

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, March 21, 2016 at 5:44 p.m. in Room CH-14 of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were John Autry, Edmund Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps and Kenny Smith.

ABSENT UNTIL NOTED: Councilmember Al Austin

ABSENT: Councilmember James Mitchell

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ITEM NO 1: AGENDA REVIEW

Tammie Keplinger, Planning said I am not going over the Dinner Agenda which I put on your desk; we have something Mr. McKinney wanted to talk to you about tonight. I will tell you that there has been one addition this past week and that is Item No. 29, Petition No. 2016-015 which is a hearing but they have requested a deferral to April. The City Clerk pointed out to me that on this list we are missing a deferral for Item No. 34, Petition No. 2016-029 by White Point Paces Properties LLC; the petitioner requested a deferral to April. In your notebook it is noted that Item No. 34 is to be deferred but on this sheet it is not noted.

Ms. Keplinger said a couple things of special interest; we have one petition that needs to have a vote not to go back to the Zoning Committee because there were some changes after the Zoning Committee vote. That is Item No. 13, Petition No. 2015-116 by HWY 521 Partners, LLC. The changes that were made were for clarification that staff asked the petitioner to make and staff believes that these changes are not substantial and it does not need to go back to the Zoning Committee for further review. Secondly you have a procedural item to deal with and it is Item No. 23 and it deals with the resubmission of the unique Southern Estates – Van Landingham Rezoning Petition. I will give a presentation on this in the Chamber but just to briefly tell you, there is a two-year rule that says that people cannot come back in if they are denied and Billie Maddalon for Unique 76 has asked for a waiver of that two-year rule and we will get into more detail about that. The thing I want to tell you is that this is a case where it is not a public hearing, but people are allowed to speak on it; it is a procedural issue and you can make your decision tonight or you can defer your decision until later if you would like to do so. Again, it is not a public hearing so we don't have to open a public hearing, we don't have to have a statement for consistency; what this will do is if you decide that you are not going to approve the waiver then it means that they have to wait the full two-years before they can submit the rezoning application again. If you do approve the waiver then it means that they can resubmit earlier.

Councilmember Fallon said Tammie have we done that before; waive something like that?

Ms. Keplinger said we have had a few cases in about 18 years that I can recall.

Councilmember Driggs said one for him.

Ms. Keplinger said yes, one was Mr. Maddalon around 2002 and then we had another one for Greater Galilee Baptist Church that was about 2009 or 2010.

Councilmember Mayfield said Tammie, when we get in the Chamber will staff be speaking to the potential precedent that could be set if we were to do this since we have language in place for what are the reasons that we may do it because the example that he shared with us earlier, even when it was done many years ago, it was only a six-month window before that two-years, not literally a couple of months after the denial?

Ms. Keplinger said you are correct, that was for Mr. Maddalon's case that he asked where the waiver was granted back around 2002. If Council wants the conversation to go in that direction I will certainly be glad to respond.

Councilmember Smith said you are not allowed to bring it back if you bring back the same petition; does the moratorium comply if there are subsequent changes if you down grade it and make it less intense or happen to make it more intense?

Ms. Keplinger said correct; in your notebook there is a written explanation of what the request is and then we've provided you with the zoning ordinance regulations; there is certain criteria that the ordinance sets that you have to meet one of those criteria and in this particular case Mr. Maddalon believes he meets D and staff believes that he does not so staff is not recommending the waiver.

Mr. Driggs said I think that answered my question; this rationale for making an exception to our policy was that the change is significant enough.

Ms. Keplinger said the ordinance does not talk about the change being significant enough; the ordinance talks about a change in the features but it doesn't talk about the significance. Based on our read of the ordinance we believe that he is basically changing the features of the conditional rezoning and that it does not qualify.

Councilmember Austin arrived at 5:15 p.m.

Mr. Driggs I think what we are talking about here is whether the policy is bad because it hasn't recognized the situation or whether we have special circumstances related to the historic nature of the house for example that the cause has to look at this differently from other requests of this kind, but unless we are very clear about that we are setting a precedent that opens the doors to everybody.

Mayor Roberts said we can make that case during our discussion.

Councilmember Autry said I would want to ask the City Attorney during the meeting about what kind of exposure.

Ms. Fallon said it is basically a new contract for the simple reason that it is different from the old one; we've taken a whole thing out of it. Why wouldn't he have to go back to Zoning?

Ms. Keplinger said it would have to go back rezoning; the question that we are being asked tonight is does he have to wait two years to file for a rezoning or can he go back and file a new rezoning as soon as possible because he was denied and the zoning wasn't up to specific standards. It says if you are denied you must meet one of these guidelines and the Council must approve for you to come back to resubmit.

Ms. Fallon said this would be two of three as a special interest because this is the second time he has come back of three in 18 years; so it is almost like a special interest.

Ms. Keplinger said he receive one favor back in 2002 based on the merits of the case at that point in time so this would have to be based on the merits of this petition.

Councilmember Eiselt said so questioning whether or not D applies in his case is something we can talk about in the meeting?

Mayor Roberts said absolutely.

Interim Planning Director Ed McKinney said I wanted to give you a brief presentation in the context of the item that is before you tonight regarding Eastland rezoning and also put that in the context of what you will be discussing later this week with the Economic Development and Global Competitiveness Committee and your long-term decisions and the deliberations that have gone around this site in Eastland. Just to give you a little context of what we have been doing and what the discussion will be tonight around the rezoning. I wanted to highlight as a reminder all the efforts on Eastland I think founded in the principles that were established by East Group and the goals and expectations we have for economic development on the site. One of the ones I want to highlight and you have seen this before but really the opportunity for civic and public uses and one of the things we want to talk about in a moment is the school as a potential public

use on the site, taking advantage of the natural features we have been talking about and the discussions we've been having in terms of insuring we have a storm water solution, walkability and connectivity, you will see that on the concept plan and how it relates to the school, the opportunity to really change the site and unify in a broad sense within the community. You will see all these things we've attempted to acquire and the concept plan has been before you as a Council for the last year and a half and the conclusion and the next steps regarding the public school opportunity.

Just to highlight some of those discussions we've had recently again since 2014 staff has been in a series of partnership discussions regarding the opportunities on this site. Some of those have been related to physical things like storm water opportunities, discussions with Park and Rec in terms of public open space opportunities that might be included on this site, civic uses like the school. There are also some very specific ... particularly to this case tonight, Google Fiber and utility opportunities. We've also been having a series of conversations regarding governmental opportunities and insuring that all the things we've been testing ... We have put together some thoughts on that and have brought that to Economic Development and Global Competiveness Committee as recently as May of 2015 where we presented some of conditions of this partnership discussion, presented to that Committee some notions about the concept plan and how we might begin to arrange and what some of the relationships of those uses are and then start to target on what we think some short-term opportunities are as well as some more detail discussions with CMS on where the school ought to be. We also had briefings back in October and December with the full Council and County Commission on where we were with that concept plan and have up to date on the negotiations and the discussions we've had with CMS. Specifically what we presented the City Council in October we asked for the opportunity to continue negotiations with CMS and to continue and reform the zoning process that would make that opportunity available to us on the site.

As a reminder, and you have seen this before, what is highlighted in gray and outlined in red is the 80-acre parcel that the City owns that was formerly the Eastland Mall which was demolished in 2013 and you can see the context of this site that connects all the way up to Wilora Lake Road down to Central Avenue, wrapping around the transition with the connection to Sharon Amity Road. This is the concept plan and I bring this back up only as a reminder that what we tried to communicate that this was not the plan but this was the articulation of the series of conversations that we had. It gave us a sense of scale for example of what storm water might look like and the needs we have on the site in consultation with our engineers. It gave us a sense of opportunities for public space that might work its way throughout the whole site and how it might connect. It gave us a sense of how we might begin to break the site down into blocks and set up opportunities to have that reinvestment and development and then it is also a legend that gave us the sense as we got into more specific conversations for immediate short-term opportunities like CMS, it gave us a way to test a potential location, a potential site design and its relationship to zoning opportunities on the overall site. I want us to focus in on just that CMS site so it will be potential for the school site. Again it is focused on that portion that is the northern most portion of the site; it has access and connection to Wilora Lake Road and sits essentially at the intersection of Hollyfield Drive and Wilora Lake Road with the potential of extending Hollyfield into the site and setting up a block that will access the building for the overall school site.

Another thing I want to mention here is that in sort of parallel conversations we've been in negotiations with potential locations for Google Fiber and Google Hut and this happens to be one of the ones and the location we've been working on is adjacent to the school site off of Wilora Lake in the northern portion of the site. Again you can see the concept was to site the school in a way that it oriented to Wilora Lake Road and Hollyfield Drive and then set up where this field and open space will be part and connect to be part of the site.

I want to put in context what will be before you tonight which is the rezoning request. You can see highlighted in red is the parcel that we have defined for the rezoning request. As you can see and we will mention this in the same level of detail tonight in the hearing is on the overall site you had earlier sort of a patchwork of rezonings that happened on Eastland over a long period of time. You've got B-1 zoning back to 1985, a more recent office zoning that would allow for a very specific use of that parcel for a surface parking lot that ... the mall and then portions of the site zoned mixed use development. We've essentially captured the piece that would include the school and created the opportunity for that Google Fiber Hut and set opportunities for open space

around it as potential zoning for the site. The notion was to take the site specific conditional rezonings that were ... and define a conventional district that allows the flexibility to finalize negotiations and discussions on how the school would get sited to insure flexibility that we have an opportunity to include the Fiber Hut, but then give us essentially a zoning classification that would provide a consistency and stability of the ranges of uses that can be allowed. What we had hoped for was a conventional rezoning to R-4, single family residential, and the notion is for that district to have office buildings and have schools and civic uses like churches and institutional uses that essentially insures that we have a pretty limited number of uses that could occur consistent with what we want to achieve on this site and will give us the flexibility to do utility, opportunity to do the school and finalize the site design for the school. One note I will make about that is the hearing tonight is a conventional rezoning; it is not a site plan so we won't be talking about specifics in design, we won't be talking about specifics in the use and essentially the decision that you would ultimately be making on this is a rezoning as every use is allowed essentially within the R-4 zoning district and again essentially this is a framework for us to insure ... and will site the school in a way that is consistent with the plan and give us the flexibility to do other things like Google Fiber and connection the open space.

In terms of next steps; again tonight is the hearing, the level of detail in the presentation will be minimal; we will be talking about the site the context of the zoning and the framework of this conventional R-4 district. The Economic Development Committee will go into the details of the negotiations on the sales and bring up CMS on Wednesday. That part we will begin to talk more specifically about the design commitments that are part of that civil agreement, talk about the next steps, talk about the schools needs and design and will give us an opportunity to share in more detail what we believe is a great opportunity to provide for this educational need on the east side of Charlotte in a way that is consistent with our vision for Eastland in the long-term. Next week the Zoning Committee will make recommendation on the specific zoning as a recommendation back to Council and then what we've done is align both the rezoning decision you will make and the decision you potentially make of the sale into one night so you will be making both decisions at the same time. We've taken the zoning decision out of the regular schedule so we will wind up making ... we've tentatively got that scheduled for April 23rd.

