are going on within that little piece of the world? First off we've got this Community House overpass that is about to be opened this month which is going to drive a lot more traffic down Community House to go straight through to get into the Corporate Park to be able to find another access point into I-485. The second thing we've got the Bissell Corporate Park on the other side of Community House which is continuing to expand and will increase more traffic. We've got Bryant Farms Road Extension that is somewhere in our 20-year plan I believe, that is also going to be coming off between Bryant Farms and Johnston Road, driving more into this area. We also have a planned round-about going in which will help to drive efficiency of the flow of traffic as well as the basic here which is outside of this Council, but it is very germane to our communities, is our Union County and northern South Carolina communities are going through explosive growth and I will tell you a lot of that traffic is heading north. It is not sitting in Fort Mill, it is not in Rock Hill, it is not in Waxhaw, it is heading to Charlotte and it is all across our streets. So that is the environment we are living in and I understand we are talking about rezoning a parcel deal to put an apartment complex in and in and of itself it is not that significant, however when you put it in context with everything else it brings up a fair amount of concerns for us. First one, very simple, we have an identify within the Ballantyne Community, providing markers that are sitting out on certain portions of our roads and these are markers that are put up by Bissell Corp. at some point in time and they represent the boundaries of Ballantyne. Well, with the planned round-about and with what is possibly happening with this development here those markers are going to go away and we've been informed by the developer that the city said you are welcome to have them if you want them, but you have to pay for the relocation of them. I'll tell you that is part of the identity of this community and I don't think we should be asking anybody to pay for relocating them. I think that is something the city needs to step up and just take care of. It is the identity.

We have a big issue, number two, the right-hand turn lane. What happened with the recent Bissell Corporate Park where they are asking to build more corporate locations is the improvements that were made in that road by Bissell and one of the things that was asked for of them was to put a second left-hand turn lane on Community House Road so that you have access to Ballantyne Commons to the I-485 much easier. What we lost with that was a dedicated right-hand turn lane; no big deal except that now with the Community House overpass going in, what
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you are going to have is more traffic trying to go straight through and no longer have access to the right-hand turn lane and effectively what happens is you trap the neighbors in their communities during certain hours of the day. You absolutely will not be able to get in and out your own neighborhoods; not a desirable thing.

Mr. Howard said the left-turn lane is a concern; we'd like to coordinate the improvements for development with the round-about and we are very concerned about the non-residential uses being restricted at Parcel A.

In rebuttal Mr. Pappas said we are very encouraged that we've gone from the original plan without the new coordinated land use and the exchange of property did create a number of issues. We are down to just a couple and we will continue to work with Mr. Anderson and the other homeowners to address some of these streetscape concerns that have been brought up and get a specific streetscape plan on Community House Road. We, like the neighbors, would like to work with the city to time our proposed construction with the proposed road improvements to Community House so all of that is done at the same time and when we finish the roads are finished and everything is back in a completed state so we are delighted to work with the City staff and C-DOT to do that. I close by saying this has been a very healthy dialogue here so we are going to continue; we hear the concerns about the uses on the retail parcel. We do not own the retail parcel; Harris Land has been very cooperative to reduce the number of drive-throughs as we have indicated to both the staff and the neighbors. We will take their concern about use on that property to Harris Land and see if there is something that can be done there, but we would remind all of those involved that the current real estate owned by Harris Land is unrestricted so they are already restricting it to a degree by limiting one drive-through and we are glad to try and see if there is anything else we can do, but thank everyone for their cooperation.

Councilmember Driggs said I wanted to comment the petitioner and area residents for their very diligent and patient process to address what I believe are the majority of the concerns and I hope the remainder of them can be resolved. I think what you heard tonight also underlines what I've said a number of times on Council about conditions; there is a lot of anxiety about a development like this because of uncertainty about the traffic on Community House and the overpass that is going in there. I did have a question for C-DOT and that is as we look at that traffic circle in conjunction with the construction of this proposed facility, is there any way we can achieve some harmonization of the two projects so as to minimize the inconvenience to area residents?

Mike Davis, Transportation said the answer is yes; the work that has been done so far is really just to make sure the designs are integrated. If this zoning is approved the next step becomes to start to coordinate the construction schedules so we've been coordinating between the City's capital project team and the development team to figure out how we can do that because there are advantages to both sides to do them at the same time.

Mr. Driggs said for the Planning staff we do have these unanswered questions about the two-acre corner portion. How much information do we need to get about that in order to be able to proceed; as I think you are aware the delay in that has been partly because one of the things we approved tonight at Quail is being developed by the same owner and they really weren't able to pay a lot of attention to this; what will it take roughly just as a matter of interest?

Ms. Keplinger said certainly in the presentation we talked about the prohibited uses and we talked about commitments to building placement and some of those components that we normally see on a rezoning case. We've had multiple cases just within the past year where we have a high level of detail that are submitted with our rezonings; we've had one at Piper Glen down in Ballantyne where we had a lot of detail. The QuikTrip that was on Sharon Amity and Central Avenue; we had a great level of detail before staff was comfortable with that. Another example was the Cambridge Property rezoning that was approved earlier tonight and you are going to see another one later tonight for Cotswold Partners and the level of detail that they are providing for their site plans is the level that we are looking for. Mr. Pappas is correct that the property is unencumbered pretty much with the exception of some square footage under the current rezoning but that was done in 1991 and today we look for a higher level of commitment.

Mr. Driggs said I'm sure the area residents share your interest in the answer to that question so I look forward to getting some more information about that and once again, good job everybody.

Councilmember Howard said help me understand what the CD was back in 1991 on the property.

Ms. Keplinger said 70,000 square feet; B-1 uses which are your neighborhood type uses that allow basically retail. It wouldn't allow some of your heavy retail uses, but it would allow grocery stores, car washes, convenience stores, things that you need near your neighborhood, dry cleaners, and it would allow offices.

Mr. Howard said so the stuff that you are actually asking them to prohibit could actually happen right now?

Ms. Keplinger said some of them could happen under the old rezoning, but they are limited by the size. You have to remember the configuration of the property has changed.

Mr. Howard said what does NS require to show on that corner? What do you normally require because NS is somewhat of a conditional zoning as well? What levels do they have to get to; could they just build in mass, is it height, what is it?

Ms. Keplinger said again I think we are looking for more details than we currently have and we know there will be two buildings, they are two-story, they are limiting to one drive-through and 15,000 square feet, but what we don't know is some of the things that we talked about earlier; where their service area is going to be, what are the treatments for the drive-through, what are those going to look like, are there elevations? We have elevations for the apartments, is it possible to have elevations or at least some more conditional building material information for Parcel A.

Mr. Howard said what we really decide between what uses can go there now and what ones we are limited to and there are some that can go there right now. If they just carved that out it would still be B-1(CD).

Ms. Keplinger said it would still be B-1(CD) correct, but there would be some question as to what development rights.

Mr. Howard said I just want to make sure we know we are deciding between; it is not vacant land, they already have some entitlements on it. I want to go through the list of additional concerns real quick. The Ballantyne markers, I thought it was my understanding whenever we took down markers or at least signs to entrance of neighborhoods we replaced them. Is that not what we would do in this situation?

Mr. Davis said I don't know the answer to that; I will have to get with the City's Project Team and find out what the plan is for that.

Mr. Howard said would you do that and would you get back to us on that? Number two was a right-hand turn lane at Community House and Ballantyne which is up the street, but I guess it is the entrance into this corridor. You didn't ask for any of these so why is that not a concern?

Mr. Davis said there are two here that are contemplating turn lanes; are you on item two, the right-hand turn lane? This is one that I frankly took note of during the speaker's presentation and we will have to look into this one as well. There were some changes made as part of Bissell's approved rezoning that have been implemented and in some way has created a worse condition and we need to understand how to make that better. This is new information for me.

Mr. Howard said if for some reason it is not needed, I just want to make sure they understand what your rationale behind it is. The second one had to do with actually being able to turn into the new development so how does that work with the round-about? They are saying this is right beyond the round-about; it seems like you don't want a lot of turn movements and all that while you've got roundabouts going on. You have rules about how that works.

Mr. Davis said yes, so very specifically on this site we as sort of a non-starter at the beginning of this site evaluation in terms of having any kind of left-turn access in off of Bryant Farms and that is because it would create the conflict point at the point at which someone is trying to enter the round-about and having to make other kinds of choices. When you are on the exiting side of the round-about which is the Community House side you have essentially cleared that conflict and at point it is just a your traditional left over and at that point and I think that is what this issue is also speaking to is just making sure there is the ability to process that left-turn volume in addition to the left-turns that have be served going into the residential on the other side. That was addressed in the study to our satisfaction.

Mr. Howard said normally we have this setback from a light of how far you want to go back before you have a turn movement. I guess I don't know what the rules are around the round-about so that was what I was trying to get it. It seems like you wouldn't want that because you want continuous movement.

Mr. Davis said that is right, there is not a specific number; it various on the intensity of the use. The way this one ends up working is that in the p.m. peak which would be the movement you would be the most concerned about, you would expect to see a car entering the retail site about one every three minutes or so, so it is a pretty low rate of conflict, it is not a significant retail access.

Mr. Howard said it is not something that would require additional turn lanes.

Mr. Davis said no.

Councilmember Smith said Mr. Howard, the presenter said there was a 40% increase in traffic; the count that I show shows a decrease and I want to make sure I have a full understanding of what the traffic impact is and as you look at the map you've got Community House and Bryant Farms that the trip generation doesn't really state where that impact occurs and I'm just curious. Is that an equal distribution between the two roads?

Mr. Davis said I'm not sure what the 40% might reference, but just from my perspective, keeping in mind it is a vacant site, this is all new traffic, but our frame of reference in terms of how we present that information to you as compared to what can be done, so in terms of what could be done with by-right, this is significantly less so around the 8,000 or 9,000 range to the 3,000 range. From the standpoint of distribution and for this answer I'm referring to the petitioner's traffic study that looked at some of these questions that were raised and so the distributions are not equal and they are not even the same based on the use; the retail and the office kind of break out differently, but essentially most of that traffic is oriented to the north, to the Ballantyne area and I think it is primarily the retail that has most orientation to Community House and maybe about a third of that traffic from Bryant Farms.

Mr. Smith said I see you've got several examples of existing projects and then you have it looks like an elevation; is the elevation for the actual proposed project or is that representative?

Mr. Pappas said it is for the proposed project, yes sir.

Mr. Smith said this is sort of a two-fold question; it looks like you are doing 194 units, I see the massing allowed for the existing zoning of about 70,000 square feet. Out of curiosity what is the size of the apartment building? You can e-mail it to me if you don't have it tonight; I'm just curious about the massing and then two, the unit breakdown. It looks like there is a minor blip for CMS at 38 students; I was just curious how the 194 was going to breakdown, one bedroom, two bedroom and three-bedroom and if you need to e-mail that that is fine.

