

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, March 16, 2015 at 5:12 p.m. in Room CH-14 of the Charlotte Mecklenburg Government Center with Mayor Dan Clodfelter presiding. Councilmembers present were Al Austin, John Autry, Michael Barnes, Ed Driggs, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

ABSENT: Councilmember Claire Fallon

ABSENT UNTIL NOTED: Councilmember David Howard

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ITEM NO. 1: AGENDA REVIEW

Tammie Keplinger, Planning said in your packet is your Dinner Meeting Agenda and the update to tonight's meeting. There have been quite a few changes during the past hour so we will go over those. We have the Planning Department Update information, a Speaker's List and finally you will see this site plan and that goes along with the Follow-up Report that is in your notebook; it was accidentally left out.

In terms of our agenda tonight we will start with the deferrals and withdrawals. Item No. 2, Petition No. 2014-019; this is part of the District 4 rezoning's staff has been working on and are asking for a one month deferral.

Councilmember Phipps said do you think one month will be enough?

Ms. Keplinger said I've been directed that one month will be enough for us to bring back some information to you. Mr. McKinney may have more information.

Interim Planning Director Edward McKinney said we are working to get there and continuing to make progress.

Ms. Keplinger said Item No. 3, Petition No. 2014-031 by Wilkinson Partners, LLC, defer the decision until April. This one has been around a little while and they have submitted a site plan for us to review so we are hopefully coming to the end of this one and it will resolve next month. Item No. 4 by Mark Patterson, Petition No. 2014-043, this one has also been around a while. This is up off Prosperity Church Road for a Daycare. It is protested and we don't have a full Council here tonight so the petitioner has agreed to one of two things; either a deferral to next Monday's Council Meeting or a deferral to April 20th. Your rules say it is an automatic deferral to the next meeting with a full Council present. The question is if we can find out if anyone is not going to be present next Monday; if we know that then we won't schedule the decision for next Monday and will schedule it for April 20th.

Councilmember Mayfield said did we know anyone was going to be absent today?

Ms. Keplinger said yes, Councilmember Fallon.

Mayor Clodfelter said she will be back on Friday.

Ms. Keplinger said we will schedule it for next Monday at your Business Meeting. Item No. 6, Petition No. 2014-092 by Pavilion Development Company; this is at Nations Ford and Tyvola Road. We received a request very late this afternoon that they would like to withdraw this petition.

Mayor Clodfelter said since it is not protested we don't have to vote on withdrawal; it can just be withdrawn?

Ms. Keplinger said you still have to vote because it has been advertised.

Ms. Keplinger said Item No. 19, Petition No. 2014-049 for SBBH; this is for the office tower at SouthPark. They are also asking for a withdrawal. There was a protest petition on this case and
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it has been withdraw. Once the protest has been withdrawn then the Council has the ability to withdraw. Item No. 20, Petition No. 2014-101 is off of Reames Road. When you first saw this one as LTI; it came in as an R-5 straight up then converted to conditional. We've had several other things happen now; LTI is no longer the petitioner, Liberty Oaks is the petitioner so they had so many changes they requested a one month deferral so they could work on the site plan and work with some of the issues that have come up through the community.

Councilmember Austin said was that just as of today?

Councilmember Mayfield said so it is for deferral?

Ms. Keplinger said yes, that came in late this afternoon also. Item No. 22, Petition No. 2014-104 for a hearing and actually Item No. 22 and 23, Petition No. 2014-105 go together; they are both by Planning Staff. These two cases are where we did a land swap in terms of jurisdiction, with Mint Hill and the Town of Huntersville. We are working on those petitions to make sure that we advertise them right and we would like to ask for a deferral to June. We may have some additional jurisdictional changes that we need to do at that time so those are requested for deferral till June. Item No. 24, Petition No. 2014-109 this is Midtown Area Partners rezoning that you have seen on your agenda several times. The petitioner is requesting a one month deferral; staff is supportive of that and so is the neighborhood. I think we are getting down to the brass tacks on this one and it will be on your agenda next month for a hearing. Item No. 26, Petition No. 2015-001 for Southern Apartment Group which is on North Davidson Street; they are requesting a one month deferral and this one is protested but sufficiency is yet to be determined. We are still working through that because there are some homeowners associations that we have to work through, but they are requesting a one month deferral for the hearing. Item No. 27, Petition No. 2015-008 by Mintworth DEI; this is at Idlewild and Margaret Wallace and they are asking for a deferral until April. The reason they are asking for a deferral is we have asked them to do an administrative change and they need some time to get that done before they come in for the public hearing. Item No. 30, Petition No. 2015-014 is Park Sharon Properties, defer until April because the Community Meeting was submitted so this is an automatic deferral and not one that you have to vote on.

That is all of the withdrawals and deferrals.

Mr. Phipps said on the first one did you say the petitioner wants to withdraw, but they have a valid protest petition?

Ms. Keplinger said the protest petition must be withdrawn first otherwise the Council can only vote up or down. If they get the protest petition withdrawn then the Council may vote to withdraw the petition.

Councilmember Smith said have we had a change in policy regarding TOD? I know we have one tonight that was a conventional rezoning that is now going to be conditional. I know we've had a lot of conversation back and forth I just didn't know if I had missed anything.

Ms. Keplinger said Mr. McKinney will probably like to speak to that also, but traditionally if it is a straight up conventional TOD then that is something that staff did sponsor, but when it was conditional that is something that staff did not necessarily sponsor.

Mr. Smith said I have heard from some folks that we were requiring some site plans or whatnot for what started as a conventional rezoning and I'm just curious.

Mr. McKinney said we haven't changed our practice and we did a briefing to you all in December and talked to you about what we had been doing on sponsored rezoning's. That issue has been referred to the Transportation and Planning Committee so they are thinking through and working on essentially updating how we do that. There were two cases that were in the works and both of those cases uniqueness of the site, uniqueness and some access connection issues that were part of the area plan, especially a plan that was adopted and was really part of the staff review and part of the rationale to go to a conditional site plan and approval process and some of the other details.

Ms. Keplinger said with regards to miscellaneous requests and information Item No. 9, Petition No. 2015-007 for Village at Robinson Farm; the protest petition is insufficient.

Councilmember Driggs said on Item No. 9 are you saying there was a protest but it wasn't sufficient? Did we not get signatures or was it not timely entered?

Ms. Keplinger said there were not enough signatures on that one. Item No. 12, Petition No. 2015-016 by Touchstone; this is a decision and there were small changes made after the Zoning Committee vote and those are listed in your agenda. Staff doesn't feel they are significant but we have to do the special vote on whether to send it back to the Zoning Committee or not. Item No. 13, Petition No. 2015-018 by Laurel Street; we talked about this a little bit ago. They have a sufficient protest petition and since we do not have a full Council they have an option of having a decision tonight or deferring and they would like a decision tonight. Item No. 16, Petition No. 2015-029 for the Charlotte Housing Authority; they had a sufficient protest petition and it now is insufficient. They have the names removed so it is no longer sufficient.

Councilmember Lyles said I would just like to know when you have a protest and it is verified and then the protest petition is insufficient; it seems a little bit awkward that you come in at a late moment when all the other folks have signed it; is that because of state law or zoning ordinance? It just seems to me to be a little unfair to those that have worked over a number of weeks to get there.

Mr. Keplinger said I want to make sure I understand your question; what you are asking is, is it okay for people to remove their names from the protest petition at the last minute?

Ms. Lyles said yes and therefore making the protest petition insufficient.

Ms. Keplinger said it is not uncommon, what is happening through the rezoning process our petitioners and our agents representing our petitioners and the adjacent property owners work throughout the process and sometimes they will come to an agreement on the type of development and sometimes they don't and that is when you will see the protest petition stays in place. It is a little unusual for us to get them at 4:00 on Monday afternoon but that seems to be the trend today.

Ms. Lyles said in the global today or today and tonight? It just seems to me that whatever the number is how will you notify the other people that were on the petition that it has changed.

Ms. Keplinger said we actually don't have a process for notifying people. A lot of times it is through following the petition. The people that were interested in it; they will be watching on TV and they would hear that the protest petition is insufficient and it is past time for anyone to know that it is sufficient again.

Ms. Lyles said it seems to be some inherent unfairness involved in the way that works. I don't know if it is our practice or our code or what but it just seems to me to be a little unfair to those that have worked so hard on the petition.

Mr. Phipps said I don't know if I totally agree that it is unfair because I thought with protest petitions people can protest it for different reasons so to the extent they get their concerns satisfied then they can drop off, right? Unless it is a homogeneous group that is going to stick together, unity in numbers or something.

Ms. Lyles said another way you could do it is just hold out until it is 4:00 and have an agreement prior with the petitioner. Not to say that anybody does that.

Councilmember Kinsey said my understanding on this particular petition in case it makes you feel better, it was only a couple of properties.

Ms. Lyles said I'm okay with this one; this is the one we talked about on the street and I'm good with that.

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Ms. Keplinger said Item No. 18, Petition No. 2015-031 also by the Charlotte Housing Authority. This is the one at the corner of Baxter Street, Queens Road and Eli Street. There is still a sufficient protest petition on that case and they want to move forward with the decision tonight. Item No. 29, Petition No. 2015-013 for Meeting Street Homes; this is at Kenilworth Avenue between Buchanan Street and East Boulevard. It is a hearing tonight and there is a sufficient protest petition. Item No. 33, Petition No. 2015-023 by Weldegebriel Ubeab; this is at the intersection of Harrisburg Road and Camp Stewart Road and there is a sufficient protest petition on that case also.

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ITEM NO. 2: FOLLOW-UP REPORT

Tammie Keplinger, Planning said you have the Follow-up Report in your agenda, but last month you also had upcoming cases of special interest so I'm going to briefly go over the Follow-up Report.

Petition No. 2015-016 which was the Touchstone rezoning for questions about the environmental issues associated with the dry-cleaner that used to be on the property. The site is listed in the Groundwater and Wastewater Services records as an existing contamination site. It is currently being investigated and is labeled as an interim action with a high priority ranking. They have five permanent groundwater monitoring wells that have been placed on the site and are ongoing with the contamination investigation. You will recall when we went over the changes on the agenda we talked about two items that the petitioner added to the site plan after the Zoning Committee vote and those two items were related to this. It is that no water supply wells will be constructed on the property and the property shall be inspected for groundwater monitoring wells. Those are the two changes and they were minor changes and we will vote on those when we get to that petition tonight.

The next question also on this case was can the City's regular maintenance take care of any maintenance issues associated with the sidewalk and storm water inlet along Bevington Place? C-DOT crews checked the basins and pipes in this location and they are all open and functioning. The ponding of the water can be from two issues; it can be a sidewalk issue or it could be related to the berm that is there. The petitioner has agreed that they are going to go back in and maintain all of that landscaping and I understand there was an issue with the maintenance on that. If there is actually an issue with the sidewalk area the city will fix that and they will check on the improvements in that area.

Also on that case is there a traffic plan to see what can be done to address citizen concerns about traffic and turn restrictions. C-DOT has talked with the Touchstone neighbors and is working out that issue with them and will continue with that. Is there a cross-access agreement between the daycare center and the proposed development? Yes there is; it is actually recorded in the Register of Deeds and that was submitted to staff. We do have a copy of that. You also have an attachment for that in your agenda.

Councilmember Howard arrived at 5:31 p.m.

Petition No. 2015-018 – This was the Laurel Street rezoning and the question was asked is there a conflict of interest when the City Council votes on a rezoning of a site that was previously owned by the City and subsequently sold? The response to that is no, there is not. The General Statute says that a Councilmember shall not vote if they are likely to have a direct substantial or identifiable financial impact to themselves by a decision that they are making. When it is a decision where the City Council has sold property that would not qualify.

One of the questions that drew some attention last month when we talked about the Charlotte Housing Authority rezoning's in Cherry was the schools and what the impact on the schools would be from the rezoning that we had in that area. One of the speakers talked about the seven rezoning's that we have including the five CHA cases, the Laurel Street case and the one from Stonehunt that was from 2014. I went back and looked at this information from the school system and the chart that we provided in your follow up report tells you basically the petition

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number, a little bit of status about the rezoning case and then how many students per the existing zoning would create, how many per the proposed rezoning and what the net change was. In all seven of those rezoning's there was a net change of 152 students. I think the speaker said there would be 152 students at Eastover Elementary, but it is 152 students spread across the three schools; that is from kindergarten through 12 so the impact is not as significant as the lady that spoke may have thought it was. We talked to CMS and they said they have just started a comprehensive student assignment review in capital needs assessment and magnet program and a significant piece will be reviewing facilities, enrollment growth and magnet program locations and that Eastover and Dilworth Schools attendance boundaries are in particular a concern that they have as well as other opportunities for equal capacities in the area and those will all be evaluated to anticipate having growth. So in other words they are watching this to see what happens and to keep an eye on the schools to make sure they are not overcrowded.

Mr. Phipps said are there trailers there now?

Ms. Keplinger said at Eastover I don't believe there are; I believe someone made the comment that they don't have room for them.

Councilmember Autry said is a school considered overcrowded when it has more students in huts and trailers than it does in the actual building? (Joke, laughing).

Ms. Keplinger said I'm not sure; I think that is a question we will refer back to CMS.

Councilmember Smith said in terms of student assignments do we get weigh in from CMS on what the tipping point is for what makes sense and what doesn't make sense? I'm not saying this makes sense or doesn't make sense but you are adding 152 students and it could be cut across three schools and it could end up in one school and you could end up with kids at one school for two years, went to another school because population shifted and back to another school and possibly more than three elementary schools over a period but I think Ms. Lyles raised the issues about looking at comprehensive traffic studies and taking everything into account. I think going forward I wish we could initiate and I don't know what the policy is, but how to integrate some of these additional agencies into the thought process. CMS may not weigh in and may say you put the students, we place the housing and we will figure it out but I do think that is an important part of this decision because on an individual basis one of these petitions really jumps out at you, but on a collective basis 152 students, even it is spread across three schools is a pretty big jump.

Ms. Lyles said if they were doing a pupil assignment study they would actually contemplate which student in each grade and make you graph that completely out over a period of time but it seems there is more rigor in some of their assignments than we have to have more zoning discussions and I think the zoning question has been asked for a number of years and it could become routine and we are at a point now where maybe it isn't routine in some of these growing areas. I wonder how much we can go say look we are beginning to really see some shifts.

Mr. Smith said I spoke with Erica Davis about this when she brought us the facts of the meeting and I think Billingsville is the only school of the five elementary schools that would be within a line draw of the Cherry Neighborhood that is not at or over capacity. There may not be an answer but I do think that part of our thought process; if the population trends continue our zoning decisions are going to impact more than just traffic moving forward at the rate we are growing.

Councilmember Driggs said I've had a couple of situations where people dispute the estimate of the students or you have discussions. I go to CMS and I'm looking for input from them; I don't feel it is our jobs specifically to judge and therefore a better policy that guides us in terms of what we should look for from them and what we need to get from them because I think the Council would take upon itself without the encouragement of CMS and we are not going to pass a rezoning because of the implications for the schools is kind of moving outside of our jurisdiction. I'm a little unclear in general when we get this information what are we supposed to do with it?

Mr. Phipps said I was just listening to the conversation and trying to figure out where it was going from a pragmatic standpoint. Are we saying then that the rezoning will cause the school overcrowded, are we going to have a moratorium on zoning; is that what we are saying? We don't do that if the roads are over capacity and it doesn't seem like anybody has the appetite to say you can't approve this because the roads can't handle it. I don't understand, is it wishful thinking or what?

Ms. Kinsey said unfortunately I don't have the backup material because it is a decision, but what is present here, CMS reported no issues. I don't remember from the hearing; sometimes if you read their report and I assume everybody is getting all the back-up material for the hearings, if not they should. CMS will sometimes do more than just this, no comment or no issue, but they will list the schools and they will say how many students. I don't know if they did it this time or not, I just don't remember. That is why I ask for all of the back-up material so I know what is going on.

Ms. Keplinger said what Ms. Kinsey is referring to is the actual memo that comes from CMS and that is on our website. She asked for it to be printed and put in her documents so we do that, but on that particular case I don't know that we can go back and check.

Ms. Kinsey said I just wanted to let people know at least it is there; I don't read things on the internet so that is why I asked for all of this information.

Mr. Smith said to be clear let the record reflect I did not say moratorium; I simply said as we go through these rezoning's these pieces are intricate and we have more stakeholders than simply what is at stake on an individual site. I think as we move forward we need to be cognizant of how all these are interconnected and this is a good example of the interconnectivity if you take a cumulative of seven petitions and get 152 students as opposed to twenty here, sixteen, ten, three and five.

Mayor Clodfelter said once upon a time this was a topic of frequent discussion of the Planning Liaison Committee. I don't know if it still is.

Ms. Kinsey said we don't have a Planning Liaison Committee.

Mayor Clodfelter said I know there are some appointments to it and I guess what you are telling me is that it doesn't meet. Does it meet?

Ms. Kinsey said twice a year. We don't meet like we use to.

Mayor Clodfelter said it use to meet on a regular basis, the School System, the County and the City and it was a hot topic at those regular meetings as to how to process school information in zoning cases. Perhaps it would be useful to have it done more than twice a year.

Ms. Lyles said I would agree with you, but I think the Liaison Committee has expanded to be so many people it would be very hard to have the kind of discussion that we are having. We need a tool here but I would say that the interconnection here is that the neighborhoods really care about their schools and for neighbors to be comfortable with rezoning's; we can get it either way, we can say it is not ours and then the neighbors come down and say the reason we are not going to support or we are going to be in opposition and then we are kind of reacting in a vacuum. There is some connectivity that is not our responsibility, but it is also the same taxpayer building the school that is paying for the roads so there is some overlap if we are going to have bond referendums for school construction. Unfortunately it is too hard to separate but two points, one I don't think we have a process by which to have that discussion except through the staff. The Planning Liaison Committee is no longer structured in a way that addresses these types of issues that would be focused well enough to have a good discussion around it. I think the point about the number of students; it also brings school buses, it brings a number of other opportunities in neighborhoods that really make a difference and I would rather have the staff work on that in advance so neighbor know versus having neighbors coming down and saying we are just opposed to it because of whatever.

Mayor Clodfelter said let me suggest that maybe it would be useful for me to have a conversation with the County Chair, the School Board because we are reinvigorating that process for exchange in discussion that is broken down because it has gotten to cumbersome and that is something that we need to address. So we will take this away, work on it and come back to you guys.

Mr. Howard said just some history; Ms. Kinsey and I were both on it when we decided to go change the way the Committee was done and what was happening was we were having a hard time getting anyone to show up. We kept trying to have relative conversations and what we decided was it was more important to have the Planning Director talk more and they weren't talking at all, to make sure we involve more people and had big conversations because it was the only time we talked about regional issues at all. We went to another format trying to keep it alive because staff was ready to kill the whole thing. So if you are going to look at it again, just understand why we did it.

Mayor Clodfelter said I understand and it may be time to have a fresh idea.

Ms. Keplinger said Petition No. 2015-030 which was one of the Charlotte Housing Authority cases. This is the site plan that was submitted and there was some concern about design of the new structures and this is the elevation. What the petitioner provided was some information on other buildings in the area, image one shows that this structure is 45 X 57 feet and this is the proposed. Image two is if 47 X 50 feet; image three is 35 X 64 feet; image four is 30 X 58 feet; this one is an apartment complex and it is image five, 240 X 42 feet; image six is 47 X 100 and image seven is 47 X 37 feet. All of this was to give you the proposed size in proportions of the structure within that site plan was consistent with what was in the area.

Petition No. 2015-032 by the Charlotte Housing Authority and this is the one that still has a protest petition. The question was about the square footage of the paved area for the quadplex versus the maximum area that can be covered. The site is about 1/3 of an acre they have about a 2,700 square foot structure that will be located on the site; they have paved area of about 3,200 square feet; they have impervious area of about 6,000. The open space that is required is 50% and they have provided 55% and that is with the changes they made to that petition. If you look in your agenda, one of the concerns that the neighbors had was the parking lot went all the way back to the back along the hedge row and that has been modified so it does not go back that far.

Mr. Smith said I sent Tammie an e-mail, but this is incredibly helpful with the Follow-up Report and I know they track down a lot of information so I want to publicly thank you guys and I appreciate the hard work on that.

Mr. Howard said I wanted to bring up one issue; I was reminded tonight in talking with some folks dealing with a gas station over in Ms. Mayfield's District. About a year ago I referred to staff or committee and I don't remember which one the conversation about auto oriented developments and how hard it is getting to get them developed; not that I think they are appropriate in every place but I was definitely supporting Ms. Mayfield in her District, but they are getting harder and harder and that was either referred to staff or Committee and I haven't seen it on the list of deferrals in a while. I don't know if anybody; Ms. Campbell is not here, but she may know something about it. I just wondered where that was as I haven't seen that on the list.

Interim Planning Director Ed McKinney said it is on the list, but it is on our agenda for the Transportation and Planning Committee.

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

Interim Planning Director Ed McKinney said it is almost Spring so we decided to do a refresh of our updated list. We have a new format which will be a little bit easier to walk you through the updates. There are things on this matrix that you have seen over the last several months. What we've done is kind of a clean-up, focusing on the things that are updated, focusing on the
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purpose and the background on each of those issues to give you a sense of what we are working on right now.

A couple of things that are moving are both the mobile produce market and food vending. We've been working through some revised cross sections of those with the project committees. The other two are out there and processing in different stages, as you are familiar with the Area Plans, the two that are moving through now. We've got a couple meetings tomorrow with the Transportation and Planning Council Committee and hopefully those will get some action and we will be able to have the Area Plan in front of Council as a public hearing in the next couple months. The Prosperity Hucks Area Plan, you will have a draft before the end of the month. We will have a follow-up community meeting in April and then walk that through the Committee and Council adoptions process in the spring or summer. I think those were the big ones I wanted to highlight.

The Zoning Ordinance Update; again working through the consultant selection process in the spring and we will be in a negotiated contract process and will get back with you later in the spring or summer.

Councilmember Mayfield said maybe I missed it but were we going over these Rezoning Cases of Special Interest? I'm still trying to get an understanding; even though it is great that we now have it in the book, I'm trying to figure out where does this fall into the conversation when we are saying there are cases of special interest.

Mr. McKinney said I think she might have forgotten about it today. I think it was to just highlight the cases you will see in April and May and have a little bit of a preview.

The Dinner Briefing was recessed at 5:54 to move to the Council Chambers for the regularly scheduled Zoning Meeting.

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The Council reconvened at 6:04 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center for their monthly Zoning Meeting with Mayor Clodfelter presiding. Councilmembers present were Al Austin, John Autry, Michael Barnes, Ed Driggs, David Howard, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Gregg Phipps and Kenny Smith.

ABSENT: Councilmember Claire Fallon

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INTRODUCTION OF THE ZONING COMMITTEE

Tracy Dodson, Chair of the Zoning Committee introduced members of the Zoning Committee and said the Zoning Committee will meet at 4:30 p.m. on Wednesday, March 25th to make recommendations on the public hearing which we will hear tonight. That is not a continuation of the public hearing, but we invite you to give us any comments prior to that meeting and you can find our contact information at charlotteplanning.org

INVOCATION AND PLEDGE

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

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EXPLANATION OF THE ZONING MEETING PROCESS

Mayor Clodfelter explained the Zoning Meeting rules and procedures.

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DEFERRALS

Mayor Clodfelter said we have a series of Decisions and Hearings that we've had requests to defer those to a future meeting or for various reasons they have to be deferred under the Council's rules and policies. We will take those up first. If you are here on any of these items listen up because we will probably not going to be taking action on these items tonight.

ITEM NO 2: PETITION NO. 2014-019

Motion was made by Councilmember Phipps, seconded by Councilmember Mayfield, and carried unanimously to defer the decision on Petition No. 2014-019 by The Charlotte Mecklenburg Planning Department to April 20, 2015.

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ITEM NO. 3: PETITION NO. 2014-031

Motion was made by Councilmember Mayfield, seconded by Councilmember Austin, and carried unanimously to defer the decision on Petition No. 2014-03 by Wilkison Partners, LLC to April 20, 2015.

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ITEM NO. 4: PETITION NO. 2014-043

Motion was made by Councilmember Phipps, seconded by Councilmember Kinsey, and carried unanimously to defer the decision on Petition No. 2014-043 by Mark Patterson to March 23, 2015.

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ITEM NO. 6: PETITION NO. 2014-092

Mayor Clodfelter said the petitioner has made a request that this petition be withdrawn and that requires a motion from Council.

Motion was made by Councilmember Mayfield, seconded by Councilmember Howard, and carried unanimously to allow Petition No. 2014-092 by Pavilion Development Company to be withdrawn.

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ITEM NO. 19: PETITION NO. 2014-049

Mayor Clodfelter said the petitioner has made a request that this petition be withdrawn from hearings and that requires a motion from Council.

Motion was made by Councilmember Kinsey, seconded by Councilmember Mayfield, and carried unanimously to allow Petition No. 2014-049 by SBBH, LLC to be withdrawn.

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ITEM NO. 20: PETITION NO. 2014-101

Motion was made by Councilmember Phipps, seconded by Councilmember Austin, and carried unanimously to defer the hearing on Petition No. 2014-101 By LIBERTY OAK, INC. to April 20, 2015.

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ITEM NO. 22: PETITION NO. 2014-104

Motion was made by Councilmember Lyles, seconded by Councilmember Mayfield, and carried unanimously to defer the hearing on Petition No. 2014-104 by The Charlotte Mecklenburg Planning Department to June 15, 2015.

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ITEM NO. 23: PETITION NO. 2014-105

Motion was made by Councilmember Lyles, seconded by Councilmember Kinsey, and carried unanimously to defer the hearing on Petition No. 2014-105 by The Charlotte Mecklenburg Planning Department to June 15, 2015.

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ITEM NO. 24: PETITION NO. 2014-109

Motion was made by Councilmember Kinsey, seconded by Councilmember Driggs, and carried unanimously to defer the hearing on Petition No. 2014-109 by Midtown Area Partners LLC to April 20, 2015.

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ITEM NO. 26: PETITION NO. 2015-001

Motion was made by Councilmember Kinsey, seconded by Councilmember Austin, and carried unanimously to defer the hearing on Petition No. 2015-001 By Southern Apartment Group to April 20, 2015.

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ITEM NO. 27: PETITION NO. 2015-008

Motion was made by Councilmember Autry, seconded by Councilmember Kinsey, and carried unanimously to defer the hearing on Petition No. 2015-008 by Mintworth DEI, LLC to April 20, 2015.