The intent was to give you a little bit of context and to frame what we can and won't be saying tonight in the hearing regarding the zoning itself and to let you know essentially the topics and the level of discussion that will happen at the Committee meeting on Wednesday and ultimately your decision later in April.

Councilmember Autry said the Google Hut, is that not permitted under the current zoning?

Mr. McKinney said it is not simply because of the uniqueness of untangling the zoning that is on the site. The primary portion of the site is office zoning district in the old use that was allowed in that conditional plan is surface parking. Anything would require some cleaning up that zoning.

Mr. Autry said has Google requested a hut there?

Mr. McKinney said yes; I don't have the exact timing of where they are on the construction but it is one of the main sites we have been working with and we've worked with them specifically defining the right location for them and for us on this site.

Councilmember Phipps said I have a question for the District Rep; I think you sent an e-mail to us about compensation surrounding possible school selection for this site that the community had discussed and was well aware of before this time. My question is, is the community has been made aware about the possibility of a school on this site?

Mr. Autry said I maintain an e-mail list that I community with stakeholders and community leaders in District 5 and the surrounding area. I first shared with them the plan, the concept that was put forth in February of last year and I think the date of that e-mail was February 21st and then I followed up again with the one that was done in the ED Committee in May and I have talked about it in all the neighborhood meetings and community meetings that I've been to whenever I'm asked about the Eastland Project and Redevelopment. I always leave with, I hope we have at that time, a deal done with CMS by the end of December of last year. When I sent

the initial e-mail out I had about four responses, all of them in the affirmative and the positive so I don't know what else to do to make people aware but I certainly believe I have put my best efforts forward.

Nancy Wiggins, Zoning Committee What are you going to do with the pond; I'm concerned about that with school children? Isn't there a pond of some kind there?

Mr. McKinney said the concept plan anticipates the need for a master storm water function on the site; it is really conceptual and we have a sense of how big we would need and the general location given the topography of the site. The level of detail and design of that is ...

Ms. Wiggins said just concerned about the ponds.

Mr. McKinney said again when we present this we won't be talking about the school or google fiber, just the rezoning.

Councilmember Driggs said can I get those slides?

Mr. McKinney said yes, absolutely.

The Dinner Briefing was recessed at 5:35 p.m. to move to the Council Chamber for the regularly scheduled Zoning Meeting.

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ZONING MEETING

The Council reconvened at 5:44 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were Al Austin, John Autry, Ed Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, James Mitchell, Greg Phipps and Kenny Smith.

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INVOCATION AND PLEDGE

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

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EXPLANATION OF THE ZONING MEETING

Mayor Roberts explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF THE ZONING COMMITTEE

Tracy Dodson, Zoning Committee introduced members of the Zoning Committee. They will meet on Wednesday, March 30, 2016 at 4:30 p.m. in the Government Center to make recommendations on the petitions heard in the public hearing tonight. The public is welcome to that meeting, but it is not an extension of the public hearing and if you would like to reach out to any of the Zoning Committee members prior to that you can find contact information at charlotteplanning.org.

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DEFERRALS

Motion was made by Councilmember Lyles, seconded by Councilmember Mayfield, and carried unanimously to defer the following items to the April 18, 2016 Zoning meeting: a decision on Item No. 5, Petition No. 2015-037 by Dominick Ristaino; a decision on Item No. 6, Petition No. 2015-093 by 1351 Woodlawn (Melrose), LLC; a decision on Item No. 7, Petition No. 2015-111 by North Wendover Partners, LLC; a decision on Item No. 9, Petition No. 2016-019 by Johnson C. Smith University; a decision on Item No. 10, Petition No. 2016-026 by Hopper Communities; a hearing on Item No. 24, Petition No. 2016-016 by FCD Development, LLC; a hearing on Item No. 25, Petition No., 2016-024 by Greystar GP II, LLC; a hearing on Item No. 26, Petition No. 2016-039 by MPV Properties, LLC; a hearing on Item No. 29, Petition No. 2016-015 by FCD Development, LLC and a hearing on Item No. 34, Petition No. 2016-029 by White Point Paces Properties, LLC. Additionally, defer a decision on Item No. 8, Petition No. 2016-004 by Selwyn Property Group Investments, LLC to May 16, 2016.

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HISTORIC LANDMARKS

ITEM NO. 3: ORDINANCE NO. 7074-X DESIGNATING THE EDWARD M. ROZZELL HOUSE PROPERTY LOCATED AT 11601 OLD ROZZELLS FERRY ROAD, LISTED UNDER TAX PARCEL NUMBER 03122258 AS A HISTORIC LANDMARK.

Motion was made by Councilmember Kinsey, seconded by Councilmember Austin, and carried unanimously to adopt the subject ordinance designating the Edward M. Rozzell House Property as a Historic Landmark.

The ordinance is recorded in Ordinance Book 59, at Pages 768-772.

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ITEM NO. 4: ORDINANCE NO. 7075-X DESIGNATING THE SLOAN-PORTER HOUSE LOCATED AT 10124 WALKERS FERRY ROAD, LISTED UNDER TAX PARCEL 11317102 AS A HISTORIC LANDMARK.

Motion was made by Councilmember Kinsey, seconded by Councilmember Autry, and carried unanimously to adopt the subject ordinance designating the Sloan-Porter House as a Historic Landmark.

The ordinance is recorded in full in Ordinance Book 59, at Pages 773-777.

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DECISIONS

ITEM NO. 11: ORDINANCE NO. 7076-Z, PETITION NO. 2015-058 BY CHILDRESS KLEIN AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.1 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF MORRISON BOULEVARD AND SHARON ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND B-1SCD (BUSINESS SHOPPING CENTER DISTRICT) TO MUDD-0 (MIXED USE DEVELOPMENT, OPTIONAL) WITH 5-YEAR VESTED RIGHTS.

The Zoning Committee found this petition to be inconsistent with the SouthPark Small Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends institutional use for this site. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the plan calls for institutional uses, reflecting the existing use as a church. The proposed

development includes a church along with a mixture of other land uses; and the vision articulated in the SouthPark Small Area Plan calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses; and in addition, the Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development; and while the proposed rezoning is inconsistent with the specific land uses recommended in the SouthPark Small Area Plan, the proposal is consistent with the larger vision articulated in the plan and in the Centers, Corridors and Wedges Growth Framework, as well as recent development which has included a greater mix of uses than called for in the plan; and the site plan for this proposal includes a vertical mix of uses and provides active residential and nonresidential uses that are located on the ground floors of buildings and oriented to the sidewalk network; and the site plan includes a new private street through the subject property, that when coupled with the adjacent rezoning (petition 2016-059) provides a connection from Morrison Boulevard to Coltsgate Road. The connection is important to providing alternative route choices in the SouthPark area. The Zoning Committee vote 6-0 to recommend approval of this petition with the following modifications:

Site and Building Design

1. Amended Note 4.III.f as it relates to the portion of the private east/west street that passes through the building by adding a new Cross-Section with design standards for arch area.
2. Amended Note 6.b and 5.e to require a minimum 22-foot setback along Morrison Boulevard if the petitioner gains use of the "Reversion Area."
3. Revised the proposed elevations to depict the true intent along Morrison Boulevard in regards to the parking structure exposure. The petitioner revised the elevation to reflect the landscaping and architectural design commitments for the portion of the parking deck which will be exposed.
4. Amended Note 2.e to allow wall and detached signs located within building/parking envelope B to be digital or have digital portions. Removed language allowing digital signs on Sharon and Morrison and removed Note 2.f allowing digital signs on interior streets.
5. Updated the Schematic site plan (Sheets RZ-3 and RZ-4) to match the Technical data sheet.
6. Eliminated the optional provision to allow an alternate definition of "gross floor area."
7. Amended Note 4.III.f to refer to an added Note Section 11 related to the arch design over Street 1.
8. Amended Note 6.c. to further describe the setbacks along the internal private streets.
9. Added a Note Section 11 related to the arch design over Private Street 1. The design standards commit to a maximum depth, minimum clearance, minimum width, minimum sidewalk widths, activation with tenant space as generally depicted in the concept drawing, provision of signage to promote the connection to Coltsgate Road, provision of pedestrian scale lighting, and street cross section design with public access easement provided prior to the first certificate of occupancy.

Transportation

10. Eliminated the access to the site from Morrison Boulevard between Site Drive 1 and Sharon Road as depicted on "Option 2."
11. Removed the southbound right-turn lane from Morrison Boulevard into the site on the "Option 2" exhibit and removed from Note 5.
12. Updated the Schematic site plans (Sheets RZ-3 and RZ-4) to match Technical Data Sheets.
13. Revised Note II.b to read: "All transportation improvements, including Private Street 1 between Morrison Boulevard and Coltsgate Road shall be complete and approved before the site's first building certificate of occupancy is issued, except the implementation of the traffic signal at Morrison Boulevard and Site Drive 1, which will be implemented when deemed necessary by C-DOT."
14. Modified Note 4 I.h to state the petitioner will construct Private Street 2 as illustrated on the rezoning plan and Private Street 1 will be designed to meet the office commercial wide street cross-section. However, the petitioner may request to use innovative street design and non-standard cross-sections during construction permitting review subject to the approval of Subdivision and C-DOT staff.
15. Eliminated the optional provision to allow parking on only one side of the private streets as generally depicted on the plan.
16. Eliminated the optional provision to allow the private streets constructed on the site to be constructed per the cross-sections shown on the plan. The Subdivision Ordinance would

require a local office/commercial wide cross-section. Committed to revising the technical data sheet to depict Site Driveway 5 to match Note 4.I.h.

Requested Technical Revisions

17. Amended Note 1.g to remove reference to Note 2.o.
18. Removed Note 2.d related to signs on interior streets.
19. Removed “planned development” from Note 2.h so that it only refers to temporary signs.
20. Removed Note 2.m and Note 2.n.
21. Removed Note 2.o (and all references to it) allowing the definition of gross floor area.
22. Revised Note 2.k to clearly explain what the optional request allows.
23. Amended all optional requests to more completely explain requested modification.
24. Amended Note 14 under workforce housing to say “80% or less” rather than “not less than.”
25. Revised the private street cross-section to reflect development notes.
26. Revised the schematic site plans to match the technical data sheet and the development notes.
27. Amended Note 15 by removing the words are “, on average, affordable for persons” earning and replaced with are “income restricted for households” earning.
28. Amended Note 17 by adding “building/parking envelope areas” are also bound by the conditions of the site plan.