Mr. Pappas said our Regional President, Tom Barker can answer the unit mix question; I want to make sure we give you the exact correct numbers on the square footage so we will get that back to you. Thanks for bringing back up the trip generation because it is less under every circumstance with the proposed use.

Tom Barker, Terwilliger Pappas Multifamily Partners, LLC said the unit mix is approximately 60% one-bedroom, 35% two-bedroom and 5% three-bedrooms. We've studied different mixes, but it could be as many as 8% three-bedrooms and that would come off of the one-bedroom units so in that range.

Councilmember Fallon said what impact does this have on that across the street Johnston Road shopping area?

Mr. Davis said is your question directed to C-DOT and your question is how does it affect the project of the other side of Johnston Road?

Ms. Fallon said yes.

Mr. Davis said is it further south?

Ms. Fallon said no, it is across from Community House Road.

Mr. Davis said that is the Torrington Development and this is not of a scale that is going to compete with the type of traffic that goes on at Torrington. What I would maybe comment about is simply that the completion of the Community House Bridge will redistribute traffic in the area and you will see an increase in traffic on Community House, particularly on the north side of Ballantyne Commons and I-485. I don't think this from a land use perspective is going to really affect at all what I would think would happen on the other side of I-485.

Ms. Fallon said not coming across; that wouldn't impact it in any way?

Mr. Davis said no, I think what you will see much more impact is just the completion of additional roadway network that will bring traffic on that part of Community House, and that will impact the round-about as well.

Ms. Fallon said are there any height restrictions out there now?

Ms. Keplinger said based on the old site plan I don't know if it had any height restrictions; Mr. MacVean or Mr. Pappas may know. It may have been just by ordinance.

Ms. Fallon said the hotel there, how high is that?

Ms. Keplinger said are we talking at Torrington?

Ms. Fallon said yes.

Ms. Keplinger said there are about three hotels that are approved in that area so I'm not sure and there are various heights.

Ms. Fallon said what is the maximum height?

Ms. Keplinger said I will have to get back with you on that.

Mayor Pro Tem Barnes said I have a question for you Mr. Davis; you mentioned earlier in discussing the round-about and coordinating the construction of that infrastructure with the construction of this project if it is approved. I imagine that some of the other district reps may be also questioning whether we will accelerate infrastructure in order to coincide with developments in their districts. Is it the case that C-DOT would be accelerating that construction or is it in line with the typical?

Mr. Davis said it is the latter; that project is finishing up real estate acquisition right now, it is going to bid I believe in early January and so we would expect to start construction this summer. That is the point at which again if this is approved, we have to sit down with the petitioner and understand what their development schedule looks like and if we can make those schedules work we will. It would not be to accelerate the plan for what was otherwise already planned for.

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

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ITEM NO. 20: HEARING ON PETITION NO. 2014-108 BY U-HAUL COMPANY OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.4 ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION BETWEEN ALBEMARLE ROAD AND FARM POND LANE FROM B-2 (GENERAL BUSINESS) TO B-D(CD) (DISTRIBUTIVE BUSINESS, CONDITIONAL).

Mayor Pro Tem Barnes declared the hearing open.

Tammie Keplinger, Planning said this is Albemarle Road and this is Farm Pond Lane; the site we are talking about is right here. It is an existing building and the proposal is to rezone the existing building and just a small area surrounding that existing building. You can see that we have commercial nodes along Albemarle Road and then we have an office node and some multifamily. You can see the existing building on this site; the property is actually a 6 plus acre site, but the rezoning is only for a small portion of it.

The petition is requesting to allow the reuse of an existing building that is approximately 42,000 square feet for self-storage and truck rental facilities with accessory office space. The maximum building height is 40-feet; there is a 25-foot maximum for detached lights for height and there are new façade elevations that I will show you in just a minute. Again, I want to point out this property is not in the rezoning and here is the exact zoning boundary.

In the staff analysis you will note that the petitioner has agreed to dedicate greenway because that is off site and we are asking him to remove that note and also there is specifications on a screening fence to the south side of the property and that again is off site and something that we cannot enforce, so we are asking him to remove that. In terms of the use of this site, it will include some minor retail that will be associated with a self-storage and truck rental facilities. They have things like boxes, tape, packing materials, hitches for your car and things of that nature that they would also be able to sell as accessories. You can see the building elevation from Albemarle Road and from Farm Pond Lane and then the rear elevation.

The future land use plan is actually the Eastland Area Plan and it recommends retail for this site. I must admit when this rezoning came in staff was challenged by trying to find a zoning district that we could support that was consistent with the land use plan for retail while allowing the self-storage facility. In the end we came up with the fact that the request is inconsistent with the Area Plan recommendation for retail, but we think it has minimal impacts on the surrounding properties; that its reuse of an existing building that will support reinvestment in the Albemarle Road Corridor and the issues are mostly technical in nature so we are supporting this petition.

Peter Tatge, 2731 Creekbed Lane said I have with me Jason Hardin who is the President of U-Haul for North Carolina and Wendy Holland who actually is at the site and she is Jason's Executive Assistant. I passed out a booklet and I will run you through some pictures to kind of supplement what the staff has provided. This is a good news story; that was the message that we've been talking to the neighbors about at the neighborhood meeting; it is about reinvestment in the eastside of Charlotte, it is about reinvestment along the Albemarle Road Corridor. Revitalization, it is consistent with the GDP policies for reuse of buildings. This is an old Post Office facility; this facility has been in operation for about 30 years at this location so it predates a lot of the area plans, a lot of the activities that you can imagine Albemarle Road 30-years ago with the truck rental facility. The thrust of the proposal is to marry self-storage with truck rental as Jason would provide statistics as he talked at the community meeting. Three out of four people that rent a truck, they want to store their materials somewhere so it makes sense to have it at the same location. There is a little bit of a hiccup in the zoning code; you can't have those both in B-2 so we had to rezone the building to BD, Business Development and that is why we are here tonight.

There is really nothing exceptional; there is nothing sexy about storage, it is something we all need. Ironically we are looking at some statistics and 48% of the people that store nationally own single family homes and they have garages and everybody says they store everything in their garage, well apparently half of them don't. Half of them come to mini-storage facilities. You can see the site from the air; there is the overall property that exists today, it is a U-Haul Truck Rental facility, it is successful and as Tammie pointed out there is a retail component, there are some offices in there. They have a call center, etc. and Jason can answer questions and sort of supplement that a little bit more. We are here tonight to talk about the actual building itself and due to the way the zoning code is structured we are having to rezone this building in itself to Business Development to allow the self-storage facility to occur.

Insignificant to surrounding properties; I think that is an appropriate statement from staff. We had two people at the neighborhood meeting. One was a neighborhood leader and we've been communicating with them about talking to other folks in the area, making sure the word is out. We've met personally with the Tender Care operation which is directly to the south from here to Oregon.

Mayor Pro Tem Barnes said it seems like you've got some good support on this and we are going to take some questions from Council now; there is no opposition so that is a good thing for you. It will be an opportunity to hear questions and see what the Council is thinking. Does the District Rep want to kick it off?

Councilmember Autry said I will and these gentlemen have reached out to us some months back about this. The building that was where the Post Office was operating out of; they have vacated that space, this is repurposing that existing space, offering some façade improvements to it and becoming more of some kind of generator that we can use for more revitalization along Albemarle Road. There was mention about what you are going to be selling there, packing, etc. you are selling that stuff on the location now at a U-Haul Store?

Mr. Tatge said yes sir.

Mr. Autry said is there anything that you are not selling in that store today that you will be selling in the future?

Mr. Tatge said not currently that we foresee in the future. The only thing we are adding is the storage; everything else we already sell at this point.

Councilmember Lyles said I wanted to ask a few questions about the vacant warehouse and existing retail; how much of the existing building is retail now and how much of it would be converted to storage?

Mr. Tatge said it is roughly about 7,500 square feet which is 17% to 18% of the overall building and we would stay at that percentage.

Ms. Lyles said the retail is 7,500 square feet so right now you have the other part and this would be indoor storage with lockers?

Mr. Targe said right now it is vacant warehouse and if you had a chance to look in the booklet it kind of looks like that and it is a small office space; there is a call center and then the retail operation. We had previously left that out since it is in existence and has been in existence for 30-years and staff said let's not make this more complicated. We revised the legal description to encompass what you are seeing in the proposal and that is the entire facility with some area right outside the building. The idea is to upfit that space to have it look like that, which is consistent with what you see when you go to other U-Haul Retail Facilities.

Ms. Lyles said where is the call center; is the call center inside the 7,500 retail square footage?

Jason Hardin, 6216 Albemarle Road said it is in part of that retail square footage.

Ms. Lyles said I had another question for staff; the renderings that have been submitted to us with the book, how do they set the sign ordinance? I'm not quite sure if I see how some of the renderings; it is on conceptual elevations view from main entrance slide.

Ms. Keplinger said that elevation may have been submitted, the approval does not include signage so that is all approved separately through Building Standards.

Mr. Hardin said that has been submitted and is part of Page 2; it is within the packet. These elevations are what we showed at the neighborhood meeting.

Ms. Keplinger said but again the signs are permitted separately; the signs are not permitted as a part of the rezoning.

Ms. Lyles said I just wondered how that was being done. I'm also trying to figure out on the traffic issue with storage; I know the business concept is you drive the truck and drop off your storage; you get a storage unit and put your stuff in there so under the current zoning the vehicle trips were 1,030 and proposed 100. I think they are keeping every use that they currently have so why would it go down; I didn't understand that.

Ms. Keplinger said Dennis Rory with C-DOT will address your question.

Dennis Rory, Transportation said the existing zoning trip generation that you are reading is not for the existing use; it is the trip generation that could occur for that existing zoning district. It is not the actual use; it is based off the zoning district.

Ms. Lyles said I am so confused. The existing use says trip generation current zoning 1,030 trips per day. They are doing everything the same and adding more.

Ms. Rory said yes ma'am, so the existing zoning district may allow different uses that are not the use that is on site today and those different uses we try to find the use that allows for the maximum trip generation potential and we present that trip generation to you, not the actual use that is on site today. What the petitioner is proposing today which is the U-Haul Center, which happens to be a very similar use to what is on the ground today, that is what we are presenting in the proposed zoning condition because for the proposed zoning the entitlements they are seeking are basically binding them to the use that you see in front of you.

Ms. Lyles said it is late and obviously I'm not getting this.

Mayor Pro Tem Barnes said are you saying it is a non-conforming use now?

Mr. Rory said no sir, not at all.

Mayor Pro Tem Barnes said I'm as confused as she is.