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ITEM NO. 30: PETITION NO. 2015-014

Mayor Clodfelter said this one didn't have a community meeting therefore it is an automatic deferral for hearing of Petition 2015-014 by Park Sharon Properties, LLC to the Council's Zoning Meeting on April. 20, 2015.

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DECISIONS

ITEM NO. 5: ORDINANCE NO. 5588-Z PETITION NO. 2014-068 BY CITY OF CHARLOTTE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.59 ACRES GENERALLY BOUNDED BY STATESVILLE AVENUE, DALTON AVENUE, NORTH GRAHAM STREET AND ARMOUR DRIVE FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

The Zoning Committee found this petition to be inconsistent with the Central District Plan, however, to be consistent with the Center City 2020 Vision Plan, based on information from the staff analysis and the public hearing, and because:

The Central District Plan recommends industrial uses for the subject property; and the Center City 2020 Vision Plan includes this property in the Applied Innovation Corridor; and because it is a good urban design plan that is much improved over what first came in. 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 development is consistent with the development pattern of the area; and the development provides a pedestrian friendly, activated street presence with wide sidewalks and planting strips, public entrances and a pedestrian refuge island along Statesville Avenue. The Zoning Committee voted 6-0 to approve this petition with the following modifications:

1. Darkened and labeled the building overhang on the site plan.
2. Clarified the proposed land use per the phasing. The building to be constructed in Phase 1 is a government service facility and the building(s) to be constructed in Phase 2 will allow all uses permitted in the MUDD (mixed use development) district.
3. Amended Note 5. a. to identify design elements committed to be included for the building and specified that the building elevations provide the design intent and theme for the Phase 1 building only.
4. Provided a note stating that Phase 2 building materials will be consistent with those provided in Phase 1 and the building design will meet the standards of the MUDD (mixed use development) district.
5. Added an additional driveway connection from the new public street to the parking lot and modified the internal parking and drive circulation accordingly.
6. Removed the proposed driveway connection to the adjacent property to the north.

Motion was made by Councilmember Barnes, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2014-068 by the City of Charlotte, as amended.

Motion was made by Councilmember Barnes, seconded by Councilmember Driggs, and carried unanimously that this petition is inconsistent with the Central District Plan, however, is consistent with the Center City 2020 Vision Plan, based on information from the staff analysis and the public hearing, and because The Central District Plan recommends industrial uses for the subject property; and the Center City 2020 Vision Plan includes this property in the Applied Innovation Corridor; and because it is a good urban design plan that is much improved over what first came in. 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 development is consistent with the development pattern of the area; and the development provides a pedestrian friendly, activated street presence with wide sidewalks and planting strips, public entrances and a pedestrian refuge island along Statesville Avenue.

The ordinance is recorded in full in Ordinance Book 59, at Page 278-279.

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ITEM NO. 7: ORDINANCE NO. 5589-Z, PETITION NO. 2015-003 BY CHARLOTTE MECKLENBURG PLANNING DEPARTMENT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.17 ACRES LOCATED ON THE WEST SIDE OF SOUTH BOULEVARD ACROSS FROM SENECA PLACE FROM B-2 (GENERAL BUSINESS) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT – MIXED USE).

The Zoning Committee found this petition to be consistent with the Tyvola & Archdale Transit Station Plan, based on information from the staff analysis and the public hearing, and because the plan recommends transit supportive uses for the subject property; 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 request will allow all uses in the TOD-M district; and the property is located within ½ mile of the Tyvola Road Station. The Zoning Committee voted 6-0 to recommend approval of this petition.

Motion was made by Councilmember Mayfield, seconded by Councilmember Barnes, and carried unanimously to approve Petition No. 2015-003 by Charlotte Mecklenburg Planning Department.

Motion was made by Councilmember Mayfield, seconded by Councilmember Lyles, and carried unanimously that this petition is consistent with the Tyvola & Archdale Transit Station Plan, based on information from the staff analysis and the public hearing, and because the plan recommends transit supportive uses for the subject property. 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 request will allow all uses in the TOD-M district; and the property is located within ½ mile of the Tyvola Road Station.

The ordinance is recorded in full in Ordinance Book 59, at Page 280-281.

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ITEM NO. 8: ORDINANCE NO. 5590-Z. PETITION NO. 2015-004 BY CHARLOTTE MECKLENBURG PLANNING DEPARTMENT TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.177 ACRES LOCATED ON THE EAST SIDE OF NORTH DAVISON STREET BETWEEN EAST 32ND STREET AND EAST 33RD STREET FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO TOD-MO (TRANSIT ORIENTED DEVELOPMENT, MIXED USE, OPTIONAL).

The Zoning Committee found this petition to be consistent with the Blue Line Extension Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends transit supportive uses for the subject property; 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 request limits the building height to 50 feet as recommended in the plan; and the petition allows the preservation of the existing mill home; and the property is located within ½ mile of the future 36th Street Transit Station. The Zoning Committee voted 5-1 to recommend approval of this petition with the following modifications:

1. Revised the plan to show the existing four-foot wide sidewalk and 1.5-foot wide planting strip along North Davidson Street to remain.
2. Revised the site plan to show nine required parking spaces in the rear of the site to meet the minimum parking requirements for an eating/drinking/entertainment establishment.
3. Specified the maximum building height of 50 feet under the development notes.
4. Deleted the optional request 3 to allow the existing streetscape along North Davidson Street to remain as this it is covered through optional provision 2.
5. Revised the proposed use and Note 5 under General Notes on the site plan to reflect all uses permitted in the TOD-M (transit oriented development – mixed-use) district.
6. Changed Note 2 under General Notes to say, “Existing building will remain and retain the existing mill house character with a porch along North Davidson Street, clear glass windows on all street fronting facades and entry door facing North Davidson Street.”
7. Amended Note 3 under General Notes limiting the height of detached, freestanding lighting to 15 feet.
8. Amended the note at the request of the neighborhood association to say “Dumpster service to pick up during normal business hours.”
9. Changed the label for the fence from “privace” to “privacy.”
10. Organized conditional notes under the appropriate categories.

Motion was made by Councilmember Kinsey seconded by Councilmember Barnes, and carried unanimously to approve Petition No. 2015-004 by Charlotte Mecklenburg Planning Department, as amended.

Motion was made by Councilmember Kinsey, seconded by Councilmember Mayfield, and carried unanimously that this petition is consistent with the Blue Line Extension Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends transit supportive uses for the subject property; 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 request limits the building height to 50 feet as recommended in the plan and the petition allows the preservation of the existing mill home and the property is located within ½ mile of the future 36th Street Transit Station.

The ordinance is recorded in full in Ordinance Book 59, at Page 282-283.

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ITEM NO. 9: ORDINANCE NO. 5591-Z, PETITION NO. 2015-007 BY VILLAGE AT ROBINSON FARM, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.69 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF REA ROAD AND WILLIAMS POND LANE FROM NS (NEIGHBORHOOD SERVICES) TO NS SPA (NEIGHBORHOOD SERVICES, 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 plan recommends retail uses for the subject property; 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 request does not increase the building area on the site and the additional outdoor dining area will be located on the roof of an existing building. The Zoning Committee voted 6-0 to recommend approval of this petition.

Motion was made by Councilmember Driggs, seconded by Councilmember Barnes, and carried unanimously to approve Petition No. 2015-007 by Village at Robinson Farm, LLC.

Motion was made by Councilmember Driggs, seconded by Councilmember Barnes, 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 plan recommends retail uses for the subject property; 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 request does not increase the building area on the site and the additional outdoor dining area will be located on the roof of an existing building.

The ordinance is recorded in full in Ordinance Book 59, at Page 284-285.

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ITEM NO. 10: PETITION NO. 2015-011 BY PHYLLIS HOUGH FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.505 ACRES LOCATED ON THE EAST SIDE OF VALLEYDALE ROAD ACROSS FROM MELLWOOD DRIVE FROM R-4 (LWPA) (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO INST (CD) (LWPA) (INSTITUTIONAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA.)

The Zoning Committee found this petition to be inconsistent with the Northwest District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential uses for the subject property; therefore, this petition is found to not be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because the proposed request is incompatible with the residential context in which it is located and the property is in close proximity to adjacent single family homes and the proposed parking area is located in what is considered the front yard and there is no drop off area. The Zoning Committee voted 5-1 to recommend denial of this petition. The following changes have been made since the public hearing:

1. Corrected Note 2A under Permitted Uses to accurately reflect the proposed building square footage and number of children, to be consistent with the information provided in the Development Data Table.
2. Amended information regarding Amount of Open Space under Development Data Table to read "Per Ordinance."
3. Removed Architectural Standards Note 4A that read, "The site will comply with All Architectural standards set forth in the Ordinance" from the site plan.
4. Added Architectural Standards language that states there will be no expanse of blank walls greater than 20 feet.
5. Added Architectural Standards note that states proposed building will be residential in character.
6. Amended Existing and Proposed Zoning information under Development Data Table to note LWPA, not LWVPA.
7. Labeled zoning of abutting properties.
8. Labeled width of Valleydale Road and Mellwood Drive.
9. Added a note that the required buffers will not be reduced 25% with a wall or a fence.
10. Labeled height of proposed chain link fence (with plastic coating) to surround playground.
11. Corrected misspellings on the site plan.

Motion was made by Councilmember Austin, seconded by Councilmember Barnes, and carried unanimously to deny Petition No. 2015-011 by Phyllis Hough, as amended.

Motion was made by Councilmember Austin, seconded by Councilmember Kinsey, that this petition is inconsistent with the Northwest District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential uses for the subject property; therefore, this petition is found to not be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because the proposed request is incompatible with the residential context in which it is located and the property is in close proximity to adjacent single family homes and the proposed parking area is located in what is considered the front yard and there is no drop off area.

Councilmember Barnes said is it a statement of consistency or inconsistency; it says it is inconsistent with the Northwest District Plan.

Mayor Clodfelter said the statute requires that you adopt a Statement of Consistency and it can be a statement that it is not consistent. I think the statutory phrase it is a statement of plan consistency. In this case, it is a good call, and for those watching us the statement in their materials is that this Zoning Petition is inconsistent with the Northwest District Plan and that is the motion.

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

Mayor Clodfelter said there is a proposed rewrite of the Zoning Statutes now circulating in the General Assembly that would make this plan consistency stuff even more confusing, if you can believe it. So stay tuned for action from Raleigh.

ITEM NO. 11: ORDINANCE NO. 5592-Z, PETITION NO. 2015-015 BY J. R. DAVIS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 18.03 ACRES LOCATED ON THE NORTH SIDE OF BERKELEY PLACE DRIVE BETWEEN PINNACLE DRIVE AND REVENNA LANE FROM BD (CD) (DISTRIBUTIVE BUSINESS, CONDITIONAL) AND CC (COMMERCIAL CENTER) TO CC (COMMERCIAL CENTER) AND BD (CD) (DISTRIBUTIVE BUSINESS, CONDITIONAL.)

The Zoning Committee found this petition to be inconsistent with the Northeast District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends office, retail, and industrial/warehouse/distribution for Parcel 1 and office/retail for Parcel 2; 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 uses are currently allowed on the site in a different configuration and it allows the office/retail uses to be near Berkeley Place Drive and other office and retail uses. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

1. Removed the note under streetscapes and landscaping, as self-storage facilities are exempt from the sidewalk connection requirements.
2. Amended the notes under Architectural Standards to describe building materials, and to add that blank walls exceeding 20 feet in length will be screened from adjoining properties or avoided through articulation.
3. Added a note under Architectural Standards that reserves the right to alter the arrangement of buildings on the site which may reduce the number of buildings but in no circumstances shall the front building be replaced with a smaller building. Such rearrangements will be administratively reviewed by the planning staff.
4. Added a building elevation for the front of the storage facility.
5. Changed the word "approve" to "review" on the note related to future administrative approvals.

Motion was made by Councilmember Phipps, seconded by Councilmember Austin, and carried unanimously to approve Petition No. 2015-015 by J. R. Davis, LLC, as amended.

Motion was made by Councilmember Phipps, seconded by Councilmember Kinsey, and carried unanimously that this petition is inconsistent with the Northeast District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends office, retail, and industrial/warehouse/distribution for Parcel 1 and office/retail for Parcel 2; 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 uses are currently allowed on the site in a different configuration and it allows the office/retail uses to be near Berkeley Place Drive and other office and retail uses.

The ordinance is recorded in full in Ordinance Book 59, at Page 286-287.

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ITEM NO. 12: ORDINANCE NO. 5593-Z, PETITION NO. 2015-016 BY TOUCHSTONE VILLAGE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.24 ACRES LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF BEVINGTON PLACE AND CARSWELL LANE FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO NS (NEIGHBORHOOD SERVICES).

Mayor Clodfelter said before they can take a vote on this petition they have to decide whether or not you wish to send this back to the Zoning Committee for review because of changes made since the Zoning Committee action. It takes a $\frac{3}{4}$ vote of Council to keep the matter on the agenda tonight. The changes are as follows:

1. Added a note that no water supply wells will be constructed on the property.
2. Added a note that the properties shall be inspected for groundwater monitoring wells. Any groundwater monitoring wells identified shall be protected from damage by flagging and fencing during site development or abandoned in accordance with Mecklenburg County Groundwater Well Regulations.

Motion was made by Councilmember Driggs and seconded by Councilmember Mayfield, to keep the matter on the agenda tonight and not refer it back to the Zoning Committee.

Councilmember Howard said what is staff's take on this one?

Tammie Keplinger, Planning said staff believes the changes are not significant.

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

The Zoning Committee found the retail component of this petition is consistent with the South District Plan and the office component is inconsistent with the South District Plan; based on information from the staff analysis and the public hearing, and because the plan recommends retail uses for the subject property; 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 allowed and appropriate in a commercial environment and the proposed use provides a less intense redevelopment of an existing retail site. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

1. Amended Note G under Transportation to reference the office building.
2. Provided proof of a mutual overlapping parking easement for the Touchstone development that includes all of the property and uses. The site plan shows the existing child care center facility and 21 associated parking spaces, which are not included in the rezoning petition.
3. Amended Notes F and G under Transportation to clarify that construction traffic will be required to arrive from and depart directly to NC 51 via Carswell Lane or Baybrook Lane.
4. Amended note under Purpose as follows: "To redevelop a portion of an obsolete neighborhood shopping center to accommodate a corporate office building and to provide for a portion of the existing retail on the site to redevelop and remain."
5. Added the following note under Architectural Standards: "As part of the redevelopment of the retail portion of the site outdoor patios will only be permitted on the north side of the building facing the parking area. The existing patio on the rear of the building will be allowed to remain but will not be allowed to be re-established once the existing tenant vacates the space, for which the patio as constructed. Thereafter, any patio that is constructed will not be allowed to have amplified sound, any live musical, or other live performances."
6. Added the following note under Environmental Features: "As part of the redevelopment of the site, the petitioner may be required to conduct remedial maintenance or to reconstruct portions of the storm water facilities on the site including the detention basin. If trees and screening materials installed as part of the original development of the site to screen the storm water facilities are removed, they will be replaced with a combination of evergreen trees and shrubs to restore the screening of the site at double the rate prescribed by the ordinance. This planting will be constructed on the south side of the site adjacent to Bevington Place to address the homes to the south of the site."
7. Amended Note C to state "Conversion of existing Carswell Lane driveway to a full-movement access point will be subject to review and approval by C-DOT during the construction permitting phase."
8. Established a pedestrian connection within the parking lot between the proposed sidewalk on the north side of the proposed three-story office building and the existing sidewalk on the north side of the child care facility.
9. Added the following note under Environmental Features: "The petitioner shall comply with the Charlotte City Council approved and adopted Post Construction 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 requirements and natural site discharge points."

Motion was made by Councilmember Driggs, seconded by Councilmember Autry, and carried unanimously to approve Petition No. 2015-016 by Touchstone Village, LLC, as amended.

Motion was made by Councilmember Driggs, seconded by Councilmember Kinsey, and carried unanimously that the retail component of this petition is consistent with the South District Plan and the office component is inconsistent with the plan based on information from the staff analysis and the public hearing, and because the plan recommends retail uses for the subject property. 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 allowed and appropriate in a commercial environment and the proposed use provides a less intense redevelopment of an existing retail site.

The ordinance is recorded in full in Ordinance Book 59, at Page 288-289.

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ITEM NO. 13: ORDINANCE NO. 5594-Z, PETITION NO. 2015-018 BY LAUREL STREET RESIDENTIAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.87 ACRES LOCATED ON THE WEST SIDE OF BAXTER STREET ACROSS FROM AVANT STREET FROM R-6 (SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL.)

The Zoning Committee found this petition to be inconsistent with the density recommendation of the Midtown Morehead Cherry Area Plan, however, to be consistent with the residential uses recommended by the plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential up to six units per acre for the subject property. 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 building form along Baxter Street is consistent with the general heights, setbacks, massing, and building orientation of existing homes in the immediate area and multi-family buildings are located to rear of the site with building heights limited and buffers and landscaping are provided adjacent to single family properties and the height of the buildings is two and three stories. The Zoning Committee voted 5-0 to recommend approval of this petition with the following modifications:

1. A ten-foot buffer and proposed fence has been labelled adjacent to parcels 125-245-04 and 125-245-03.
2. A fence along property 125-245-03 will be installed by the petitioner or property owner.
3. The petitioner is working with Charlotte Department of Transportation to submit for the right-of-way abandonment.

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

Motion was made by Councilmember Kinsey and seconded by Councilmember Mayfield, to approve Petition No. 2015-018 by Laurel Street Residential, LLC, as amended.

Councilmember Kinsey said tonight we have an opportunity to partner with staff and more importantly with the Cherry Neighborhood to approve a land use decision that will address a neighborhood that has and is currently experiencing adverse effects of gentrification. Many of you know that history is important to me; dating back to its founding in 1891 Cherry has been a mix of single family home ownership and multifamily rental housing affordable to working class families. If Cherry does not have housing available to a diverse set of homeowners and renters it risks becoming a neighborhood of have and have-nots and will lose the community spirit, history and character that has made it so popular. With new single family homes in Cherry selling for more than \$600,000 developments like Baxter Street are indeed a viable opportunity to add new housing at cost that many existing and former Cherry residents can afford. You will recall several months ago we referred the issue of gentrification to the Housing and Neighborhood Development Committee for further study. Since that referral the Committee has had several presentations and has discussed several best practices that many cities are currently using throughout the country to address this issue. Tonight we have the unique opportunity to make a land use decision that will allow us to move forward with implementing one of those best practices, allowing the type of housing that the Cherry Community was built upon to be replaced in the community.

The petitioner has had numerous meetings with the residents of Cherry as well as representatives of the Cherry Neighborhood Association and the Cherry Community Organization. Both of these organizations are in support of the petition as evidenced by their presence tonight and during the public hearing. The petitioner has also worked extensively with the adjoining property owners on Welker and Baxter Streets to modify the proposed plans to address their concerns. A number of changes to the site plan including changes to the parking lot layout, the addition of landscaping and buffering and fencing were made to address the concerns of those

adjoining property owners. I respectfully urge you to join me in approving this petition. As elected officials one of our primary responsibilities is to make decisions that protect the welfare of the city and its inhabitants. One of the ways we can do this is by insuring that neighborhoods like Cherry are vibrant and diverse so I ask for your vote tonight in favor.

Councilmember Smith said I want to compliment Ms. Kinsey on a very well delivered speech and I hope mine can be equally as well delivered. We are going to have a succession of petitions tonight and in up-coming months in the Cherry Neighborhood, all of which are noble land use. I am struggling to get my hands around this from an issue as it relates to our school system and we actually had some conversation at our Dinner Briefing discussing the impacts this may have on CMS and we are looking at an additional 152 students in CMS if these students were to end up all at one school such as Eastover it would put Eastover at 132% of utilization in a land locked school which I'm having a hard time with. I support the land use; I wish we could reduce the densities and I think a part of Council's job is we take a comprehensive look at land use is how is everything inner connected. In this case I think we are going to get a succession of petitions that are inner connected that I think to me will cause a strain at CMS. I'm not going to support it for that reason. If we could scale back the densities I could get on board, but I have a hard time with this one and to me our decisions are not made in a vacuum, there are made out in the real world and the real world suggest that this is going to possibly be problematic for CMS. We are going to have a succession of these and I'm not going to articulate that thought with each vote; I just wanted to get that out there now.

Councilmember Phipps said may I ask a question?

Mayor Clodfelter said you may ask a question of staff or a Councilmember; we can't reopen the hearing.

Mr. Phipps I would ask a question to Ms. Keplinger; Ms. Keplinger did we get any comments of concern from CMS on the impact of new students as a result of this petition? Was anything formerly communicated to us as sharing in any concerns that the Councilmember just articulated?

Tammie Keplinger, Planning said the information that we received from CMS is factual information. There is a memo that they send us that compares the current student capacity at the schools, that being the elementary, middle and the high school for which will be affected by the rezoning. It tells the number of students with the current zoning versus the number of students that would be generated by the proposed rezoning. They indicate capacity of the schools but their memo does not indicate whether they have per se an issue with a rezoning request.

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

YEAS: Mayor Clodfelter, Councilmembers Austin, Autry, Barnes, Driggs, Howard, Kinsey, Lyles, Mayfield and Phipps.

NAYS: Councilmember Smith.

Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, and carried unanimously that this petition is inconsistent with the density recommendation of the Midtown Morehead Cherry Area Plan, however, to be consistent with the residential uses recommended by the plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential up to six units per acre for the subject property. 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 building form along Baxter Street is consistent with the general heights, setbacks, massing, and building orientation of existing homes in the immediate area and multi-family buildings are located to rear of the site with building heights limited and buffers and landscaping are provided adjacent to single family properties and the height of the buildings is two and three stories.

Councilmember Lyles said I don't think we can dismiss Councilmember Smith's argument around schools because schools are important to neighborhoods and neighborhoods are important to the fabric of any community. The thing that I think we are struggling with is that we are now building urban communities and it is not just the schools that we have to think about; we have to think about how many cars we are going to have there, how dense we are going to be.

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I think that Cherry is absolutely, as Councilmember Kinsey said, one of the jewels of this community and can continue to be that and the issues that we talk about with schools and roads are applicable to almost anything inside of Route 4 and maybe to the next layer of development in Charlotte. As we grow to two million people in the next ten or so years we are going to struggle with these issues and we need to start thinking about that now so I appreciate that concern. I think we had it at Cotswold and I think we would have it for almost any rezoning in Cherry, Myers Park. Hopefully at some point we will actually begin to deal with this as a community issue and I would urge us to begin to think about how to do that.

Mayor Clodfelter said let me add to that and again to those of you who are watching us in the audience or on TV did not get the benefit of the discussion of this topic that Council had at their Dinner Briefing before the meeting tonight, but there is and I think the Council generally shares Councilmember Smith's concern that we've got to find a better process for engaging with our colleagues in the school system to understand the impacts of these zoning petitions on the school system. There was a time when you could just look at the number of students, which is I think what they give the Planning Department, the number of expected students that a development would generate and you could be sure that all of those were going into the CMS system and you could cope with it. It has gotten a lot more difficult to do that now with the proliferation of magnet schools, optional schools, charter schools and private schools so the number of students coming out a development no longer can tell you exactly what is going to happen to the CMS System, but I think there was a general consensus as Councilmember Lyles alluded to among Council about trying to engage with the school system and have a more robust dialogue about how we assess the impacts of these zoning petitions on the schools. I think the Council, as I heard you all at dinner; you are all committed to that.

The ordinance is recorded in full in Ordinance Book 59, at Page 290-291.

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ITEM NO. 14: ORDINANCE NO. 5595-Z, PETITION NO. 2015-021 BY CITISCUPT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.38 ACRES LOCATED ON THE SOUTH SIDE OF WEST MOREHEAD STREET BETWEEN SOUTH SUMMIT STREET AND I-77 FROM BD(CD) (PED-O) (DISTRIBUTIVE BUSINESS, CONDITIONAL, PEDESTRIAN OVERLAY, OPTIONAL) TO O-1(PED) (OFFICE, PEDESTRIAN OVERLAY).

The Zoning Committee found this petition to be consistent with the West Morehead Land Use and Pedscape Plan, based on information from the staff analysis and the public hearing, and because the plan recommends office and indoor storage facility uses for the subject property; 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 request allows all uses permitted in O-1 (PED) (Office, Pedestrian Overlay). The Zoning Committee voted 5-0 to recommend approval of this petition.

Motion was made by Councilmember Austin, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2015-021 by CitiSculpt.

Motion was made by Councilmember Austin, seconded by Councilmember Kinsey, and carried unanimously that this petition is consistent with the West Morehead Land Use and Pedscape Plan, based on information from the staff analysis and the public hearing, and because the plan recommends office and indoor storage facility uses for the subject property. 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 request allows all uses permitted in O-1 (PED) (Office, Pedestrian Overlay).

The ordinance is recorded in full in Ordinance Book 59, at Page 292-293.

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ITEM NO. 15: ORDINANCE NO. 5596-Z, PETITION NO. 2015-028 BY CHARLOTTE HOUSING AUTHORITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.035 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF BALDWIN AVENUE AND LUTHER STREET FROM R-8 (SINGLE FAMILY RESIDENTIAL) TO R-22MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee found this petition to be inconsistent with the density recommendation of the Midtown Morehead Cherry Area Plan, however, to be consistent with the residential uses recommended by the plan, based on the information from the staff analysis and the public hearing, and because the plan recommends residential at up to eight dwelling units per acre for the subject property; 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 building form along Luther and Main Streets is consistent with the general heights, setbacks, and building orientation of existing homes on these streets; and two-story residential structures are located between existing single family homes and proposed three-story buildings to provide a transition in height and massing; and buffers and landscaping are provided abutting single family properties; and the parking lot is located behind the buildings fronting Luther and Main Streets with limited visibility and no vehicular access from these streets. The Zoning Committee voted 5-0 to recommend approval of this petition with the following modifications:

1. Redesigned the site so that buildings front on Luther Street and Main Street.
2. Reduced the visibility and exposure of the site's parking lot on Luther Street and Main Street by redesigning the site and placing the parking behind the buildings on these streets.
3. Adjusted the building design by eliminating the attached exterior stairways.
4. Revised the overall three-story height and massing of the buildings to provide an appropriate scale transition by reducing the height of the buildings abutting existing single family residential to two stories.
5. Specified the density of the proposal as 21.26 units per acre under heading Development Data Table.
6. Labeled the edge of rights-of-way for Luther Street, Baldwin Avenue, and Main Street.
7. Labeled and showed the trees save area on the site plan.
8. Amended language under heading Signage to state: "Signage will be provided per the Ordinance."
9. Renumbered notes under each heading on the site plan.
10. Addressed C-DOT, Engineering and Property Management, and Storm Water Services comments as follows:
 - (a) C-DOT:
 1. Petitioner has provided an eight-foot sidewalk along Baldwin Avenue that is placed a minimum of 13 feet from the back of the existing curb between the proposed buildings and existing trees.
 2. A conditional note has been added to the site plan that states the petitioner will have a certified arborist evaluate the health of the existing trees along Luther Street and Baldwin Street. If the arborist determines that the trees are in poor health, the petitioner will remove the subject trees and not meander on the sidewalk.
 - b) Showed the tree save areas.
 - c) Removed following language in the note under Environmental Features that reads, "Each development parcel shall be evaluated for PCCO requirements individually."