Motion was made by Councilmember Smith, seconded by Councilmember Phipps, to approve petition No. 2015-058 by Childress Klein, as modified.

Councilmember Smith said last week you may have recognized that we brought in experts from across the country to participate in the ULI Panel to discuss SouthPark; we had 70 local stakeholders participate, we had extensive interviews that lasted about up to an hour per session with these local stakeholders. One of the key components in results from this finding was the need to increase the gaps in the local street network in and around SouthPark and to me this petition will do two things; one it is going to provide critical access in and around SouthPark with the connection of Coltsgate and Morrison and two, we are going to let our friends in the faith community who have had a home in the SouthPark area continue to be an integral part of the neighborhood and they are going to help anchor a phenomenal development that is going to help the transformational in the SouthPark area so I support it.

Councilmember Lyles said I along with Kenny had the opportunity to participate in the ULI remarks, but we have all known that SouthPark is a key employment center for our community. It is also a place where many people reside for many years since the early 60’s when farm land became suburbia and now suburbia has become more urban density, but I would like to think there is a combination there that is going to make this community work. The idea of having an employment center surrounded by wonderful housing, wonderful opportunities for places to walk and drive; we’ve got some work to do, but it is a great start and I think this development is going to contribute to making SouthPark again that next great place or continuing to be the great place that it is.

Mayor Roberts said I have to hand it to the members of the Sharon United Methodist Church, you all came for the hearing and now you are here for the decision and that is real commitment.

Mr. Smith said I forgot to ask Tammie, did they get it written in the notes that the Boy Scouts will still serve barbeque there to everybody. If we can’t get barbecue this whole thing could go sideways.

Tammie Keplinger, Planning said it might be a little hard to enforce.

Councilmember Eiselt said I would also just like to recognize all of the members of Sharon United Methodist Church that have been a part of this process the whole time and how critical that is. I am really grateful that you showed up, you expressed your interest in the project that you are teaching your other neighbors in the area what this is all about because that is going to be so important to the future of SouthPark and I hope you will stay engaged in this process and help people understand what the vision for SouthPark is all about, so thank you.

Mayor Roberts said we do appreciate you being here and showing that support. It does mean a lot when people make a decision to hear from the neighbors and those involved.

Councilmember Kinsey said since you said that I want to invite them to stay for the rest of the meeting.

Mayor Roberts said one last thing about the fact that senior housing is coming in and that is part of the outreach of the church and that is also something that is really special because it is a great way to involve the volunteer spirit and the Christian spirit so we appreciate that.

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

Motion was made by Councilmember Lyles, seconded by Councilmember Smith, and carried unanimously that this petition is inconsistent with the SouthPark Small Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends institutional use for this site. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the plan calls for institutional uses, reflecting the existing use as a church. The proposed development includes a church along with a mixture of other land uses; and the vision articulated in the SouthPark Small Area Plan calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses; and in addition, the Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development; and while the proposed rezoning is inconsistent with the specific land uses recommended in the SouthPark Small Area Plan, the proposal is consistent with the larger vision articulated in the plan and in the Centers, Corridors and Wedges Growth Framework, as well as recent development which has included a greater mix of uses than called for in the plan; and the site plan for this proposal includes a vertical mix of uses and provides active residential and nonresidential uses that are located on the ground floors of buildings and oriented to the sidewalk network; and the site plan includes a new private street through the subject property, that when coupled with the adjacent rezoning (petition 2016-059) provides a connection from Morrison Boulevard to Coltsgate Road. The connection is important to providing alternative route choices in the SouthPark area.

The ordinance is recorded in full in Ordinance Book 59, at Pages 778-779.

ITEM NO. 12: ORDINANCE NO. 7077-Z, PETITION NO. 2015-059 BY CHILDRESS KLEIN AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.53 ACRES LOCATED ON THE NORTH SIDE OF COLTSGATE ROAD BETWEEN SHARON ROAD AND CAMERON VALLEY PARKWAY FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

The Zoning Committee found this petition to be consistent with the SouthPark Small Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends office or office-residential mixture for this site. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the vision articulated in the SouthPark Small Area Plan calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses; and in addition, the Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development; and the petition proposes a mixture of residential and office use that is consistent with the area plan; and the petition provides architectural design commitments for the ground floor, street facing facades that encourage pedestrian activity and complement the pedestrian environment; and the site plan includes a new private street through the subject site that, when coupled with the adjacent rezoning, provides a connection from Morrison Boulevard to Coltsgate Road, considered essential to the function of the adjacent rezoning

Site and Building Design

1. Provided a note describing the building/parking envelope. Added a note that parking shall not be visible from Coltsgate Road and along the private street for the portion of the building near Coltsgate Road.
2. Expanded Note 5.b to provide additional screening and design standards for parking visible from the private open space and private street at the rear of the site.
3. Removed Note 2.d related to digital signs.
4. Identified that a cell tower could be placed on the site per the Zoning Ordinance standards and added an optional request to allow a cell tower on the site as generally depicted.
5. Eliminated the optional provision to allow an alternate definition of “gross floor area.”
1. Transportation
6. Modified Note 4 III.b to state that Private Street 1 will be designed to meet the office commercial wide street cross-section. However, the petitioner may request to use innovative street design and non-standard cross-sections during construction permitting review subject to the approval of Subdivision and C-DOT staff.
7. Added text under Note 4.I committing to the construction of the private street stubbed to the property line to be completed by the petitioner prior to the issuance of the first certificate of occupancy.
8. Amended the intersection of Private Street 1 and Coltsgate Road so that the connection is perpendicular (90 degrees).
9. Eliminated optional provisions related to the design of the private street. Optional provisions on a rezoning site plan cannot be used to vary Subdivision Ordinance requirements.

Requested Technical Revisions

10. Removed the second paragraph of Note 4.I.
11. Removed Note 2.i related to gross floor area.
12. Removed Note 2.h because the cross-section for the street is addressed in Note 4 III.b.
13. Amended all optional request notes to describe what is requested to be modified.
14. Amended Note 10.a to say that the private open space/plaza area will be located at ground level.
15. Staff rescinded the request to remove the definition of “gross floor area” because it clarifies what counts towards the development maximums specified on the rezoning plan.
16. Revised the schematic site plan so that the proposed building is not shown across the side yard and property line at the southeast corner of the site.
17. Labeled the setbacks and yards on sheet RZ-2.
18. Amended the “side setback” label to say “side yard” and provided a “rear yard” label on Sheet RZ-1.
19. Amended sheet RZ-2 to show the potential cell tower relocation from adjacent parcel.
20. Amended the label for the open space/plaza area to say “Private open space/ plaza area.”
21. Amend the cell tower location on Sheet RZ-1 to indicate a potential relocation of a tower from the adjacent property.
22. Committed to amending the plan drawings to match Note 6.a reflecting a 22-foot setback from the future back of curb along Coltsgate Road.
23. Committed to amending the plan drawings to match Note 6.b reflecting a 16-foot setback along the private street, as measured from the back of curb.

Other Revisions

24. Added Note 13 committing to the voluntary provision of workforce housing of no fewer than 5% of the total number of units constructed on the site for a period of not less than 15 years, for income restricted households earning 80% or less than the area median income.

Motion was made by Councilmember Smith, seconded by Councilmember Lyles, to approve Petition No. 2015-059 by Childress Klein, as modified.
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Councilmember Smith said I am real excited about this petition; I think it is embodies the exact nature of where we want the SouthPark area to head based on the ULI Panel last week and again we can't speak enough to the experts we brought in from around the country. There was diversity and background diversity and talent diversity and geography and we combined them with 70 local experts, people that live in and around the mall area that are involved in professional trades in and around development. There were neighborhood leaders, there were folks that have intense desire for more walkability, bike lanes, and it really was a broad swath of

our community and I think that this petition represents where the SouthPark area is headed and this can be a very nice compliment to the community and help anchor us for 50 more years.

Councilmember Fallon said thank you for all your e-mails; I read them but I couldn't answer them all.

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

Motion was made by Councilmember Smith, seconded by Councilmember Driggs, and carried unanimously that this petition is consistent with the SouthPark Small Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends office or office-residential mixture for this site. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the vision articulated in the SouthPark Small Area Plan calls for the SouthPark area to transition from a suburban shopping and business environment to a town center composed of a balanced mixture of land uses; and in addition, the Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and urban, pedestrian-oriented development; and the petition proposes a mixture of residential and office use that is consistent with the area plan; and the petition provides architectural design commitments for the ground floor, street facing facades that encourage pedestrian activity and complement the pedestrian environment; and the site plan includes a new private street through the subject site that, when coupled with the adjacent rezoning, provides a connection from Morrison Boulevard to Coltsgate Road, considered essential to the function of the adjacent rezoning proposal and important to providing alternative route choices in the area.

The ordinance is recorded in full in Ordinance Book No. 59, at Page 780-781.

* * * * *

ITEM NO. 13: ORDINANCE NO. 7078-Z, PETITION NO. 2015-116 BY HWY 521 PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13.22 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF PROVIDENCE ROAD WEST AND JOHNSTON ROAD FROM O-1(CD) (OFFICE, CONDITIONAL) TO CC (COMMERCIAL CENTER).

The Zoning Committee found this petition to be inconsistent with the South District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends, as amended by prior rezonings, mixed nonresidential uses including a financial institution with accessory drive-through window, office uses, and a hotel. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the prohibition of retail uses in the prior rezonings was largely based upon a lack of vehicular access from Johnston Road. The current applicant has obtained tentative approval from the NC-DOT for vehicular access from Johnston Road at mid-site and commits to making the connection; and the proposed development will include a mix of uses, including office, retail, a bank, and a hotel. The retail component is limited to less than 45,000 square feet; and all uses will be connected to each other with a pedestrian network; and although there are existing retail uses nearby, they are located on the north side of the Providence Road West/Johnston Road intersection and this development will provide retail services more easily accessed from the south side of the intersection. The Zoning Committee vote 6-0 to approve this petition with the following modifications:

Land Use

1. Added drive-through service windows to the list of prohibited uses.

Site and Building Design

2. Added the following note under General Design Guidelines: "Doorways must be recessed into the facade of the buildings to provide a minimum eight-foot clearance along sidewalks."

3. Removed Note 1. c. under General Design Guidelines and replace with the following language: “Expanses of blank or unarticulated walls greater than 20 feet in length shall be treated with a minimum of three options below:
 - i. Provide a higher level of transparency on the ground floor, such as exaggerated or larger windows indicative of living areas or retail spaces;
 - ii. Utilize horizontal and vertical variations in wall planes;
 - iii. Provide building extension for enclosed balconies;
 - iv. Utilize corners to provide visual interest at the pedestrian level as well as to differentiate roof lines or highlight ground floor uses;
 - v. Provide amenity landscaping, such as a sitting area with an arbor; and/or
 - vi. Any other architectural improvements as allowed by the Ordinance to improve the visual aesthetics of blank or unarticulated wall.”