Councilmember Howard said is it a typo, it went from 1,300 to 100?

City Manager Ron Carlee said if I understand what staff is reporting it is what you could actually do on this site compared to what they have proposed and so understand you currently have a warehouse that is not being used; it is was actually being used as a warehouse which is permitted under the existing zoning you would have substantial amount of traffic there.

Ms. Lyles said this is going from B-2, General Business to BD (CD) distributive business conditional and it is going to make 900 vehicle counts less.

Mr. Carlee said what is key is the conditions of the rezoning.

Ms. Lyles said so it is not like they could fill the warehouse up with cars, I get you.

Councilmember Howard said you've got a big parking lot out there so what happens with that big parking lot? I know you are storing your U-Haul trucks, but there are a lot of people storing cars now too.

Ms. Keplinger said that property is not part of the rezoning petition.

Mr. Howard said but it is there.

Ms. Keplinger said it is there and it is currently zoned B-2 and is part of the overall U-Haul site but it is not part of the property that is being requested for rezoning.

Mr. Howard said so the only thing that could be in that parking lot would be U-Haul trucks?

Ms. Keplinger said it could be anything in the B-2 zoning in that area.

Mr. Howard said does that include car storage as well?

Mr. Harden said to answer your question we have no intention to use that for covered parking or anything at this time, obviously if we did we would have to have it rezoned anyway. It would stay into a ... parking lot.

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

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ITEM NO. 22: HEARING ON PETITION NO. 2014-112 BY MOHAMMAD R. BOLOURI FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.23 ACRES LOCATED ON THE EAST SIDE OF SARDIS ROAD ACROSS FROM WILBY DRIVE FROM INST(CD) (INSTITUTIONAL, CONDITIONAL) TO INST(CD) SPA (INSTITUTIONAL, CONDITIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Barnes declared the hearing open.

Tammie Keplinger, Planning, said the property is located right off of Sardis Road; you can see it is shown in blue. In 2009 this property was rezoned to allow up to 7,500 square feet adult daycare. One of the conditions as part of the rezoning was the dedication of greenway which you can see that is in a different shade of blue. The petitioner has submitted that greenway and it has been dedicated to County Parks and Rec. They have built the adult daycare facility on the site and this is part of a school and then you have single family residential around it.

In terms of the request tonight it is pretty simple; they want to add medical office and research center uses as part of the existing adult daycare facility. It provides language stating that all the conditions from the 2009 petition will be carried over; there are no exterior changes to the property. The future land use plan calls for institutional uses based on the rezoning so it is inconsistent with the South District Plan, but the addition of the medical office and research will have a negligible impact on the surrounding properties. The uses are institutional in nature and complement each other. The new use is basically an extension of the adult daycare with no exterior changes to the existing structure. Staff has a few outstanding issues and once those are addressed we will recommend approval of this petition.

Councilmember Smith said nobody is here speaking on behalf of the petitioner and I haven't heard from the petitioner so I would love if they want to prior to the vote reach out to me; I would love to learn a little more about the use. This is the first I've heard of it.

Mayor Pro Tem Barnes said believe me I completely understand.

Councilmember Howard said it is your assumption that the medical uses will be limited to just the people that visit the daycare?

Ms. Keplinger said not necessarily that they will be the same users, but they could be. Dr. Bolouri who runs the facility is a Neurological researcher; he researches Alzheimer and he is trying to move his office with the adult daycare.

Mr. Howard said is that him standing beside you?

Ms. Keplinger said that is him.

Mayor Pro Tem Barnes said would you like to come on down and join us at podium.

Mr. Howard said the reason I ask that question is I'm worried about the same requirements that would come with just a medical building, parking; if it is two different operations then it should be treated as two different operations and not like an accessory use.

Ms. Keplinger said that is a very good question Councilman Howard, one of the staff comments is that we want to see restrictions on the amount of square footage that will be used for the daycare and for the office because we want the daycare to be the primary use.

Mr. Howard said primary still implies that the other one is a secondary use to the primary use and I don't think that is the case. It sounds like two different complete operations.

Ms. Keplinger said that may be appropriate for Dr. Bolouri to respond to.

Dr. Mohammad Bolouri said I am a Neurologist in town and I operate Alzheimer Memories Center in Charlotte.

Mr. Howard said we have to be very specific so my question would be how much overlap is going to happen between your practice and the daycare or do you plan to operate them as two separate entities?

Dr. Bolouri said actually they are two separate entities however my practice is mainly service of Alzheimer's patients in the area and the daycare was designed to service the community needs for the Alzheimer's Daycare as their care givers are working and are busy our facility is able to look after their loved ones. What happened is I do have a separate practice; unfortunately the revenues for the adult daycare have not been supportive of the bills and the payments so for that reason I am downsizing the adult daycare and moving my practice and my research in the same facility to be able to support the financial burden.

Councilmember Fallon said Tammie, didn't we have something similar to this a couple of years ago with a dental office in a building with another use; daycare of something?

Ms. Keplinger said we had a dental office associated with a church that was an outreach program. We've had several request of this nature.

Ms. Fallon said I remember it was a building with either a daycare or adult and the dental office was on the second floor in the middle of it all as I recall.

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

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ITEM NO. 23: HEARING ON PETITION NO. 2014-116 BY SPECTRUM PROPERTIES RESIDENTIAL, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.07 ACRES LOCATED ON THE NORTH AND SOUTH SIDE OF ABBEY PLACE NEAR THE INTERSECTION OF PARK ROAD AND ABBEY PLACE FROM R-17MF (MULTIFAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL CONDITIONAL).

Mayor Pro Tem Barnes declared the hearing open.

Tammie Keplinger, Planning said to orient everyone this is Park Road, this is East Woodlawn Road, Park Road Shopping Center, Abbey Place and this is our site; Abbey Place runs through the center of this site. You can see that we have office mostly and immediately to this site was single family residential to the west. The site is developed with multifamily residential and all of these little areas here are actually buildings; there are 22 buildings on this site currently. The request before you tonight is to redevelop the existing 128 apartments with 265 new apartments with a density of approximately 29 units per acre. It will be up to four buildings; the height will be four stories or a maximum of 65 feet. There will be no parking between the buildings and Abbey Place; they provide recessed on-street parking, sidewalks and planting strips along Abbey Place, a sidewalk to Park Road is provided. The conditional plan specifies the building materials and the attached lighting will be limited to 15-feet.

When you look at this site you can see that there are buffers for the adjacent single family residential properties and whereas if you looked at the aerial from before and you saw the 22 buildings, they were all located very close to the adjacent single family residential whereas this new plan the focus is the buildings more toward the center of the site even though they are four-stories in height and leaves parking around them and then open space between them and the single family residential. You can see the proposed elevation.

I'll talk about the future land use plan; the Park/Woodlawn Area Plan which was adopted in 2013 actually recommends multifamily residential for this site, however the density is inconsistent with the 17 dwelling units per acre that are recommended by the plan. The increase in the density, staff feels is appropriate because of the design and the compliance with the residential design guidelines that are included in the area plan. For that reason, once the outstanding issues are addressed staff is recommending approval of this petition.

Jeff Brown, 100 North Tryon Street said it a pleasure to be here tonight along with my colleague, Keith MacVean assisting Spectrum Properties on this rezoning. Steve McClure, President of Spectrum Residential is here with me along with Design Teams from BB&M and Land Design. As many of you know Spectrum is a Charlotte based real estate company with over 30 years of quality development in Charlotte and throughout the southeast with some very notable residential projects including Fifth and Poplar, 230 South Tryon, and Madison Square.

We appreciate the efforts of the Planning Staff and C-DOT on this rezoning; we are appreciative of their support and we are very confident that the remaining site plan issues will be resolved in short order. I will go through this quickly because Ms. Keplinger did a great job in giving the background. I do want to highlight as she did the point about the older buildings that are very close to the border of the property against residential in Madison Park, often as close as 20 to 25-feet. In addition as you can see from these photos we are really at a place in the project where the buildings are almost 50-years old. The result of that is that it makes it very challenging really impractical to refurbish these existing buildings which leads to the need for the development of the 22 buildings on the site. I will have Steve McClure talk about the vision for the project and some of the other aspects that we think are important in the efforts along with great support that has come now from the Madison Park residents.

Steve McClure, 201 South Tryon Street said I want to thank Council for this opportunity to discuss our redevelopment plans. As a long standing Charlotte based company we are committed to creating a redevelopment plan that is both thoughtful and sensitive to the surrounding neighborhood as well as the adjacent owners. It has already been talked about we worked closely with Planning to bring in the three buildings close to Abbey Place to really pull them away from the three sides that have single family homes, as well as we looked at adding evergreen buffer on all three sides as well as an eight-foot opaque fence to really help from a privacy standpoint. That was a comment we heard in the community meeting. By pulling them in we've also extended the distanced between the property lines and our buildings to about 90 to 120-feet versus as Jeff said currently a lot of them are 25 to 30-feet.

The next exhibit really highlights one of our main goals; while we are asking for a little more density we wanted to design the buildings so they fit within the existing MF-17 building
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envelope. As you can see on here the 100-foot max gives you an idea what that MF-17 would allow while we are asking to lower that to 65-feet. This also give you an illustration in the middle of it of how close some of the current buildings are to the property line and how some of them actually don't meet the current ordinance. This give you a feel of the elevation and a lot of the materials that we are using, but in summary we are replacing existing obsolete buildings with a quality architecture, placing the new buildings much further from the residential edges as we mentioned adding plantings, privacy fence and trying to keep the building heights well below what currently would be allowed. As was mentioned by Planning, we also heard in the community meetings and with the HOA when we met with them, adding part of the sidewalk from our property to Park Road would be really beneficial in adding the connectivity of the neighborhood.

Next we will speak a little bit on traffic, always a conversation in rezonings. We engaged a traffic consultant to review traffic aspects even though the number of trips from the redevelopment does not result in a full study by C-DOT. This slide illustrates in looking at the traffic patterns, that most of our traffic is going to go to Park Road and Abbey Place where there is a light which makes sense, however the neighborhood is concerned with cut-through traffic that may result from the Woodlawn/Park Road intersection so we've met with the HOA as well as C-DOT and looked at some of our different options of how to improve the existing situation. Lastly, redevelopment of an out of date project like this, while necessary, needs to be handled in a sensitive manner when it comes to the transition needs of those residents that currently live in the community. In your presentation you will see a copy of the current plan for assisting the existing residents in the relocation if the rezoning is approved and we move forward. In order to be proactive we actually sent a copy of that in both English and Spanish to the current residents just to give them an idea if this goes through what we would be looking to do. There is really three main components, first is notice. We wanted to make sure we gave them enough notice so six- months' notice, once we get through we will make sure everyone understands that. Secondly helping them out with pulling together a community data base. These are resources, we work with individuals in the community to try to pull that together and then deliver it to them so they have content information. Lastly, help with moving expenses; we've offered last month free for all the current residents as well as returning their security deposits to help in the transition to find a new place. We really pledge to be supportive in this process of this relocation. I would like to introduce Valerie Delby, President of the Madison Park Neighborhood Association. We contacted really early on and worked together and have tried to make sure we get the feedback in the community and incorporate it in our plans.