Motion was made by Councilmember Kinsey and seconded by Councilmember Autry, to approve Petition No. 2015-028 by Charlotte Housing Authority, as amended.

Councilmember Howard said last month when we had the public hearing we had a lot of emotions on both sides of this issue and one of the things that I said is that the conversation became kind of disturbing when you have an old community with such strong fabric and you have new people that see the potential of that same community coming in together. I want to commend both the housing authority and the community to come together around the protest petitions which I understand has been taken care of. It means some work happened; I'm not sure we are completely where we need to be where both sides will try to work together to understand the strong feelings on both sides of the issue, but I felt it was worth commending the folks that

came together at least around those two protest petitions that we will talk about later on all of these petitions of trying to work together to figure out that dynamics, so thank you both.

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

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

NAYS: Councilmember Smith.

Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes, that this petition is inconsistent with the density recommendation of the Midtown Morehead Cherry Area Plan, however, is consistent with the residential uses recommended by the plan, based on the information from the staff analysis and the public hearing, and because the plan recommends residential at up to eight dwelling units per acre for the subject property. 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 building form along Luther and Main Streets is consistent with the general heights, setbacks, and building orientation of existing homes on these streets; and two-story residential structures are located between existing single family homes and proposed three-story buildings to provide a transition in height and massing; and buffers and landscaping are provided abutting single family properties; and the parking lot is located behind the buildings fronting Luther and Main Streets with limited visibility and no vehicular access from these streets.

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

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

NAYS: Councilmember Smith.

The ordinance is recorded in full in Ordinance Book 59, at Page 294-295.

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ITEM NO. 16: ORDINANCE NO. 5597-Z, PETITION NO. 2015-029 BY CHARLOTTE HOUSING AUTHORITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .43 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF LILLINGTON AVENUE AND AMHERST PLACE FROM R-8 (SINGLE FAMILY RESIDENTIAL) TO R-22MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee found this petition to be inconsistent with the density recommendation of the Midtown Morehead Cherry Area Plan, based on information from the staff analysis and the public hearing, however to be consistent with the residential uses recommended by the plan, based on information from the staff analysis and the public hearing and because the plan recommends residential at up to eight dwelling units per acres for the subject property; therefore, this petition is found to reasonable and in the public interest based on information from the staff analysis and the public hearing and because the proposed buildings along Amherst Place are consistent with the general heights, setbacks, and building orientation and single family residential form of the existing homes in the immediate area; and buffers and landscaping are provided against abutting properties; and parking is located to the rear and sides of the proposed residential structures with vehicular access limited to Lillington Avenue; and the elevations are “terrific.” The Zoning Committee voted 5-0 to recommend approval of this petition with the following modifications:

1. Showed a minimum 16-foot building separation between the proposed structures including the external stairs between the structures.
2. Relocated proposed northeastern structure out of the required buffer.
3. Revised elevations showing the proposed north and south buildings.
4. Added a note that detached lighting will be limited to 15 feet in height.
5. Added a note that attached and detached lighting will be fully shielded and full cut-off fixtures.
6. Added a note that no expanse of blank wall will exceed 20 feet in length.
7. Labeled the edge of rights-of-way for Lillington Avenue and Amherst Place.
8. Added a note that the site will comply with the Post Construction Controls Ordinance.

A protest petition has been filed and is insufficient to invoke the rule requiring affirmative votes of $\frac{3}{4}$ of the Mayor and Council, not excused or recused from voting, in order to rezone this property.

Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes, and carried unanimously to approve Petition No. 2015-029 by Charlotte Housing Authority, as amended.

Motion was made by Councilmember Kinsey and seconded by Councilmember Barnes, that this petition is inconsistent with the density recommendation of the Midtown Morehead Cherry Area Plan, however to be consistent with the residential uses recommended by the plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential at up to eight dwelling units per acres for the subject property, therefore; this petition is found to reasonable and in the public interest based on information from the staff analysis and the public hearing and because the proposed buildings along Amherst Place are consistent with the general heights, setbacks, and building orientation and single family residential form of the existing homes in the immediate area; and buffers and landscaping are provided against abutting properties; and parking is located to the rear and sides of the proposed residential structures with vehicular access limited to Lillington Avenue; and the elevations are "terrific."

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

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

NAYS: Councilmember Smith.

The ordinance is recorded in full in Ordinance Book 59, at Page 296-297.

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ITEM NO. 17: ORDINANCE NO. 5598-Z, PETITION NO. 2015-030 BY CHARLOTTE HOUSING AUTHORITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .562 ACRES LOCATED ON THE WEST SIDE OF LUTHER STREET BETWEEN BALDWIN AVENUE AND ELI STREET FROM R-8 (SINGLE FAMILY RESIDENTIAL) TO R-22MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee found this petition to be inconsistent with the density recommendation of the Midtown Morehead Cherry Area Plan, however; to be consistent with the residential uses recommended by the plan, based on information from the staff analysis and the public hearing and because the plan recommends residential at up to eight dwelling units per acre for the subject property; 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 buildings along Luther are consistent with the general heights, setbacks and building orientation of existing homes in the immediate area; and buffers and landscaping are provided against abutting properties; and parking is located to the rear and sides of the proposed residential structures with only one driveway on Luther Street and Morgan Park Drive. The Zoning Committee voted 5-0 to recommend approval of this petition with the following modifications:

1. Specified the density of the proposal as 14.24 units per acre under heading Development Data Table.
2. Labeled the edge of rights-of-way for Luther Street and Morgan Park Drive on the site plan.
3. Designated the right-of-way width for Morgan Park Drive as 50 feet as per rezoning petition 2014-024.
4. Amended the Development Data Table to limit maximum number of stories to two and limit maximum height to 35 feet.
5. Labeled and showed tree save areas on the site plan.
6. Revised the elevations to match the building footprints on the site plan.
7. The massing of the six-unit building was reduced by reducing the number of units to four (4).

mpl

8. Removed language under heading Signage and replaced with: "Signage will be provided per the Ordinance."
9. Renumbered under each heading on the site plan.
10. Addressed Transportation and Storm Water Services comments as follows:
 - a) C-DOT comment has been addressed by the addition of a conditional note to the site plan that states the petitioner will have a certified arborist evaluate the health of the existing trees along Luther Street and Baldwin Street. If the arborist determines that the trees are in poor health, C-DOT requests the petitioner remove the subject trees and not meander the sidewalk.
 - b) Storm Water Services comment has been addressed by removing following language from the note under Environmental Features that read, "Each development parcel shall be evaluated for PCCO requirements individually."

Motion was made by Councilmember Kinsey and seconded by Councilmember Barnes, to approve Petition No. 2015-030 by Charlotte Housing Authority, as amended.

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

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

NAYS: Councilmember Smith.

Motion was made by Councilmember Kinsey and seconded by Councilmember Barnes, that this petition is inconsistent with the density recommendation of the Midtown Morehead Cherry Area Plan; however, is consistent with the residential uses recommended by the plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential at up to eight dwelling units per acre for the subject property. 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 buildings along Luther are consistent with the general heights, setbacks and building orientation of existing homes in the immediate area; and buffers and landscaping are provided against abutting properties; and parking is located to the rear and sides of the proposed residential structures with only one driveway on Luther Street and Morgan Park Drive.

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

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

NAYS: Councilmember Smith.

The ordinance is recorded in full in Ordinance Book 59, at Page 298-299.

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ITEM NO. 18: PETITION NO. 2015-032 BY CHARLOTTE HOUSING AUTHORITY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .305 ACRES LOCATED ON THE NORTH SIDE OF BAXTER STREET BETWEEN QUEENS ROAD AND ELI STREET FROM R-12MF (MULTIFAMILY RESIDENTIAL) TO R-8(CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee found this petition to be inconsistent with the density recommendation of the Midtown Morehead Cherry Area Plan, however, to be consistent with residential uses recommended by the plan based on information from the staff analysis and the public hearing, and because the plan recommends residential at up to 12 units per acre for the subject property; 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 building form along Baxter Street is consistent with the general heights, setbacks, massing and building orientation of existing homes in the immediate area; and a buffer and tree save area is provided abutting the single family properties to the rear; and only a small increase in density from 12 dwelling units per acre to 13.1 dwelling units per acre is allowed; and parking is located to the side of the

proposed residential structures with only one driveway on Baxter Street. The Zoning Committee voted 5-0 to recommend approval of this petition with the following modifications:

1. Amended Development Data Table, General Provisions, and Permitted Uses to reflect the proposed zoning as R-8(CD).
2. Amended Note D under Architectural Standards as follows: "Rollout collection will be used."
3. Deleted the following note under Streetscape and Landscaping: "Buffer areas required by the zoning ordinance will be developed in accordance with Section 12.302."
4. Amended Note A under Signage to delete "the exact location of the site signage will be determined as part of the detailed construction and landscaping plans for the site."
5. Amended Note B under Lighting to state detached lighting will be full cut-off lighting fixtures excluding any decorative lighting.
6. Addressed Charlotte-Mecklenburg Storm Water Services comment by deleting the following from Note A under Environmental Features: "Each development parcel shall be evaluated for PCCO requirements individually."
7. Amended building elevations as viewed from Baxter Street.

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

Motion was made by Councilmember Kinsey and seconded by Councilmember Mayfield, to approve Petition No. 2015-032 by Charlotte Housing Authority, as amended.

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

YEAS: Mayor Clodfelter, Councilmembers Austin, Autry, Barnes, Driggs, Howard, Kinsey, Lyles, Mayfield and Phipps.

NAYS: Councilmember Smith.

Motion was made by Councilmember Kinsey and seconded by Councilmember Barnes, that this petition is inconsistent with the density recommendation of the Midtown Morehead Cherry Area Plan, however, is consistent with residential uses recommended by the plan based on information from the staff analysis and the public hearing, and because the plan recommends residential at up to 12 units per acre for the subject property; 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 building form along Baxter Street is consistent with the general heights, setbacks, massing and building orientation of existing homes in the immediate area; and a buffer and tree save area is provided abutting the single family properties to the rear; and only a small increase in density from 12 dwelling units per acre to 13.1 dwelling units per acre is allowed; and parking is located to the side of the proposed residential structures with only one driveway on Baxter Street.

Councilmember Howard said I thought the protest petition went away on this one.

Mayor Clodfelter said it went away on 2015-029 but it remains on 2015-032.

Mr. Howard said okay, I stand corrected.

Councilmember Lyles said when we had this come up even though it has the protest petition that has been found sufficient, I think there has been a dialogue and there has been conversation and you can see a visible change in creating more green space. At some point I would like for us to be able to build four units and not have to have parking for eight cars, especially in an urban area.

mpl

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

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

NAYS: Councilmember Smith.

Councilmember Howard said I just want to recognize that we have former Judge Shirley Fulton in the audience along with other Board Members from the CHA. I wanted to recognize her and her long service to this community. We have a new football coach at West Charlotte, Mr. Andrew Jordan. He comes from the NFL after playing for eight seasons for Vikings, the Eagles and Tampa Bay and was in the class of 1990. He is filling some big shoes after the passing of Mo Collins, so welcome back to the community!

Mayor Clodfelter said it is good to have you hear and Mr. Meacham if you and all your Board Members would stand so we can thank you for your hard work in the neighborhood as well!

The ordinance is recorded in full in Ordinance Book 59, at Page 300-301.

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HEARINGS

ITEM NO. 21: HEARING ON PETITION NO. 2014-103 BY WEEKLEY HOMES, LP FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.5 ACRES LOCATED AT THE NORTH SIDE OF ENDAHVEN LANE BETWEEN NORTH COMMUNITY HOUSE ROAD AND MISTY RIDGE LAND FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Clodfelter declared the public hearing open.

Tammie Keplinger, Planning said this property should look fairly familiar to the Council; we had a public hearing on it on November 17, 2014. The Zoning Committee recommended approval of the rezoning petition on December 1, 2014 and it was scheduled to come back to you and the petitioner decided they wanted to make some changes to the site plan. Staff felt those changes were significant so did the Zoning Committee and the Council so we are having a new public hearing for those reasons.

The property is located just north of I-485 along Endhaven Lane; we've had several rezonings in this area in recent years. We had a multifamily rezoning here and a rezoning that allowed an expansion of an existing hotel by 40 rooms on this site. You can see from the aerial there are three single family homes on this site. In terms of the modifications to the site plan since the original public hearing, they have reduced the number of units from 45 to 44; they've changed some of the attached units to detached units and they have reconfigured the layout. What they have now is 44 for sale single family attached and detached; the maximum building height is 40-feet. They have two parking spaces per each unit; there is a 15-foot wide buffer adjacent to the single family uses and a 10-foot buffer adjacent to the school. They have specifications on the materials and you can see here is Endhaven and the street network comes through this way. The building materials also have a prohibition against vinyl materials as a siding material and they prohibit blank walls exceeding 20-feet for all of the ends along Endhaven Lane.

In terms of the adopted future land use plan, it is the South District Plan which was adopted in 1993; it recommends single family residential at eight dwelling units per acre. The dark green represents the 200 multifamily units that were approved; you have the Torrington Development and as I mentioned earlier the hotel that is located at that site.

In terms of this request it is consistent with the South District Plan; it is consistent with the maximum density and the outstanding issues we have are technical in nature so staff is recommending approval once those issues are resolved.

Walter Fields, 1919 South Boulevard said this is a sort of a do-over; Mr. Weekley who lives in Texas but is actively involved in every project that his company builds looked at this plan right

before it was getting ready to come to you for a vote and actually thought it could be better. His idea was to insert some single family detached housing along with the townhomes that were originally proposed to be the entire makeup of the property. His staff went to work to address that and the second issue in working with Storm Water Services about trying to manage storm water on this site, we ended up with a different design after the reconfiguration then we had in our original petition which was coming to you for a vote a couple of months ago.

We consulted with the staff and we proposed to make these additional changes. This petition has been well received in the community; we've had two well attended community meetings. Most recently our meeting was focused on the storm water issue because folks wanted to understand what changed about that from what we had told them originally. As Tammie said I think we will be able to resolve all of these minor issues.

Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing on Petition No. 2014-103.

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ITEM NO. 25: HEARING ON PETITION NO. 2014-115 BY SATWINDER SINGH FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.13 ACRES LOCATED ON THE SOUTH SIDE OF PARKER DRIVE BETWEEN REMOUNT ROAD AND BERRYHILL ROAD FROM I-1 (LIGHT INDUSTRIAL) TO I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL).

Mayor Clodfelter declared the hearing open.

Tammie Keplinger, Planning said this property is located on Parker Drive and the site is located within the red circle and is an area that is between multifamily, single family and then industrial. The dark brown represents the I-2 and the light brown represents the light industrial and this is the current zoning for those properties. In terms of the aerial you can see that there is an existing building on the site and you can see there is some outdoor storage. The property owner in this case has received a notice of violation from the City because they originally started this business and they did not have outdoor storage, but they have expanded and have outdoor storage and it exceeds the requirements of the Zoning Ordinance. One of the remedies was to come in and try to rezone the property.

In terms of the site plan that goes along with this, the request is to allow outdoor storage of materials and equipment and construction of a 3,000 square foot building within the I-1 light industrial district. The building height is one-story and it prohibits the storage of hazardous materials. The site meets the ordinance requirements for buffering and screening when it comes to the adjacent multifamily residential and the single family residential. To the east of the site is the Erwin Creek Tributary and other industrial properties. You can see the area that is shown for the outdoor storage, the buffers and the building location.

In terms of this property, it is located in the Central District Plan which was adopted in 1993 and it calls for office and industrial uses for this property. You can see it is the edge property between the multifamily, single family and the industrial uses. Staff is recommending approval upon the resolution of the outstanding issues; it is consistent with the District Plan. The proposed rezoning will correct the existing violation as I mentioned earlier and the outstanding issues are technical in nature.

Councilmember Mayfield said I have a couple of questions of which I know some of them Ms. Keplinger will not be able to answer tonight because she is going to have to work with Code Enforcement, but one you should be able to assist me with tonight. When was the Central District Plan approved?

Ms. Keplinger said 1993.

Ms. Mayfield said so we are saying based on a 1993 Plan that there is non-compliance. The questions that I'm going to need to be answered by our Code Enforcement Staff, one is how

many citations have been issued for this property under the current zoning; also the total amount in fines they have paid to date based on those and just for clarification, I'm asking this because we have had concerns with this particular development for more than three years. They have been operating out of compliance for a number of years. What I am concerned about Mayor, is you have been copied as well as our City Manager has been copied on numerous e-mails regarding a particular business in another part of the community where a previous Council in 2006 approved development and this business basically runs 24/7 and it has completely negatively impacted the quality of life for that existing residential. We have residential that was there before this business came. Had we had stricter rules and regulations around our Code Enforcement Policies many years later we should not be having this discussion of why don't we figure out how to bring you into compliance. Ms. Keplinger, do you have the date for when this business was first approved and opened?

Ms. Keplinger said no ma'am I do not have that information but that is something we can get from Code Enforcement I believe.

Ms. Mayfield said again we are thinking about the fact that we are in 2015 and this has gone on for many years. How we move forward with the number of additional development formerly Westwood Apartments, now Bryant Park; you have a lot of development that is happening all around that area. The potential impact what I cannot do without having some clear questions answered which I had hoped would have been in the background information for this particular petition, but we need to have some real conversations regarding impact to residents and their quality of life and we cannot create all of this industrial at the detriment of the homeowners because they are making an investment into our community, but then we are telling you through not so many words that investment we are not going to contribute to help honor. I would need to have those questions answered please and also I have not heard from this particular petitioner to have asked these questions other than tonight's hearing. I would appreciate getting that information back as soon as possible.

Councilmember Phipps said I was interested in how will the outdoor storage be screened from public view?

Ms. Keplinger said go back to the site plan; specifically the site plan calls out for screening along Parker Drive. They are putting in a six-foot tall wooden fence along Parker Drive so that from the street is how it will be screened. Along the adjacent multifamily residential and the single family residential they will have a 35.63 foot buffer with a berm that will be located within that area. The plantings on the berm will provide the screen.

Ms. Mayfield said Tammie another question; we have another business that many years ago we started out small and it grew beyond what was anticipated in the original rezoning request that has screening around it. Are we looking at the type of screening that is around Eastway Wrecker or are we looking at a different type of screening?

Ms. Keplinger said I'm not familiar with what is around Eastway Wrecker, but this is what is required by the ordinance and has to be maintained and there is specifications on the number of trees they have to plant per 100 linear feet, how many shrubs and all of that so they have to comply with that ordinance.

Ms. Mayfield said again the challenge will be; we say that it has to be maintained and they have to fall within the ordinance but we are now having this discussion many years later because they did not comply with our Code Enforcement and with our ordinance so now we are creating a space for you to fit into what you did not originally comply to and we are saying we are going to give you some more limitations of what you need to do that you may or may not comply with since we obviously have not been able to get them to comply up to this point.

Motion was made by Councilmember Mayfield, seconded by Councilmember Kinsey, and carried unanimously to close the hearing on Petition No. 2014-115.

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ITEM NO. 28: HEARING ON PETITION NO. 2015-009 BY CRESCENT COMMUNITIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.98 ACRES LOCATED ON THE WEST SIDE OF EAST 36TH STREET BETWEEN CULLMAN AVENUE AND NORTH DAVIDSON STREET FROM 1-2 (GENERAL INDUSTRIAL) TO TOD-MO (TRANSIT ORIENTED DEVELOPMENT, MIXED USE, OPTIONAL).

Mayor Clodfelter declared the hearing open.

Tammie Keplinger, Planning said it is a little hard to see so I will point out the site; this is 36th Street, this is the rail corridor and this is the AC & W spur line and this is Cullman Avenue directly to the north. As you see on the Zoning Map we have a lot of MUDD zoning in the area, MUDD(CD), MUDD-O and we still have some remnant industrial and then we have a lot of little rezoning's that have occurred over the years from MUDD and NS and now we are starting to see some transit oriented zoning.

In terms of the site plan this petition proposes to allow all uses in the TOD-M which is the transit oriented development mixed use district. It proposes public access to the 36th Street Station. It specifies building materials limiting the use of vinyl to soffits and trim. It has several optional requests; one is to allow a retail use with a drive-thru service window and one is to allow a 20-foot rear yard to be reduced to 10-feet. I will go ahead and tell you that in terms of the optional request; staff does not support the request for a drive-thru. This location is right next to a transit platform and right on the transit line and it is not a place that we feel is appropriate for a drive-thru.

Mayor Clodfelter said so you are not talking about a drive-thru for the trains?

Ms. Keplinger said no, that would be unique. The building envelope is shown in the gray and I am assuming that is also the parking envelope. The vehicular access to this site is provided along a street that is shown along the AC & W spur located on the south side of the property. We did have a lot of comments from both CATS and C-DOT and they are in your agenda and I'm sure you have all read those but basically the information is about the property lines that are shown on the site plan are not consistent with those that are recently acquired by CATS. The site plan shows an access to the Blue Line Extension (BLE) Station but that access right now does not exist and that has to be approved. It is unclear how close the development will be to the rail corridor and that is something CATS wants to know before we go too far with this development. In terms of C-DOT they have asked the petitioner to remove an access point that they have shown on 36th Street. This is where they are showing their road but they are also showing this access and these are too close to one another. Also they have been asked to design the east/west local as a local street as opposed to a private street, to work on an at grade pedestrian/vehicular crossing at 35th Street. Finally, one of the things that we talked about several times recently with other rezonings is to provide a corridor for the Cross Charlotte Trail. The Cross Charlotte Trail location has not been defined yet and there are two corridors that are proposed; one is on the north side of the rail corridor and one is on the south side of the rail corridor. The one on the south side runs along the AC & W spur line.

In terms of the future land use, the Blue Line Extension Station Area Plan, 36th Street Station was adopted in 2013 and recommends transit supported uses for this site and the site is located adjacent to the station on the LYNX Blue Line Extension. Staff is recommending approval of the petition upon resolution of the outstanding issues. It is consistent with the area plan and adjacent to the street to the station, but there are some site plan issues as I have talked about, the access, the streetscape treatment and protection for the Cross Charlotte Trail that need to be addressed. There are also several other outstanding issues that are technical but staff would also like to see addressed before this petition moves forward.

Mayor Clodfelter said we don't even have the right property description here; do we have a problem with conducting the hearing? Are we going to be having to re-advertise this and conduct a new hearing when we get the right property description?

Ms. Keplinger said we have the right property description advertised; it is just what is shown on the site plan that is not accurate.

Mayor Clodfelter said the site plan does not match the property description.

Ms. Keplinger said correct.

Councilmember Kinsey said I have a little bit of a problem with that and also I want elevations before the vote. I have already asked for them once I believe.

Keith MacVean, 100 North Tryon Street said we have coordinated our time and three of us will use the ten minutes. I want to thank Tammie for her presentation and Jeff Brown and I of Moore & Van Allen are representing Crescent Communities, the petitioner on this request. This petition is a request for a TOD-MO and when this originally started out it was a conventional rezoning application sponsored by the staff to TOD-M consistent with the 36th Street Station Area Plan. The staff as part of its process of reviewing the petition identified several issues that required the petition to become a conditional plan; some of those Tammie mentioned to you. We are working with her and will be addressing those, submitting a revised plan later this week that we believe addresses all of those remaining issues, including the correct description on the site plan of the current property line. There have been a lot of things going back and forth along here as a result of the construction of the Blue Line Extension along the property frontage and along both 36th Street and the rail line. Our site plan is going to get updated to make sure it reflects that.

As I mentioned it started out as a conventional application; Crescent Resources is very willing to convert it to a conditional application so the issues identified by the staff could be addressed. Again this is a 6.9 acre site; used to be the site of NuCore Fiber. We have been working with staff to resolve those issues; it is consistent with the Station Area Plan, the uses allowed will be transit supported uses per the TOD ordinance. The maximum height is 80-feet. I will turn it over to Ben Collins from Crescent Communities to go through the rest of the presentation.

Ben Collins, 227 West Trade Street said I appreciate the opportunity to be here tonight. As Keith mentioned, this originally started as a staff sponsored rezoning. We were brought into this process relatively recently; we had already scheduled meetings to meet and work with the neighborhood to come to a shared vision for this project and since that time we've worked closely with the neighborhood to come together for a shared vision for the project and I wanted to highlight that tonight.

As Tammie mentioned we have a very critical link between the Transit Station and the core of the NoDa Neighborhood and we take that responsibility very highly. You will see on this slide, on the left side you will see where the station is located, how 36th Street drops underneath the rail line and how this site really provides the key connectivity point to the neighborhood. This is the overall site plan you saw earlier. I want to touch very briefly on our vision for this project. We've developed this vision jointly with the neighborhood. We've used what we call our canvas process, a planning and design process that we utilize in each of our communities to really bring multiple stakeholders together to create a common vision. We held our canvas session in the neighborhood in February and Joe was nice enough to host us at the evening news where we were able to bring a local artist to help document the session that we had. We came out of that session with a vision for this project. Our vision for this project is building on NoDa's best Crescent Communities development in NoDa is not simply an opportunity, it is a responsibility, a responsibility to NoDa's current residents and stakeholders, a responsibility to the history and culture that has made this place so special, a responsibility to the many people who have new access to this distinctive destination through transit. This responsibility is our true opportunity. We will do that by weaving into the fabric of this existing place by celebrating and staying true to its roots as an artist community, by activating a new front door to NoDa. What many people may not realize is that 25,000 passengers a day will be coming right through the heart of this community and this will be one of the key developments that show cases this fine neighborhood.

To be bold we feel like we can't be just any other development that we need to make a statement creating flexibility; one of the great things about NoDa is that it has very flexible spaces that can
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be utilized for a number of different events and this is a key to the community to be able to provide that. Just some conceptual imagery and Councilmember Kinsey, we absolutely hear your request and we will have that for you. We have just recently started design and so we are working through that but we will provide that. We see an eclectic urban streetscape; here are some of our façade inspiration, interior inspiration. It is worth noting that our interior designer who has designed 14 of our 16 recently developed communities is our local NoDa residents. They started their business in NoDa and I think is a great example of the entrepreneurial spirit of the community. Two recent developments that I will showcase; this is our Crescent Terminus Development and our Crescent Ninth Street Development both of which we feel like have elements of boldness and quality that we'd like to exemplify in this space.