Environment

4. Added the following note under “Stormwater Control Measures”: “The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.”

Transportation

5. Provided a six-foot sidewalk along Johnston Road between the building and the road.
6. Increased the sidewalk width on both sides of Access “B” from six feet to eight feet with eight-foot planting strips from Ballancroft Parkway to the parking drive aisle.
7. Edited the transportation notes as requested by C-DOT. After a preliminary review by Planning staff, it appears this item has been addressed. Confirmation by C-DOT and update to be provided at the meeting on Monday.

Requested Technical Revisions

8. Staff rescinded the request to amend Note 10 to change “public roadways” to “public and private streets” because the petitioner is providing an eight-foot sidewalk and eight-foot planting strip along the private street. The Ordinance requires screening between parking and the public streets.
9. Changed references to “private drive” to “private street” in the development notes and on the site plan.
10. Amended Park 1 note to state it will be completed prior to issuance of the final certificate of occupancy for the hotel.
11. Amended Park 2 note to state it will be completed prior to the issuance of the certificate of occupancy for the first building developed with Development Area B.
12. Amended Park 3 note to state it will be completed prior the issuance of the final certificate of occupancy for the bank.

Since the vote of the Zoning Committee, the petitioner added the following notes related to phasing:

- “Completion of Providence Road West improvements between Hwy 521 and Access A will be required prior to issuance of final certification of occupancy for either Building 1 in Development Area A, or Building 5 in Development Area C, whichever occurs first.”
- “Completion of remainder of required road improvements will be required prior to issuance of final Certificate of Occupancy for the first constructed building in Development Area B.”

The petitioner amended the following notes related to pavement markings at Ardrey Kell/ US 521 intersection:

- In Note 4.a. transportation improvements deleted “Plus (II) re-mark the existing marked out pavement on Ardrey Kell Road at US 521 to a 2nd westbound left turn lane with 160’ of storage and (III) provide a 200’ bay taper.”
- In Note 4.b. transportation improvements deleted “(II) Plus re-mark the existing marked out pavement on Ardrey Kell Road at US 521 to a 2nd westbound left turn lane with 100’ of storage and use existing bay taper.”

Motion was made by Councilmember Driggs, seconded by Councilmember Autry, and carried unanimously not to send the petition back to the Zoning Committee and to keep it on the agenda for a decision tonight.

Motion was made by Councilmember Driggs, seconded by Councilmember Austin, to approve Petition No. 2015-116 by Hwy. 521 Partners, LLC, as modified.

Councilmember Driggs said I just want to remind people that this is an amendment to an existing proposal that allows a grocery store to be placed there and a mix of other small changes but I recommend it to the Council.

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

Motion was made by Councilmember Driggs, seconded by Councilmember Lyles, and carried unanimously that this petition is inconsistent with the South District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends, as amended by prior rezonings, mixed nonresidential uses including a financial institution with accessory drive-through window, office uses, and a hotel. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the prohibition of retail uses in the prior rezonings was largely based upon a lack of vehicular access from Johnston Road. The current applicant has obtained tentative approval from the NC-DOT for vehicular access from Johnston Road at mid-site and commits to making the connection; and the proposed development will include a mix of uses, including office, retail, a bank, and a hotel. The retail component is limited to less than 45,000 square feet; and all uses will be connected to each other with a pedestrian network; and although there are existing retail uses nearby, they are located on the north side of the Providence Road West/Johnston Road intersection and this development will provide retail services more easily accessed from the south side of the intersection.

The ordinance is recorded in full in Ordinance Book 59, at Page 782-783.

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ITEM NO. 14: ORDINANCE NO. 7079-Z, PETITION NO. 2015-129 BY PARKWOOD 6RESIDENCES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.63 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF NORTH BREVARD STREET AND EAST 21ST STREET FROM I-1 (LIGHT INDUSTRIAL) AND I-2 (GENERAL INDUSTRIAL) TO TOD-R (O) (TRANSIT ORIENTED DEVELOPMENT – RESIDENTIAL, OPTIONAL) WITH 5-YEAR VESTED RIGHTS.

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 development. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the residential building is designed to allow nonresidential ground floor uses along Parkwood Avenue, as recommended in the transit station area plan. The incorporation of nonresidential uses on this and other nearby sites will support the goal of having a range of pedestrian-friendly uses in the area closest to the Parkwood Transit Station. The site is within ¼ mile walk distance from the Parkwood Transit Station, and is included in a larger area envisioned to be redeveloped with transit supportive development. The proposed transit oriented development zoning is more consistent with the vision for the area than the current industrial zoning. The proposed development has been designed to be pedestrian friendly and includes up to 335 multi-family units near the Parkwood Transit Station. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

Transportation

1. Revised the site plan to depict and dimension future back of curb lines on North Caldwell Avenue and East 21st Street.
2. Revised the Streetscape conditional note B to read: "Petitioner shall install planting strips and sidewalks along the site's frontage on Parkwood Avenue, North Brevard Street, East 21st Street and North Caldwell Street as depicted on the rezoning plan."
3. Revised the site plan and added conditional notes to provide accessible pedestrian ramps on both sides of North Brevard Street to access the proposed BLE Parkwood Station multi-use path approximately 250 feet north of Parkwood Avenue. Removed the high-visibility mid-block pedestrian crosswalk on North Brevard Street.
4. Added Note 4(G) to specify that accessible on-street parking spaces will be provided as depicted on the rezoning plan.

Site and Building Design

5. Revised the site plan so that the building is 16 feet from back of curb on East 21st Street and North Caldwell Street.
6. Included public open space in the open space area along Parkwood Avenue.
7. Added Note 5(I) as follows: "Those portions of the ground floor of the building that are more particularly identified on Sheet RZ-2.0 of the rezoning plan shall be developed to accommodate nonresidential uses that are permitted on the site under the rezoning plan, however, they may be occupied with residential uses (the "convertible space"). The convertible space shall contain a minimum of 9,700 square feet of gross floor area."
8. Deleted Optional Request to not require any portion of the linear street frontage to be developed to accommodate nonresidential uses.
9. Amended Note 2E under Optional Requests, which requests the 24-foot setback be measured from the back of existing curb of the existing travel lane instead of the back of the recessed on-street parking, to specify that separation will be provided between the building and the multi-use path as generally depicted on the rezoning plan.
10. Amended Note 6A to clarify that a minimum six-foot planting strip will be installed along portions of the site's frontage on Parkwood Avenue adjacent to Parkwood Avenue as depicted on the rezoning plan.
11. Amended building elevations to address the side of the building with the exposed deck.

Requested Technical Revisions

12. Added Note 8(A) to specify that a trash chute that goes into a self-contained compactor will be provided on the site. The location of required solid waste and recycling containers has been shown and labeled on Sheet RZ-2 of the site plan.
13. Clarified that the planting strip and sidewalk to be provided along North Brevard Street will be located on the building side of the sidewalk.
14. Added Note 7(A) as follows: "No water supply wells including irrigation wells and open loop geothermal wells will be constructed on the properties."
15. Reduced the maximum number of multi-family dwelling units from 351 to 335.
16. Amended Note 1(A) under General Provisions to specify that the rezoning plan is comprised of a technical data sheet, and the schematic illustrative plan.
17. Added Note 2(B) under Optional Provisions to request parking, maneuvering and loading space to be allowed between the building and the required setback from North Caldwell Street.
18. Added Note 2(F) under Optional Provisions as follows: "As provided below in Note I under Architectural and Design Standards, those portions of the ground floor of the buildings that are more particularly identified on Sheet RZ-2 of the rezoning plan shall be developed to accommodate nonresidential uses that are permitted on the site under the rezoning plan, however, they may be occupied with residential uses. To the extent that the foregoing identified portions of the ground floor of the building do not occupy 50% of the linear street frontage on Parkwood Avenue, an option is granted to allow the identified portions of the ground floor of the building on Parkwood Avenue to satisfy Section 9.1209(1)(1) of the ordinance."
19. Amended Section 3(A) Permitted Uses by specifying the permitted uses as follows: "(i) multi-family residential uses, (ii) professional that sell and serve ice cream, yogurt, coffee, juices and similar items along with items such as bagels, muffins, sandwiches and pastries, provided, however, that the on-premises cooking of food items shall not be permitted other than the warming of such food items. Establishment that require equipment for the on-premises preparation of food (other than the warming of food items as noted above) shall not be permitted on the site; (v) beauty and barber shops, (vi) incidental or accessory uses

associated with the uses listed above that are permitted under the ordinance in the TOD-R zoning district.”

20. Added Note 3(C) as follows: “Except as provided above in paragraph A(iv), eating, drinking and entertainment establishments shall not be a permitted use on the site.”
21. Added Note 4(H) to specify that the petitioner shall submit a petition to the City of Charlotte requesting the abandonment of an existing alley located within the site adjacent to tax parcel 083-041-03, and the abandonment of excess right-of-way located within the southwest portion of the site adjacent to North Brevard Street.
22. Deleted Note 5(I), which stated “a portion of the precast concrete parking structure will be exposed to North Caldwell Street and shall not be clad with any additional finishes.”
23. Added Note 5(H) as follows: “Any fitness center located on the site shall not be visible from a public street or a public sidewalk adjacent to a public street.”
24. Amended Note 6(A) to specify that a minimum six-foot planting strip shall be installed along portions of the site’s frontage on Parkwood Avenue adjacent to Parkwood Avenue as depicted on the rezoning plan.
25. Amended Note 6(E) as follows: “However, the landscaping of the site shall be governed by the rezoning plan and the ordinance.”
26. Added Note 6(I) as follows: “Public open space with seating and landscaping shall be provided on the street side of the entrances to the courtyards located along the site’s frontage on Parkwood Avenue as generally depicted on the rezoning plan.”

Councilmember Kinsey said this is in Optimist Park Neighborhood and at the Parkwood Light Rail Station and that is a walk-up station. The building is designed to allow non-residential ground floor uses along Parkwood Avenue as recommended in the Transit Station Area Plan; this was a change in the plan after the public hearing so I want to make sure that everybody knows that there will be flex space and also dedicated space for retail once it is marketable. Also the proposed development has been designed to be pedestrian friendly and includes up to 335 multifamily units here again right at the Parkwood Transit Station so we are getting a lot of residential in that area. I want to thank the developer for working with the three neighborhoods.

Councilmember Smith said we got a fair amount of e-mails regarding some concerns by neighbors that wanted ground floor retail and it is sort of a double-edged sword. That area is in transition and it is not going to support ground floor retail from a market condition at this standpoint but without the additional rooftops we will never get there to where we have some of those walkable amenities. I think reserving the ground floor space and allowing at a later date to be converted to retail is a great play and I think the neighbors if they can hold off six or seven years I think the market is going to catch up, at which time they will have a great walkable amenity on the ground floor right by the Station and I think it will create a win/win but having that flexibility is critical and eventually getting there.