Valerie Delby, P. O. Box 242432 said I am the President of Madison Park HOA. Our Association has participated in several meeting over the last three if not four months with Spectrum Properties in regards to the proposed development at Abbey Place. We've also participated in discussions with C-DOT, very lengthy discussions on traffic and what that is going to mean to our community and some things that we are still working on right now to see if we can help with traffic flow, etc. Also it was C-DOT and Spectrum together working on that. We are talking about traffic calming; we are worried about what this can mean to our community, etc. so we want you all to know that we have really taken this to heart and really looking into in detail and working with Spectrum. Based on the sketches that we had for the Association and also with the public community meetings, we found Spectrum Properties to be a partner of Madison Park and they are looking at not only short-term gains but also long-term projections for this particular land use. Obviously, that is very exciting for us as a community as a whole. I would love to call it a thoughtful approach to development or redevelopment in this case is what they have employed and I really believe that is going to be a positive impact on the neighborhood, not only in the short-term, but in the years to come. Should the current owner of Abbey Place Apartments choose to sell the property to Spectrum Properties the HOA does support the redevelopment plan with this particular proposed land use and for the improvements as part of this current rezoning petition.

Billy Lomac, 1406 Abbey Place, Apt. 1, said I also wish all of you a Merry Christmas and when I kept hearing that refrain tonight, Merry Christmas, I thought back to the first Christmas and it was an edict by a government leader that forced people all over that part of the Roman world to move to new areas for a census and it was very hard on people. Of course God used it for a wonderful miracle that He ordained was going to happen, but you know I'm listening here
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tonight and it is so easy just by simply saying all those in favor say yea, those opposed nay. That simple short statement can make a tremendous change in a lot of people's lives. My wife and I moved back from Istanbul, Turkey in 2001; I had been over there teaching English as a second language. In August of that year we moved into the Abbey Place Apartments and have been living there 13 ½ years. It has become our home; we love the walks in the neighborhood and by the way you may want to put a sidewalk on Abbey Place. My wife and I walk Abbey Place every day; it is very peaceful, it is not a big problem. Occasionally in rush hour there are a lot of cars, but it is a very peaceful walk; I'm very happy to walk on the street. We love the friendship we've made with different people that live in the apartments. Every morning I guess if I counted them up, 13 times 365, almost every day I have sat in our living room, spent time in prayer, reading the Bible, looking out the beautiful window. Some might say what is so beautiful about those apartments, well there is beautiful sunlight shining off the trees behind the adjacent apartment buildings where we live. It is beautiful; it has become our home. We love the convenience; very close to Park Road Shopping Center. A bus stop very close by; our son has a disability, he has had some physical issues, he is healthy physically but he has had some issues, he goes to CPCC for classes, very convenient to catch the bus. With much respect I say to the people with Spectrum Properties, you will never replace what you are asking us to leave; you cannot do it. God can, but you cannot.

There are a lot of families in Abbey Place Apartments, many, many children. If this plan goes forward besides everyone having to move many of those families are going to have to re-register their children in new schools. They are not all going to be able to stay in the same school district. We've known people that have to fight just to get one of their children from Madison Park to be able to go to Myers Park High School. I wonder sometimes when people make these decisions if it ever enters in their mind families, people and humans that live in these apartments. Many of have chosen to live there because it is affordable rent; that is wonderful. We choose to live there because there aren't some of the amenities that some apartment complexes offer. There is no club house, no swimming pool; there are to my knowledge very few dishwashers. I'm my wife's dishwasher; I help her. We choose to because it is affordable. Why knock down something that is working; there is very little crime in the Abbey Place Apartments; all the years we've lived there. The buildings are solid; I'm convinced they will stand another 25 or 30 years. There may be some problems with some of the pipes; I know that, some insect problems. When you stand in a certain vantage point and look down at those apartments in disburshed of beautiful trees, some of them nice in size, it is beautiful as you drive down Abbey Place from Park Road and look at the setting, look at the trees, especially in the fall it is pleasant, it is lovely, it is pleasing. Those buildings are structurally sound; there is a community living there. Why destroy something that is working? Here is a place where people found to live; they can afford it. If you go down Park Road just a short distance from where we live there is a big either an apartment or condominium called Cello, if I'm pronouncing it correctly, just beside it they just recently knocked down another series of apartment sites and they are building new ones there. If you go the other direction, just two blocks from where we live at the intersection of Park Road and Woodlawn there is another new apartment building that has been built. All of these of course have much higher rent than the current residents of Abbey Place are paying. I don't believe Charlotte needs another new apartment building, much, much more expensive in this immediate area where there is already so many.

I also want to say personally, my wife and I have had hundreds; literally I'm not exaggerating, of visitors in our home in the 13 ½ years we've lived there. That is special memories for us. I just think members of the City Council and Zoning Committee, those listening, there is something fundamentally and deeply wrong to displace families with children in the community that is wholesome and healthy to bring in, build a structure for people, most singles or married without children because according to what I heard in another community meeting, approximately two-thirds of what Spectrum plans to build will be single units and studio apartments, if I have the figures correct. They sent out the brochure like you told us, thank you for that, it says we plan to build multifamily complexes. You want multifamily complex, you've got it right now at Abbey Place. You've got multi families with children, lots of them. In closing I would urge the City Council and the Zoning Committee to really think this through. I would urge Spectrum Properties and I've said this before, and the owner, I would urge you to work together to save Abbey Place. Why not have some character in the neighborhood. Why is Charlotte always knocking down its past, why not leave some character, why not leave something wholesome,

why not leave something that is working and affordable. I close with a quote from the person who is most deeply and profoundly affected my life; He said this, "In whatever you want others to do for you, do that for them." Thank you, I hope you have a Blessed and Meaningful Christmas as well.

Mayor Pro Tem Barnes said the same to you sir, we appreciate it and thank you for coming down.

In rebuttal Mr. Brown said this is a tough issue; we have a project that as we have communities and as we have areas of this community that are redeveloping in large measure because of older buildings that do create a challenge for refurbishment. The challenges present themselves and these include challenges of transition for the residents. For this reason early on in the process our client, Spectrum Properties, particularly with this longstanding community awareness has done what we think is a strong job of trying to be responsive to these sensitive needs. In addressing those in the manner which Mr. McClure talked about with significant advance notice of the demolition of the buildings, give individuals time, other supports, trying to bring other community organizations to bear to help people in transition and also from a financial perspective for those residents within the last three months providing them a free month's rent which is significant and has real business implications for the current development owners. We are trying to be as responsive as we can in what is, as Mr. Lomac said, a tough situation where people have lived in this community a long time. The current project is zoned for multifamily, the redevelopment will bring a lot of positives; it will also allow with this commitment to a transition plan we think as positive a way as we can deal with this issue. It is consistent; a lot of what we talked about in the last number of minutes is not squarely land use, but it is a community issue that needs to be considered and we think we have done as good a job as we can.

Councilmember Smith said just for clarification, the existing apartments are a market rate, while they may be cheaper, but they are a market rate product?

Mr. McClure said yes.

Mr. Smith said what will the existing use allow for today should you guys not develop this site; what is the total number of units that the existing owner could in turn put on the site?

Mr. McClure said approximately 150.

Mr. Smith said there are a couple of things I want to point out; one is that Spectrum approached me early on and we engaged, based upon some previous conversations at the dais, to an aggressive relocation plan, maybe more so than I would have suggested, but I think they have taken a reasonably aggressive approach to try to proactively help with the potentially displaced neighbors should the petition be past. One thing I do want to point out there has been very little communication with the existing owner and the current residents until after our community meeting at which time Spectrum took over the communication role from the existing owner and I'll kick some developers in the shin when they need it, but I've tried to complement them when they have done a few things right and this was one of the things I think they did take a proactive lead on based on some previous conversations up here. I want to address a handful of concerns for Madison Park and I just want to make sure that we are all on record with these. In particular I think the Madison Park HOA was looking for some help on Montford just because that ends up with a lot of traffic. It cornered Drexmore and then Longwood and Halstead were all a handful of areas where the neighbors are looking for some help on the traffic mitigation so I just wanted to make sure that we did get that on record. With regards to something that Mr. Lomac said, we have had some discussions about a sidewalk all the way up to Park Road and I think that is probably a critical component so that we can help with some of the connectivity to everything that is going on over on the Montford side. With the close proximity to residential I want us to be cognizant of staging, using Park Road and not sending construction trucks back through the neighborhood if at all possible. We've had another project in town that has had some mid-night concrete pours that have been very disruptive to the neighborhoods and I want to try to make sure we have something in there that will state that the construction will be done during the more typical hours.

Councilmember Phipps said I know when I was on the Planning Commission that we crafted the Park/Woodlawn Area Plan and I know there were some components in there as it relates to walkability type infrastructure; that it was the desire that development within that plan area would seek to promote and help provide for that kind of infrastructure to promote walkability and bicycling and such. With this petition I would hope that those kinds of things, and I think I've heard it here tonight, that those kinds of components are a part of this process.

Ms. Keplinger said I believe that they are; the petitioner has agreed to provide the sidewalk to Park Road, there is open space throughout the site and active open areas. There will be sidewalks so I think we are certainly meeting the intent and the philosophy behind the Park/Woodlawn Plan.

Councilmember Austin said I just wanted to tell the petitioner that I'm always very sensitive to how we are treating people when we are having these developments and they have been there for a significant amount of time. I do think that your plan for their relocation is exceptional; I want to give you kudos and accolades for that. To the residents there it is a tough time when we don't have properties and rental properties in Charlotte that fit within a certain price range, so I understand your challenges and I understand the fact that you have lived there a significant amount of time. To our petitioners again, thank you for at least giving a plan of what you are going to do and how you are addressing these residents. I've seen other sides that have not been so pleasant.

Motion was made by Councilmember Smith, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.
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ITEM NO. 24: HEARING ON PETITION NO. 2014-118 BY COTSWOLD PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.21 ACRES LOCATED ON THE EAST SIDE OF RANDOLPH ROAD BETWEEN GREENWICH ROAD AND NORTH SHARON AMITY ROAD FROM B-1 (NEIGHBORHOOD BUSINESS) TO MUDD-O F(MIXED USE DEVELOPMENT, OPTIONAL).

Mayor Pro Tem Barnes declared the hearing open.