Joe Kuhlmann, 3227 North Davidson Street said I represent the NoDa neighborhood and Business Association; we are in support of the proposed TOD rezoning for the former NuCore Fiber Company parcel. This property is of a critical importance to the continued growth of our district. Due to its immediacy of the future light rail stop we ask that the neighborhood have continued involvement with the City Zoning Department as well as the developer so as to protect the integrity of NoDa. Please see our letter within your documents with our stated caveats for more details on our opinion.

Mayor Clodfelter said what you showed doesn't really seem to sync with a drive-thru window.

Mr. Collins said I will say very truthfully that we were given a very short amount of time to turn in a response; we had less than 30 days under contract. We do feel that a commercial component is critical for the success of this development. We are getting ready to retract that as one of our optional provisions so I will make that commitment here.

Councilmember Smith said Tammie, help me understand this. Back in December we had a lot of discussion over conventional TOD zoning within the community of NoDa. There seemed to be a push to possibly move away from our policy that is in existence. Walk me through this so I can get a better understand of why this went from conventional to non-conventional and just for the viewing public walk through exactly what conventional means versus conditional. I think it will be helpful for some of those that are viewing.

Ms. Keplinger said first let's start with the difference between conditional conventional and conditional. When you have a conventional district it means that you are meeting the requirements of the zoning ordinance so you would go to the TOD-M owned district, you would look at the regulations for TOD-M and you would develop in accordance with the TOD-M regulations. You also have to meet all other City regulations; we are just talking specifically about zoning regulations.

Mr. Smith said part of our policy to help add benefit along the Blue Line Extension has been that if you are willing to – we have a certain radius that you would build within from the station stop that you would be granted a TOD on a conditional.

Ms. Keplinger said the Council policy was that the City would sponsor rezoning petitions to a conventional TOD-M; that is correct. The difference between a conventional and conditional rezoning – a conditional rezoning is everything that a conventional rezoning is plus it has additional conditions that the property owner has to agree to; they cannot be placed on the property owner, but he has to be in agreement with them and they go above and beyond what the zoning ordinance requires. Some examples would be height limitations, maybe building materials, types of uses and then once you have a conditional rezoning that runs with the land and the only way that can be changed, and this applies to conditional and conventional, and the only way it can be changed is coming back through the rezoning process.

Mr. Smith said this was started as conventional; just walk through and I have one more question.

Ms. Keplinger said this started out as a conventional request and after reviewing it and doing part of the staff review it was determined that there were additional things that were needed, additional conditions that were above and beyond the ordinance and at that time we talked to the

property owner who had entered into a contract and then we started dealing with Crescent who had the contract on the property and working with them on a conditional plan.

Mr. Smith said so this isn't a deviation from the policy that we've been working on where the City would sponsor a TOD?

Ms. Keplinger said there have been other cases in our history along the South Corridor where we have believed that there were additional conditions that were needed and we would ask the property owner to go with a conditional district and it was something that the City would not sponsor.

Mr. Smith said thank you and I know this was a bit of an exercise and we had a larger discussion in December on this matter and an issue that is important to me is just as a Council that we are consistent because there will be other petitions along the Blue Line in which we may want a corrective rezoning and that was a big part of the discussion. I just want to make sure we are hashing out a policy that we are going to apply equally.

Councilmember Lyles said I have a different set of concerns and I want to try to address it. I think Councilmember Kinsey, you are very fortunate to have such a growing area and all of this development. This weekend I went over to the neighborhood to see and get a sense of it and one of the things I think about with this neighborhood is the letter that the NoDa Association sent; a second letter that talked about we support this but we also recognize that this petition also is in the Villa Heights Neighborhood and we haven't heard from Villa Heights.

Councilmember Kinsey said no, this is not in Villa Heights.

Mayor Clodfelter said this is not in Villa Heights.

Ms. Lyles said well it is close to in terms of where you are going down Davidson Street so just let me go for a minute; let me just take this for a minute. Driving through that area what my concern is you have this great neighborhood of NoDa; you've got the Blue Line and you've got all of what I would call Charlotte traditional neighborhoods in between and I'm wondering if we've really begun to think about what that is going to look like as an area plan or something like in that area because I think it is a little bit like Cherry. We make some big decisions on either end and then we have to fill in and do we have a vision for that fill in place and space. I look at that and it is not directed particularly towards this petition but it is where we are going to be having these things occurring. Do we know where we are and where we are going to go in the next two to three years? That is a concern that I have.

Councilmember Howard said Ms. Lyles you could not be more correct. Actually I think it was about a year and a half ago we actually started conversation when we were looking at the Station Area Plans for the Blue Line Extension and talking about how different this extension would be from the Blue Line going south because it ran through so many different neighborhoods. We actually started a review of TOD for that reason and that is why it has been coming up in the Committee so much because we are trying to figure out how to make it contextual to the neighborhoods as opposed to being a whole new community like what happened on the South Line. I think that review is going on right now; Tammie or Laura I don't know who wants to talk about it and where we are with that review. We are trying to improve TOD so it will be more sensitive to what is going on in the neighborhood because there is a bunch of neighborhoods all the way up to the University area.

Ms. Lyles said I just don't see how this is progressing.

Mayor Clodfelter said I want to pie along to the comment here for a minute too and I think Mr. Howard and Ms. Lyles are right on target and frankly your use of Cherry as an analogy is a good one. The neighborhood possibly we need to worry most about is really Optimist Park because the proximity of the neighborhood is right up against the rail line and unless we have a pretty clear vision for how development is going to occur along the Optimist Park section of that rail line we could lose the whole neighborhood. It could disappear on us and so we've got to be very, very careful about that. I know you guys are looking at it.

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Mr. Howard said once you get up to around Tom Hunter Road you want to lose some of it; that is why we are having that conversation about how you create not only what you want but be sensitive to the desires of the plan as well.

Interim Planning Director Ed McKinney said one of the things we've done differently and started to think about differently on the Extension is even the area plan so some of the area plans, particularly the one related to this petition adopted about a year or so ago has some provisions that are different than what we were doing in the South Corridor; thinking about some contextual things about height relationship to some of the development to the really close in neighborhood. We've already begun to use our area plan process and the policies that we put in those plans to be a little bit more thoughtful about what the kind of impacts the development would be around the stations. We also are as you referred to Mr. Howard, taking a review and looking at our TOD ordinance itself, the district that we are applying for the Transit Oriented Development and looking at the kind of lessons learned on the South Corridor to think about what would we do and what are some things that we should tweak and update in that ordinance to make sure that we've got a district that can respond to and protect the kind or character and quality of development we want to see specifically to the uniqueness of some of the neighborhoods on the Blue Line Extension. We have done some things; we are doing some things in our current area plans and the plans that are adopted for these stations to make sure we are very thoughtful about the context and we are also looking at the ordinance itself to make sure that it is the right tool to implement the vision that we have in each of those stations.

Councilmember Barnes said I have a question about parking and one of you may have addressed this but I want to ask you about the lack of parking in that area and whether this project will provide any relief to that problem. I also want to talk to the Planning Director about the location of this development and the one that Mr. Smith mentioned earlier which is closer to the Matheson Avenue Bridge. Both of those proposed developments are between Tryon Street and Davidson Street and are internal to the rail line as opposed to being on the other side of the rail line if that makes any sense. In other words there is that industrial corridor that you can see from the Matheson Avenue Bridge, both going towards uptown and looking north. Do you anticipate Mr. McKinney that we will see additional higher density development taking place in what I consider that industrial core as opposed to the other side of Davidson or even to the other side of Tryon Street? That is one question and then we will talk about parking.

Mr. McKinney said I think the short and simple answer is yes, there are opportunities in those sites, particularly because they are transitioning and they've got a relationship that is not as close to the neighborhoods and they have access to the stations. Being part of our plans has anticipated some of that development to occur. Again back to the area plans that were adopted for those areas, we were and put into and thought through the kind of height and intensity that would be needed to kind of transition as it got closer to Davidson and got closer to the neighborhood. I think we are beginning to see some of that occur. As you can see on this petition and the others that you are referencing, the sites are complex and there is environmental creek issues we are trying to protect for the Cross Charlotte Trail, we are trying to protect a couple of options for the Trail itself, it has got existing rail access and constraints so that is what we are starting to face now, sort of the complicated nature of seeing how these sites are going to develop and working through the technical kinds of access issues that needed to be worked through and I think this petition is a good case example of that.

Mr. Barnes said if we see some of the true TOD density materialize within that industrial core will that relieve some of the pressure that Mr. Howard, Ms. Kinsey and Ms. Lyles were talking about on Villa Heights and Optimist Park and the neighborhoods to the right of Davidson?

Mr. McKinney said I'm not sure I would say it is going to relieve the pressure. I think we are going to have to be mindful of what our vision is and be ready to protect that vision in certain places and to allow density in others and be true to what is in our adopted plans. There is going to be some tough decisions we will have to make and there are definitely some very close relationships to where some of these development sites are in existing single family neighborhoods where hard decisions will have to be made. I'm not sure I would characterize it as the pressure goes away because we put in this investment and we are seeing the fruits of that

now and now I think our challenges would be mindful and protection of the qualities and the characteristics that we want to achieve in each of those stations.

Mayor Clodfelter said you had a question about parking; let's get that.

Mr. Collins said as I mentioned we are still early in the plan and design process but what we've looked at so far has significant opportunity to support additional parking for the neighborhood, for transit, for commuters. We've had initial conversations with the City about how that could work. Obviously being a private enterprise we would need to look at what return on investment we could achieve with that, but absolutely feel like there is an opportunity to accommodate additional parking.

Mr. Barnes said how many spaces were you currently planning Mr. Collins?

Mr. Collins said in addition to what we can account for within our development we can accommodate as much as 250 additional parking spaces for the benefit of the neighborhood.

Mr. Barnes said for your own development?

Mr. Collins said for our own development in the ballpark of 450 to 500 spaces.

Mr. Barnes said and maybe another 250 for the public?

Mr. Collins said correct.

Mayor Clodfelter said perhaps with this level of interest Mr. McKinney, it might be something that we might want to talk about a more extended opportunity for Council to talk about this in a briefing session or something.

Ms. Kinsey said I just want to give you a little geography lesson; there are four distinct neighborhoods from about 12th Street out to 36th Street; Belmont, Optimist Park, Villa Heights and NoDa. This is in the middle of NoDa and there is another one that was deferred that was in Villa Heights so I think we have to be very careful. The lines have been blurred, thanks to some of our Planners, but there are four distinct neighborhoods and I know at least one wants to be treated that way.

Mayor Clodfelter said I think they all do.

Councilmember Phipps said I think it was just briefly there was some conversation among some neighborhoods along the Blue Line Extension with the Tom Hunter stop being one of them. I have you to know that is the gateway to Hidden Valley and then looking forward to the great infrastructure that is going to come that way and other funds that is going to create a nice gateway to their community, so they are looking forward to the light rail and maybe some apprehension on the effects of it in terms of their property values, but I think they are looking for some stabilization that comes with that. So Tom Hunter is a good station stop.

Motion was made by Councilmember Smith, seconded by Councilmember Barnes, and carried unanimously to close the public hearing on Petition No. 2015-009.

ITEM NO. 29: HEARING ON PETITION NO. 2015-013 BY MEETING STREET HOMES AND COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY .42 ACRES LOCATED ON THE WEST SIDE OF KENILWORTH AVENUE BETWEEN BUCHANAN STREET AND EAST BOULEVARD FROM R-22MF (MULTIFAMILY RESIDENTIAL) AND B-1 (NEIGHBORHOOD BUSINESS) TO MUDD(CD) (MIXED USE DEVELOPMENT, CONDITIONAL).

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

Mayor Clodfelter declared the hearing open.

Tammie Keplinger, Planning said the property is located right off Kenilworth Avenue and East Boulevard; it is right beside the entrance into the Harris Teeter Shopping Center. There are two lots that are part of this development and you can see from the aerial that there are no structures on the lot currently.

In terms of the request it will allow up to nine single families attached dwelling units; the density is at 21.5 units per acre. There are commitments for screening the HVAC equipment and the adjacent single family uses. They have limitations on the detached lighting; they are providing pedestrian crosswalks and a CATS bus pad. They are providing about 3,500 square feet of tree save and about 2,000 square feet of open space which includes the private yards for each of the units. Each of the units by ordinance is required to provide 400 square feet of open space; the open space of 2,100 square feet goes to meet part of that. It limits the height to 45-feet and specifies the building materials and specifies that the end unit facing Dilworth will have doors and windows.

In terms of the future land use plan the Dilworth Land Use and Streetscape Plan which was adopted in 2006 recommends up to 22 dwelling units per acre for this site. When you look at the future land use map you can see the darker the green the higher the intensity of the multifamily residential so this whole line along Kenilworth is projected to be higher density residential. There are 13 design components that are associated or recommendations that are associated with the area plan three of which that actually apply to this site; one is building orientation, the second is setbacks and the third is the street and the streetscape design. I want to talk first about the building orientation. As I stated earlier the petitioner has committed for the end of the buildings to have doors and windows facing Kenilworth so they plan to meet part of that requirement by having those doors. They also are providing a door in a courtyard on the elevations facing the public street in this area and they are not locating parking between the building and the street. All of those go to meet the plan's goals related to building orientation.

In terms of setbacks the plan says the building setback should be consistent with the existing neighborhood development and they are unimpeded by parking areas which we have already stated that there are no parking areas in front of the building and that they include pedestrian oriented amenities. The petitioner is providing a 28-foot setback from existing back of curb which provides a transition from the non-residential development to the west which has a 14-foot setback and from the single family to the east which has a 50-foot setback. There is no parking again between the building and the street and the end unit has the doors as we've previously talked about.

In terms of the streetscape and design the goal is to preserve Dilworth's traditional grid street system and provide streetscapes that create a safe and enjoyable travel environment for vehicles, pedestrians, bicyclists and transit riders. This petition is accomplishing that buffer by providing sidewalk connection from the units to the public street, by providing a pedestrian crosswalk across Kenilworth and providing the bus waiting pad. When looking at this petition, staff is recommending approval upon the resolution of the outstanding issues. It is consistent with the Dilworth Land Use and Streetscape Plan recommendations for density and for the design components that I mentioned. All of the outstanding issues that we have are technical in nature.

Councilmember Lyles said again how many units; there are nine proposed and how many stories?

Ms. Keplinger said it is a maximum height of 45 feet so that could be about three stories, possibly four; it depends on how tall the ceilings are.

Ms. Lyles said what is the square footage of the units?

Ms. Keplinger said they did not specify the square footage for the units.

Councilmember Mayfield said I guess this is going to be more of a general question; when we are looking at these rezoning's, I'm looking at this one and it says it is going to have a one-car garage on the lower level of each unit. Do you know if at any point our staff is actually driving through communities and looking at some of the developments that we've approved in the last few years? When you are driving through the average household today has two plus vehicles so what ends up happening long-term is then we have conversation with code enforcement because there is multiple vehicles if they have gathering any visitors at the home you have multiple vehicles that are there; you have very narrow streets where we are doing the development so do you know or Mr. Kimble do you know if there is ever a time when staff actually goes back and drives through the community to actually take a look at all of the amazing decisions that we make, looking at it on paper and looking at what the true impact in the community is? A one-car garage when the average household has two or more vehicles and then if you have a guest, whether that guest is long-term or for the week-end or whatever that is just another vehicle and you can barely maneuver in the community so do we ever take that into consideration when we are looking at development of housing and looking at how we are trying to grow a community? Is that taken into consideration at any point?

Ms. Keplinger said yes, that is actually an excellent question and we do actually get out in the field and we look to see what has gone on and how developments work and what doesn't work. I think it depends on the project; we have had some and I can think of more than two examples right off the top of my head where we have asked them to provide additional parking for guest parking because in these situations as you say people do have friends or they do have guests that come over so we've asked for that where it is available. This site is a tight site; they don't have the ability to provide any additional parking but that is something that we do look at as we transition and we have more dense development in more of our urban core, it is still something that we still consider. We look at areas like NoDa and look at the parking and try to continue to do what the ordinance says of course and make sure if the ordinance needs to be updated in some manner that we do that so that we can comply. It is about meeting the need as well as it is about compliance.

Ms. Mayfield said the last piece to this and this is basically a request of staff. For me I think it would be helpful as we move forward as was done earlier today where we looked at numerous rezoning petitions that have come forward that are either hearing or have been approved within the last three years in a geographic area so we can really get an idea of the impact of the conversations we are having. As we have these conversations individually we may or may not be tracking the total impact on community but then fast forward five, seven, ten years and we are then trying to mitigate because you just mentioned this is a very tight space. It's okay for us to have some undeveloped land; we have a lot of undeveloped land throughout Charlotte. It kind of seems like we are concentrating all of the development in certain areas so certain areas are becoming overcrowded whereas other areas we still have a lot more opportunities and there is a lot more land to maneuver where the type of development that they are interested in whether it is single family, multifamily, townhomes or whatever.

We have a project, Bryant Park that was approved many years ago, unfortunately the economy tanked, developments happening now, townhomes and single family, if you drive down that street it is extremely difficult to maneuver and I don't see how ultimately it is benefiting the existing community that has been there to have new development crammed in for a select group of individuals to then many years later have the traffic challenges that are going to come along with it. It would be helpful for me if we start really getting a full idea. NoDa is doing amazing growth and there is lots of development that is happening but this isn't a conversation just for NoDa. This is asking okay one car, are we going to limit people to saying okay you can have one vehicle in this household in order for us to sell this to you, no we can't, but looking at the overall of how we are doing development it may be helpful to really get a better picture of all of the development that is being requested so we can start paying better attention to how we are trying to grow the City so we are not concentrating in certain areas.

My personal concern, we have completely changed what North Davidson looked like opposed to 1988 and before North Davidson and what North Davidson NoDa looks like today, but at the
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same time we are trying to have conversations about balanced diverse communities, but we are transitioning out consistently current residents and opening the door for new residents. Then unfortunately within three to five years those new residents are being transitioned out as the previous so we are doing a good job of balancing and trying to create these diverse communities, but then we are trying to figure out later how to back and infill as we did earlier this evening, how do we infill diversity when we already had it and we could have done a better job of managing it on the front end. I have just have some concerns about how we are moving forward with growth and who is really benefiting from that growth if we want this to be a world class city where you should be able to choose whatever part of the City that you want to live in and be accessible to you opposed to certain segments where we completely displace entire communities to make room for a brand new community.

Councilmember Phipps said the cost for a one-car garage and it says it provides visitor parking in the internal drive-way so with respect to overflow parking would that be on the streets?

Ms. Keplinger said I believe you would need to ask the petitioner to give his response on that. I can give you my opinion, but I think he would be appropriate to ask.

John Carmichael, 101 North Tryon Street said I am working with the Petitioner, Meeting Street Homes and Communities. With me tonight are Joe Roy of Meeting Street and John Burges Meeting Street's Architect. As Ms. Keplinger stated the site contains about .42 acres and is located on the west side of Kenilworth Avenue just north of East Boulevard. Kenilworth Commons Shopping Center is to the south and west of the site and a single family home is located to the north of the site. Kenilworth Avenue is to the east of the site. The site is vacant and is currently zoned R-22MF and B-1. Both of these districts would allow the development of a multifamily project on the site that could contain up to 22 dwelling units an acre. If the site were developed by right under our parking code the developer would be required to provide 1.5 parking spaces per unit. This plan will provide two spaces per unit; they will be a one-car garage and there is a regulation driveway in front of the parking garage at which a car can be parked. So there would be two parking spaces per unit; we can argue whether that is sufficient or not, but it would be more than the code would require if it were developed under existing zoning for the site. The parcels that are situated down Kenilworth Avenue are also zoned R-22MF. The shopping Center is zoned B-1 and MUD(CD). The proposal is up to nine townhome units for a density of 21.5 units per acre, access would be from Kenilworth Avenue and it would a right in/right out driveway. The driveway would be 26-feet wide; it would accommodate two-way traffic. The internal driveway would be 18-feet wide and likewise it would accommodate two-way traffic.

There is a note on the plan that we will submit on Friday that limits the number of bedrooms in each unit to two so actually they would be providing two parking spaces per unit and one parking space per bedroom. The maximum height would be 45-feet and could not exceed three stories in height. Our architectural renderings will be part of the zoning plan that is filled Friday to address site plan comments. We think these really ensure the aesthetic appeal of the planned townhome community. Mr. Burgess will discuss the design in a moment, but the permitted exterior building materials will be a combination of brick, cedar siding, precast stone, synthetic stone, cementitious siding trim, decorative metal panels, decorative block and/or wood. Vinyl would only be allowed on windows, soffits, attic vents, and on handrails and railings. The townhome unit that faces Kenilworth Avenue or is adjacent to Kenilworth Avenue would have a door and an awning of some sort and then windows with a combination of materials so the door would face Kenilworth. There would also be a private courtyard here with benches, improvements and landscaping that really enhances the pedestrian environment along Kenilworth so you are going to have windows and doors that face Kenilworth Avenue. That door would actually be a side door to the unit but it would be a functioning door that would have a sidewalk connection to the public sidewalk along Kenilworth Avenue. Each unit would have a private courtyard and that faces the shopping center. There would be a six-foot tall wooden fence along the common property line here with the adjacent residential neighbor; there would also be a five-foot wide planting strip on the site side of the wall that would contain evergreen trees, small maturing deciduous trees, shrubs and ornamental grasses. The HVAC units would be here and there would be four-foot tall masonry wall that would screen the HVAC units; the brick would match the townhome units; there would also be a six-foot wide planting area with landscaping that would

provide additional screening to the HVAC units as well as you have the wooden fence I previously described and landscaping here that would provide screening of the site as well as the HVAC units. The units are located some distance from the townhome property line. There would be a five-foot sidewalk between the townhome building and the brick wall of the shopping center; a five-foot wide sidewalk that would be accessible to the public at all times. That is a note that will be in the revised conditional rezoning plan. Right now there is not the ability to make a pedestrian connection to the shopping center but Mr. Roy is working on that and having discussions with the owner of the shopping center and the goal would be to make that connection if he is allowed to do so.

We are pleased and appreciative that the Planning Staff recommends the approval of the petition upon the resolutions of the outstanding issues. We will resolve those issues prior to Friday by filing the revised conditional rezoning plan. The Planning Staff has determined that the request is consistent with the land use plan from a land use perspective, density up to 22 units per acre and also from a design perspective. There is a protest petition that has been filed as previously mentioned and in looking at it there were about five things that I saw that were listed as the basis. One is that the site plan shows that development is not front facing as required in the land use plan. For the reasons that I previously mentioned and Ms. Keplinger mentioned we would just respectfully disagree with the protest petitioner's view on that point. The second thing is the developer has not included certain commitments in its rezoning plan that the developer made previously to the neighbors. I will tell you that those commitments will be in the plan that is filed on Friday. Those comments are: no use of a back alleyway that is located back here for pedestrian or vehicular use by the construction folks that would build these townhome units if the petition is approved and then no access after the development is completed so that note has been added to the plan that will be filed. Additionally this fence will be extended to prevent access to that alleyway. The other thing was the developer will build a solid fence along the existing fence line between the site and this adjacent residential neighbor. That note is in the plan. The other thing that was mentioned was the five-foot sidewalk being accessible to the public at all times; that note will be in the plan. The fourth thing was provide dimensions of this landscaping bed that I previously discussed here; the dimensions are on the revised plan. The other three items are that they are concerned about parking; we briefly touched on parking and I understand that there is also on street parking on Kenilworth as well. Another item mentioned was there would be nine roll-out trashcans as well as nine recycling bins on pick-up days and that is absolutely true. There will be nine units so there would be on days when trash and recycling are both picked up there could be 18 bins out there. I will say that the revised plan contains a note that says subject to obtaining an encroachment agreement that there be some nice ground cover planted where those bins would go to keep it attractive at all times and the fifth thing was that the HVAC units would face this adjacent residential property. Once again they are located some distance from the property line; there is a four-foot masonry screen wall that would screen those units as well as the six-foot wide planting area here as well as the fence and the landscaping.

John Burgess, P., O. Box 1194 Davidson, NC said I am the owner of a small architectural firm; my partner is a 30-year resident of Dilworth and lives a couple blocks from this project. I am from Davidson and I'm a member of the Historic Preservation Commission there and a member of the Designer Review Board there. My client, Joe Roy; the builder, owns a company called Meeting Street Homes and Communities; they are basically townhome developers. They build townhomes and have built them all over Charlotte. They build an excellent project; they spend a little more money on all the details, the windows, the materials is one of the reasons I like to work with them so well. He always finishes them well, never leaves any loose ends when the project is finished; they are buttoned up very nicely.

Joe hired me to adapt a townhouse product that he has built all over Charlotte and other locations to the Dilworth Community. I designed the exterior of these units; we also designed the end unit that is faces Kenilworth to make it unique and to address the Dilworth Plan that ask that the townhouse units address the street. As you can see the end unit is the most interesting of all the elevations also we spent the most time and attention on that.

Councilmember Smith said do you have the HVAC units on the residential side and the courtyard on the commercial side? Is there a reason that wasn't flip-flopped?

mpl

Mr. Burgess said yes, a very good reason. The site falls from the Dilworth Commons along Kenilworth about 10-feet to the rear on the other side so it is natural that the garage would be on the lower side of the building; you know you can't park on the second floor, right. The main living space of these units design is on the upper level so on the lower level there is a garage, a study area and then a stair up to the main living area which is on the second floor.

Councilmember Kinsey said will you send us the elevations please before the vote?

Mr. Burgess said they will be part of the plan we file on Friday, but I will personally send those to you.

Ms. Kinsey said please do, just e-mail them. I think we are all interested in seeing them.

Councilmember Barnes said I just to take a point of personal privilege and tell Mr. Roy that it is good to see you back in this business. I know you and I talked for quite a while about a site in Mr. Phipps' district and I hope you will at some point consider talking to him about a nice townhome project as well, but congratulations on getting back to this.

Mr. Phipps said I just want to be clear on the parking, so it is going to be one-car garage and two spaces in the driveway for each or just the one-car garage and one space?

Mr. Carmichael said one space for a total of two per unit.

Councilmember Mayfield said I am not sure if you can show me on this elevation but we have listed on here that the garbage and recycling will be handled with roll-out containers for each unit. Where will the garbage containers be rolled out to?

Mr. Burgess said they will be rolled out to the street as required by the City. The garages are 16-foot wide; a car is only nine-feet wide so they are almost a double car garage width so there is plenty of room in the garage to store bicycles, your trash containers and all that stuff. That is part of the reason why this plan has worked for Joe so well in the past because the garage is actually so far oversized it can serve for storage and for parking the car.