Councilmember Eiselt said I would like to echo Councilmember Smith’s comments and Councilmember Kinsey’s. I initially was opposed to this project; I think it is tricky and it is a bit of a chicken and the egg but we’ve got to create that density there to call for the retail and I’m appreciative that the developer was agreeable to make that space available once the market is ready for it.

Motion was made by Councilmember Smith, seconded by Councilmember Kinsey, and carried unanimously to approve Petition No. 2015-126 by Parkwood Residences, LLC, as modified.
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Motion was made by Councilmember Kinsey, seconded by Councilmember Driggs, 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 development. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the residential building is designed to allow nonresidential ground floor uses along Parkwood Avenue, as recommended in the transit station area plan. The incorporation of nonresidential uses on this and other nearby sites will support the goal of having a range of pedestrian-friendly uses in the area closest to the Parkwood Transit Station. The site is within ¼ mile walk distance from the Parkwood Transit Station, and is included in a larger area envisioned to be redeveloped with transit supportive development. The proposed transit oriented development zoning is more consistent with the vision for the area than the current industrial zoning. The proposed development has been designed to be pedestrian friendly and includes up to 335 multi-family units near the Parkwood Transit Station.

The ordinance is recorded in full in Ordinance Book 59, at Page 784-785.

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ITEM NO. 15: ORDINANCE NO. 7080-Z, PETITION NO. 2016-008 BY CITY CENTER HOTEL, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.64 ACRES LOCATED ON THE WEST SIDE OF COLLINS AIKMAN DRIVE BETWEEN MCCULLOUGH DRIVE AND WEST W. T. HARRIS BOULEVARD FROM O-2 (CD) (OFFICE DISTRICT, CONDITIONAL) AND B-2 (CD) (GENERAL BUSINESS, CONDITIONAL) TO B-2(CD) (GENERAL BUSINESS, CONDITIONAL) 5-YEAR VESTED RIGHTS AND B-2(CD) SPA (GENERAL BUSINESS, CONDITIONAL SITE PLAN AMENDMENT) 5-YEAR BESTED RIGHTS.

The Zoning Committee found the proposed hotel and office uses to be consistent with the University City Area Plan, and the proposed retail uses to be inconsistent with the University City Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential, office, institutional, and hotel uses. However, this petition was 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, except for the retail, are consistent with the University City Area Plan. The residential component has been deleted. The proposed retail is allowed by the current conditional zoning petition that governs the site. Site provides pedestrian connectivity from each building to the street and to other hotels, in addition to between the Pike Road hammerhead and Collins Aikman Drive. The petitioner provided a schematic site plan that illustrates the building locations relative to the street and parking lots along with sidewalks for pedestrian connectivity. The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

Infrastructure

1. Reflected sidewalk connectivity from each building to the street and to other hotels.
2. Provided a pedestrian connection between the Pike Road hammerhead and Collins Aikman Drive. Showed and labeled on the site plan via an internal sidewalk system, with a note that steps may be necessary due to site topography. Amended Note 10 under Sidewalks to add the following: "In particular, a well-defined pedestrian route shall be established through the property to connect Pike Road to Collins-Aikman Drive. The final configuration design of the first building to be constructed."
3. Deleted Note 11.3 under Storm Water.

Site and Building Design

4. Added a note that buildings shall be oriented to the street with pedestrian access directly to Collins Aikman Drive from the building.
5. Replaced the note limiting the number of independent free standing buildings (or cluster of interconnected buildings that is independent) devoted solely to retail and/or restaurant uses that may be developed on the site to one.

6. Added note requiring the public street between Brentmoor and Collins Aikman Drive to be constructed prior to the issuance of a certificate of occupancy on any building within this rezoning.
7. Added Note 4D as follows: "Parking will be located behind the buildings," and Note 7.7 as follows: "No parking shall be allowed between buildings and Collins-Aikman Drive."
8. Added two notes that pertained to residential uses to Section 4 under the heading of "Design and Architectural Treatment" to apply to the commercial section as follows: "Note 4b Buildings on the site will feature four sided architecture," and Note 4c "The portion of the building located below the roof line and with the exception of windows, doors, architectural accents, fenestrations and wall signage shall be composed of brick, stone, or cultured stone and or conventional stucco material."
9. Amended Note 4(e) to add that blank walls will not be more than 20 feet in length on all floors and must include both vertical and horizontal articulation.

Land Use

10. Clarified permitted uses as three limited service hotels with up to 400 rooms, with associated hotel amenities such as eating/drinking/entertainment establishments; up to 190,000 square feet of office space; and up to 40,000 square feet of retail and/or eating/drinking/entertainment establishment space. Provided a schematic site plan (Sheet RZ-3) that illustrates the building locations relative to the street and parking lots.
11. Labeled the 10-foot setback as a 10-foot yard on the abutting property that fronts Brentmoore Drive.
12. Limited the maximum amount of retail and/or eating/drinking/ entertainment establishment space allowed to 40,000 square feet and required all retail to be located on the ground floor of hotels.
13. Specified that setbacks along public streets will be measured from the right-of-way.
14. Specified on Sheet RZ-3 that trees will be planted in the landscape strip along Collins Aikman Drive

Requested Technical Revisions

15. Amended Development Data Table to reflect existing zoning as O-2(CD) and B-2(CD).
16. Submitted an administrative amendment to rezoning 2008-105 to remove all uses except one hotel with up to 125 rooms from the part of Area B not included in this rezoning and to clarify the remaining development rights.
17. Amended technical site plan to separately reflect "Parking Envelope" and "Building Envelope."
18. Added Note 11.3 under "Storm Water Management" as follows: "The petitioner shall control and treat the entire runoff volume for the one-year, 24-hour storm. Runoff draw down time shall be a minimum of 24 hours but not more than 120 hours."
19. Added Note 11.4 under "Storm Water Management" as follows: "The peak storm water release rates shall match predevelopment rates for the 10-year and 6-hour storm events and a downstream flood analysis shall be performed to determine whether additional peak control is needed and if so, for what level of storm frequency. If a downstream analysis is not performed, the peak storm water release rate shall match predevelopment rates for the 10-year and 25-year, 6 hour storms."
20. Added Note 11.5 under "Storm Water Management" as follows: "Water quality best management practices (BMP's) shall be constructed on the site to achieve 85% total suspended solid removal for the entire post development runoff volume for the runoff generated from the first 1-inch of rainfall. BMP's must be designed and constructed in accordance with the NC Department of Environmental and Natural Resources Best Management Practices Manual, April 1999, Section 4.0. Design standards shall be met according to the City of Charlotte Best Management Practices Manual, when available. Use of low impact development techniques is optional."
21. Deleted residential dwellings as a proposed use.
22. Deleted Notes 4.2 under "Design and Architectural Treatment" that pertain to residential uses, which are no longer proposed.
23. Deleted note under "Transportation" as follows: "Adequate sight triangles must be reserved at the existing/proposed street entrances. Two 35' x 35' and two 10' x 70' sight triangles are required for the entrances to meet requirements. All proposed trees, berms, walls, fences and/or identification signs must not interfere with sight distance at the entrances. Such items should be specified on the site plan."
24. Amended Note 7.1 by deleting the reference to parking for residential uses as follows: Off-street parking for residential units will be provided at a ratio of at least 1.6 spaces per unit.

25. Deleted Note 8.3 as follows: No wall “pak” type lighting will be allowed facing public streets. Any wall “pak” type lighting will be downwardly directed.
26. Deleted Note under heading “Charlotte Mecklenburg Schools Agreement” as follows: Development of the site will conform to the letter or agreement between the petitioner and CMS dated September 7, 2006.
27. Amended Note 4 to include retail/office/hotel uses.
28. Amended Note 1 under “Architectural Standards” to add the following: “The entrance to the building from Collins Aikman Drive to be architecturally articulated to read as a primary entrance with a canopy and/or vestibule, as well as detailing that is proportional to the overall size and scale of the building.”
29. Amended Note 2.3(c) to state that no more than one freestanding eating/drinking/entertainment establishment (EDEE) or office building shall be developed on the site.
30. Amended Note 2.3(d) as follows: “Retail and/or eating/drinking/entertainment establishments may be located within a hotel and/or office structure but must be limited to the ground floor of the buildings.”
31. Replaced “restaurant” with “eating/drinking/entertainment establishment” (in Section 2).

Motion was made by Councilmember Phipps, seconded by Councilmember Fallon, and carried unanimously to approve petition No. 2016-008 by City Center Hotel, Inc., as modified.

Councilmember Phipps said I’m pleased that the petitioner was able to work with staff and resolve all of the outstanding issues and received a unanimous approval from the Zoning Committee and I have before me a set of gorgeous elevations on this proposed Fairfield Inn site by Marriott and I’m looking forward to another additional quality hotel complement to our University City collection.

Motion was made by Councilmember Phipps, seconded by Councilmember Austin, and carried unanimously the proposed hotel and office uses to be consistent with the University City Area Plan, and the proposed retail uses are inconsistent with the University City Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential, office, institutional, and hotel uses. However, this petition was 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, except for the retail, are consistent with the University City Area Plan. The residential component has been deleted. The proposed retail is allowed by the current conditional zoning petition that governs the site. Site provides pedestrian connectivity from each building to the street and to other hotels, in addition to between the Pike Road hammerhead and Collins Aikman Drive. The petitioner provided a schematic site plan that illustrates the building locations relative to the street and parking lots along with sidewalks for pedestrian connectivity.

The ordinance is recorded in full in Ordinance Book 59, at Page 786-787.

ITEM NO. 16: ORDINANCE NO. 7081-Z, PETITION NO. 2016-010 BY FOURSTORE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE AFFECTING A CHANGE IN ZONING FOR APPROXIMATELY 4.3 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF WEST MALLARD CREEK CHURCH ROAD AND LEGRANGER ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO 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 research for the subject property. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because The subject site is located adjacent to the on-ramp to I-85 from West Mallard Creek Road, as well as a Duke Power substation; and although the Northeast District Plan recommends

research use for this property, the site is not located within the University Research Park and is isolated from other properties used for research; and the updated concept for the research park per the University Research Park Area Plan is to include “a diversity of uses that contribute to the creation of a more vibrant place”. The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

Transportation

1. Petitioner committed to install a new 10-foot multi-use path, a minimum eight-foot planting strip, and a two-foot wide sidewalk easement along the site’s frontage on West Mallard Creek Church Road.

Environment

2. Added Environmental Features Note 2 on the site plan which states: “The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.”
3. Added Environmental Features Note 1 on the site plan which states: “Development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance. The tree save areas designated on the rezoning plan are potential tree save areas, and the location of the actual tree save areas shall be determined during the development review and permitting process.”