Tammie Keplinger, Planning said this is Randolph Road and this is Cotswold Mall; I think most of us are familiar with that area, it is a commercial node that is surrounded with office along Sharon Amity, multifamily back behind the mall then on the other side of Randolph Road we have B-1 which is neighborhood business, then office and your single family residential uses. You can see from the aerial this is the site we are talking about tonight; there is an existing office building on the site, Cotswold Elementary and this is what is known as the Wicks Neighborhood and then Cotswold Mall.

The petition is proposing to redevelop the existing office site with up to 65,000 square feet of retail and personal service uses. There will be a maximum of two buildings with two levels of structured parking and ground floor retail. The building height is limited to three stories, there are specifications on the building design and architectural standards; there are multiple transportation improvements, limitations on the lighting. There are some options that are requested as a part of this rezoning, they include existing use and parking to remain until the development occurs; reduction of the setbacks along Colwick Road, a screen wall along Colwick Road, signage and vehicular maneuvering and loading and service areas between the building and Colwick Road.

You can see from the site plan the building will take up the majority of the site. There is a proposed private street that will be located on the east side of the site; first level retail along Randolph Road. There is a small urban space along Randolph and then the retail will be at the second level.

Councilmember Howard said explain to me why maximum of two buildings.

Ms. Keplinger said I am not sure why they have requested a maximum of two buildings when they are showing one. That is a question we will ask the petitioner.

Ms. Keplinger continued; you can see a cross section of the development, this is the parking deck which is below grade again a parking deck that is at grade and then the retail which is above. In looking at the future land use map, the South District Plan does recommend retail development for this site so the request is consistent with that retail recommendation. This is considered infill development; it scores high on the General Development Policies (GDP) for accessibility and connectivity. There are several outstanding issues but the petitioner has been working with staff and we believe that all of those will be resolved by the time we get to the Zoning Committee. Mike Davis from C-DOT has a presentation he would like to add.

Mike Davis, Transportation said the reason I'm giving the presentation in advance is simply because there has been a lot of feedback about all kinds of different transportation issues on this petition and I thought it might be kind of a productive couple minutes to walk you through the key issues that you might be hearing about. Tammie has already oriented you to the site, but basically on my exhibit I will keep referring to this aerial so this is kind of where we are in Cotswold and the five issues I will be talking to you about briefly are about congestion, safety, walkability, school operations and neighborhood impacts. On the top I have congestion and most of the congestion in the Cotswold area is really centered around the Sharon Amity/Randolph Road intersection; that is where really all the delay occurs. There are all kinds of other operational issues that are associated with different uses, but the actual congestion is really about the signal. From the standpoint of how this development potentially impacts, that the proposed use is pretty much on par with what you would expect if this site were to continue to develop in the pattern that is already there, in other words, if there was additional fast food or drive-through bank for example, you would see something about on par with what this zoning proposal is and arguably this proposed zoning may be actually less considering it is anchored by a grocery store that is the second one on the market. From a safety perspective, what I want to address is that anyone who has driven there probably understands this; this is a five-lane section where there is no medians and there is a lot of activity that takes place out in the two-way left turn lanes. When we review accident data at this location, not surprising the pattern is one where the accidents that do occur are associated with people making left turns out of the side streets and driveways out onto Randolph and part of what this development proposal is implementing is to begin some movement restrictions at some of those locations including the two driveways associated with this site so what used to be full movement access to the office would now be restricted to right in/right out access onto Randolph which helps from a safety perspective. What it does on the other end, it will create some pressure at the traffic signal located at Greenwich and Randolph so specifically what that is going to mean is the left turns trying to access the site would likely do so headed southbound by making a left on Greenwich and the return movement might be from Greenwich making a left onto Randolph, but also use that intersection. Among the conditions for this site plan would be to make capacity and storage improvements to accommodate that increased traffic at this location specifically to handle this site's traffic. From a walkability perspective there are missing sidewalks along Colwick and there are existing sidewalks on Randolph but they are really deficient from the perspective in the amount of transit and pedestrian activity that is here today. What this petition will do is at a minimum it will improve pedestrian conditions along the frontage and what we are exploring right now is the possibility that there could be an extension made to Greenwich, the petitioner might want to address that in their presentation. I think that is really subject to the availability of right-of-way and if it can be done in a way that doesn't impact existing trees, that would be a good sidewalk extension to make. Then lastly on the subject of walkability, I mentioned earlier about transit access; there are a lot of pedestrian crossings that occur today on Randolph. Part of that median treatment gives us the ability to put in pedestrian refuge which will make it safer and more convenient for people to make those crossings back and forth. Lastly, there will be, as was mentioned earlier, an extension of a new street connection as a private street between Randolph and Colwick that will help provide more pedestrian circulation as well as vehicular circulation.

From a school operation standpoint, this is something that has gotten a lot of attention and we've done field visits, worked with the petitioner, met with folks on the PTA and also talked about this with CMS staff. Pretty much every school in the system has some challenges around the p.m. bell time where vehicles don't adequately store entirely on site. What makes it a little extra
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tricky out at Cotswold is when that cueing spills off site it impacts some of the commercial access that I've depicted here in red so when you start mixing bus traffic, moms and dads picking up their kids and the commercial activity it is pretty tricky in that area for about 30 or 45 minutes. Part of what makes this so bad is how the bus traffic is mixed in so the petitioner may address this in their presentation, but we've all been working with CMS to try to figure out ways and we think there are some viable ways that we might be able to help remove bus traffic from this single stream of traffic and if we can do that we think we can take the pressure back off of Greenwich and Colwick and what I would add about that, I think this is maybe less about a Publix or retail development located here issue as much as it an issue we are going to have to solve regardless. Approved or not this is an issue we will probably have to continue to work on.

Mr. Howard said going back to the sidewalk around the front of the store on Randolph, is that a planting strip in the setback? Right now I think the sidewalk is front of the curb and with all of the movement with people kind of going into the front of the store and up there is a lot of pedestrian traffic. Are you setting that back?

Mr. Davis said what this petition would do is address the portion of sidewalk that is on the frontage of the site; it would not address anything off site, but on this site it would take sidewalk that is located at back of curb and it would make it wider and further away from the curb with street trees.

Mr. Howard said so a planting strip and then the sidewalk; safety to pull it back away.

Mr. Davis said right.

Mr. Davis said the last topic I was going to mention about in terms of sort of near term issues are neighborhood impacts so we've worked a lot with the residents I referred to earlier as the Wicks Neighborhood. The concern really stems from the fact that there is a median located on Sharon Amity today that was installed many years ago as a safety remedy and the issue that creates as you can imagine those people who are trying to go eastbound on Sharon Amity are likely to use portions of that neighborhood street network to access Sharon Amity so what we are working with them, the petitioner has agreed to, and we've still got to dot I's and cross T's, but the idea would be to implement what you might call a choker or a chicane, but the idea would be to accommodate or insure a certain amount of traffic volume moderation, but more importantly speed moderation on that part of the street. I will leave it there; there is more information I can provide, depending on Council's interest and the speakers.

Mr. Howard said my understanding of this diagram is that you are going to limit this to a one-way street?

Mr. Davis said no sir.

Mr. Howard what is this green; it looks like you are narrowing the street?

Mr. Davis said think about this one of two ways, either like an old narrow bridge; it is a two-way one lane segment of street. The other way you can think about this is two cars parked on the street all the time. If you think about like a yield street where someone has to wait until the oncoming traffic clears, then they go.

Mr. Howard said so you are trying to make truck traffic almost impossible doing this?

Mr. Davis said this would never been a portion of street that we would intend for truck access and there are other accommodations being provided with this site plan that deals with truck access to the site. This is intended for residential use.

Jeff Brown, 100 North Tryon Street said I am here with my colleague Keith MacVean; we are delighted to be assisting Cotswold Partners and Stiles Corporation on this rezoning. We've got a fair amount to cover and we really appreciate the presentations Ms. Keplinger and Mr. Davis provided. With me is Scott MacLaren, President of Stiles Carolinas, Sherese Smith is the present

President of the Cotswold Elementary PTA and she will speak after we do the presentation as well as D. C. Lucchesi who is a leader of the Wicks Neighborhood.

There is a lot to cover, but you know the coordinates with the presentations provided by staff and we do want to thank them for what has been a very hands on petition in terms of their accessibility throughout the process. These are some overview bullets that we live with you and also the Zoning Committee to capture what we think are some positives. I'm not going to go through each of these but I do want to highlight what has already been provided which is this is currently zoned B-1 and the rezoning is to allow the retail use that is permitted as a use to be able to use the site a little more aggressively from the standpoint of setbacks and be able to use the site more than a B-1 use that would all some of these other type of automobile uses. We've talked a lot about the sidewalk and street improvements that Mr. Davis talked about and we will try to go over those in some detail in the amount of time we have. I'm going to turn this over to Mr. MacLaren who will talk a little bit about the vision and then I will come back and hit some high points on what really is a lot of issue which is the traffic and pedestrian safety.

Scot MacLaren, 201 East Las Oles Blvd. Ft. Lauderdale, FL said I represent the Stiles Corporation and I want to thank you for the opportunity to be here tonight to speak with you. We have been proud and honored to represent and partner with Publix Supermarkets for over 25 years throughout the Southeast. We put together this elevation and we want to talk for a second, we spent a great deal of time with Little Architecture here in Charlotte in coming up with a theme for this unique store that fits into the Cotswold submarket in our opinion. We've also spent a lot of time with Planning staff and want to thank them for the opportunity for a lot of good back and forth as we've tried to activate the front of the store as you see if here from Randolph with some local retail on the front but also a grand pedestrian staircase for pedestrian activity. This store is a unique store and is one that works really well for Publix and they like it very but it is as the Planning staff described; it has two layers of parking underneath a full size grocery store so one is sub-terrain, one is at grade and then the store sits on top of that parking effectively creating covered parking with that second layer at grade.

This is the site plan and I just wanted to quickly; I know we talked about this, but access to the site itself is from (1) the new road that Mr. Davis described to the south of the property, (2) a right-in/right-out on Randolph and (3) off of Colwick Road. The shoppers actually enter the store via means of two vestibules, one on each level of parking. Each one of those vestibules has four large elevators; I refer to them as hospital size elevators that bring multiple people and their carts to and from the store to the parking. I'd like to say quickly and again we will have a lot of Q and A about this site plan, but I would like to say quickly how much we've appreciated the opportunity to work with the community and all the stakeholders during this process. We've met numerous times with the residents and leaders of the Wicks Neighborhood, numerous times with Cotswold Elementary and most of the businesses in the area and the surrounding area around us and also we held a community meeting which you might have heard was very well attended. Frankly I think these stakeholder meetings have created a better plan than what we first started and we really believe that and we are excited about that. We actually have some of those stakeholders here this evening supporting the project.