Ms. Mayfield said what I'm really thinking about is when it is trash collection day because unfortunately again we've seen numerous times where the trash receptacle ends up on the sidewalk which we also know is dangerous when you have children or others riding bicycles, skating or walking on the sidewalk. I want to make sure there is enough space that is allowed so that we don't to the best of our ability, thinking on the front end, have any challenges where the actual container not making its way all the way out in the street, but still allowing for people to enter or exit.

Mr. Burgess said there is an eight-foot planting strip along Kenilworth and the proposal is to plant ornamental grass, a very dense deep green thick groundcover that would be able to take the traffic of the rollout containers without getting muddy. We think the eight-foot width is plenty.

Jill Walker 1140 Liganore Place said I am currently the land use Chair for the Dilworth Community Association (DCA) and I think the first thing I would like to do just read a brief letter from our Neighborhood Association. "Dear Mayor Clodfelter and Members of City Council: I am writing on behalf of the Dilworth Community Association to respectfully ask that you vote no for this rezoning petition. DCA Board voted unanimously at its March 4th meeting to oppose rezoning Petition No. 2015-013 as it is inconsistent with the Dilworth Land Use and Streetscape Plan, which I will refer to as the Dilworth Area Plan requiring that buildings face the street. Seldom does the DCA unanimously oppose a rezoning petition but in this case the proposed development clearly violates a fundamental guideline of our Dilworth Area Plan as the building is not intended to be oriented towards the street so we respectfully ask you to support the Dilworth Area Plan and not allow this side facing development to occur. Thank you for your continued time and consideration of the neighborhood's position clearly. Cynthia Swartz, President DCA."

There are a lot of things about the project that I would like to comment on just briefly; for instance the Kenilworth Avenue parking is down the block and across the street. It is not really something you could consider as something this project would be able to make use of. I would like to draw your attention to a couple of things; one of them is the Dilworth Area Plan and on both Page 2 and Page 58 the Dilworth Plan speaks to building orientation. There is not that many things that the Dilworth Area Plan speaks to in terms of what it requires in terms of urban design streetscape, things that a developer needs to look at, but it does do this. With building orientation it states clearly; orient buildings toward the street and public space where provided. I don't mean to be a smart aleck here, but just as an example; if I put my glasses on the side of my head and stand sideways to you I'm standing sideways to you. There is no way I can dress myself up with a mouth or nose or a pair of eyeglasses on the side of my face; if I'm sideways I'm sideways. I think that it is very difficult to understand how we could look at this building which is completely side facing and accept it as a front facing building. In all regards that building faces sideways. With all respect to the Planning Department I think in their statement that says this particular project is consistent with our Area Plan begs the question because the Planning Staff is what put our Area Plan together and in so doing by saying that this sideways facing building is consistent with our Area Plan they are contradicting what they decided was best for our neighborhood. Another issue I think is important to consider here is also in the Dilworth Small Area Plan on Page 11 under rezoning it states that it is the City of Charlotte's policy that once a rezoning is approved that is not consistent with the adopted land use plan that rezoning updates the adopted land use. In this particular case if we support this side facing project because it is a side facing project, if we do decide to support this, it will become the new standard for what will happen, at least in the Dilworth Area and I think we don't want to have buildings facing the side of the front.

Linda Coad, 1612 Kenilworth Avenue said thank you for your time and your commitment to the residents of this City. I want to first piggy back on what Ms. Walker had to say; I distributed some photos of the site that you should all have that is a perspective of 99% of the people that will see this project. The renderings that are submitted with the site plan are aerial views that unless you have a drone or a bird you will never see it from that perspective. This is the back side of the project that will be facing the only neighbor to this property that is a resident. The other sides of this property are commercial on two sides; the side of a Harris Teeter that has nothing but parking lot and a trash dumpster on the other side of their facing front towards and a major thoroughfare, two-lane busy one-way street so when you have traffic going one way through this neighborhood you are going to see back side. You are going to see nine HVAC units, nine garages and the orientation is the single most important issue that we have raised with this petitioner since day one. The resident on the side of the back of this property is going to hear and see those HVAC units as opposed to flipping the door to these properties with the HVAC units and having the doorways being on the side of the residence and the HVAC units on the opposite side tucked away and hidden between the property and the five-foot brick fence which seems to make more sense to me. That perspective in that photo kind of gives you an idea of the height of the houses leading up to this property and on the left side of the photo is the Latta Development which is also four-stories and you can at least imagine what this property would look like from anybody driving through the neighborhood and from the residents next door.

The other thing I wanted to talk about is the driveway and I have spoken with Jeff Wright in the Fire Department and while they cannot weigh in on access for the Fire Department on a rezoning he did say with the current plan they would not approve it through the building permit process. The fire trucks would not be able to fit down that driveway which would mean likely those extra parking spaces or second parking space would go away to make an accommodation for the Fire Department because they are not required with the rezoning they are requesting. To speak to the parking issue I have submitted to Councilmember Kinsey some petitions signed by some business owners of the neighboring shopping center. These are business owners not just located in Ms. Kinsey's District but they are in Councilmember Austin's District Two; they are in Councilmember Mayfield's District Three and Councilmember Smith's District Six. These are people that are already there as business owners and very concerned about the parking that exists. They are burdened now with the cost of policing that parking lot because there is insufficient parking for that development so they are fighting for their customer's parking spaces and their incomes.

With the HOA being the only thing that requires the people that live there to not park in that parking lot for the shopping center that is not enforceable by anyone this developer is putting the burden on those business owners to incur the cost to police that. The other thing I want to talk about is with respect to the trashcans. I've done the measurements and I've contacted the different Departments and the site plan addresses the requests of CATS to put a ten-foot concrete ACA accessible pad for the existing bus stop that is there, a bus stop that is used by residents all over the City that work with Harris Teeter and the only way that trashcans would be able to fit on that property is if that bus stop gets displaced. It just doesn't fit so when you have the petitioner saying we will definitely meet your requirements to put a bus pad there and we will also put a pedestrian crosswalk there and we will do a two-way 26-foot wide driveway there and you have a 100-foot wide frontage; you do the math, it doesn't add up to be able to put 18 trash bins there on recycle day, not with the required distance between them. I'm concerned about that bus stop being displaced and in speaking with CATS they do not like to move a bus stop beyond where the destination is for people to have to backtrack, furthermore I think there is a 2% grade beyond that spot where they would not be able to put the bus stop so that would mean moving it down in front of our residences.

In rebuttal Mr. Carmichael said in response to the orientation of the building the land use plan does talk about orienting buildings toward the street and public space where provided. It says the building's location or relationship to the rest of the site, public streets and adjacent property defines the surrounding space and determines how that space feels to the user. Building in line streets slow traffic, enhance pedestrian and vehicle safety and talks about objectives and why that is a good thing. It then says this recommendation may be accomplished by and there were three things that are guiding it; include doors, porches and/or windows on elevations facing streets and public spaces including and defining main entrances on elevations facing streets and public spaces and not locating parking between the building and the street. The Planning Staff has looked at this and says this design meets that and we respectfully feel that it does as well. We respect their opinion as well, but this is a document that provides guidance and there is some leeway there, some flexibility to accomplish the objective, therefore I would submit there are various ways to do that. There is not just one prescribed way; it is a land use plan, it is policy guide, it provides guidance so we would respectfully say that this does meet that guidance. The parking is two per unit which is more than what is required in MUDD and it is more than required under the existing R22 zoning and would actually be one per bedroom because there is a note on the plan that says two bedrooms per unit and Mr. Burgess described the living space if you will recall that. The building is also pulled relatively close up to the street; it is 20-feet from the back of the curb and there is that courtyard along Kenilworth so it does enhance the pedestrian experience. It has a safe place to walk.

Mr. Smith said Tammie what is the age of the Dilworth Area Plan?

Ms. Keplinger was adopted in 2006.

Mr. Smith said a question for the petitioner; what could you build by right there?

Mr. Burgess said a four-story apartment building.

Mr. Smith said with how many units?

Mr. Burgess said nine.

Mr. Smith said what is across the street from this site as you come up the street?

Mr. Burgess said there is a single family residence. There is a condominium building there as well.

Mr. Phipps said one of the opposition speakers made reference to comments received by the Charlotte Fire Department. I notice in our book we don't have any comments from the Fire Department so I was wondering how could they get some comments and we not have the benefit of similar type comments in our material.

mpl

Ms. Keplinger said I think there are several levels of review that the Fire Department does and when they come in on rezoning plans they actually did not send any comments on this rezoning plan. When things go through the building permitting process they do comment on those and I'm not sure why they didn't comment on this one; I cannot respond for them.

Mayor Clodfelter said we will put that on the follow-up information list to run it down since it has been raised we ought to get the answer.

Mr. Burgess said something that people may not be aware of there is an existing fire lane on the Harris Teeter site that provides access to the back portion of this. The fire code requires fire trucks to be able to get within 150 feet of every portion of every building and you can get within 70 feet of any portion of our building.

Councilmember Howard said there is an obvious contradiction because what they are saying is the Fire Department is saying they won't. Just like Mr. Phipps said, the neighborhood knows something we don't know. What they are saying is the Fire Department won't permit it to be built and that is even more of a problem why we would even be looking at a site plan that is not possible. Somebody help us understand the difference between what the two sides are saying. Another thing is the bus stop; that is not a lot of frontage if you have to take a driveway and you have to take a bus stop in and you have to the roll-outs there, so some clarification on how that would work. I'm not sure I've seen all that work together in a planting strip before so it would be interesting to see how you envision that working.

Mr. Burgess said we've done the math and according to our math it fits and we can show it on our plan.

Mr. Howard said the other question I have is for C-DOT; Mike I would love to know, not now, but have your thoughts about all of those cars having one-way in and one-way out and why you are okay with that. I think I know but just kind of an explanation from you as why you are okay with it. I want to share Mr. Barnes' sentiment about having you back and involved in the community; Meeting Street has a great reputation so I hope you guys can work it out and Dilworth is very strong about what it likes and what it doesn't so hopefully you guys can figure that out because I think it could be a good relationship with the right product.

Councilmember Austin said the residents brought up the issue about parking and so there are two spaces per unit; is there spacing, where are people going to park that are coming to see these residents?

Mr. Burgess said hopefully the two spaces per unit in addition to the on-street parking.

Mr. Austin said where is the on-street parking?

Mr. Burgess said on Kenilworth on the other side of the street from our property. The point being that there is the potential for overflow parking nearby that isn't in the Dilworth Commons Shopping Center.

Mr. Carmichael said we also don't expect everyone to have two vehicles. We don't expect them to park outside of their garage.

Councilmember Driggs said I just wanted to clarify; it is on three levels, each unit and what is the square footage?

Mr. Burgess said 1,600 square feet.

Mr. Driggs said how many bedrooms to they have?

Mr. Burgess said two bedrooms.

Mr. Phipps said is there any linkage or correlation between the Midtown/Morehead/Cherry Plan and the Dilworth Land Use Plan?

Ms. Keplinger said I'm not sure I understand your questions; they are two separate plans and they don't cover the same areas, they both have defined boundaries.

Mr. Phipps said I thought it was a portion of the Dilworth Area and the Midtown/Morehead Cherry Plan of 2012.

Ms. Keplinger said there may be a portion of the Dilworth Neighborhood but not the Area Plan; the Area Plans themselves have distinct boundaries.

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously to close the public hearing on Petition No. 2015-013.

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ITEM NO. 31: HEARING ON PETITION NO. 2015-017 BY MARK A. BRUMMOND FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.63 ACRES LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF HAMORTON PLACE AND LANDIS AVENUE FROM B-2(CD) (GENERAL BUSINESS, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Clodfelter declared the hearing open.

Tammie Keplinger, Planning said to give you a little bit of context this is Central Avenue and this is Landis Avenue; you can see we have a lot of commercial zoning along Central Avenue and it goes into multifamily and then back into single family as you move further into the neighborhood. In terms of this request the property currently has a single family home and a warehouse that is located on it. In 1979 the property was rezoned to B-2(CD) to allow the sale of used furniture and one single family residence so it has been a while since it has been in for rezoning. The request before you tonight is to allow six single family lots; it will be approximately 9.5 units per acre. The lot sizes ranges from about 4,000 square feet to about 5,800 square feet. The maximum building height is 40 feet with restrictions on the lighting. They are providing front building elevations which I will show you in a second; they specify the building materials and it proposes access from a shared drive-way off of Landis Avenue for all of the lots. You can see the building elevations.

In terms of the proposed building materials they are proposing brick or parged block foundations; exterior building materials will consist of brick, painted/stained wood or cementitious lapped or shake siding. You can see from the future land use plan which is the Central District Plan which was adopted in 1993 the property is recommended for multifamily residential and the GDP recommends up to 17 units per acre. Again this request is for about 9.5 units per acre. The request is consistent with the Central District Plan and staff is recommending approval upon the resolution of the outstanding issues. It is consistent with the density; the rezoning from non-residential to residential will allow the establishment of the zoning and development pattern which is consistent with the Plan for the neighborhood. The outstanding issues are technical.

Craig Isaac, 900 Linda Lane said I'm speaking on behalf of the petitioner. As described we are taking this conditional zoning to a UR-2 which is consistent to Tippah Park right around the corner so we are getting rid of the Appliance Resale Business. The intent is for the houses to be consistent with the neighborhood. The only issues that have been brought up are minimum square footage and the concern that we don't put very small houses on the lots. With the six lots the intent is they will be very similar Tippah Park which is in the 2,000 and up square footage range. We were somewhat cautioned by Planning to define a minimum square footage so we have said specifically we want them to be in character with the neighborhood. That gives us some flexibility but it makes it consistent which means that we would not have a very small house on these properties which seems to be the only concern with the neighborhood at this point.

Myron Koblansky, 4907 El Molina Drive said I'm a proponent for the issue and he brings up the point about the square footage and that is my issue. On the plan is has 1,800 square feet is the smallest house on the property for a single story. I don't see any issue for just adding that contingency to the UR-2 zoning and that is all I've ask for. I think it is pretty simple.

Councilmember Kinsey said just an invitation for you Mr. Isaac or someone else to call my office; I would like to meet with you before the vote.

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing on Petition No. 2015-017.

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ITEM NO. 32: HEARING ON PETITION NO. 2015-022 BY LINCOLN HARRIS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 194 ACRES LOCATED ON THE NORTH SIDE OF ARDREY KELL ROAD NEAR THE INTERSECTION OF PROVIDENCE ROAD AND ARDREY KELL ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND NS (NEIGHBORHOOD SERVICES) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) AND MX-1 (INNOV) (MIXED USE, INNOVATIVE STANDARDS), WITH 5-YEAR VESTED RIGHTS.

Mayor Clodfelter declared the hearing open.

Laura Harmon, Planning said this is a rezoning for a 194 acre tract in South Charlotte. To orient you a little bit; this is I-485, Providence Road coming north and south. This is the property we are looking at, this large R-3 piece as well a little neighborhood services piece and this is Ardrey Kell Road on the southern portion of the property. You all in the last year approved a rezoning for Waverly across Providence Road in this area. This property is the former Golf Links site, also known as Rea Farms and the request is to go to MX-1 mixed use and that is just for the western portion of the property and the remainder of the property going to MUDD-O mixed use development optional.

This is the adopted future land use for the property as this was a former golf course, at the time that the Providence/I-485 Area Plan Update was prepared that plan did recognize the existing golf course. It also stated that if the golf course was to be redeveloped in the future that it would be appropriate for single family at up to four dwelling units per acre. The small component on the front that is part of this rezoning is recognized and recommended for office.

How we got to our recommendation today from where we were; we began conversations about this property, we started to look at it in the context of the larger interchange area around Providence and I-485 and the property which is here, abuts the large mixed use activity center for the interchange area. In doing that we began to consider is it still appropriate for single family or are there other options and decided to initiate a conversation with the neighbors in this area as well as we were talking with the representatives of the property owner. Those discussions that we had in the fall of last year, we heard back from the neighborhood concerns about traffic congestion, access and particularly connections that are required by the sub-division ordinance on the west side of the property, concerns about school capacity, which is something you guys have been talking about tonight and in previous meetings, a lack of open space in this general area particularly for the public, buffers to existing residential and a little bit surprisingly but a desire for a mix of uses and services on this property. The community told us at our first conversation that they were interested in looking at something other than a purely single family development on this site. These issues and desires are things that we remain conscious of as we continue to work with the representatives of the property owner on this rezoning.

I mentioned connection as being an important part of this and fitting into the larger street network so we did identify some critical connections to this site early on coming on Golf Links Drive which will cross Providence Road in the future, a new through undeveloped property to the east, a stub connection on the north side, eventually connecting up to Allison Lane I believe and two connections required by the sub-division ordinance to Stone Creek Ranch. These were particularly contentious frankly as the neighbors in Stone Creek Ranch were concerned about connectivity and the impact it would have on the neighborhood and both staff the potential developer worked closely together and had many conversations with the neighbors in this area about how to design those connections to minimize impact on the neighborhood. Then honing in on the property a little bit more as we worked through this and worked with the development

team, looked at the importance of an inter-connected street network that connects two abutting properties but also provides a range of connections throughout this property. Again connectivity being very important particularly as the property connects to Golf Links Drive, eventually will go to the west through the property and to the east and also as it comes out onto Ardrey Kell Road which through the Waverly Development, the alignment was developed coming across Ardrey Kell and up this way, so providing more connectivity through this rezoning in this area.

Then what was overlaid on that and what the petitioner will present I'm sure is a site plan or a number of uses that create a site plan overlaid on that street network. So as you look at this the site plan is designed to have, and we supported residential on the west side to match up with the residential in Stone Creek Ranch, both current phase and future phases, transitioning to more of an office design as you move into the property up on the northern portion at the top in blue, a school site that has been identified, private recreation, retail primarily, potential for some residential, but more than likely retail on the eastern side of the property with a main street coming through the property, a few drive-thru auto oriented uses here and then multifamily in the center. One thing that was really critical to us was having green space, a green concept in the middle of this site and also protecting other green natural spaces that are more at the periphery of the site.

So what does this mean when it comes to the amount of development occurring on the property? You end up with a development program of about 954,000 square feet of office and retail, 700,000 square feet of that in office and 250,000 square feet in retail. I should mention that this little portion that fronts on Providence Road is already developed with 54,000 square feet of office so that does take down the amount of new development, 250,000 square feet of private recreation or fitness, 500 multifamily units, the potential for 300 age restricted units and then 200 additional units on the western side of the property. In addition to that civic uses such as a school with that school site identified, we've also talked to them about other types of uses that they might be bringing that might be civic in nature and then again that really important piece of park and open space to us in the center. At this point there is a commitment that at least three acres and we continue to talk about that and the size of that as well as commitments to preserving natural areas.

These are actually what has been submitted with the rezoning latest site plan submittal with looking at some other key elements; maximum building height of six-stories in the MUDD-O portion and that coming down as you move towards the existing single family in this area. A number of transportation improvements and Mike Davis is going to talk about Transportation in a few minutes; some optional requests for the MUDD development and also some innovative ... that they will be asking the Zoning Committee of the Planning Commission for. Staff is recommending approval of this upon resolution of outstanding issues. While it is inconsistent with the Plan we do think it is a fresh look at this property, resulting in what we think will be a walkable multi-use development with a mix of housing, office, retail and civic uses with some great opportunities, providing private recreation but that should serve the larger area, public open space, potential school site. We did, as we looked at the latest submittal have some significant site issues, not that there are things that we don't think we can go to draft, but things that we are continuing to talk with the petitioner about, that is making sure we really nail down some things in particular with respect to the open space, limiting the amount of free standing retail commitments to better define the street network, making sure that the conceptual plan is really committing to seeing that design because we are really quite pleased conceptually with what we've seen and also dealing with transportation mitigation which Mike is going to discuss.

We had a number of other issues if you looked at the staff analysis you might have seen that, but we do consider those to be technical in nature and do anticipate being able to move through them and resolve them.

Mike Davis, Transportation said usually with cases this large I just like to give Council as well as those who are following along in the audience or at home, kind of an overview of what the big transportation issues are. As was mentioned earlier when the developer response was done on this, one of the key items had to do with transportation in general in this area concerns about traffic so I will walk you through that briefly. This is the site and these are state facilities but I-485, Providence Road, Ardrey Kell, I call these out because this is basically the framework for how we are going to deal with traffic with this site. Waverly was discussed earlier and this is where that site falls on this map. We required that a traffic study be done for this site because it is quite large in terms of its impacts. Under the existing zoning by right you could develop this
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site and generate 13,000 vehicle trips per day so on its own by right it is pretty significant in terms of traffic impacts. As proposed that number rises to 32,000 trips per day so what the report was really looking at was how to deal with that along those major facilities I just described. I won't describe a detailed network since Laura gave you that overview, I will just point out how that is related and where we have major signalized connection points, but clearly one of those is the Golf Links Extension which will be a new signal will be created by the Waverly Development that will eventually be extended through development to Tom Short and will become a very important east/west route. Similarly the north/south connection on the west side will also create a new traffic signal at its connection to Ardrey Kell and there is one other slightly less prominent but still important connection in between that street and Ardrey Kell which will also create a signal. It may be hard to see on this graphic, but I just illustrated a red line on Ardrey Kell that is meant to depict where the petition would propose to add an additional west bound through lane. Ardrey Kell is a major thoroughfare and it will one day become a four-lane median divided facility with bike lanes. This development across its entire frontage would commit to the construction of that additional west bound lane as well as the bike lane on that side. Then correspondingly the left turn lanes that are needed to serve the east bound traffic at those new signals. At the signal at Golf Links and Providence there would be some modifications that existing street that involves new construction to create a second left-turn lane; there would also be construction of a new south bound right-turn lane. At the existing signal of Ardrey Kell and Providence Road there will be some reconfiguration of that east bound approach that involves construction of an additional eastbound right turn lane and an additional southbound right turn lane. Again, maybe a little hard to see, but a line between Ardrey Kell and Providence Country Club because this petition would propose to add a third southbound lane on Providence Road which we know is very important to the community. Providence is being built out sort of incrementally to become a six-lane facility which is needed and the way this is set up right now, the petitioner is agreeing to do this provided that NC-DOT can approve of the design, which is something that we are still in discussion with NC-DOT about. Lastly I want to draw your attention up to around the I-485 interchange area; both of these ramp terminals are signalized today at the northern ramp location there would be some modifications to the existing geometry and the addition of a new right-turn lane off of the ramp and in between those two signals there would be some further adjustment to the existing lane configuration there. You wouldn't have to widen the bridge thankfully, but what you can do is reallocate the use of that pavement that creates some new capacity by merging the right-turn lane and the southbound through lane, that is part of we can create a continuous six-lane facility from the ramps all the way down to Providence Country Club. In terms of committed improvements would be a northbound right-turn lane from Providence onto I-485.

We are in discussions still about what needs to happen, just to draw your attention to the lower left of what you might be looking at; that is the Ardrey Kell/Tom Short intersection which today is signalized. We will need some additional improvements over time but what we are in conversations about are just the basic left-turn lane and right-turn lanes in serving those movements. What I want people to understand about this is this is a very significant slate of improvements that come with this proposal but what people also need to understand is that congestion is severe on this part of Providence Road and because it is so severe there are limited opportunities for what can actually be done through development to mitigate that back to what we say are our expectations for mitigation. The report concludes that there will be more congestion created as a result of the net of both this new development and the slate of improvements that come with it. But having said that there are a few significant things we want to make sure we get addressed between now and the decision; one is to resolve what can and should be done at Ardrey Kell and Tom Short. Some more discussions about how these improvements are phased to insure that as development comes on line that the improvements are happening at the right time with respect to those development phases. We know that the specifics of some of these improvements will have some impacts on the existing adjacent retail that is along Providence Road and need to make sure that is clearly understood and determined as part of the rezoning process.

Lastly that NC-DOT is conducting their own independent review of this site and we will have continued meetings between now and the Zoning Committee to try to understand and resolve issues that they may have. Essentially what I can tell you about that is they have identified the same concerns that we have and similarly have acknowledged that there seems to be a limit on what can practically be done in terms of traditional mitigations. From a high level perspective I

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would just say that, and this kind of repeats what I just said, in terms of the combined effects of the mitigations and the development, but in terms of sort of redeeming things about this from a transportation perspective this does provide a really strong commitment in terms of the internal and external connectivity which will help. Just by mere virtue of the fact that we would be combining these uses on a single site with strong emphases on urban design and connectivity means that a site like this that provides this kind of density can outperform an alternative scenario where you build a similar amount of office or retail or residential that would maybe more disbursed in this area. Lastly, just to kind of consider that if this development doesn't happen in the proposed zoning and if it were to happen more as a by right condition that 15,000 to 17,000 vehicle trips per day I mentioned earlier, it is likely we would get some amount of mitigation but probably nowhere near as significant as what comes with this proposal. This I think in combination with the other things that Laura described as part of how the City got to that overall recommendation, but wanted folks to understand how it all shapes out.

Mayor Clodfelter said Ms. Harmon, back to our favorite topic of the evening, the schools so we get a report from the school system about how many kids would be generated from this, but they don't say a word about this is the site they want for a school.

Ms. Harmon said while they may not say in the correspondence we've gotten from them, I think probably the petitioner could speak to that because there have been discussions about that.

Councilmember Driggs said that was actually first point to find out; there has been a lot of discussion about the school there and how many kids would be local or whether it is a magnet. What exactly is the status of that right now?

Ms. Harmon said again I think I would have to defer to the petitioner on that and hoping they would be able to answer that in their presentation.

Mr. Driggs said the chocker roads were one of the major concerns expressed by the neighbors; have we evolved exactly what the solution is for those yet or are we still taking about that, whether it is a permanent bottleneck type situation or a potential two-way that is temporarily narrow or what that will look like?

Mr. Davis said I think at this point the site plan commits to those treatments and I think that may be something the petitioner's agent is going to talk about. I think they've had some pretty specific conversations with the affected residents about what the right design treatment there is. We are pretty flexible about whether or not that is considered a permanent or semi-permanent treatment.

Mr. Driggs said but C-DOT sees a workable solution in terms of achieving the connectivity requirements that the City has.

Mr. Davis said yes, absolutely.

Mr. Driggs said the last thing, you mentioned the Ardrey Kell eventually becoming a two-lane; do we have any kind of timeframe for that because that entire road along its length is getting worse and worse and this is going to be a pretty major crisis. Is there any timeframe established for when that widening would occur?