Site and Building Design

4. Staff rescinded the request to show and label required Class “B” buffer along property lines abutting R-3 (single family residential) zoning as the Zoning Administrator (in conjunction with the Commercial Plans Reviewer) determined that a buffer would not be required since the adjacent R-3 property is devoted to a public utility structure.

Requested Technical Revisions

5. Amended the Development Data Table to identified proposed use as climate controlled, self-storage facility.

The following items have been added or modified since the public hearing:

1. Modified Transportation Note 1 to reference “NC-DOT”.
2. Modified Transportation Note 6 to read as follows: “Prior to the issuance of a certificate of occupancy for any new building constructed on the site, petitioner shall convey to the City of Charlotte (subject to a reservation for any necessary utility easements) a sidewalk utility easement that will extend 2 feet behind the rear edge of the 10 foot wide multi-use path described below as generally depicted on the rezoning plan.”
3. Modified Streetscape and Landscaping Note 1 to read as follows: “Subject to the approval of NC-DOT, petitioner shall install a minimum 8 foot wide planting strip and a minimum 10 foot wide multi-use path along the site’s frontage on West Mallard Creek Church Road as generally depicted on the rezoning plan. The minimum 8 foot wide planting strip and the minimum 10 foot wide multi-use path shall extend to the I-85 ramp as generally depicted on the rezoning plan. The multi-use path shall be an asphalt path and it shall be installed in lieu of a sidewalk and bike lane.”

Councilmember Phipps said this is one of our storage facilities going on here; I think it is a nice addition to our collection. It seems like we’ve been getting requests for right many storage facilities in and around Charlotte and this one I think is a good complement to the area and I would urge my colleagues to respectfully approve this one as well.

Motion was made by Councilmember Phipps, seconded by Councilmember Smith, to approve Petition No. 2016-010 by Fourstore, LLC, as modified.
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A vote was taken on the motion and recorded as follows:

YEAS: Councilmembers Austin, Autry, Driggs, Eiselt, Kinsey, Lyles, Mayfield, Mitchell, Phipps and Smith.

NAYS: Councilmember Fallon.

Motion was made by Councilmember Phipps, seconded by Councilmember Smith, 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 research for the subject property. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because The subject site is located adjacent to the on-ramp to I-85 from West Mallard Creek Road, as well as a Duke Power substation; and although the Northeast District Plan recommends research use for this property, the site is not located within the University Research Park and is isolated from other properties used for research; and the updated concept for the research park per the University Research Park Area Plan is to include “a diversity of uses that contribute to the creation of a more vibrant place”.

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

YEAS: Councilmembers Austin, Autry, Driggs, Eiselt, Kinsey, Lyles, Mayfield, Mitchell, Phipps and Smith.

NAYS: Councilmember Fallon.

The ordinance is recorded in full in Ordinance Book 59, at Page 788-789.

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ITEM NO. 17: ORDINANCE NO. 7082-Z, PETITION NO. 2016-021 BY CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.02 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF BOYER STREET AND WITHROW ROAD NEAR BILLY GRAHAM PARKWAY FROM R-17MF (MULTIFAMILY RESIDENTIAL) TO I-2 (GENERAL INDUSTRIAL).

The Zoning Committee found this petition to be consistent with the Southwest District Plan, based on information from the staff analysis and the public hearing, and because The plan recommends office/industrial land uses for the subject property. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because The adopted plan recommends office/industrial land uses; and The rezoning site is generally surrounded by undeveloped land, warehouse, industrial, and retail land uses on properties located in business, and industrial districts, as well as a few scattered residential units zoned multi-family; and The site is located northwest of the Charlotte-Douglas International Airport and is located within the “Combined 1996 Noise Exposure Map/Noise Compatibility Program Noise Contours” which identifies the day/night average sound level at 65 decibels which are not conducive to residential development; and Uses allowed in the I-2 (general industrial) district, such as warehouse distribution, manufacturing, and other non-residential uses, are least affected by the airport noise. Residential uses are not permitted in the I-2 (general industrial) district. The Zoning Committee voted 7-0 to recommend approval of this petition.

Motion was made by Councilmember Mayfield, seconded by Councilmember Kinsey, and carried unanimously to approve Petition No. 2016-021 by Charlotte Douglas International Airport.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously that this petition is consistent with the Southwest District Plan, based on information from the staff analysis and the public hearing, and because The plan recommends office/industrial land uses for the subject property. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because The adopted plan recommends office/industrial land uses; and The rezoning site is generally surrounded by undeveloped land, warehouse, industrial, and retail land uses on properties located in business, and industrial districts, as well as a few scattered residential units zoned multi-family; and The site is located northwest of the Charlotte-Douglas International Airport and is located within the “Combined 1996 Noise Exposure Map/Noise Compatibility Program Noise Contours” which identifies the day/night average sound level at 65 decibels which are not conducive to residential development; and Uses allowed in the I-2 (general industrial) district, such as warehouse distribution, manufacturing, and other non-residential uses, are least affected by the airport noise. Residential uses are not permitted in the I-2 (general industrial) district.

The ordinance is recorded in full in Ordinance Book 59, at Page 790-791.

ITEM NO. 18: ORDINANCE NO. 7083-Z, PETITION NO. 2016-022 BY PHILIP W. MCLAMB AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.02 ACRES LOCATED ON THE NORTH SIDE OF CENTRAL AVENUE NEAR THE INTERSECTION OF LANDIS AVENUE AND CENTRAL AVENUE FROM B-1 (NEIGHBORHOOD BUSINESS) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

The Zoning Committee found this petition to be consistent with the Central District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends retail uses. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the site is located on Central Avenue, which is a commercial corridor; and this project proposes to repurpose the existing building for uses allowed in the MUDD (mixed use development) district; and the retail and office uses that would be allowed by MUDD (mixed use development) zoning could provide opportunities for goods and services to the residents of the Plaza Midwood neighborhood; and this section of Central Avenue is evolving from a primarily auto-oriented corridor to a more walkable district, especially near The Plaza; and this petition proposes improvements such as widening the sidewalk along Central Avenue and reservation of existing trees along the street. These commitments will support walkability. The Zoning Committee voted 7-0 to recommend approval of this petition.

Councilmember Kinsey said this petition will be using an existing building and actually making a lot of improvements along Central Avenue.

Motion was made by Councilmember Kinsey, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2016-022 by Philip W. McLamb.

Motion was made by Councilmember Kinsey, seconded by Councilmember Driggs, and carried unanimously to that this petition is consistent with the Central District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends retail uses. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the site is located on Central Avenue, which is a commercial corridor; and this project proposes to repurpose the existing building for uses allowed in the MUDD (mixed use development) district; and the retail and office uses that would be allowed by MUDD (mixed use development) zoning could provide opportunities for goods and services to the residents of the Plaza Midwood neighborhood; and this section of Central Avenue is evolving from a primarily auto-oriented corridor to a more walkable district, especially near The Plaza; and this petition proposes improvements such as widening the sidewalk along Central Avenue and reservation of existing trees along the street. These commitments will support walkability.

The ordinance is recorded in full in Ordinance Book 59, at Page 792-793.

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ITEM NO. 19: ORDINANCE NO. 7084-Z, PETITION NO. 2016-023 BY AMERICAN TOWERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.8 ACRES LOCATED ON THE EAST SIDE OF NEWELL FARM ROAD NEAR THE INTERSECTION OF OLD CONCORD ROAD AND NEWELL FARM ROAD FROM I-1(CD) LIGHT INDUSTRIAL, CONDITIONAL) TO I-1(CD) SPA (LIGHT INDUSTRIAL, CONDITIONAL SITE PLAN AMENDMENT).

The Zoning Committee found this petition to be inconsistent with the Newell Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends office/business park uses. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposed telecommunications tower is considered a utility use, and future locations for this use type are not typically addressed in area plans; and area plans and other policy documents do not typically identify future appropriate locations for utility uses or provide specific design guidance; and the adopted future land use of the surrounding parcels is office/business park, and a telecommunications tower would be generally compatible with the future land uses in the immediate vicinity; and the proposal also accommodates an area for a future street connection that will serve as a parallel route to Old Concord Road and W. T. Harris Boulevard. The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

Site and Building Design

1. A 38-foot "Class B" buffer abutting the residential zoning to the rear of the site has been shown and labeled.

Requested Technical Revisions

2. Deleted Note 8, which provided minimum ordinance standards, and Note 9 that pertained to the number of carriers that can be accommodated.
3. Placed Note 10 under Environmental Features.
4. Amended Note 3 under General Provisions as follows: "The petitioner will submit an application for an administrative site plan amendment that will adjust the remaining original site plan to account for the development of the property included in this rezoning application. The administrative application will be submitted and reviewed so that it is ready for final approval upon the approval of this rezoning application."
5. Amended Note 1 under Permitted Uses to specifically list a cell tower as the sole permitted use.
6. Deleted information pertaining to typical signs and specifications.
7. Amended Note 1 under Signage to state signage will be allowed per the zoning ordinance.
8. Specified maximum height of detached lights as 25 feet.
9. Organized conditional notes using the appropriate headings and categories.
10. Deleted Note 2 under Permitted Uses, which quotes ordinance standards and refers to a use that was permitted on the site per the previous rezoning petition 1997-36C.

Councilmember Phipps said this is a cell tower with the most aesthetically appealing unipole version and I so move that my colleagues accept this as written.

Motion was made by Councilmember Phipps, seconded by Councilmember Lyles, to approve Petition No. 2016-023 by American Towers, LLC as modified.

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

YEAS: Councilmembers Austin, Autry, Driggs, Eiselt, Fallon, Kinsey, Lyles, Mitchell, Phipps and Smith.

NAYS: Councilmember Mayfield.

Motion was made by Councilmember Phipps, seconded by Councilmember Driggs, and carried unanimously that this petition is inconsistent with the Newell Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends office/business park uses. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposed telecommunications tower is considered a utility use, and future locations for this use type are not typically addressed in area plans; and area plans and other policy documents do not typically identify future appropriate locations for utility uses or provide specific design guidance; and the adopted future land use of the surrounding parcels is office/business park, and a telecommunications tower would be generally compatible with the future land uses in the immediate vicinity; and the proposal also accommodates an area for a future street connection that will serve as a parallel route to Old Concord Road and W. T. Harris Boulevard.

The ordinance is recorded in full in Ordinance Book 59, at Page 794-795.

ITEM NO. 20: ORDINANCE NO. 7085-Z, PETITION NO. 2016-027 BY LINDA PISTONE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 95.67 ACRES LOCATED ON THE EAST SIDE OF STATESVILLE ROAD AND WEST SIDE OF OLD STATESVILLE ROAD NEAR THE INTERSECTION OF STATESVILLE ROAD AND OLD STATESVILLE ROAD FROM I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO I-1 (LIGHT INDUSTRIAL).