Mr. Brown said there is a lot going on in terms of the improvements, but essentially if you look at this slide you will see the existing site sidewalk network in sort of a light blue. You will see the yellow which is what we are proposing of road improvements and sidewalk pedestrian improvements. Some of these are subject to right-of-way although we are pretty confident, for example, that ... extend here, crosswalks, right-turn lane in this location which we think is going to be very valuable, extension of the left-turn lane in this location, clearing up some of the current traffic safety issues that Mr. Davis talked about, but still not hindering the access to the Mall or some of other retailers down the way. We talked about working with the neighbors, these will be improvements that will be provided by the developer in this location and we've talked and worked hard with the Cotswold Elementary. In our view the biggest challenge is the fact that we have about a 30-minute period, sometimes more like 20 and sometimes maybe a little bit more for the Cotswold Elementary and that is both in the drop-off and in the pick-up. I will say in the morning as the traffic study indicates the a.m. peak hour will actually be benefited compared to the existing office use and significantly benefited compared to the by-right use which again could be bank, fast food restaurants. In the p.m. we do have a situation with the
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school and we've been trying to work with hard. One of the things we have done is these improvements we've talked about also the pedestrian aspects and we've met on site and we are meeting again with Cotswold and with the CMS folks next week to talk about how we can add a potential additional lane here that would provide for a number of cars to be taken off of Greenwich in order to be able to get on site; also, as Mr. Davis said a possibility of trying to have buses to be able to be more involved on the site. We are doing our very best to address these issues and we feel we are in a very proactive manner. We are happy to continue answering questions about this and we do believe there is a tremendous benefit because again we've compared the existing zoning and we believe this provides a reliability of the uses going forward with a lot the improvements that we are talking about at this time. I would like to turn this over to Sherese Smith for her comments.

Sherese Smith, 245 North Canterbury Road said I am here tonight as a resident of the Cotswold Neighborhood and a Cotswold Elementary School parent; I'm also part of the Leadership Team at Cotswold Elementary and that is comprised of our Principal our SLT Chair and representatives from the PTA Board. Because of that I have had several meetings with the petitioner's representatives on our existing traffic issues that arise during our drop-off time in the mornings and pick-up time in the afternoons. Early in the process the developer's team contacted our Principal and met with me and others from the Leadership Team. They have come out to our school on several occasions along with C-DOT to review the peak drop-off and pick-up periods and have proposed some improvements that I think could be beneficial to our schools. These improvements include installation of a right-turn lane from Greenwich to Randolph that will help with the outflow of buses and cars from the carpool line; they've also agreed to extend the left-turn lane from Randolph onto Greenwich. In addition they have met on site with our Leadership Team and their traffic consultants to make suggestions for striping improvements on the school property that would provide for a double row or stacking of cars. Both of these items should help with the inflow of parents dropping-off and picking-up children. They have also agreed to make some pedestrian improvements that should be beneficial to our families that walk to and from school.

I wanted to say that our PTA Membership has not taken a vote on this rezoning issue so I cannot speak for the entire school, but our Leadership Team does appreciate the fact that they have reached out to us and are willing to collaborate with us and work on solutions to solve our traffic situations.

D. C. Lucchesi, 222 Chiswick Road said I am a member of the Wicks Neighborhood back behind there; I'm a dad, I am a parent of the kids in school, I am a volunteer in the area, I'm a small business owner in Cotswold and again thank you Councilmembers Autry, Kinsey, Lyles and Smith for helping us out and of course Mike Davis from C-DOT for their consult and input in all of this as well. Change is inevitable of course and some people don't like it, and it is what it is but we feel this is an opportunity in our neighborhood at least to not only embrace change but also the possibility of having some positive impact on what we have noted are some traffic and safety issues in the neighborhood. We are again for progress, but also preservation of the things that make that neighborhood around Cotswold and the school so incredibly wonderful, of course those being the access to those amenities like shopping and of course the school, but also the ability to walk to those things. Again, safety and walkability will make that area great and we want to make sure we are working together to preserve that. I didn't know these guys from Adam until a couple of weeks ago but we really feel that we have more than a good faith agreement with them so far and we think this is an opportunity for not only progress, but progress with preservation of things that make this area great.

John Burgess, 4518 Gaynor Road said I represent the majority of the Randolph Park Neighborhood Association members who are opposed to this rezoning of the 4425 block of Randolph Road. Our reason is simple, traffic; it has been addressed here earlier. Within 1,000 feet of this parcel is one of the busiest intersections in the City, Randolph Road and North Sharon Amity Road. Morning and afternoon rush hour traffic volume slows movement to a crawl. Within 1,500 feet of this site you have additional retail which creates local trip traffic. There are three major gas stations/convenience stores, five branch banks, a Quick Oil Change and Auto Inspection Station, 14 fast food restaurants or take out vendors. Lunch time traffic at the Chick-Fil-A alone backs up traffic on Randolph Road in both directions. In addition, there is

a Starbucks, an ABC Store and a Charlotte Fire Station No. 14 which is a first responder for both fire and medic. Directly across the street from this parcel is Cotswold Village Shops, one of the more popular shopping centers in the City. It contains the highest volume Harris-Teeter Store in their system as well as 25 or more local franchise stores and national destination retailers plus three additional restaurants. If that is not enough, we've talked about Cotswold Elementary School, but they've only talked about Greenwich. The school traffic backs up on Greenwich, Cotswold and Randolph mornings and afternoons with parents picking-up or dropping-off their children. Then there is CATS Route 15; they have outbound bus turn-around points starting with a left on Greenwich, a right on Colwick with a time correction stop point at mid-Colwick then a right on North Sharon Amity and a right on Randolph to head back downtown to the Transit Center. This happens several times a day. The final reason this petition should be denied is the City Transportation Staff Analysis that suggest the rezoning could increase the per day trip traffic from 975 under the current zoning to approximately 4,540 trips per day under the proposed zoning. It is our opinion that this is the wrong location for additional major retail. Our recommendation to this commission, to the owner, to the developers is to do what Sonic Automotive did with the old ten-story Colwick Tower, gut it and make it a sparkling new office building.

Christine Huff, 3925 Suffolk Place said I might like the idea of a Publix coming somewhere in Cotswold, but not in this space because of the traffic problem. Publix developers say that the grocery store traffic in Cotswold wouldn't be much worse than it is now because it would be split between Harris-Teeter and Publix. That may be true but the difference is that Harris-Teeter customers presently have many unhampered driving routes to their store and are not creating many new points of congestion in the area. If a Publix is built here there will be the lengthening of the two separate Cotswold Elementary School parent car lines on Colwick and Greenwich during two hour periods each week-day; I just found out they are an hour, due to unwitting Publix customers who will get stuck in those lines trying to access the back entrance to Publix on Colwick. These two longer than usual parent car lines may well extend out on to Randolph and Sharon Amity Roads. Also if too many cars in the 5:00 p.m. outbound Randolph traffic get in the left lane turning onto Greenwich to access Publix's Colwick entrances they will back up and block the left outbound Randolph lane creating a rush hour bottleneck. I know that there is a proposed 25% lane extension there, but will that be enough to handle this after work Publix traffic.

This inaccessibility of the two back Colwick entrances to Publix will result in an eventual increase in Publix's traffic maneuverings through other business parking lots and neighborhoods in the area in order to get into a position to get into the two front Randolph entrances of Publix. The Randolph entrances would then be over used adding to the slow-down in Randolph's right lane inbound traffic already created by Chick-Fil-A at breakfast, lunch and dinner. The raised center median on Randolph proposed by C-DOT to prevent outbound Randolph traffic from turning left into Publix and gives the jay-walkers a refuse would slow down the rate of left-hand turns which now can now be made to exit by Starbucks when traffic is light on Randolph.

If this rezoning petition is approved tax revenues for this space may increase, but may decrease in the area because of the lowering of residential property values due to the cut-through traffic and main road congestion. The hope of the City Planners is this rezoning could be the catalyst for village like shopping in Cotswold, of course this vision depends on the willingness of investors to risk their money on it and I'm not sure these new traffic problems would help in making that happen. I hope for a great future for the Cotswold area; the price of my home depends on it, but C-DOT says that traffic congestion is inevitable in Cotswold because of the growth of the City. That is why you, the Zoning Committee and the City Council need to do what you can do to mitigate this congestion by not approving the rezoning of this space for a big box grocery store.

Dr. Michael S. Hoben, 200 Greenwich Road said we appreciate your time tonight in hearing our concerns. You've obviously heard a lot about the traffic and I will reiterate some of those, but I want to start by saying that our medical clinic has been on that site for 53-years providing care in that community and we've been honored to be able to do that. One of our challenges over the last decade and a half that I've been part of Cotswold Medical Clinic has been traffic with the school at those morning and evening times there. For 20 minutes we experience

something a bit longer than that in the mornings and evenings, that lock in our parking lot and our challenge in the type of business that we deliver, and you alluded to it earlier in the meeting tonight, is our first responders and their ability to get to us when we have patients in need. That happens several times a week unfortunately in the type of business that we run. We've had opportunities where we have needed medic and first responders to come help assist for the acute care of a patient and they haven't been able to get to us because of the back-up traffic in those 45-minutes in the morning and 45-minutes in the evening. Our concern is that the proposed changes in the traffic flow are not enough actually to accommodate the increased traffic expected during those times. Our biggest concern is around patient safety and our ability to stabilize a patient in our clinic and we need to get a patient potentially to the hospital in rapid fashion whether that is acute stroke or acute heart attack will be significantly hampered with this increase traffic despite the changes that have been proposed.

When we looked at the traffic study, I'm still a little bit concerned about the hours that were actually looked at because our clinic is open from early in the morning until the evening and several of those hours will be covered by peak times at this type of establishment. I wonder if the developers have considered other access points and are there other ways for us to think about traffic flow to and from the school that may make this a more successful project, if in fact it is something we want to look into. There are other access points from the back side of the neighborhood; there are other roads that come up to the back of the school that could be access points for buses and for parents in drop-off and pick-up that would alleviate our concerns and risk for patient care and patient safety. I also have significant concerns about the Pediatric, the kids walking by and their safety as that traffic increases on those roads despite the changes made those kids cut through parking lots and they dash in between cars. I worry with our elderly population coming to see us in our clinics that they may be seen and their safety is in danger even with widen sidewalks because we are talking about elementary school kids; we are not talking about high schoolers who may or may not pay more attention to those standard rules.