Mr. Davis said to my knowledge there are no public improvements that are committed right now or program. That doesn't mean there aren't conversations going on that would be a prelude to that. I can get your more information in a follow-up report. It is possible that we will get some capacity incrementally as we do with this, but I will have to follow-up to find out what might be a realistic horizon year for that.

Councilmember Phipps said this is for Ms. Harmon and the Planning Staff; you talked about working and talking with the neighbors and other stakeholders to come up with another plan for this parcel but I'm wondering are we not setting a precedent by essentially bypassing the traditional small area plan process where we would get these stakeholders, get approval from City Council and then have a plan. It looks like we've more or less did this unorthodox approach to looking at this particular parcel and trying to come up with something outside of the normal approved plan. I would like to get your thoughts on that.

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Ms. Harmon said we would ideally like to go through that larger process but we also know that there are a number of areas of town in line for area plans and sometimes, and this isn't the first time we have gone through something like this, time is of the essence and we see a need to look at something. A project might be coming in for rezoning regardless of whether or not we go through this type of exercise so we try to do it very efficiently, very quickly, but we want to make sure before we come to you guys with a recommendation of something that varies very significantly from a plan, that we've heard from the community and we know where the community's hope is, what their concerns are and that we can feed that into our response as we are providing a response on the rezoning. Ideally, yes we would like to have gone through a longer process, but we do think this was valuable in talking to the community on such a major rezoning.

Councilmember Smith said I think the residents in the SouthPark area would welcome an amended process if you could get to us a little sooner.

Ms. Harmon said we hear you.

Collin Brown, 214 North Tryon Street said I'm here on behalf of the Petitioner, Lincoln Harris and by extension the Rea Family who have owned this property for many generations. From Lincoln Harris tonight in attendance are Johnny Harris, Greg Curry and of course Tracy Dodson who has excused herself for the hearing and then a number of representatives from the Rea Family.

Thanks to Ms. Harmon and Mr. Davis for their presentation; the *Charlotte Observer* mentioned this was one of the largest Charlotte rezoning's in recent memory and the fact that I only have three minutes to explain this to you is I think a testament to what Lincoln Harris and the Rea Family have done with regard to community outreach. Mr. Phipps, your point is this a unorthodox process; the City of Charlotte has a developer response framework in place for petitions like this. I don't think anyone would have imagined a few years ago that you would have a flat square 200 acre parcel that is suddenly coming in for redevelopment. You could ask the Rea Family, but I think they will tell you that something is going to develop on that property in the very near future. Before we filed the rezoning petition let's reach out to staff and see if they would be willing to engage the community and because of the circumstances around this they did and the developer response process was very well attended by the community, several hundred showed up for the first meeting and they had to stagger them because there were so many. What I wanted to leave with you on the screen, one of the things that staff did as a part of that process was they did some interactive live polling and I want you to understand that as part of this process the Rea Family and Lincoln Harris took a huge leap of faith to go through that process at the outset, throw the doors open and go to the community and ask them what the vision for this site should be. I want to point out as Ms. Harmon mentioned this is a slide from the report that came out of that; one of the questions was I would like to see the Golf Links site used for single family development. Sixty-three percent of the responders did not want to see just a single family sub-division there. The next question was I would like to see a mix of uses; 70% of the response, the people that came to the stakeholder meeting said that they wanted to see a mixed use development on the site.

Brian Daly, 214 North Tryon Street said I'm here on behalf of the HOA of Stone Creek Ranch. Stone Creek Ranch is the community that borders up against the Charlotte Links Golf Course today. Since October of last year we've engaged Lincoln Harris to mitigate the concerns of our neighbors and I'm very pleased to say that we are here today because Lincoln Harris has been very respectful of our needs. Lincoln Harris has shown us the vision that they have for this proposed site and we support the rezoning.

Mayor Clodfelter said tell us that the Charlotte Mecklenburg School System wants this site.

Mr. Brown said I appreciate a couple questions and obviously there is a lot to cover. As Laura mentioned, a portion of the site, essentially this area here, is where we've created in the zoning the ability to accommodate a school site. One of the outcomes of the stakeholder meeting is Lincoln Harris said community what do you need and the community says we need schools, we
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need other supported services and so Lincoln Harris went to CMS and I think CMS is represented in the meeting I was in and said this site is pure magic. At this point the Lincoln Harris team is in contract negotiations with CMS for 10-acres in that area. We had hoped to have that contract finalized by the time we came to you, however some tweaks with our site planning has created some contract negotiations back and forth. We understand CMS has funding currently for a K-8 STEAM (science, technology, engineering, arts and mathematics) Magnet School. I will say our traffic study is geared to cover a K-12 in the event they have additional funding, so their funding is for a school like that at that location to open no later than 2020. I can also tell you that the Lincoln Harris team met with CMS as recently as Friday to discuss site plan options. As you can imagine if they want a little strip of parking along the street we've got to work that out with staff to make sure our zoning can accommodate that.

Councilmember Driggs said I wanted to commend the Rea Family for their very thoughtful approach to this and their desire to accommodate interest expressed by residents. It has been a very long process and I think all the parties have come together well to identify this particular solution as the one that reconciles all the various needs, many thanks to you and to the Stone Creek Ranch for being very constructive in the approach. Obviously issues remain; we are shoehorning a huge development into an area that I've already told you is crowded and I think it is apparent from what C-DOT said that we've got challenges so I'm looking forward to seeing the final details of how the traffic issue are resolved. One thing I was interested about also, the school that is proposed, what is the mix of students going to be there; will that actually serve the local community or as a magnet, how many students would actually not be from the immediate vicinity because there are pressures also on the schools in the vicinity.

Mr. Brown said I'm uncomfortable answering CMS questions for CMS. My understanding again this is a magnet program that will mostly serve the kind of schools in the area that are overcrowded.

Mr. Driggs said I can just say that is an issue that has come to my attention from the area residents. In terms of connectivity we have sufficient comfort; you mentioned the Tom Short and Ardrey Kell intersection. Are we comfortable that the kind of broader repercussions on traffic have been correctly identified? Perhaps this is for Mr. Davis. The improvements and they are significant that are included in the proposal pertain to an area that is pretty immediate to the surroundings but in fact the repercussions will be felt in a larger scale.

Mr. Davis said obviously we have to cut the scope of the study off at some point and in this case I-485 because we have strong trip attraction to and from the interchange. What I would say to answer your question directly is the thing that remains outstanding for us is Ardrey Kell and Tom Short, we've had some conversations and we think there is some work to be done there. As you get further and further west or around the corner on Tom Short there is there a point at which we stop seeking mitigations back as a result of this development.

Mr. Driggs said as a final comment there are actually advantages to a wholesale type of project like this; the coordination and the way the traffic flow can be planned so I'm actually quite excited about the prospects with this.

Mayor Clodfelter said the other advantage if you bring it in as 194 acres you get no controversy; than if you bring it in as a quarter acre infill project.

Motion was made by Councilmember Driggs, seconded by Councilmember Kinsey, and carried unanimously to close the public hearing on Petition No. 2015-022.
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ITEM NO. 33: HEARING ON PETITION NO., 2015-023 BY WELDEGEBRIEL UCBEAB FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.25 ACRES LOCATED ON THE NORTHEAST CORNER AT THE INTERSECTION OF HARRISBURG ROAD AND CAMP STEWART ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES).

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

Mayor Clodfelter declared the hearing open.

Tammie Keplinger, Planning said this property is located right off of Harrisburg Road and Camp Stewart Road; it is actually an existing convenience store that has been in the area since about 1947 when it was built. This is an older convenience store; it doesn't have gasoline sales. There is a single family residence that is right beside it with more residential spread out across the road. Part of the proposal, and I will show you in the site plan, the driveway for this residence is actually on the property that is proposed to be rezoned and will have to be relocated if this rezoning is approved.

The request is for a 6,000 square foot convenience store with automotive service station, which is how we say gasoline sales in our zoning ordinance. The maximum building height is one-story, lighting limited to 20-feet. They are providing a left-turn lane and the dedication of additional right-of-way along Harrisburg Road and along Camp Stewart Road. It provides a 20-foot wide buffer abutting the single family residential uses and it also provides building elevations which I will show you in just a moment. If you look at the site, Camp Stewart Road; you will have a driveway off of Camp Stewart and you can see where the new driveway to the residential property is going to be aligned off the site that is proposed to be rezoned. The back of building is going to face Camp Stewart with the new gasoline pumps to the center of the site. The proposed water quality features are located in this area.

In terms of the elevations; this is the north elevation, this is the Camp Stewart Road elevation and Harrisburg Road and then the elevation from the single family home. There is a note on the site plan that this glass will not be visible glass so it will be more like a black glass or spander glass, something that you cannot see through. In terms of the future land use plan the Rocky River Area Plan that was adopted in 2006 recommends retail for this site and that is an acknowledgement of the convenience store that is located on the site now. You see everything else in this area is recommended for single family residential except for an institutional use which is close by.

In terms of this request staff does recommend approval of the petition upon the resolution of the outstanding issues; it is consistent with the Plan and the Plan recognizes the commercial use. There is a need for neighborhood serving retail in the area which helps reduce vehicular trips to local residents. We do have some outstanding issues that are related to C-DOT and other technical issues, but we feel confident those will be resolved before the Zoning Committee meeting.

Brian Upton, 8720 Red Oak Boulevard said I'm with the Isaacs Group and I represent the petitioner and he is looking to renovate the existing store which has been there for 60 plus years and because the property is zoned residential he is limited in what he can do so in order to do that we are proposing to rezone to Neighborhood Services in attempt to clean-up and expand his operation. We understand that traffic is an issue and I think that is one of the big concerns of some of the neighbors that do not support our petition for rezoning, but we will be working with both C-DOT and NC-DOT on the offsite road improvements that will be required for this. Last week I had a discussion with C-DOT and there is maybe the warrant of a traffic signal at this intersection. I think they are still studying that in its entirety and we will work with them to get that through. I know the neighbors also have concerns about the gasoline and again that affecting the traffic, but the idea is that this convenience store will prove a one-stop shopping so to speak where a customer can get gas and also get whatever else they need versus having to stop here to their snacks or whatever and they go somewhere else to get their gasoline. In addition to the landscape buffer, we are providing adjacent to the residential; we are also proposing a low screen wall along Harrisburg Road side to help soften up the view of the gasoline pumps from the residents across the street.

I believe the concerns that were listed in the protest petition were the devaluation of the residential properties, the loud noise and potential crime, that there are already other gas stations nearby and again the traffic concern. I can't really speak to the devaluation of the property, that is up to the real estate appraisers, but it is our belief that putting a new store there is a significant improvement over the existing store that is there. So in hopes that would help some of the property values, also modernizing the store, providing better lighting would also help discourage

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some of the crime. The petitioner has told me that he does not want the loud noise either because that is not good for business; people playing their radio loud or loitering so he will make every attempt possible to keep that from happening. Again there are other gas stations nearby but we believe the one-stop shop, be competitive and be able to attract customers is important.

Prior to this meeting the petitioner gave me a list of 120 plus names of customers; a petition he has had signed that support this rezoning and I will provide that to staff as well as Council showing that there is support for this. I've also received a letter from the property owner directly across the street; it was included with the meeting minute's notes from the community meeting that he supports our rezoning petition. I've also had a conversation with the property owner immediately to the north, Mr. Steele, and the only concern he had was that were just providing an adequate buffer between us and him, but otherwise he also supported the rezoning.

Councilmember Autry said there was some discussion at some point about a carwash and I notice that the note referencing the carwash has asked to be removed in the outstanding issues. Are you building a carwash?

Mr. Upton said no there will not be a carwash associated with this project.

Mr. Autry said regarding the lighting; I've heard a lot of concerns about the lighting and getting that managed and under control. In your communication with the neighbors do you feel like these discussions are constructive?

Mr. Upton said we are going to be limited to a maximum light height of 20-feet. We will probably have LED lighting which is more direct versus the lighting that typical metal ... which is a spread lighting but we have to provide the amount of lighting that we deem is also safe for the customers as well.

Mr. Autry said regarding the gas pumps; will there be music playing at the gas pumps?

Mr. Upton said I don't think that is the intention, but I can't say that I would rule that out. I know that technology changes over time so it is possible but usually that is only heard directly at the gas pump; usually don't even hear it at the pump immediately beside it.

Mr. Autry said the concern has been raised from the neighbors regarding that also. Ms. Keplinger, in your presentation you mentioned about the glass in the building.

Ms. Keplinger said the building elevations; there is a note on the site plan that the building elevations along Camp Stewart Road that the glass will not be visible glass. I don't have the note in front of me, but it will not be glass that you can see through.

Mr. Autry said is that really what CMPD would prefer for security reasons?

Mr. Upton said along that side of the building is where the coolers are and the equipment for the fountain drinks so if there was glass you would be just looking into the back of the beer coolers.

Mr. Autry said where do you feel like you are with the discussions with the community; do you think you can work with them to get the protest petition lifted?

Mr. Upton said we will try.

Mr. Autry said Ms. Keplinger can we check with CMPD as to what kind of calls for service they have been dealing with over there because I think there is some concern about that from the community also. What kind of management practices work best for working with CMPD and insuring with the neighbors that the facility is going to be buttoned up and running to the best standards.

Mr. Upton said one other thing to note that this will not be a 24-hour store; it will probably close at 10:00 or 11:00 at night.

Councilmember Smith said who is the operator of this store? Is this a 7-11?

Mr. Upton said it is an individual; the petitioner is also the operator.

Councilmember Mayfield said you mentioned that there are other gas stations; do we know how many other gas stations there are in close proximity to this potential for tonight's request?

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Mr. Upton said I believe there is a BP on Harrisburg Road at I-485 which about a mile away then there is another one toward the other end of Camp Stewart probably a mile or so away.

Ms. Mayfield said so you are saying there are only two other stations within a mile each side of this particular one so this will be the third business within a mile of each other?

Mr. Upton said that is probably accurate.

Mr. Autry said isn't this part of the Red Sea Convenience Store Operations; isn't this one of those properties?

Mr. Upton said I believe there is two other locations.

Mr. Autry said but they are known as Red Sea and I think CMPD is familiar with them.

Marc O'Kane, 8016 Winterwood Place said I wanted to call attention to Mr. Polk; he is actually the guy in the corner of the street and I live next door to him. We live directly across from it and I'm representing about 100 people that live in five cul-de-sacs with two single entrances right across the street from the Red Sea Store. There are actually four gas stations, three on one side down near Albemarle Road and another one near the BP Station so we are a little confused as to why he is planning what he is. He didn't really come to us; he hasn't said anything to us and I think we have enough petitions signed for the three-quarter vote. The first thing I wanted to talk about was the location of the rezoning and potential development surrounding the area. There is over 30-acres waiting to sell with commercial capability eventually. The owners that sit next to him that it is time to sell; unfortunately Harrisburg Road can barely hold the traffic it has now. There are no plans for larger roads, there are no lights, no privacy fences; there are no plans for this road. At the very end of the street near the BP is a round-about; we put that there because it was the most dangerous intersection in Charlotte at one point. There were accidents in front of our house all the time and they finally widened it a little bit so we can actually turn in. Mr. Polk's wife has been hit in the rear end in front of her own housing trying to pull into the street so the road is dangerous.

The original plans called for 24-pumps and a carwash but no one has ever asked us any kind of input. The plans have been designed with no regard for his neighbors; signage in the store point directly at our houses. The plans have been scaled down a little bit but the entrances and exits are still directly in front of our cul-de-sacs. We have serious concerns about what affect a large plan would have with the traffic flows and our safety. As it is now it takes us about five minutes to get out of our neighborhood during the busy time.

The next point was controlling noise, loitering and trash; there is a loud music coming from cars at all hours of the night that are parked there. There is trash strewn all around the store property; people loitering around in the parking lot. We don't see anything good that has come from his business. I've been in his store; I've talked to him and I asked him about these issues and either he denies them or says he will fix them and nothing changes. Gunshots went off one afternoon and I went up there and asked his son about the gunshots and he denied them and said it wasn't there. There is record of gunshots there and we've heard gunshots before; we've had issues there, I've heard people screaming in the parking lot so we kind of feel his store is bringing crime up from the Albemarle Road region. My house has been broken into twice. Just recently about 200 yards away, about two weeks ago they broke into Mr. Turner's, who is on the petition, house and stole \$3,500 in cash from him in broad daylight. We don't call the police anymore because it takes too long to come out there. We don't speak to him because he is not going to do anything about it and we don't really know what else to do. When I came down here Mr. Polk said I hope they will leave us alone. I don't think they are going to leave us alone. We are just a bunch of working class taxpayers; we are not afraid of development, we encourage small business and I own a small business but this rezoning is too much in a small space with a lot of heavy traffic. The owner of Red Sea Grocery has shown us that his concerns aren't for us and basically all he cares about is his own and I ask the Council to vote no on the petition. We know we have to make plans, we know we have to move if it gets developed. I don't see how I can sell my land with a big bright light facing us and a gas station with 24-pumps. If you deny the
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petition that will give us two years and we can probably try to move. We've all been there a long time and there are a lot of people that have lived there a long time and we would like to stay where we are. I hope this project doesn't go through just because of the traffic. I don't think we will be able to get out of our houses and I think it will be a pretty big issue as far as trying to get in and out during rush hour and I don't see any lights. I think that is the first I've ever heard him talk about a light so we respectfully understand what he is trying to do. He wants to build a business, he wants to make a dollar, but at the same time he is taking our property and putting it at risk, putting us at risk and basically being irresponsible as a store owner, as he is now. We are going to reward him with a bigger store? I don't reward businessmen who let people loiter over their property, let the garbage go all over the place and have crime happen. I just hope you guys vote no.

Councilmember Driggs said I am curious, the third point in your note says no public input and the number of people who attended the community meeting was 14 so were you not properly notified about the community meeting?

Mr. O'Kane said basically I think this has taken our development by surprise. There are a lot of people that aren't within the zone that can't sign the petition that can't speak up. I think there are a lot of people who don't want it to happen, but feel that government is going over them and they don't really have a choice. When I went to sign my petition to get the signatures for the protest the only people that wouldn't sign it were the people that want to sell their property that are adjacent to him.

Mr. Driggs said I'm just trying to clarify the question in particular about; do we have a record that the notices were sent as required to the people that were supposed to be notified?

Ms. Keplinger said yes sir we do; I'm not sure where Mr. O'Kane lives but we can check and find out if he is within the 300-foot radius or registered homeowners' organization within one mile.

Mr. O'Kane said I can tell you where I live; I live right in the corner right next to Mr. Polk. We live literally on diagonal right in. All the rest of the people in the neighborhood all the way back in all those cul-de-sacs aren't within the zone so they were not contacted. That is Mr. Polk and that is my house; all those people in the cul-de-sacs back there up on Teeter Road and behind there all those areas, they can't speak. I think they can sign a petition but I can put as many names on a petition as he can.

Mr. Driggs said the zoning sign was posted and the correct notification procedures were followed is what I'm trying to establish. There are signs there that mark that as the site for a rezoning?

Mr. O'Kane said I know that I got a letter in the mail I can't speak for them.

In rebuttal Mr. Upton said I guess to address the concerns about the entrances or the driveways we believe that we are providing a better situation; right now you just dive in off either road in front of the store. We will actually have dedicated driveways to both Charlotte and NC-DOT standards that are installed basically as far away from the intersection as possible to hopefully alleviate some of the traffic issues in that area. He mentioned 24-pumps; this gas station would only have six pumps which is 12 fueling stations. The concern about the notification; we had two public meetings and we sent notices to everyone that was on that address. I believe there are some rentals in there where maybe some of the residents that live in the house may not have gotten a notice, but whoever owned that property was notified and after the first community meeting we knew there were some concerns from the neighborhood about some notifications. Staff let us know that there were some other interested parties and on the second community meeting we had we made sure those folks were included in the notices that were sent out.

Councilmember Mayfield said I'm looking at the vehicle trip generation and it is saying that the current zoning allows for 100 trips per day but we are looking at a proposal of 2,000 trips per day if we were to move towards this so where I'm a little confused is the information that was shared tonight there are three or more gas stations already in close proximity so I'm trying to
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understand who came up with this number of 100 trips per day being proposed to 2,000 trips per day.

Ms. Keplinger said I will attempt to answer but Mr. Davis might want to come up and help, but I will tell you that the trip generations are based on standards that are across the nation from I believe the ITE standards book so it is not for this specific location.

Mike Davis, Transportation said that pretty much answers it; I would just add that determination does not take into effect how having other fueling stations nearby are going to impact customer preferences to go to this one or not go to this one. It is strictly based on how many fueling positions there are.

Ms. Mayfield said so what I'm hearing is basically it is a guestimate and we are saying from 100 to 2,000.

Mr. Davis said that is not a range; the 100 is what you would get or what is possible as a reasonable development scenario as it is currently zoned. The 2,000 there is some guesswork and not every gas station is going to be the same. There is going to be some variation but it is not 100 to 2,000 it is going to be plus or minus 10% to 20% I would say.

Ms. Mayfield said I'm going to ask a question that you may or may not be able to answer but it is something I want us to think about; if we already have a number of stations that are in an immediate area are we tracking to see what their customer base looks like before staff even considers to approve yet another one because long-term impact we are seeing a lot of stations that are developed within 10 years or less those stations are being closed; the community now has an empty station and it is extremely to my understanding very expensive to redevelop land that previously had a gas station on it because of environmental issues. Are we looking at the impact of okay we already have three, four or five within a mile and a half, what would this new one do as far as either competition, which is supposed to be a good thing, until the community is left with the impact of this empty gas station which we have seen throughout District Five, District Three and other areas where you have a gas station that becomes a convenience store for a couple years until it closes and it just sits vacant for a number of years. Are we taking any consideration into the impact when we are saying yes we support the idea of this?

Ms. Keplinger said you bring up a good question and it is not one that is just unique to convenience stores, I think it is one that we have seen issues over the years with big box retailers and other uses and fortunately or unfortunately through the rezoning process what we look at as land use. When you are looking at the number of stations that are in the area or the number of big box retailers that are in the area that is a market driven market analysis and that is something that we do not get involved with when we are working on rezoning's.

Ms. Mayfield said I don't know if this is something that can go through staff or I'm going to ask our City Attorney if legally we can look at. At some point we need to start looking at impact of areas even though we have to look at land use, at some point we need to be able to look at community impact with certain types of development because if not we are continuing this cycle where every five to ten years we are trying to figure out how to build infill development to offset the decisions that we made 10-years prior. The logic of that is how we've always done it, so we should continue to do that, doesn't really work well. Whether that is a question we are dealing with legalities looking at talking with legislative that we need to get permission or is it something we can do locally, we need to start having some real conversations around the ability that this body had to really protect the growth within the City. Would that be in the City Manager's Office?

Deputy City Manager Ron Kimble said what one might describe as community impact, another might describe as market research and you have to decide where is that balance and where does it fall legally to do that.

Ms. Mayfield said are we going to be able to research it to find out?

Senior Assistant City Attorney Terri-Hagler Gray said yes.

Councilmember Austin said Mr. Upton, I noticed in your rebuttal that you really kind of glossed over the concerns from the community particularly as it related to ownership and responsibility of what is currently there. How will you respond to those questions about loitering, crime and other bad behavior that is going on because for me it is important that we have businesses that are part of the community and they are not just coming in, making money and leaving because that doesn't do us any good? How do you respond to the residents on that piece because you didn't respond?

Mr. Upton said the petitioner is going to be putting a pretty significant financial investment into developing this property and having to go through some of the offsite road improvements that he is going to have to do in addition to the onsite development. As part of that he has a vested interest in controlling the crime that would happen on his property, making sure that it is a very neat and orderly property, that it is not going to be something that is going to be an eyesore for the community. I don't know if that answers what you are looking for.

Mr. Austin said no, not really. He has a business there now so what he is doing to help these neighbors who I'm hearing have some challenges.

Mr. Upton said I think what it is now is that based on the age of the store and it is to the point where in order to I think take care of some of these issues it is time to take out what is there. There is so much renovation, so much clean-up he can do based on the current zoning of the property to get it to where it can be a thriving business for himself and also be more of an asset to the community. The petitioner is here and he might be able to better address it although he did not sign up to speak tonight.

Mr. Austin said it doesn't sound to me like building a bigger building is going to be a way for this particular petitioner to connect with the community, just a comment, not responding.

Motion was made by Councilmember Autry, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing on Petition No. 2015-023.

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ITEM NO. 34: HEARING ON PETITION NO. 2015-024 BY JEFFREY SMITH FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.413 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF EAST 22ND STREET AND NORTH BREVARD STREET FROM I-2 (GENERAL INDUSTRIAL) TO I-1 (TS) (LIGHT INDUSTRIAL, TRANSIT SUPPORTIVE OVERLAY).

Mayor Clodfelter declared the hearing open.

Tammie Keplinger, Planning said this property is located right off of Brevard Street, as you can see the yellow circle shows the property of the site. All of the surrounding properties are zoned I-2 and the request is to an I-1 TS which is a transit supportive overlay. I want to talk to you a little bit about what the Transit Supportive Overlay District is designed to do. It is designed to create a set of additional standards that are designed to accommodate continued existence and minor expansions of existing uses while transforming for more compact and high intensity development of the transit supportive uses where we want in the future to have transit oriented development. This property is located in the Blue Line Transit Extension Station Area Plan, Parkwood Transit Station area and it does support transit supportive uses for this property. You can see the site is within a ¼ mile walk of the station and it is a conventional request so staff is recommending approval of the petition. It is consistent with the Plan and it is consistent with the design of the TS overlay.

Motion was made by Councilmember Barnes, seconded by Councilmember Autry, and carried unanimously to close the public hearing on Petition No. 2015-024.

Councilmember Smith said this is sort of what I was pointing to earlier where we seem to have an inconsistency I think with some of these zoning plans and want to make sure that is noted for the record.

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ITEM NO. 35: HEARING ON PETITION NO. 2015-025 BY CIRCLE K STORES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.03 ACRES LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF IDLEWILD ROAD AND EAST W. T. HARRIS BOULEVARD FROM R-4 (SINGLE FAMILY RESIDENTIAL), INST (CD) (INSTITUTIONAL, CONDITIONAL) AND B-1 (NEIGHBORHOOD BUSINESS) TO NS (NEIGHBORHOOD SERVICES.)

Mayor Clodfelter declared the public hearing open.