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 retail as amended by rezoning petition 2009-052. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the surrounding land uses are primarily industrial/warehouse distribution centers, and the Northeast District Plan supports redevelopment of the area for light industrial and/or business park uses to enhance this area as a major employment center; and the area is part of the North Growth Corridor as per the Centers Corridors & Wedges Growth Framework, and is served by I-77, major highways, and railroads. These major transportation facilities support the industrial and warehouse/distribution uses allowed in the I-1 (light industrial) district; and while the proposed I-1 district is not consistent with the current plan recommendation for retail, which resulted from rezoning petition 2009-052, this industrial district is consistent with the recommended industrial land use originally identified in the Northeast District Plan, for this site and the surrounding industrial area. The Zoning Committee voted 7-0 to recommend approval of this petition.

Councilmember Austin said we are coming to the end of the era of the Metrolina Fair Grounds; it has been around for quite some time. I just hosted the Universal Souls Circus out there but the new vision and I wish Linda well.

Councilmember Kinsey said you've got a couple more months to shop.

Motion was made by Councilmember Austin, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2016-027 by Linda Pistone.

Motion was made by Councilmember Austin, seconded by Councilmember Driggs, 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 retail as amended by rezoning petition 2009-052. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the surrounding land uses are primarily industrial/warehouse distribution centers, and the Northeast District Plan supports redevelopment of the area for light industrial and/or business park uses to enhance this area as a major employment center; and the area is part of the North Growth Corridor as per the Centers Corridors & Wedges Growth Framework, and is served by I-77, major highways, and railroads. These major transportation facilities support the industrial and warehouse/distribution uses allowed in the I-1 (light industrial) district; and while the proposed I-1 district is not consistent with the current plan recommendation for retail, which resulted from rezoning petition 2009-052, this industrial district is consistent with the recommended industrial land use originally identified in the Northeast District Plan, for this site and the surrounding industrial area.

The ordinance is recorded in full in Ordinance Book 59, at Page 796-797.

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ITEM NO. 21: ORDINANCE NO. 7086-Z, PETITION NO. 2016-031 BY DOMENIC POLZELLA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7 ACRES LOCATED ON THE EAST SIDE OF BOB BEATTY ROAD NEAR THE INTERSECTION OF OLD STATESVILLE ROAD AND BOB BEATTY ROAD FROM I-1 (LIGHT INDUSTRIAL) TO B-2 (GENERAL BUSINESS).

The Zoning Committee found this petition to be inconsistent with the Northlake Area Plan, based on information from the staff analysis and the public hearing, and because The plan recommends a mix of office, industrial, and warehouse distribution land uses. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because The subject site is located between property zoned I-1 (light industrial) and B-1(CD) (neighborhood business, conditional). To the rear of the site are single family homes zoned R-9PUD (planned unit development, residential); and rezoning the site from I-1 (light industrial) to B-2 (general business) will eliminate the potential of having a variety of types of incompatible light industrial uses locating adjacent to single family residential uses; and office and retail uses allowed in the B-2 (general business) district are also permitted in the I-1 (light industrial) district. Such uses are compatible with the business zoning to the south of the subject property along Bob Beatty Road. The Zoning Committee voted 7-0 to recommend approval of this petition.

Councilmember Austin said I think this is a good site that is adjacent to a Charter School that is doing good and they are looking at this building for some expansion so I think this is a good worthy purpose for the community.

Motion was made by Councilmember Phipps, seconded by Councilmember Austin, and carried unanimously to approve Petition No. 2016-031 by Domenic Poizella.

Motion was made by Councilmember Phipps, seconded by Councilmember Fallon, and carried unanimously that found this petition is inconsistent with the Northlake Area Plan, based on information from the staff analysis and the public hearing, and because The plan recommends a mix of office, industrial, and warehouse distribution land uses. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because The subject site is located between property zoned I-1 (light industrial) and B-1(CD) (neighborhood business, conditional). To the rear of the site are single family homes zoned R-9PUD (planned unit development, residential); and rezoning the site from I-1 (light industrial) to B-2 (general business) will eliminate the potential of having a variety of types of incompatible light industrial uses locating adjacent to single family residential uses; and office and retail uses allowed in the B-2 (general business) district are also permitted in the I-1 (light industrial) district. Such uses are compatible with the business zoning to the south of the subject property along Bob Beatty Road.

The ordinance is recorded in full in Ordinance Book 59, at Page 798-799.

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ITEM NO. 22: ORDINANCE NO. 7087-Z PETITION NO. 2016-032 BY NR PINEHURST OWNER, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 36.1 ACRES LOCATED ON THE WEST SIDE OF PROVIDENCE ROAD BETWEEN CLOISTER DRIVE AND KNOB OAK LANE FROM R-17MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) 5-YEAR VESTED RIGHTS.

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, as amended by the prior rezoning, recommends residential land use at 17 dwelling units per acre. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the petition is consistent with the land use and density recommended by the area plan; and the petition fully screens the proposed parking structure with residential uses; and the petition provides “eyes on the street” by providing additional units facing the street; and the petition provides graphics and conceptual renderings that depict the design intent for the building, retaining walls, screen walls and landscaping along Providence Road and these provide a pedestrian friendly experience, and mitigate the building mass and length along Providence Road. The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

Site and Building Design

1. Increased the transition zone between the back of the proposed sidewalk and the proposed retaining and privacy walls along Providence Road in front of buildings one and three.
2. Removed details of the walls between the buildings and Providence Road on Sheet RZ-100.
3. Provided a new sheet with a detailed plan graphic of the area between the buildings and Providence Road. Staff rescinded the request for the graphics to provide clear dimensions and distances for the planting strip, sidewalk, transition zone, retaining walls, and privacy walls because the petitioner has provided the graphics to show the design intent and the exact dimensions will be determined during plan review and permitting.
4. Provided two cross-sections for privacy and retaining wall condition and privacy wall only condition. Staff rescinded the request for clear dimensions because the graphics show design intent and the exact dimensions will be determined plan review and permitting.
5. Staff rescinded the request to provide notes committing to minimum distances between the proposed sidewalk and the retaining walls, the proposed sidewalk and the privacy wall, and between the top of the retaining wall and the privacy wall along Providence Road because the petitioner has provided a series of graphics that show the design intent and has provided notes indicating the intent of the design depicted. The exact dimensions will be determined during plan review and permitting.
6. Staff rescinded the request to provide notes committing to maximum heights for retaining walls and privacy walls along Providence Road because the petitioner has provided a series

of graphics that show the design intent and provided notes indicating the intent of the design depicted. The exact dimensions will be determined during plan review and permitting.

7. Committed to providing the following note for a prominent pedestrian entry into building three: "Building entrances shall be at a grade differing from the grade of the public sidewalk and shall be highly visible and architecturally treated as prominent pedestrian entrance through a combination of at least five (5) of the following features: (a) decorative pedestrian lighting/sconces; (b) architectural details carried through to upper stories; (c) covered porches, canopies, awnings or sunshades; (d) archways; (e) transom windows; (f) terraced or raised planters that can be utilized as seat walls; (g) common outdoor seating enhanced with specialty details, paving, landscaping or water features; (h) double doors; (i) stoops or stairs; and/or (j) contrasting pavement from primary sidewalk; (k) or other elements to be determined during the urban plan review."
8. Provided building elevations for building three.
9. Committed to amending the optional provision to allow parking between the Phase 1 building and the internal street only along the private drive extending through the center of the Phase 1 building and up to one recessed loading space along the internal street.
10. Added Sheet RZ-300 to depict conceptual wall sections.
11. Amended the label on Sheet RZ-100 to remove the four-foot height specified for the wall.
12. Added an optional provision to allow all the existing buildings, parking and maneuvering areas, amenities and other improvements located on the site to remain and be utilized until such time that the relevant portions of the site are redeveloped.

Transportation

13. Committed to adding a label regarding the sidewalk and planting strip width near the culvert on Sheet RZ-100 and add an optional request to indicate that the sidewalk and planting strip width at the northern property line, near the culvert will be determined during construction plan review and approved by C-DOT and Engineering Property Management.
14. Committed to amend the label for "50' transitional R/W final location and extent of R/W dedication to be coordinated with C-DOT and NC-DOT" to say "Future R/W final location and extent of R/W dedication to be coordinated with C-DOT and NC-DOT."

Other Minor Issues

15. Committed to amend the Zoning Exhibit on Sheet RZ-200 to say MUDD-O.
16. Added the words "multi-family" to Note 1.d.
17. Changed the word "provision" to "provisions" in Notes 1.e, 2 and 2.a.
18. Modified Note 5.a to clearly indicate the standard applied to the exterior of new buildings constructed on the site and added that vinyl can be used for trim and railings.
19. Modified Note 5.d. to indicate that minor modifications to the footprint of the phase one building may be made provided that the design intent of the building is satisfied.
20. Removed a note under architectural standards that stated, "As generally depicted on the rezoning plan the phase one units located along the southern edge of the site and directly fronting Providence Road shall be treated architecturally to address both Providence Road street frontage and the site's frontage of the adjacent proposed public street."
21. Removed a note under Streetscape, Buffers and Landscaping that stated "that portion of the four-foot masonry wall located at the southern edge of the Phase 1 building may be eliminated at the option of the petitioner."
22. Changed "four-foot masonry wall" to "screen walls" under Signage.

Councilmember Smith said this is a site plan change and really a tremendous improvement on the aesthetics from the first go around; there is no density change and in fact the rezoning that came through last year there was no density change so it is in keeping with the same density that has been approved by previous Councils. This was an architectural change for the most part and one that I think is much more agreeable with the surrounding neighborhood and in keeping with the Providence Road Corridor.

Motion was made by Councilmember Smith, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2013-032 by NR Pinehurst Owner, LLC, as modified.

Motion was made by Councilmember Smith, seconded by Councilmember Driggs, 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, as amended by the prior rezoning, recommends residential land use at 17 dwelling units per acre. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the petition is consistent with the land use and density recommended by the area plan; and the petition fully screens the proposed parking structure with residential uses; and the petition provides “eyes on the street” by providing additional units facing the street; and the petition provides graphics and conceptual renderings that depict the design intent for the building, retaining walls, screen walls and landscaping along Providence Road and these provide a pedestrian friendly experience, and mitigate the building mass and length along Providence Road.

The ordinance is recorded in full in Ordinance Book 59, at Page 800-801.

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OTHER BUSINESS

ITEM NO. 23: REQUEST FOR RESUBMITTAL OF PETITION NO. 2014-110

Tammie Keplinger, Planning said Item No. 23 on your agenda is a procedural issue that the Council has been asked to deal with tonight. It is a request for the resubmission of a rezoning petition for Unique Southern Estates which is also known as the Van Landingham. On October 19, 2015 the Council denied rezoning Petition No. 2014-110 for Unique Southern Estates LLC. The property is located at The Plaza and Belvedere Avenue. This is one of the maps that we use for presentations during that rezoning request; the request was to rezone to MUDD-O mixed use development district and MUDD-O Historic District Overlay and it was to allow the continued operation of the existing hotel and events facility, the addition of a spa, the addition of 18 single family attached dwelling units in addition of a private neighborhood pool and swim club. As I mentioned that was denied on October 19, 2015.