The other thing I would hope the Committee notes is that with these proposed changes and the barriers on Randolph Road and the extension of the lanes, the only way to get out of that Cotswold area to go away from town on Randolph Road is the Greenwich light. There is no other way to go that direction and if you have gone that direction after 4:00 in the afternoon you realize that is thousands of cars going in that direction with only one outlet. So everything else is a forced right going towards town in the afternoon; there will be no way to go out of town so all of these folks coming into that area, shopping or whatever they are doing, in order to get on their way home have one light to go out and that is at Greenwich. That in turn will back up traffic for us and again put patients safety at risk and that is something that I took an oath to via for in the profession I have chosen and this raises significant concerns for me and my partners at Cotswold Medical Clinic. I appreciate Mr. Davis' presentation on some of the proposed changes; we just don't feel it is enough. I appreciate your time tonight and I hope everyone has a Merry Christmas and a Happy Holiday.

In rebuttal Mr. Brown said we appreciate the concerns that have been expressed; that is one of the reasons why we've been working as diligently with C-DOT and the traffic professionals to address these concerns. We also recognize that there are opportunities to deal with the school issue because we believe, and I think the professional staff also believes, that the primary concern we are trying to address is in that peak period in the afternoon. Our particular rezoning in the morning will make this an improved situation because as the traffic study clearly suggest that we have less trips in the a.m. peak hour than the existing office building and in the afternoon peak less trips than a by-right zoning we think will likely provide in the future. Having that said that we've provided tremendous number of improvements and we are continuing to work most notably with the school because a lot of what Dr. Hoben has indicated is the school related peak period of about 30 minutes in the day. That is why we are having another meeting with the school, with our traffic consultants and others in this regard. It is important to note that we are providing a number of improvements that you staff believes are appropriate and our current zoning at this site is B-1 so without the improvements that we are talking about it would not be happening on a by-right zoning. We believe the pedestrian improvements that we've outlined in yellow, we believe the efforts to work with the school, the efforts to work with the Wick's Community and these other efforts that your professional staff thinks will in fact help the situation now are worthy of consideration. We will continue to work hard as we move forward

over the next number of weeks; we have a meeting again, we met a number of weeks ago with one of Dr. Hoben's partners and we have another meeting we will be scheduling with the Medical Clinic because we do want to make sure there are no concerns regarding safety and we are also having another meeting with the school and will endeavor to do all we can to address the concerns that have been expressed tonight.

Mayor Pro Tem Barnes said let me open up with a statement; we've had three petitions tonight, one in Ballantyne, one in SouthPark and this one in South Charlotte, so southeast Charlotte, south Charlotte and it is clear to everybody on this Council that we have a problem with respect to densification of South Charlotte, inadequate infrastructure and we are trying to figure out how to address that. Part of it is C-DOT, part of it is some other things that we have some control over from the development perspective. What I would like people to know that we actually are very much aware of these problems and as is typically the case with government, we may be a little behind in dealing with it, but we are trying to figure out how to deal with it. I appreciate everybody being here.

Councilmember Smith said as you look at the access, the thing that I have the hardest time understanding is the private road and it looks like if you shifted that slightly towards the building now you might be able to line up and get a stop light in now that would help alleviate I think a lot of potential problems that are out there. Can you explain why the road is located where it is and have you sighted it out as to why you may not shift it and go ahead and alleviate I think a fair amount of concerns?

Mr. Brown said Mr. MacLaren will address it but it also may be helpful because C-DOT was very involved in this aspect.

Mr. MacLaren said I will step back just for a second; when we started this we came into C-DOT and also the Planning Staff with a plan that looked a lot different from this. The building was shifted all the way over on top of that private road. The lowest place on this site for our retention was on the other side of that private road so the north side of the property. We were then asked by Mike Davis to look at the opportunity to get a private street that is dedicated open to the public in that location. It gives the 600-foot block spacing that perhaps Mike can touch on. It is connectivity today and it could provide for something better in the future and that is your point. For us being able to put it in the middle of the site doesn't work; there was no way to do that. The by-right uses would also have a conflict; as you can imagine and I think we talked directly about this with you about what those uses might be and where that road could physically fit if it did more. That was the one place we could put it and as a result of being able to get that on the site we no longer have our retention space so we are incurring the cost of putting that under that road and that took us a while to get comfortable with. It took our design team a while to figure out so we are comfortable with that today, but that is just a little bit of history of why that is where it is.

Mr. Brown said Mr. Davis may want to address that as well; I think the goal of this is it not only provides additional connectivity to the site, it does provide for an increase in the grid. Over time we think that is important in our centers to try to create additional street connectivity rather than just driveways. How that might apply in the future as it relates to the Cotswold Mall, there is a building as you were trying to make note of Mr. Smith that would not allow that to take place now. Potentially in the future this could create with a street here but again would not be available under a likely by-right type of situation, would not provide that potential option in the future. We are not committing to that and we can't commit to that, we don't own the property, but we do think this is an item and again we look to C-DOT because I think they were part of the architect to try and encourage this effort.

Mr. Davis said we are going to pull back our presentation that will help me explain this and while that is loading let me just answer part of this by saying or reinforcing the site and the access we've laid out for this proposal in the near term conditions will work fine. What I'm about to show you is what we think might make sense over a longer period of time. It is sort of contemplating where we may be headed in Cotswold so if you think about Cotswold as a mixed use activity center and if we think that means there is going to be intensive redevelopment and that is that centers, corridors and wedges map that folks have probably seen, that is Cotswold on

that map and so really everything that is inside that yellowish area that I've outlined there is really in some level possible for redevelopment over some period of time and what Jeff was just alluding to a minute ago is, we are going to need to start to create some sort of infrastructure to support this to work as a center in and of itself. Right now the signals we have are at Greenwich and at Sharon Amity along Randolph and that supper block down by Greenwich and Sharon Amity is really just way too big of a block and so the advent of a street on this site was really something we asked them to do and the location could really happen in one of two ways, either where it is depicted now which means something will have to happen later or it is something that would be aligned with the existing Cotswold Mall entrance today, but we've never thought it could make sense on their site to work based on the lot configurations and what you would expect to see for a development on that site. Again, the site can work now but in the future if something more intensive happens on the Cotswold Village side, what we would want to see in terms of form is to pull that street through and begin to set up a higher density local street network that might then create a signalized condition out at Randolph and also a signal at Sharon Amity to start to support that growth that occurs in a way that will make sense.

Mr. Smith said the concern I have and I think Dr. Hoben mentioned it is going to direct a lot of that exit traffic down to Greenwich with no real left-hand out and I think the sooner we get to that stop light the better for Cotswold Village and probably better to this development if it is approved. I want to say that I agree that the problem at Cotswold Elementary right now is not going to be the zoning petition before us. I went over there one afternoon and stood for about 30 minutes and watched it, but it is an absolute madhouse and trying to figure out with CMS if this project is approved how we can give those folks some alleviation I do think is critical. I sat on the existing site for about 15 minutes, walked up to the school and right there is a break in connectivity, but there were cars cueing all the way back to Randolph and cueing about half way down Colwick. I think the right-hand lane you want to do is a step in the right direction for a problem that already exists. Any attention we can head to that to help out the folks at Cotswold I think is greatly appreciated. I think you all have worked very hard with the Wick's Neighborhood; I have met with several of their leaders and I do think your proposal on the back side of the site where you will see some of the choke point, I think it appears to be a pretty good idea.

Councilmember Lyles said first I want to thank Ms. Huff, I got your letter and I just want you to know it was a very thoughtful, well put together piece about the really important points about traffic in the area. I think the idea around this traffic is inevitable and how we are going to grow in this area. One of the most difficult things that we have to do is actually look at this and determine and imagine a future and it is not the easiest thing to do. We rely on a number of really intelligent people to help us out. I don't know where this is going to land, but we are going to do our best to try to figure out, not just for today, but for several years what we have to do.

I, like Mr. Smith, went over to visit and I think Councilmember Autry came to me and said there is an issue here and I was like no, we are not doing anything, don't worry about that, and then I went over to the school and I thought oh my gosh, I've never seen anything like it; I almost got hit by a bus trying to turn on Colwick off of Greenwich. I appreciate working with the Principal and the current PTA, this is an institutional decision and we need to have CMS's Transportation Division that routes buses, plans parking lots and does the overall plan and they can need to be involved in this decision making and how that works because buses and enrollment systems change and all of those kinds of things and we we've really got to have them there to say this is an important thing, how do we see it; how do you see it. The other comment that I would like to ask is the storage area where you come in off of Greenwich onto Colwick and then you turn into the underground parking lot or the above ground, I happen to live by one of those grocery stores where there is an underground lot and above ground and I have seen the opportunity for so many rear end collisions at Sharon and Fairview because the Whole Foods lot, I love everybody that is driving into the lot but they tend to stack up all the way over to the Burger King and then people get frustrated. They've done some improved circulation but I look at this plan and I think how many cars are going to be stacking up making that decision and I know we've already talked about it, but it is just a concern. I understand what you are saying, yes you have the options to do this but my experience is that people are very slow in making their decision about the options, not necessarily, but the options are not there. Then I had not really heard the response on the

first responders and the Clinics over there. There is Cotswold Medical Clinic; is there a second doctor's office over there as well? Are there two or one?

Answer was inaudible.

Ms. Lyles said I hadn't heard that and I would like to hear that addressed because I think the important thing if we are going to be really relying on both school and continuing to serve all of those folks along that street, that to me is an issue. As we said traffic is inevitable and Randolph is just going to be a very, very intense drive certain hours of the day.

Councilmember Phipps said I just wanted to echo some comments that Ms. Lyles made about the engagement with CMS and I applaud that engagement but I'm wondering because each time we get this book and we have these comments in here about different entities can make comments on this particular petition, the schools always seem to be focused on the number of students that might be generated from the project and a project like this that doesn't generate any students then it doesn't seem like they make any real constructive comments, but in a situation like this it would appear to me that they might be missing out on engaging the petitioner to initiated improvements to walkability like they themselves. It seems like they would get on their own, so I'm wondering in a situation like this did the Petitioners use the PTA as a proxy for something that maybe CMS should be doing on a more assertive basis on a lot of these petitions. I don't know what Planning can do to encourage CMS to be more deliberative in their review of these petitions to see what opportunities may be able to present themselves to make examples such as this come to fruition in terms of trying to solve a problem with traffic, neighborhood schools, kids walking to schools, safety and such. I was just surprised; it looks it could have been an opportunity missed but for the proactive nature of the petitioners to go forth and engage the leadership at the school on an individual basis. I do agree that it seems like it should be an institutional process that is a coordinated effort, a deliberate effort to try to look at the impact of some of these petitions and the traffic impact in the cueing and picking up kids and stuff. I just hope we can initiate it from Planning to see that CMS in particular would become more proactive in evaluating some of the petitions.

Councilmember Driggs said the current zoning 4,090 trips, the proposed zoning 4,540; do we know what the actual traffic is? I assume the 4,090 is the by-right number related to that zoning.