Tammie Keplinger, Planning said this is located at the corner of W. T. Harris Boulevard and Idlewild Road. Several years ago we had a rezoning that was very close to this property and it was for the church that is located right behind it for a dental clinic that was on their property. Some of you may remember that case. In terms of the zoning in the area it is mostly single family residential except for the pocket of B-1(CD) that is right at the intersection and of course the area for office and institutional use for the dental clinic. You can see from the aerial there is an old convenience store. Tonight seems to be the night for them, but there is an old convenience store that is located on this property and has been there at least for 20 to 25 years. The proposed request will expand the property so they are going to be buying part of the church property to expand the convenience store. The proposed request is to provide for a 4,000 square foot convenience store, detached lighting is limited to 20 feet in height. It commits to avoiding blank walls in excess of 20-feet; the signage is limited to 50 square feet and ground mounted. They will provide a buffer for the adjacent residential use and they will provide building elevations which I will show you. The gas pumps are located at the corner of the C Store and they have a proposed tree save area and you can see the buffer along the adjacent property line.

This is the corner of the existing church, the building that has some historical character to it and is actually part of I believe is on the register. In terms of the building elevations you can see the rear elevation and this is the front elevation and these are the side elevations of the site. In terms of the future land use map the Eastland Area Plan recommends institutional uses and that is because of the church that is located on the adjacent property. It is a little bit unusual that it didn't recognize the existing retail use that was on the site, but in this case it did not. The request that we have before us tonight is inconsistent with the Eastland Area Plan but the new store is located on two major thoroughfares and will replace the existing service station. The outstanding issues that we have are technical in nature and we feel like we will be to address those prior to the decision so staff is recommending approval upon the resolution of those issues.

Adam Serafin, 2440 Whitehall Park Drive said I am with Circle K and I would like to start by thanking the Mayor and Councilmembers as well as the staff for their recommendation. Circle K is no stranger to the Charlotte area; as of yesterday we had 47 stores in the greater Charlotte MSA and as of today we are proud to announce that we actually just recently closed our purchase of the Pantry Stores, the Kangaroo as more commonly referred to. That gives us over 100 stores in the Charlotte Metropolitan Area. We love the position this puts us in but what is next. We plan to reinvest, reimage and rebuild where we can all of our old stores, old facilities similar to the picture of the subject site. This one is the next one in line as a part of that goal. As you can see from the pictures this is a small 500 square foot store there today; the pumps are actually right on side of the store, not ideal. I'm not going to sit here and say it is unsafe, but it could probably be a lot safer. Not a lot of structure to the traffic, very few parking spaces at peak hours and it is just kind of all over the place. What we plan to do as you saw the new site plan, is put about \$2.1 million into this area; we have a under contract with the church to buy about ½ acre which gives us just over an acre total and we plan to build our 4,000 square foot facility with four pumps out front, so the same number of pumps that we have today, however because they are away from the building customers are able to pull on both sides of it. This gives us structure to the parking lot, makes is safer, puts the employees in the store in front of the entire lot; they are able to police it a lot better and really we've been a part of this neighborhood for a while. This neighborhood has been very good to us and we want to put our best foot forward for
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the neighborhood. I think we can say if it is positive for not only the community, it is positive for the church and we think it is positive for the City of Charlotte as a whole.

Hunter B. Lacy, P. O. Box 25963 said I have lived in this area since 1982; I'm a member of the church and I can tell you that the church supports this rezoning and we've been working with Circle K for several years and they have done everything we've asked. They've been a great partner and we ask you to support the rezoning and vote yes.

Councilmember Autry said Circle K is consulting with CMPD about best practices for building a store today, about security and safety?

Mr. Serafin said absolutely.

Motion was made by Councilmember Barnes, seconded by Councilmember Driggs, and carried unanimously to close the public hearing on Petition No. 2015-025.
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ITEM NO. 36: HEARING ON PETITION NO. 2015-033 BY AVERITT EXPRESS, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.88 ACRES LOCATED ON THE NORTH SIDE OF ED BROWN ROAD BETWEEN WESTINGHOUSE BOULEVARD AND STEELE CREEK ROAD FROM I-1 (LIGHT INDUSTRIAL) TO I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL).

Mayor Clodfelter declared the hearing open.

Tammie Keplinger, Planning said this is Steele Creek Road, just to give everyone one an idea of where we are, and Westinghouse Boulevard. The site is located in the middle of the red circle and it is rezoning from I-1 to I-2(CD) which is general industrial, conditional district. The property is currently vacant and backs up to single family residential neighborhood as you can see on the aerial. In terms of the site plan that is associated with this it will allow the site to be developed with the services to an existing truck terminal that is located on Westinghouse Boulevard. It will have operations 24-hours a day. They do prohibit some specific use of some of our heavier industrial uses, there is a maximum building height of 40-feet, detached lighting at 30-feet and they provide a left lane and a right turn lane on to Steele Creek Road at the intersection of Ed Brown Road. You can see from the site plan along Ed Brown Road they have the proposed tree save area and then they have the building envelope with the tractor-trailer parking and then they have an additional building envelope and the 100-foot required buffer against the single family residential properties.

In looking at the site, this is the future land use map for Steele Creek Area Plan which was adopted in 2012 and it is showing all of these properties to be developed as industrial. This is consistent with the Steele Creek Area Plan. There are a few outstanding issues which are technical in nature but once those are addressed staffs feel's that we will be able to support this petition.

Collin Brown, 214 North Tryon Street said I am here on behalf of Averitt Express, Inc., the petitioner and from Averitt Express is David Webb who is in attendance and if you have any specific questions he can help me answer them. Just as orientation for some of you that are unfamiliar, there is a big aerial with a star on our site and I wanted to let you know zooming in, here is the site we are talking about. In the red circle is Averitt Express' current terminal; they have been in business in the area for over 25 years and this is their terminal where loads come off trucks, go to the other side, go to another truck and head out of Charlotte. They are very busy serving many of the industrial users in the area and need more terminal space; they are currently leasing a warehouse off-site where they are warehousing goods that may stay for a longer term so they would like to have a warehouse nearby. They would also like to have a facility for some of their drivers that are coming into Charlotte where a truck coming in could be washed; could have an oil change, the driver could rest for a while and then head back out. It is very important

for them to have a facility nearby and that is why this property has been selected, so here is the site.

One of the things I wanted to point out I think it is a little shocking sometimes when you say they are an I-1 and they are trying to go to I-2 which is heavy industrial, why are they trying to do that. One of the things I wanted to point out is as I understand it, I think almost all of the uses that we are suggesting are already allowed in I-1 except for, and I will switch to this, so the warehouse building is already allowed under I-1. The automotive repair and anything that was going on with the trucks, that is already allowed and as our discussion with staff, what is not allowed would be outdoor warehousing. If they have these trucks that are parked, the trailer goes there and it is parked overnight the ordinance is going to treat that as outdoor warehousing and therefore we need the I-2 zoning. I just wanted to point that out, I think all the obnoxious uses associated with I-2 Averitt is willing to say we will have none of those on the property and the last thing that I wanted to be sure I pointed out, this is actually a picture of a similar maintenance facility at their Atlanta location. We do have one change I want to make sure I got out there and make sure Ms. Mayfield is aware of, originally there was some wetlands on the site that was located all the way against Ed Brown Road and now some additional research that will actually shift this way so in our revised plan we will submit on Friday, we will actually shift it this way so the site will shift a little bit. We really like the way this is laid out with the tree save up front; now we will need to put some parking here but then you will have the wetland area, tree save area to screen the building. That is a change that came essentially after we got some more detail on the wetland that will be shown in our revised plan which we will share on Friday. I just got that information over the week-end.

Councilmember Mayfield said as soon as we can I'm going to see what that looks like, but also just for clarification and communication to Council I was one of the three in attendance for the discussion when it happened regarding this development and if you think about it anybody had a chance to actually watch over the week-end the exposé that was done regarding truck drivers and some drivers driving 24 plus hours on the road and the impact of that. I along with the two other residents in the immediate area had a number of questions regarding how the drivers of Averitt are treated as far as their hours on the road, making sure that they do receive enough rest and we were comfortable with the development being close enough where they can have a location where inside the building is also going to have space for them to be able to relax a little while and I'm going to need to see the updated information but we also looked at that buffer space since on the back side there is residential and thinking about other conversations that we've been having in the community regarding noise impact, the bays, the way they are developed are very quiet with the trucks coming in and out. That was something that those who were in attendance from the community were happy to hear and I just wanted to tell you and the developers thank you for giving the opportunity to ask whatever questions anyone wanted to ask in order to really get an understanding of how we move forward with this particular development.

Motion was made by Councilmember Mayfield and seconded by Councilmember Howard, to close the public hearing on Petition No. 2015-033.

Councilmember Howard said I didn't realize this was right up against my neighborhood; lighted?

Mr. Brown said we have made the typical commitments regarding lighting. I will point out one of the things we talked about at the neighborhood meeting, we had a resident from this neighborhood that showed; I did want to point out, this is agreed to be a Class A buffer which Class A buffers can be reduced by 25% if you do a fence or wall. Averitt has agreed there will be no reduction so there will be the full 100-feet with the tree save area on the outer 25-feet and then the building itself will essentially serve as a screen when it is developed from the rest of the site. I will have to look over our lighting commitments so I will follow-up with you; I think there are typical lighting commitments.

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

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ITEM NO. 37: HEARING ON PETITION NO. 2015-035 BY PAUL KARDOUS FOR A CHANGE IN ZONING FOR APPROXIMATELY .85 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF WEST BLAND STREET AND SOUTH CHURCH STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT – MIXED USE).

Mayor Clodfelter declared the hearing open.

Tammie Keplinger, Planning said this is located at West Bland and South Church Street within the yellow circle and you can see from the zoning that there is a lot of industrial that is surrounding this property and the property is currently zoned I-2. The use of the property is currently an industrial use. In terms of the future land use map the SouthEnd Transit Station Area Plan which was adopted in 2005 recommends transit supported uses. The property is located within ½ mile of the Bland Street Station. This request is consistent with the area plan and it allows all the uses in the TOD-M and staff is recommending approval. It is conventional, no issues.

Councilmember Mayfield said now that we have gotten to the point where luckily I have a number of rezoning's and hearings happening, what I'm trying to figure out Ms. Keplinger is we are starting to notice a transition between the roadwork and getting access into community where I-2 to TOD; are we looking at that also whereas development is happening that we want is moving further in town say within ¼ of a mile or a little further from the actual transit stop. Are we looking at the connectivity between our sidewalk and our PED Overlay in the streetscape because it seems like with some of them you are running into a building and you are doing this opposed to true connectivity so are we looking at that?

Ms. Keplinger said we are and that is something that is required as part of the ordinance and I expect that some of the things that you are seeing where some properties have developed and others have not so you are going to see that transition until all of them develop and hopefully if we follow the ordinance right, when it is done everything will match up.

Brooks Whiteside, 1300 South Mint Street said I am with Whiteside Industrial Properties representing the property owners of 1400 South Church Street. I would like to thank the City Council, Mayor and the Planning Department for going over our petition to rezone the property. We have petitioned to rezone the 1400 South Church Street property from heavy industrial to TOD-Mixed use. The TOD-M zoning allows the property to be used for complimentary uses to the surrounding land and growing neighborhood of SouthEnd. There are TOD and MUDD zoning properties on many sides of this site and the surrounding parcels as well. We feel this rezoning not only benefits the petitioner, but also the neighborhood. Because there doesn't seem to be any opposition to the rezoning I will use the rest of my time to answer questions from you.

Motion was made by Councilmember Barnes, seconded by Councilmember Driggs, and carried unanimously to close the public hearing on Petition No. 2015-035.

ITEM NO. 38: HEARING ON PETITION NO. 2015-037 BY DOMINICK RISTAINO FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.46 ACRES LOCATED ON THE NORTH SIDE OF WEST BOULEVARD BETWEEN SOUTH TRYON STREET AND WICKFORD PLACE FROM R-5 (HD-O) (SINGLE FAMILY RESIDENTIAL, HISTORIC DISTRICT OVERLAY) TO B-1(HD-O) (NEIGHBORHOOD SERVICES, HISTORIC DISTRICT OVERLAY).

Mayor Clodfelter declared the hearing open.

Tammie Keplinger, Planning said this is South Tryon Street and this is West Boulevard, you can see a little bit of a haze over the Wilmore Historic District Boundary. This property is located within the Wilmore Historic District and it is right beside of Bojangles that is located on

Tryon Street and West Bland. There are actually two parcels and one has a single family home and one is vacant. When you look at the Central District Plan the recommendation for this property is retail which is consistent with the adjacent property. The site is within ½ mile walk of the East/West Boulevard Station.

In terms of the area plan the Central District Plan actually does recommend retail uses for this site; it is a conventional rezoning request with no associated site plans so staff is recommending approval.

Councilmember Mayfield said what we currently have is residential around this area. I have a concern with having a proposal in front of us without a site plan and without clearly knowing what this is going to be because again we have seen a major change in the Wilmore Neighborhood and the Wilmore Community. This does not contribute to helping to balance the growth in Wilmore. Parking issues in Wilmore and the over development that is happening in Wilmore. The fact that SouthEnd is now bleeding and you are seeing a clear change in Wilmore; at what point to we learn exactly what this plans on being opposed to just saying it is a conventional rezoning that we are looking at and not knowing what this is going to be and what the impact is going to be right adjacent to residential.

Ms. Keplinger said there are provisions in the ordinance of course for the buffers for the B-1 property. The property is also located in the Historic District so there are some design constraints requirements that they will have to comply with. In terms of the uses, the uses are all uses that are allowed in the B-1 District and with a conventional request we don't know what the specifics are on that.

Ms. Mayfield said I have multiple concerns with this without knowing what it is going to be and the fact that we have proven that in our historic districts even though on paper we state that there are rules and regulations that should be followed, but the reality when development starts unfortunately the conversation is not happening to say this is what was submitted as far as development but this is now what you are developing so you need to tear that down and get it back to where it should be. The conversation more so goes in the direction of well you've already started it so we are not going to have you go back and make sure it is in compliance with what you submitted. To say that we have something in place that should protect the area, we've already proven on more than one occasion that that is not the case when it comes to the actual impact so I'm going to have a lot of concerns with this particular request without clearly knowing what it is they are proposing and with knowing how Wilmore has changed with development with multifamily that is encroaching from SouthEnd without knowing what we are actually agreeing to here and just saying well we are just going to throw the umbrella up and whatever falls under the umbrella we will work with when the time comes. I'm going to need a lot more information prior to the decision.

Dominick Ristano, 329 East Park Avenue said I own Metropolitan Builders as well as I own the property and it is going to be an office for us. We are not going to change the building at all, it is going to stay the way it is. I've owned the property for eight to ten years now and it is going to be that way for at least the next 14 to 15 years; I'm going to use it for a small office space. Next door to it, we have an empty lot next to Bojangles there is constantly debris coming from Bojangles. The house is constantly being broken into as a residential house and it is hard to rent out because it is next to Bojangles so our use for it is just going to be as an office. Being on the Historic District Commission I totally respect keeping structures the way they are and not tearing them down so our goal is to basically keep it the way it is.

Ms. Mayfield said do we have that in writing?

Ms. Keplinger said no ma'am.

Mayor Clodfelter said it is a conventional rezoning so we can't have it in writing.

Ms. Mayfield said that is why again I would like a little bit more specific detail.

Ms. Keplinger said in order for this to become a conditional request it will require a new hearing.

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Councilmember Howard said if you go B-1 you can do anything B-1 allows and that is the issue I think I would have. I'm not exactly sure I have a full breadth of what B-1 will allow because I hear you and I'm sure your intent is well, but if you decide to sell that property there is nothing we can do about it and you are leaving B-1 beside of residential zoning. I would love to know why staff is okay with that and I know it is beside Bojangles, it is South Tryon and it is just a block off from that and I can see what the nature of that intersection is going to get bigger over time but why be okay with not having more restrictions on what that property can be?

Ms. Keplinger said because the zoning ordinance does have buffers that are set up for the B-1 District between business and residential.

Mr. Howard said what is that?

Ms. Keplinger said I can't tell you right off hand, but it is based on the acreage of the site.

Mayor Clodfelter said can we get that on the follow-up?

Mr. Howard said it is a small site and I'm not sure they could achieve a true buffer.

Ms. Keplinger said they would be required to meet the buffers and if they can't then they would have to request a variance before the ZBA.

Mr. Howard said it is a long narrow lot so they would have to do a variance to even use it as an office, even we rezone it then I would think.

Ms. Keplinger said we have not seen a site plan for the site Mr. Howard so it is very hard for me to say what they have and what is required. Until we see something it is just difficult to answer those questions, I'm kind of speculating on what I think could be there.

Mr. Howard said property owner are you aware that there is a buffer requirement between residential and business?

Mr. Ristano said yes; we did a site plan and I'm not sure why that didn't get here but basically the property has two driveways, one for the lot that is vacant and one for the existing home and there is going to be parking just behind the home itself, I think six spaces and that is basically it. You would basically come in the driveway from the vacant lot and then park behind the building and there would be no parking in front of the building.

Mr. Howard said that is exactly what we got dealt with the Cherry.

Mr. Ristano said for handicapped parking ... to share on the left side of the house and if there is a handicap access that would be the handicap access ... to share.

Motion was made by Councilmember Mayfield, seconded by Councilmember Howard, and carried unanimously to close the public hearing on Petition No. 2015-037.

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ITEM NO. 39: HEARING ON PETITION NO. 2015-038 BY MERITAGE HOMES OF THE CAROLINAS FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.48 ACRES LOCATED ON THE WEST SIDE OF PROVIDENCE ROAD BETWEEN CEDAR CROFT DRIVE AND CANDLEWYCK LANE FROM R-15PUD (PLANNED UNIT DEVELOPMENT) TO R-4(CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL) AND INST(CD) (INSTITUTIONAL, CONDITIONAL).

Mayor Clodfelter declared the hearing open.

Tammie Keplinger, Planning said the property is located right off of Providence Road at Candlewyck Lane. The property was rezoned in 1975 when it was in the county as part of a 185 planned unit development that included single family, multifamily, 10 acres religious site which this is part of, a village center and then some amenities. The rezoning that is currently under review as I stated was part of the religious institutional property. When you look at the aerial you can see that there is an existing church that is located at the corner of Candlewyck and Providence Road and the request is to divide these two parcels so that the remaining portion which is vacant can be developed with 20 single family lots. The rezoning would allow the institutional use to remain, 20 single family lots. The density is rather low at 3.52 units per acre. The maximum height on the buildings is 40-feet and there is public access to the lots through a street which connects to Providence Road. The South District Plan does recommend institutional uses and again that plan was adopted in 1993. When looking at this request it is consistent with the South District Plan recommendation for institutional uses for the church portion; it is inconsistent with the recommendation for institutional for the residential portion, but with a density of 3.52 and this is the portion of the site that will fit in well with the adjacent residential property staff feels this is appropriate for approval. We do have several outstanding issues, but we feel those will be addressed.

Matt Kearns, 7709 Waterford Square Drive said I'm with Meritage Homes; we are the petitioner for this rezoning request. I know it is getting late and we are last so I will keep this brief. Candlewyck Baptist Church has owned this 9 ½ acre parcel since 1981 and right now it is zoned R-15PUD and per the Candlewyck PUD Site Plan it is designated as a church site. Candlewyck Baptist Church will remain on the 3.8 acres that they are currently utilizing; we are proposing that portion of the site be rezoned to institutional conditional. We will make improvements to their property as part of the development. Their existing parking lot will be repaved and restriped; we will actually add 12 additional parking spaces by paving an area that is currently gravel at the bottom of the secondary parking lot. There will be a 24-foot Class C buffer installed between their secondary parking lot and our proposed residential development; landscaping will be installed within this buffer per the City ordinance. Currently there is an 18-inch planting strip and a four-foot sidewalk along Providence Road for the entirety of this 9 ½ acres; that will be replaced with an eight-foot planting strip and eight-foot sidewalk and that is also per City ordinance. Finally we will be adding two new sections of sidewalk connecting the proposed residential development to the church and the church to the existing Candlewyck Community. For the 5.7 acres of the site that is currently vacant we are proposing an R-4 conditional zoning in order to allow for the development of 20 single family lots. The typical lot size will be 50-feet wide by 135-feet deep. Some of the lots will be more shallow back up to Providence Road but all the lots on the western side of the proposed street will be 135-feet deep minimum. The site will be per R-4 requirements in the ordinance; we are utilizing the cluster provision so 10% of the site will be dedicated tree save. There will be street trees and sidewalk installed on both sides of the street and there will be a 22 ½ foot common open space buffer behind lots 15 through 20; those are the lots that back up to Providence Road. There will be landscaping installed between that buffer and a fence or wall that will be at least four feet in height and just like the church side of the property the existing sidewalk will be replaced with an eight-foot planting strip and eight-foot sidewalk along Providence Road.

We held our community meeting at Candlewyck Baptist Church on February 19; we did receive some positive feedback during and following that meeting as well as some concerns. I will start by reading excerpts from two e-mails that I received from Candlewyck homeowners. The first said "it (referring to the proposed residential development) looks like it would be an asset to the neighborhood in several ways. The Plans we saw and the projected price points look like they would only serve to raise the value of the neighborhood". The second homeowner said "the new community layout is much improved from what we saw and I think this will be an asset to the current Candlewyck Community". On the other side we did receive some concern or hear some concerns, mostly related to traffic in the area most notably at the intersection of Providence Road and Candlewyck Lane. I just want to point out that according to C-DOT's analysis of this petition this site could generate 640 trips per day under the current zoning; that would be assuming this 5.7 acres is developed into either an expansion of Candlewyck Baptist or a new church. Under our proposed zoning the site will generate 420 trips so it is actually going to be less of an impact on traffic under the proposed zoning than under what could be done with the current zoning.

We have contracted a certified traffic engineer, Progressive Design Group to prepare a technical memorandum that will be finalized and ready for review in time for our Zoning Committee meeting. Most of the data has been compiled and Don Spence with Progressive Design is here if there are any questions about what that memorandum will state. I'm going to conclude by reading a letter from Dr. Steven Smith; Dr. Smith is one of the Trustees of Candlewyck Baptist Church and I believe one of the founding members from 1981. "Charlotte City Council, Candlewyck Baptist Church, 7200 Providence Road, Charlotte, North Carolina has reached an agreement with Meritage Homes to sell them a portion of our church property with the understanding it will be developed into a 20-home community. The church has voted almost unanimously, 98% in favor of the sale and development and have been very supportive of the planning as it has unfolded. The Candlewyck Trustees encourage and solicit your support of this rezoning petition".

Councilmember Mayfield said it is noted that the number of people that attended the meeting at the church was 25; do we know the breakdown as far as church members versus residents in the area since we just have 25? Unfortunately a lot of times we know that for some services a number of the people don't live in the immediate area where the church may be so are these 25 of the residents that were in attendance or we just have a total of 25 in attendance at the meeting.

Mr. Kearns said it was a mix; I can't give you specific numbers. I would say there was probably five to ten members of Candlewyck Baptist and the remainder would have been from the community in the area.

Councilmember Lyles said I'm looking at the design of the cul-de-sac for the property and I'm wondering why there wasn't a connection into the church lot to give you more circulation. One of the things that we see is that turn in and out, I don't think there is a median there on Providence Road so you could turn right or left there. I'm just wondering why you would not want to build more connectivity.

Mr. Kearns said just to clarify the entrance to the proposed residential development will be a right in/right out only. There is a median there and I apologize I meant to address the connection to the church parking lot. C-DOT now says they actually did request that; we met with them this past week and we asked that that not be required. Candlewyck Baptist has a daycare that operates five days a week and it is a safety concern to have a public right-of-way connected to that parking lot encouraging people to cut through to Candlewyck. In addition we have met with the Candlewyck HOA on a number of occasions and one of the biggest concerns they had was connection to the existing Candlewyck Community which will encourage cut-through traffic.

Ms. Lyles said I understand people are concerned about cut-through traffic until they can't drive and actually drive into their neighborhood. It seems to me we are missing an opportunity here and I'm not quite sure why.

Councilmember Howard said it would seem to me, following with what Ms. Lyles is saying, that the cul-de-sac is in the wrong place. It ought to be up against the church and then you actually ought to have a road going out toward the bottom so you could actually get out on Providence at more than one location. I guess my question is for Mr. Davis; I know this is not a lot of units, just like the one earlier on Kenilworth, but any concern about the cul-de-sac nature of this and only one way in and one way out?

Mike Davis, Transportation said just a couple thoughts, one would be it speculates a little bit about what the future of this might hold but leaving it stubbed on the southern end at least allows the possibility that it could one day be extended if anything ever changes with the church and could create a proper connection to Candlewyck Lane. The cul-de-sac on the other end, I don't recall what opportunities there might be, but I don't know that there was really anything to extend that.

Mr. Howard said they obviously own the land all the way to Providence Road so why not require a drive-way at the cul-de-sac and the one that this is in.

Mr. Davis said the second access to Providence?

Mr. Howard said yes.

Mr. Davis said I don't know that that would hurt, but I also don't know that that really achieves anything significantly in terms of how people get in and out of this site.

Mr. Howard said it just stops traffic from building up on that side street with them trying to get out on Providence Road in the afternoon. The traffic would be going the other way and they would have to make a U-turn to go back into town in the morning.

Mr. Davis said I think any movements out of either location to go towards town would be making a right turn to make a subsequent U-turn. Certainly you can disburse traffic a little bit within the site, but the prevailing issue is whether or not you can find any additional means to have connectivity to something other than a right-in/right-out. We would be fine if there was a second connection, it is not something we thought was critical to pursue.

Mr. Howard said I thought our planning principles were to go away from cul-de-sacs unless we just have to and this one just screams at me for a connection more than it does a cul-de-sac.

Mr. Davis said I can't speak entirely for the Sub-division Ordinance but I think part of what it is doing is insuring that we get a certain amount of connectivity at a minimum spacing. The block size don't get too big, we get a minimum of connections, etc. so it is not that you can't have a cul-de-sac, but in certain cases where they can't be extended –

Mr. Howard said I thought about that but if you look at the block from the corner of the church down to the street you have and going down it would have to be about the same length.

Mr. Davis said one of the considerations about a connection point on Providence Road as its relationship to a vertical curve of hill and Providence Road asked about that sight distance and the answer was yes. There might be something about that location specifically that would make us not want that connection.

Mr. Howard said I see it is going uphill but cul-de-sacs, I thought we were going away from that.

Councilmember Kinsey said I too thought we were getting away from cul-de-sacs; I don't like them just for the safety factor, but I guess this isn't a deal breaker for me, but I don't particularly care for it. Also can I assume Tammie that if we allow these homes to show the backs to Providence Road because it is Providence Road and it is busy and nobody cares if they see?

Ms. Keplinger said actually we have a provision in our ordinance that deals with reverse frontage of this nature so you can see that they do have it heavily landscaped along Providence Road and they will be required to meet that section of our ordinance; there is a provision in there that deals with that specifically.

Ms. Kinsey said is that just on major thoroughfares or would that apply to a development in a smaller sub-division.

Ms. Keplinger said I believe it applies to all rear facing lots. When you have double frontage like this one, you have two streets. When you have the rear facing a street I believe it applies in all those situations.

Ms. Kinsey said this sort of goes against what we were trying to do here again, even though this is not an urban area, it is a suburban feel.

Councilmember Driggs said I just wanted to mention to my colleagues, we actually went back and forth on this connection thing. It was a pretty major topic, it is actually kind of news to me that it has been resolved the way it has or at least that is the way it is coming to us. The other thing I wanted to ask about was the possibility of a traffic light on Providence Road controlling

access there and the suggestion that maybe that be pre-funded on a contingent basis. Have we gone anywhere with that?

Mr. Davis said I would love for the petitioner to respond for themselves in terms of what commitments they might make because none of what I'm about to say is on the plan right now. The discussion has been around whether or not the petitioner would be willing to put up funding for a signal if we determine that a signal is warranted at the intersection of Beverly Crest on one side and Candlewyck on the other at Providence Road that the City could access those funds to install that traffic signal and if not within the next two years that would be returned. We've done a warrant study the last time we looked at signal warrants at this location was 2012 and it didn't meet warrants at the time, but there is some thought that maybe it would or could very soon. The thought would be if that is a commitment that the petitioner puts on the table that certainly we would do a new warrant study probably in the near term, but probably before that two-year commitment would expire.

Mr. Driggs said that is not too close to Candlewyck to have another traffic signal; it is a possibility?

Mr. Davis said the signal would be at the Candlewyck and Providence intersection, not at this driveway.

Mr. Driggs said and we are talking about that in conjunction with this rezoning even though there is no connectivity for Candlewyck from the new?

Mr. Davis said it is not something we've requested. We understood that was a concern of residents and that was something that was seen as a way to directly take on the concerns that were brought about by this petition, one of which being that as was noted that you would increase the U-turn movements from southbound to northbound that would have some impact on how that intersection operates. That is not something we sought out but if that is something the petitioner agrees to do then we would absolutely look at that and see if that is something that works.

Mr. Driggs said I think I want to hear from the other speakers and maybe have some other questions.

Doyle George, 3214 Springs Farm Lane said I'm a resident of Providence Springs which is within a mile of this particular project. I did go to the community meeting and I am very encouraged by some of the comments Mr. Howard, Mr. Driggs, and Ms. Lyles, I really appreciate your comments. This is a classic infill development and the connectivity issue is of real importance to us. I am actually appearing as the representative of Providence Springs Home Owners Association; the President can't be here tonight but I've written a letter, he signed it and you all have copies of it I'm sure. One of the primary issues is connectivity and having reviewed the Urban Street Guidelines, the TAP Transportation Action Program and in fact sub-division regulations section 20-23 it is pretty clear to me that this City has made a decision to increase connectivity for many different reasons. One of the primary reasons is to in fact reduce the flow of traffic to spread it out over a wider area and that is one of the issues that I think will be addressed if you create a vehicular connection between this project and Lawton Bluff Road. I am not exactly sure why there was so much opposition by the Candlewyck Homeowners Association to this, I think they are concerned about cut-through traffic; they have it now because that is how I get out. I go through Candlewyck and I have to exit on to Rea Road because I cannot get out onto Providence Road no matter what time of day it is. On Sunday at 1:00 p.m. going to an event to plant trees for Rotary, I could not make a left turn going north on Providence Road; it is that bad.

Michelle Hawley is going to talk to you; she lives right on Providence Road, she is not in our sub-division, she is an adjoining sub-division and she is going to tell you all about her traffic accident at the corner of Candlewyck Lane and Providence Road. We do need a traffic light there; it was funded in 1990 by Sassy Burbank but at that time there wasn't enough traffic on Providence Road to warrant it, the money went back to Sassy Burbank. How do I know this, because I was a regional counsel for Arvita who at that time owned Sassy Burbank and that is what Jim Burbank told me, so he got his money back. So you actually had in your hands the

money sufficient to put a traffic light in. Now I think it is unfortunate that this particular developer is being asked to fund the entire costs because the cumulative impact of all the traffic on Providence Road comes not just from this project, it comes from Waverly, it comes from the Golf Links Project. I was absolutely appalled to hear that there are going to be 32,000 vehicle trips. Where do you think part of that traffic is going to go? People going downtown are going to be commuting on Providence Road, we desperately need a traffic light at that intersection and I ask you to simply abide by your general guidelines and they are embodied in the sub-division ordinance for heaven sakes. You really don't have a choice, you really have to comply with the sub-division ordinance which requires two means of ingress and egress and it is not up for argument. It is required; C-DOT supports it, we support it, 127 owners in Providence Springs support it so I think it is the appropriate thing to do. There are lots of different ways to get that access; a non-exclusive easement would do it, doesn't even have to be a public road; I think it could be a private road, but since the agreement is being negotiated now and not finalized with the Baptist Church, I think they could work it out. I urge you to stick to your guns, you've got the guidelines, you've got the subdivision ordinance let's do it the right way.

Michelle Hawley, 7510 Providence Road said I live on Providence Road right in front of Providence Springs Neighborhood. The accident that my neighbor referred to actually involved my husband and my daughter who was a senior at Myers Park High School at the time. A simple trip to the library to meet with students to have a project completed turned into an event where I almost lost half of my family. This gentlemen exiting out of Candlewyck near the Food Lion, most of you may be familiar with that entrance and like he said most of us use that exit and we are dismayed. Even leaving our neighborhood the back way we are stuck there for several minutes. In any case my husband and daughter are traveling toward uptown and this man decides he needs to make a judgment call and go over into Beverly Crest and in doing so he just slammed into my husband's little Saab with my daughter and I wish had a picture of the car. My daughter's arm was broken, she was in two casts, we almost had to do surgery, and she was in the casts for three months all of her senior year, trying to get into college with her right arm and she could barely do all of her entrance exams, etc. My husband's rotator cuff was severely damaged and of course we had the car replaced, but in any case one dear neighbor decided to stay for the policemen. Her statement to my husband was there are so many accidents and near accidents here I'm going to make sure I stay here and give my knowledge of this accident which we greatly appreciated.

In listening to some of the proposal; the petition to have this community built, I am flabbergasted; 420 additional trips. All these people have to make judgment calls at that intersection, can they get out and they are desperate to get out I guess; we are all desperate to get out. We can barely get out from two exits, we have a back exit and everybody from Beverly Crest knows that back way and listening to a previous petition tonight, additional traffic, people coming up to the Arboretum. Between I guess Old Rea Road and Highway 51 intersection we have completely been left out I feel. There are no correct stop lights put in; everybody else all the way too uptown beyond that all the way up to Weddington there are so many stop lights there and apparently there won't be enough after I saw that diagram tonight. I asked my daughter what she would want me to say, she is traveling with her job at this point, she said Mom would you please ask them to really assess the number of miles in which they have decided to put those lights that serve so well the rest of the community going uptown and why we don't have the same amount of consideration where we live. So I would just employ you to really consider all of these developments that have been proposed, there was one not mentioned tonight that you are probably well aware of across the street from that huge development that you discussed tonight. We are very concerned and I've been taking it upon my own initiative to knock on my neighbor's doors and talking to them and everyone is deeply concerned about the traffic. I heard Councilmember Lyles speak about that U-turn through the church and I understand; I have three children that I have raised there for nine years in that home. I understand the concern the church may have for the daycare but there is a Food Lion already there. I shop there often. People are in and out of that development already so I can't see how that can be sufficient in terms of defending not making the appropriate transition throughout the neighborhood to ease the traffic. The 20 houses that are going to be put there are nothing compared to what is already there and the infrastructure has not been there. I'm just really shocked, but I will be talking to all my neighbors, I love to meet my neighbors and I've met so many through this knowledge of this particular development and some others on that street. Thank you so much for listening, please,

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please consider and I will be at future meetings and hopefully bring other neighbors or their concerns along with mine.

In rebuttal Mr. Kearns said I just want to clarify in C-DOT's memorandum it is not 420 trips created by the residential development, it is actually only 200 additional trips. Candlewyck Baptist as it stands today generates about 220 so the 420 is still less than the development that could happen on this property that would generate 640. In regards to the connection, the safety concern for the daycare is not the mere fact that there is a connection it is that the connection is to their parking lot and a public right-of-way leading into a parking lot that again leads back out to another right-of-way is going to encourage people to, I won't say speed through that parking lot, but they will be using that as a way to get back into Candlewyck so that is where that concern comes from.

Councilmember Smith said can we pull accident reports for that intersection? You may have already done that but I would be interested in seeing that and I saw seven stop lights in the large development tonight and I'm trying to figure out what the standards are and how one wouldn't possibly qualify for this?

Mr. Davis said the answer to both of those questions is kind of related. We routinely look at the crash data and we can give you a summary on that. There are really two drivers that typically get you at the conclusion that you need a signal, one is crash history. If there are crashes that are correctable; not all crashes are correctable at signals. The ones that are if they are at a rate that warrants a signal that is one strong driver, the other is traffic not just the main line traffic as is in the case of Providence Road here, but how much is being contributed from the side streets. As I look at the network for Candlewyck and Beverly Crest it certainly seems like it is feeding enough of those local streets of the network that you would probably be approaching those numbers that would trigger that warrant. It is a little bit curious to me that historically we haven't. I would just point out that part of this and I didn't mention it earlier, ultimately it is an NC-DOT call as to whether or not it is warranted here. We will continue that conversation with them and if it is warranted and if it is warranted on the basis for a crash pattern we treat those urgently. If it is warranted as a result of just volumes it becomes programmed as part of a capital needs thing. I can get you more color on the answer to the question about the crashes if you like.

Councilmember Driggs said I just wanted to clarify; we've heard tonight from Providence Springs but the people who live on Lawton Bluff are not actually part of that neighborhood. Is that right?

Mr. Kearns said no, they are part of Candlewyck.

Mr. Driggs said I've had a couple of isolated e-mails but have had a position and expression of a position? My impression was that Candlewyck opposed the connectivity through the parking lot. Is that right?

Mr. Kearns said yes, they do.

Mr. Driggs said to summarize the position of people who opposed tonight; you want connectivity through the parking lot and a traffic light. Is that correct? I need to find out where Candlewyck is on this.

Mr. George said there are two incorrect statements here or at least very confusing statements. Number one, people from Candlewyck Homeowners Association, we reached out to them and they had copies of the same letter that I sent to all of you last Friday. We never got a response. I asked for a meeting on February 27th with Ms. Keplinger and also Dennis Rory and I specifically invited the Candlewyck people to attend; they did and that is the last we heard from them. So when they say the Candlewyck Association opposed it, this particular connection, what they are telling you is that certain people on the Board of Candlewyck opposed it. That doesn't necessarily mean that that is an expression of opposition by people who live in Candlewyck.

Mr. Driggs said I think I made clear I understand that. I just said I need to clarify the position of that neighborhood.

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Mayor Clodfelter said I think that gives you your answer for tonight and you are going to do some more work on it is what I hear you say.

Mr. Howard said I want to get my hands around the way that this is laid out again, just one more time. The fact that this road just stubs into the side of the church and the safety being a concern makes little sense to me because I know from other churches you can restrict entrance into that parking, but at least on Sunday when church is out if it was open it would give them another way in and out of there, relieving stress on that one intersection for instance. I think it is a bad policy decision for us not to make them connect. We do that with neighborhoods, we do it with everything else and we should do that even if the church just restricts entrance with cones or whatever else. That is the first thing. I think if you want to do it this way the cul-de-sac ought to be over towards the church and there ought to be an entrance where the cul-de-sac is. The cul-de-sac again just makes no sense to me and it is probably not going to make sense to me all the way through this just so everybody knows. It seems like there should be another entrance to this neighborhood and there should be some connection, you need to swap the cul-de-sac or you need to connect it to that parking lot. Those two things don't make a lot of sense to me.

Motion was made by Councilmember Driggs, seconded by Councilmember Smith, and carried unanimously to close the public hearing on Petition No. 2015-038.

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Mayor Clodfelter said at this time I will ask Councilmember Barnes to take the gavel on the final Business Item.

ITEM NO. 40: SALE OF PARCEL 1, I-277 SURPLUS LAND

Mayor Pro Tem Barnes said this concerns the sale of Parcel 1, the I-277 Surplus Land deal near Stonewall Street and I-277 and Deputy Manager Kimble is going to provide us with some updates and guidance and the City Attorney is here as well and representatives from Crescent are here.

Deputy City Manager Ron Kimble said this is a time sensitive issue and that is why it is on your agenda tonight. We don't like to bring Business items to your Zoning Agenda, but the current closing on this particular piece of property is March 31st. You have information in your packet; it is Item No. 40, we have the Council Request for Action. I want to call your attention to the map, it is a very important map because Parcel 1 is one of the NASCAR Hall of Fame state land loan parcels with our banks that secure a loan; these are collateral for a loan. Parcel 1 is closest to the Light Rail Line, closest to the Westin Hotel, but currently Crescent Communities has been successful in also gaining control with a joint venture with the Melissaris Property which is immediately adjacent to the Light Rail Line and they have found the right combination to make this work. They bid and won the bid for the property back in April of last year; they have been working very diligently and hard trying to pull together a joint venture that would create over a three phase project about \$150 million to \$200 million of investment over the next four years on this particular property. It is a mixed use project with apartments, residential with a Whole Foods that has been announced already; they have it under lease with Phase 2 and Phase 3 being two additional hotels of at least 150 rooms each up to 200 rooms each so it could be in the 300 to 400 room range. It is a very important project; it is very important to the City, it is important to Crescent Communities and it is important to the two banks who have this land as collateral for one of the loans on the state land loan for the NASCAR Hall of Fame.

The have been working diligently and we have been charting their progress. I've been ably assisted by City Attorney, Bob Hagemann, Tony Korolos and Bob Drayton are in the audience from our Real Estate. We have tried to use good real estate practices, best practices of real estate industry to try and make sure we are charting the progress of this but recently Crescent came to us with a request to extend the closing date on this particular piece of property. We got into a good conversation, a good discussion with them, we realized that they are putting together a very fantastic development and if they needed that extension we needed some additional assurances.

We wanted to make sure that when we had originally sold this property in an upset bid process they could really build anything that is allowed by the current zoning. They could build anything they would want to that conforms to the zoning, but they have come forward with a very powerful development plan so if we are to extend this closing we said to them that we would want to lock down the type of development that they proposed on this particular piece of property, the Melissaris Property and Parcel #1 and we would require additional funding that could not be counted towards the purchase price at the time we did close on the property in effect that extra dollars would be money that went hard that would also not count towards the purchase price, it would be over and above the purchase price at the time of closing.

We have gotten into a good conversation, a good negotiation and we are bringing forward a recommendation to you tonight to allow this to be converted from an upset bid process to a private sale, that they would be bound by the terms that are in the purchase and sale agreement that are in front of you and you have a copy of that in your materials tonight that they could close beyond March 31st up to an amount equal to seven more months, but they could close one month later and if they closed one month later they would owe us \$50,000 more; if they chose to close two months later than March 31st they would owe us another \$50,000 and if they closed another month beyond that they would owe \$50,000 and they would have seven more months to close up through and including October 31, 2015. If they did take advantage of all seven of those months that would be a \$350,000 extra amount that would go hard each month that the closing did not happen and that money would not count towards the purchase price of \$10.3 million at the end of closing.

In addition they have a 5% deposit that is already gone hard, it is \$515,000 that went hard in two equal installments, 50% each in October and December so that money currently rests with an escrow agent, the \$515,000 has already gone hard. We make this recommendation to you because we believe that this kind of development is important to the future of growth and development of our urban core and that it can throw off property taxes to the City of Charlotte and Mecklenburg County that are significant and it is the type of development that we would like to see incorporating the Melissaris Property with the Parcel #1 in this particular location.

Councilmember Driggs said I'm interested that it says the fair market value of the property is \$12,870,000 by appraisal so how does that reconcile with the \$10.3 million?

Mr. Kimble said we went to an upset bid process; we went to the market place and we tested that and according to the agreement with the bank as long as they did we would come in at least 80% of the fair market value would be a bid to consider. We tested the market place; we had three competing companies at one point in time on this particular piece of property and the \$10.3 million became the highest upset bid price that was proposed on this particular piece of property back in April.

Mr. Driggs said that was a cash process, right? Like at that point there was no discussion about these contingencies and the uses etc. That is just what people would write a check for?

Mr. Kimble said that is correct and uses allowed under U-MUD zoning guidelines.

Mr. Driggs said what obligation is the City under as a result of the understanding? They are making a commitment that the rezoning they applied for will conform to certain standards. Do we have an obligation to approve it as a result of this contract?

Mr. Kimble said the property has already been rezoned and I believe it is U-MUD zoned so it is correctly zoned right now.

Mr. Driggs said alright so they wouldn't actually need to rezone anything?

Mr. Kimble said that is correct; it is correctly zoned now.

Mr. Driggs said is it customary to have this type of structure where we get monthly payments and defer the closing for this amount of time?

Mr. Kimble said yes it is.

Mr. Driggs said the deposit itself is non-refundable, is that right?

Mr. Kimble said that is correct.

Mr. Driggs said gone hard so they forfeit that if the deal does not complete?

Mr. Kimble said that is correct.

Mr. Driggs said and that is the only protection we have against non-completion, right?

Mr. Kimble said yes, and any additional time that they take to close if you approve this action tonight then that money also goes hard so if it doesn't close for seven months that is another \$350,000 on top of the \$515,000.

Councilmember Smith said Mr. Driggs I would say it is a commercially accepted practice to extend closings and have hard cash and I would like to compliment staff for a job well done with negotiating this as a percentage of the overall sale; you did a little better than I did on one of my recent contracts with money that is hard and not applicable. I want to say that I think you did a great job on this. I think we should approve it and in the event they do not close we will be \$865,000 to the better drawing up closer to the appraised price. I think everybody knows that sometimes fair market value and the appraised prices don't always match up and go hand in hand. I think under the circumstances, all things considered, especially at the time you negotiated the contract I think you guys did a good job. I'm comfortable with the extensions and the hard cash thereof.

Councilmember Howard said Ron help me understand what the original deal for the Hall of Fame called for Parcel #1; how much did we project to get from this and how well did we do?

Mr. Kimble said if you will go way back; originally when they were first appraised way back in 2007 I believe they were probably in the \$55 million range aggregate collectively. I think that is the number that I remember but then when the appraisals were redone after the economic downturn and collapse I think they came in somewhere around \$36 million in the aggregate. They had dropped that much during the downturn in the economy. So \$36 million I believe is the bottom that we had on the aggregate appraised value of the properties.

Mr. Howard said what about this one; I guess what I'm getting at are we getting what we need to repay the requirements?

Mr. Kimble said yes we are; Parcel #1 was the \$12,870,000. That was its appraised value back in 2012 when the banks did the appraisal. Right now we have information in the request for Council Action the outstanding loan is like \$16.3 million with accrued interest of about \$3.8 million; it is right at around \$20 million. With Parcel #1 you would pay off \$10,650,000 when they close, and then you have Parcel #2 whose values is somewhere in the \$11 million to \$12 million range. You have Parcel #3 and it is in the \$3 million to \$4 million range and you have Parcel #4 that is in the \$2 million to \$3 million range.

Mr. Howard said how does that arrangement work with the state? Do we do this parcel by parcel; do we wait until all the parcels are sold and then square up with the state some kind of way?

Mr. Kimble said when enough parcel sales occur that retire the loan and the interest accrued on that loan then any remaining proceeds thereafter are split on a prorated basis between the City and the state based on the percentage cost of contributions to the interchange modifications. I think they spent \$5 million and we spent around \$19 million for a total of \$24 million so we would get 19/24 of the excess and the state would get 5/24 of the excess.

Mr. Howard said we are not doing that parcel by parcel, we are waiting until it is all done?

Mr. Kimble said only after the loan and its interest is paid off then any excess proceeds are split in that fashion.

Councilmember Phipps said during this period of the extension is there any opportunity for them to make changes to the overall proposed development?

Mr. Kimble said if you do not approve this tonight then they are still, via the current provisions, they are able to really build anything that is allowed under U-MUD zoning guidelines. With this action if you approve it tonight then you are locking down more the provisions of what they must build that are germane to the purchase and sale agreement; you are getting more certainty about what must be built and we put those minimum square footages for residential, minimum square footages for retail and the amount of hotel rooms that would need to be mixed use development on the combined site.

Motion was made by Councilmember Lyles and seconded by Councilmember Kinsey, to adopt the resolution as stated approving the private sale of Parcel #1 of the I-277 Surplus Land, PID #125-135-04, to Crescent Communities, LLC, for the amount of \$10,300,000 for development of a mixed use project incorporating three adjacent parcels in the block along Stonewall Street between South Caldwell Street and the Westin Hotel.

Mr. Howard said the only thing that binds them to do what they are saying is not a rezoning but a contract, so the remedy is if for some reason it didn't go right is, and this is not about Crescent as much as development rights so if for some reason Crescent didn't do this and they sold it later, we don't have rezoning that covers us we have a contract that covers us so how do we make sure that if for some reason it is sold, the economy goes back, what do we do to make sure we still want to get what we want? We don't have another way to enforce it.

Mr. Kimble said there are triggers in this contract that say they must build what we now have agreed, they will build and must build with this action tonight.

Mr. Howard said I get Crescent, but they get the property and God forbid we have another recession, something goes bad, we don't get the guaranteed that we get this now.

Mr. Kimble said you recall what we put as a default, can they sell the property.

Tony Korolos, Engineering and Property Management said based on the contract there are delays fees that secures the construction of the different development as it states in the contract so if they don't build the hotel, if they don't build the multifamily apartments there are delay fees that takes into consideration different factors to come up with certain calculations.

Mr. Howard said the more I think about it, we are making sure that this is assigned to whoever the requirements would be assigned to ... I'm trying to make sure we pass this on no matter what.

Mr. Kimble said if they didn't develop according to the terms of the contract on the timeframes that are in here then there are delay fees and penalties that would continue to accrue and they would be responsible for paying if they didn't deliver what is contained in the purchase agreement.

Mr. Smith said if they close before March 31st and happen to then sell the parcel to somebody else they still have the option to close before the 31st. I think we have done a good job.

Mayor Pro Tem Barnes said I do understand that Crescent has also stepped up as a part of this to try to include MWSBE's in their project. I don't know if Mr. Collins wants to talk about that. It could be an important element in their project for local businesses.

Ben Collins, Crescent Communities said we have had very good conversations that have really blossomed over the last week or so about our company's commitment to MW and SBE certified firms. They aren't programs that our company in general has done a lot of work with as required

under different federal programs, but it is something we are generally familiar with; they are programs that we obviously want to support. We are committed to the local Community, Crescent is committed to building community and as a result we had offered to several Councilmembers that we would be willing to make a voluntary commitment a target of 12% MW and SBE participation for this project. We would be here to offer that this evening.

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

The resolution is recorded in full in Resolution Book 46, at Pages 548-549.

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MAYOR AND COUNCIL TOPICS

Councilmember Mayfield said for the City Manager's Office and for staff I have a request; I actually sent an e-mail to all of my colleagues last week asking for Council to start receiving updates from our Civil Service Board. I have some concerns regarding the fact we are having conversations in community around a Civil Rights Ordinance/Racial Profiling and there appears to be a different conversation for what is happening with our Civil Service Board with CMPD Officers specifically that have been identified to use excessive force and/or abuse their authority. Some of these have been caught on camera; there have been decisions made that lead to either disciplinary action, suspension and/or firing, then they go through a process with the Civil Service Board and they are put back onto the Police Force. There is not enough transparency where members of the Board can then decide that they don't want their votes to be public. I think if we are going to have true transparency and if we are going to not only seek to be the type of community that we say we are, but also to insure that our Police Chief has what he needs if actions have been taken to try to make sure that our representation of our officers reflect the community and reflect the goals of this Council to try to be as unbiased as possible. There are some clear concerns that I have and I believe some of my colleagues as well and we need to start having a clear report of updates that clearly show the information so that staff has no misunderstanding. I'm going to clearly spell it out, if there is a vote we need to know which members voted and how, especially if reinstating an officer that we have had clear concerns about. If there is a case as much information that can be provided to us needs to be provided to us because we are sending a mixed message and we need to make sure that our community feels protected as much as possible and I have clear concerns if we have an individual who was in custody, handcuffed, but then assaulted by an officer and that is caught on film, but yet we say months later that the Civil Service Board has the authority to override and say we are going to put this person back out on the street. That is a message that is very mixed and I have concerns about, so I would like for us to look at start receiving regular updates regarding cases and the votes of our Civil Service Board.

Deputy City Manager Ron Kimble said the Manager's Office will work with the City Clerk's Office who staffs that Board to see if we can't develop a reporting mechanism that would be able to report appropriate public record kind of information that can come to Council.

Ms. Mayfield said I would like for us to get a detail of all information available because when we say appropriate when I have members of that Board asking for certain information not to be released I do not need that Board to decide what is appropriate.

Mr. Kimble said I didn't mean to say appropriate; I mean public record information that we can convey to you.

Councilmember Smith said Town Hall Meeting District 6 on April 16th at 6:30. We are going to discuss the budget; all are invited and we would be remiss if we didn't say that Councilmember Fallon is in our prayers tonight.

Councilmember Lyles said on Saturday, March 21st we would like for you to come out and ride your bike in Charlotte. At 9:00 a.m. we will be at the Dilworth Grill which is at 911 East Morehead Street. We are going to have breakfast, talk about biking and then go on a bike ride and I would appreciate anyone being able to attend; we will have free bikes. B-Cycle will be

there, bring your helmet, bring your bike, bring you family and experience Charlotte on a bicycle.

Councilmember Phipps said I will ask my colleague, is that rain or shine?

Councilmember Howard said I was hoping that you had seen this, but I heard some of you didn't get the invite to Town Hall that I'm having which is on this Wednesday. An author is making his rounds because of a book he wrote called Metropolitan Revolution is going to be in town the same as Bruce Cats. It is a conversation about Charlotte and about how we can compete for the future. That is March 18th at UNCC Center City Campus at 5:30. The public is invited and hopefully we will learn about how Charlotte can be competitive going forward.

Mayor Clodfelter said if there is nothing further, at the request of Councilmember Autry, I'm going to suggest that we adjourn tonight's meeting in memory of Vicki Fuel, a long time champion and advocate for the East Side Communities in Charlotte who passed last week and also in sympathy for our colleague Claire Fallon in the loss of her sister.

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ADJOURNMENT

The meeting was adjourned at 11:03 p.m.



Stephanie Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 5 Hours, 52 Minutes
Minutes Completed: April 13, 2015