Mr. Davis said your question is about the existing use?

Mr. Driggs said is that building occupied right now?

Mr. Davis said it is; we will have to get back to you on that. We can easily get it for you, but we will have to follow-up on that.

Mr. Driggs said just to see what the actual ... is because it is a relatively small change from the by-right that is going on there now.

Councilmember Kinsey said I want to thank the neighbors in the neighborhood because they got out there first and got to the developers and I think they have been working very well together, thank you. I understand and I certainly agree with my colleagues and some of the comments they have made, but I understand this is sort of; we've got a lot of parts to this particular rezoning and we need to get them just as right as we can. I do have a concern about the safety of the school because I'm out there right often so I know about the traffic, but I hope we keep working at it and together we will make it right. The people I've heard from by in large have been excited about having the Publix out there, but they are concerned about the safety with the kids walking or pedestrians and for the school traffic. Thank you for what you are doing and I encourage you to keep working with the neighbors and C-DOT to get this thing right.

Mr. Phipps said I have a question for Mr. Davis about the choker road and the only choker road that I'm aware of is in Plaza-Midwood and I've seen it; I'm wondering given the amount of traffic cut-through that has been described here tonight, do you really consider it to be an effective option because I have concerns if emergency vehicles can get through there with ease.

Mr. Davis said you are right; the only one we have built so far is in Plaza-Midwood and it was built out of concern about traffic, when that street was connected it was a concern that the volumes would be too great, but it has been successful and the one that is being designed here is modeled entirely after that one in terms of its design. From the volume standpoint we have taken fresh traffic counts on the streets in the Wick's Neighborhood to make sure that they are in the range that we are comfortable with and yeah, we think it will work fine.

Mr. Smith said where in Plaza-Midwood is this choker road.

Mr. Davis said I believe it is Roland Street and Dearmon Road and it comes out to Morningside at Central Avenue is where that connects.

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

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ITEM NO. 25: HEARING ON PETITION NO. 2015-010 BY THE SALVATION ARMY FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.68 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE AVENUE SOUTH OF OLIVER STREET AND EAST OF SPRATT STREET FROM O-6(CD) (OFFICE, CONDITIONAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

Mayor Pro Tem Barnes declared the hearing open

Tammie Keplinger, Planning said this property is located off Statesville Road at Spratt Street; in 1990 it was rezoned to O-6(CD) to allow for a group home and in the 1990's add a childcare facility. In the 1990's a group home included a homeless shelter which was ultimately built on this site for the Salvation Army. There was a restriction of 38,000 square feet for the maximum size of the building. The building was built and the Salvation Army has been functioning there, but what they are wanting to do now is take an area that is basically in the attic, an uninhabited space previously, and it is constructed so they can actually use it as a part of their facilities. The problem is they ran into the 38,000 square feet limit so they had to come through the rezoning process to increase it to 45,252 square feet. The use will be the same for a homeless shelter; they are maintaining their existing playground. The maximum building height is 64-feet. The reason I mention the building height is because in the current zoning district the building height exceeds what is allowed so under the proposed zoning district for MUDD-O they would be 64-feet which is below the 100-foot cap. They have optional request for streetscape along Statesville Avenue, on-street parking on Spratt Street and a reduction of required parking.

The future land use map does show the property as institutional which the use will remain institutional. It is consistent with the Central District Plan; we have a few outstanding issues which we believe will be resolved before we get to the Zoning Committee.

Deronda Metz, 534 Spratt Street said I will start off by saying thank you to the City Council for really paying attention to this issue of homelessness in this community. I'm in a lot of venues and I will see somebody from the Council so thank you all very much. I think in Charlotte we are a very, very fortunate community; I was on a national call the day that they invited shelters across the country to talk about this issue of homelessness. We still have a challenge with them and homelessness across the country. In Charlotte we are very fortunate to be able to address it because we don't have to build another shelter where we can add 64 beds. Right now we have about 200 children at the Center of Hope that is calling 534 Spratt Street home. We are not turning away anybody because of the Room in The End Program being opened up. As we go into the Holiday Season, you know shelters are not good, but for a lot of children it is a place where they can stay until we can get them into housing.

Because of volunteers in this community I think our children will have a good Holiday Season. I also want to report that we are moving families out in a rapid rehousing and a lot of that also has to do with the partnership from the City of Charlotte. What you may not know is the Salvation

Army Center of Hope actually is a nationally recognized shelter. This is the second year for me that I've been asked to present the good work that we do in Charlotte at the National Convention to end homelessness so thank you all.

Councilmember Austin said I want to thank Council for accelerating this particular petition and the hearing so thank you for that, and ultimately thank staff for accelerating their work in getting this done, and thank you fondly for all the good work that you do.

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

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ITEM NO. 26: HEARING ON PETITION NO. 2014-114 BY STOR-ALL STORAGE FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO ALLOW AN INCREASE IN THE MAXIMUM FLOOR AREA RATIO FOR "WAREHOUSING WITHIN A COMPLETELY ENCLOSED BUILDING" WHEN THE BUILDING IS MULTI-STORY.

Mayor Pro Tem Barnes declared the hearing open.

Tammie Keplinger, Planning said I'm going to turn this over to Sandy Montgomery, but before I do I want to wish each of you a Merry Christmas and A Happy New Year.

Mayor Pro Tem Barnes said thanks for all your hard work this year and see you in 2015.

Sandy Montgomery, Planning said I will wish you all a Merry Christmas and Happy Holiday in the beginning. This is a Text Amendment by Stor-All Storage and the purpose of the Text Amendment is to increase the floor area ratio in the industrial zoning districts for warehousing uses which are totally within an enclosed building when the building has multiple stories. The floor area ratio is defined as the total floor area of a building on a lot divided by the gross area of the lot and there are some examples there of floor area ratio of 1.0 on a lot with different stories.

The current regulations are that warehousing within enclosed buildings is allowed by right in the light industrial and general industrial zoning districts. The FAR in the light industrial district is 0.8 and in the I-2 is 1.0. What this Text Amendment proposes is that the FAR be increased in the I-1 from .8 to 2.0 and in the I-2 from 1.0 to 2.0. This would allow some reuse of existing older industrial buildings that might be multi-story and allows adaptable reuse of other existing buildings. Staff is recommending approval; it is consistent with the Centers, Corridors and Wedges Growth Framework to insure a diverse and growing economy and to revitalize challenged business areas.

Walter Field, 1919 South Boulevard said I'm going to take just enough time to introduce Mr. Thomas Wells from Stor-All Storage who had driven up here from Atlanta tonight to be with us and will be driving part of the way back maybe after the hearing is over. Sandy's presentation says it all; the storage business like everything else is becoming more urban, more conditioned, more multi-story buildings. This simply is a means to facilitate that on areas that already zoned industrial for similar types of uses. We would appreciate your consideration.

Councilmember Kinsey said you all know that Text Amendments are beginning to scare me so I want to make sure that what I've read and what you said is all that I need to know. There are no other unintended consequences; this wouldn't apply to anything but warehouses for storage.

Ms. Montgomery said only for warehousing within an enclosed building that is multi-story.

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

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MAYOR AND COUNCIL TOPICS

Councilmember Fallon said this afternoon I had the honor of attending an Order of The Long Leaf Pine on a restaurant here in Charlotte who has done more and I am very proud of him. Peter Pollis feeds 3,000 people for free at Thanksgiving and Christmas and if you go to his restaurant and you say you are hungry and you have no money he will feed you. He got the Order this afternoon by the Governor and it is a great honor to be able to tell everybody that we have such a person in this community.

Mayor Pro Tem Barnes said Mr. Manager; I want to ask you about a topic that I recently heard about and think it may be of some interest to the people of this City and certainly the County. I understand that Duke Energy is about to begin draining one of their coal ash ponds into Lake Norman. At some point because of the connection between Lake Norman and Mountain Island Lake that could affect the people of Charlotte and the people of Mecklenburg County in general. Would you find out for us some of the details on that; there are obviously some extreme health and environmental concerns about coal ash and if they are draining one of those ponds into the lake I wonder about the impact it would have on all of us. The sooner you could find out the better; I don't know when they are planning to do it. As I understand it is sometime soon so I would appreciate that.

City Manager Ron Carlee said I will be happy to get you a full report.

Mayor Pro Tem Barnes said Merry Christmas to everybody; Happy New Year too. This is our last meeting of 2014 so see you next year.

Councilmember Lyles said I just want to say to the citizens you are probably very happy that this is our last meeting of the year. Thank you and Merry Christmas.

Mayor Pro Tem Barnes said this is fun stuff; people love to come watch this. We track at least 875,000 viewers per meeting.

Councilmember Phipps said I just wanted to congratulate the City of Charlotte for launching it Open Data Portal today. What that means is some good applications will be coming out using public information that the City has for use by the citizens to be able to learn more about the City so I'm just glad we had Code for America Team and Code for America Brigade to work on this for almost 12 months. They have wrapped up their assignment and there should be more information forthcoming about how you can access the web portal and the different applications you could use there. This promises for more transparency in government so I'm looking forward to it.

Councilmember Smith said I wish my colleagues, staff and everybody a very Merry Christmas, and everybody watching a very Merry Christmas. There was a little bit of concern for District Representative 2 that he was not going to be properly fed on Thanksgiving so you are more than welcome if you need a place for a Christmas Eve Dinner, come on over and the Smith's will feed you Al and we will make sure you are taken care of, but Merry Christmas everybody.

Councilmember Mayfield said I wanted to take a moment to thank our Freedom Division for more than 20-years they have come together, our CMPD are absolutely amazing, but they have been coming together for 20-years and having a program with Hoskins Baptist Church where they feed our seniors. It was a completely free meal and it was absolutely amazing to be a part of it and to serve alongside of our CMPD. I also want to thank Hoskins Avenue Baptist Church because even when times were hard for the church itself and when the church did not have over abundance of attendance and membership and donations, they always fed the seniors in the community. As long as you showed up you had an opportunity to receive a home cooked meal right there in the church as well as gifts that were donated to community members and by community members. I just want to thank our Freedom Division; all of our CMPD, all of our First Responders for the amazing work they do for us as we close out 2014. To all of my colleagues thank you for all of your service and let's do it a little bit better in 2015.

Mayor Pro Tem Barnes said to the Zoning Committee Merry Christmas as well; Mr. Manager you and staff Merry Christmas.

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ADJOURNMENT

The meeting was adjourned at 9:48 p.m.

A handwritten signature in cursive script that reads "Stephanie C. Kelly". The signature is written in black ink and is positioned to the right of the text "The meeting was adjourned at 9:48 p.m.".

Stephanie C. Kelly, City Clerk, MMC NCCMC

Length of Meeting: 4 Hours, 34 Minutes
Minutes Completed: January 16, 2015