The Zoning Ordinance states that if a rezoning petition has been denied it cannot be resubmitted within two years of the date of denial unless the request is to a lower classification or the Council determines that one or more of the four specified guidelines in the Zoning Ordinance have been met. You have a copy of those guidelines in your agenda tonight for you to review.

Billie Maddalon is representing Unique Southern Estates and he has requested a waiver of the two-year rule and that letter is also in your attachment. Mr. Maddalon indicates that the request will be to accommodate the development of the townhome units, to maintain the existing estate structure and grounds for the continued use as a hotel with nine guest rooms and the conference and events centers. The request would not include the private pool and swim club. Section 6.112, Item 2 of the Zoning Ordinance states that the City Council may allow the resubmission of a petition within the two-year timeframe after a denial if it is determined since the date of action on the prior petition that one or more of four guidelines have been met. Mr. Maddalon believes that the fourth guideline, Item D in the ordinance that you have in front of you, meets his requests. Item D states that there has been other substantial change in condition or circumstances which justify waiver of the two-year restriction on the new petition. This shall not include a change in the ownership of the subject property or in the case of a petition for the reclassification of a conditional rezoning district a change in the scale or features of the development proposed by the prior petition. In reviewing this request for a waiver staff does not recommend approval. Mr. Maddalon’s request is based on the removal of the private neighborhood pool and swim club. Staff feels that this change is a change to the features of the prior development proposal and does not meet any of the four guidelines established by the Zoning Ordinance including the guidelines referenced by Mr. Maddalon for allowing the waiver in the two-year rule. I will be happy to answer any questions you have on this issue.

City Attorney Bob Hagemann said Mayor, this is not a public hearing so your regular rules apply; it is three minutes per speaker.

Jesse Wasson, 1920 Nassau Boulevard said I guess you all know where I come out on this issue; I presented to you before on this very same issue and I just want to reiterate my concerns. In keeping with consistency of Plaza/Midwood I think it is important to consider the fabric of the neighborhood which is single family residential homes. I think that any multiuse development is going to alter the fabric of the neighborhood and if you were to take a tour of Plaza/Midwood you will see that it is a vibrant neighborhood where people are moving in and setting down roots, children playing in the streets. The best use for the land at the Van Landingham Estate if it is not going to maintain itself as it is now is to go R-5 and stay a residential area.

Cecil Krimminger, 1733 Belvedere Avenue said some of you remember me from the presentations that we made prior to. I live at 1733 Belvedere Avenue which is at the corner of Belvedere and Thurman Place at the back corner of the Van Landingham Estate. We presented some video footage of Van Landingham traffic issues that were created from the business current operations. It impacts traffic to the point that a City bus became stuck on Belvedere Avenue for about 15 minutes before they could clear it because traffic was parked on both sides and the opposing traffic was trying to meet and it just didn't move. The current business operation is ongoing and at times when large events are hosted there we still have issues. In the rezoning to accommodate the townhomes as Jesse commented on, this is primarily a residential neighborhood with private single family residences surrounding it and the building of townhomes will impact our home values, reducing our home values. Also the development falls outside, I believe, the City's master development plan for multifamily housing which follows the corridor down Central Avenue and this will create congestion. We went to a neighborhood association meeting the other evening and I think they passed out a document that there were 2,600 apartments planned for this area. My preference, being one of the protest petition signers, is to reject this.

Councilmember Austin said we may have discussed this during the Dinner Briefing; have we ever had this come back to us, a resubmission? I've been here two and a half years, have we ever had any?

Ms. Keplinger said actually we have. We had another waiver for Van Landingham that was done around 2002 where they requested a waiver of the two-year rule. They had approximately six months left before they could actually submit again and the waiver was granted. I looked back through the minutes to determine the criteria that was observed during that Council meeting and the minutes did not contain any information that I could provide. The last one that I know of was in 2009 for Greater Galilee Baptist Church and it was a rezoning petition that some of the members of Council will remember where it was denied and the Planning staff went out and worked with the church and the neighborhood and came up with a set of solutions and a different site plan layout, different design and came back to the Council requesting the waiver. Staff was supportive of the waiver and the waiver was granted but those are the only two cases that I can recollect that we have actually even had a request for a waiver.

Mr. Austin said what constitutes a substantial change?

Ms. Keplinger said the ordinance actually doesn't say a substantial change.

Mr. Austin said I'm looking at the document that there has been other substantial change.

Ms. Keplinger said the part that staff is saying they are not meeting is Section D; it is the second to the last sentence where it says this shall not include the change of ownership of the subject property or in the case of a petition for a reclassification to a conditional zoning district a change in the scale or feature of the development proposed by the petition. What staff is saying is that what the applicant is doing is removing the pool and the swim club and that is indeed a change in the scale and the features of a conditional rezoning and does not qualify for the waiver.

Councilmember Driggs said I had a question which may be for the City Attorney; I see it says a substantial change in conditions or circumstances. That suggest to me something environmental and not an action by the part of the petitioner. Is it fair to assume that is what they are talking about and they are saying that the environment in which this is being submitted is changed rather than the petition has changed?

Mr. Hagemann said Mr. Driggs I think that is certainly a very reasonable reading for that provision. What I would suggest to the Council that if you are inclined to grant the waiver you need to articulate some change in circumstance other than the removal of the feature that staff has mentioned. I think the burden would be on the Council to articulate some substantial change that very well be along the lines of what Mr. Driggs is suggesting in order to grant the waiver.

Mr. Driggs said but that is not the basis for the request, right? As submitted the request says that this is a substantial change and what I'm saying is that the request seems to be based on a different reading from this, not having to do with the features or whatever, but having to do with the fact that the whole thing is intended to be of an environmental nature surrounding rather than the content of the petition itself.

Mr. Hagemann said I agree with that.

Councilmember Autry said for the City Attorney; if the Council was to approve this waiver are we exposing our self in anyway?

Mr. Hagemann said we've only had a couple of instances, as Tammie mentioned, of actually applying this, but certainly if you approve this waiver somebody withstanding, some affected property owner I believe could challenge that decision and that is why I'm suggesting that in order to be a defensible waiver the Council would have to articulate some change in the circumstances other than the removal of the pool and if you are unable to do that I think somebody who has standing may have a reasonable chance of success in challenging a decision to grant the waiver.

Councilmember Fallon said City Attorney; would it make a precedent for us to have to live with?

Mr. Hagemann said yes, Ms. Fallon, certainly if Council were to grant a waiver the circumstances of that decision could be used by future petitioners who have had a rezoning denied and they could point to that and say you set a precedent, ours is similar to that and therefore Council should grant that waiver as well.

Ms. Fallon said so we leave ourselves open to being challenged.

Mr. Driggs said if we were sympathetic under these circumstances with the request and we wanted to make a change to the language to allow when it is a historic facility or whatever, in other words if we found that the problem was with the ordinance and not with the request do we have the scope, and I'm not suggesting this, I'm just trying to explore what our options are, do we have the scope to introduce new language that allows for this without opening the floodgates as a precedent?

Mr. Hagemann said absolutely. That would be a text amendment that the City could sponsor if the Council in its wisdom thought that other circumstances should warrant a waiver; you could run a text amendment to allow for what you are suggesting.

Mr. Driggs said I just want to be clear; I'm not advocating, I'm just trying to – I think that is what we would have to do in order to allow this and the question would then be do you want to go there.

Mayor Roberts said I want to remind Council that you have the authority tonight to approve, to not approve or to defer to later action if you think there is something you want to work on.

Mr. Austin said say that again Mayor.

Mayor Roberts said you can approve this tonight, you can vote not to approve it and then the petitioner has to wait another year and a half till the two-years are up, or if you want to work on something as a text amendment we can also defer this to a future meeting.

Councilmember Lyles said after hearing from both out Planning staff as well as our City Attorney and having in front of us the actual section that outlines what the current rules are for

this and having the petitioner make the application for this under Section D which basically I think Mr. Driggs has addressed, it is not about what is on the petition but what is surrounding the petition, I see that we have little room without having some change to grant this.

Motion was made by Councilmember Lyles, seconded by Councilmember Austin, and carried unanimously that based upon the statement of our ordinance and the liability that we may incur as a result of it that we deny the request for the resubmission and that we maintain the rule as is.

* * * * *

HEARINGS

ITEM NO. 27: HEARING ON PETITION NO. 2016-017 BY ROCKWELL CAPITAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.71 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF EUCLID AVENUE AND ATHERTON STREET, ALSO ABUTTING MARSHALL PLACE FROM R-5 (SINGLE FAMILY RESIDENTIAL) AND B-2 (GENERAL BUSINESS) TO UR-3(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Roberts declared the hearing open.

Assistant Planning Director Laura Harmon said the subject property for this rezoning is located between Marshall Place and Euclid Avenue at the edge of the Dilworth neighborhood. This is a request for a 2.71 acre parcel to go from R-5 and B-2, single family residential and business to urban residential with a conditional site plan. This would be the redevelopment of 10 homes and two commercial sites with up to 61 dwellings. If you look at the current zoning you will see there is a lot of land in the Dilworth neighborhood that is zoned R-5 or single family at five units per acre. There are some pockets of urban residential, one abutting this site and another on Iverson Drive and some UR-3 and R-20MF in the former Crocket Park area. As you look at South Boulevard it is an area that is transitioning from older suburban zoning of particularly I-2 industrial and B-2 business to more and more mixed use development and TOD or transit oriented development zoning.

As we look at the future land use this is actually split between two plans so the actual rezoning petition property is split between two plans. On this side is the Dilworth Land Use and Streetscape Plan and on this side is the Newbern Plan so the Dilworth Plan called for this to be four units an acre and on this portion of the site which is closer to South Boulevard where the commercial structures were is recommended in the Newbern Transit Station Area Plan for transit oriented development. We understand there are some changes from the petitioner so don't get too married to this site plan. This is multifamily building on Euclid and these are duplex units on Marshall Place. Again it is a total of 16 duplexes originally and 45 multifamily units. The maximum building height is 40-feet and a number of other commitments, but we expect the petitioner to present something slightly different this evening.

As we looked at this we found that the current single family parcels along Marshall Place are inconsistent; the proposal for the duplexes there is inconsistent with the Dilworth Land Use and Streetscape Plan but the parcels zoned B-2 are consistent with the New Bern Transit Station Area Plan for the multifamily. Taking that and a number of other conditions into account staff is not supporting that proposal in its current form. We think the established single family detached housing area on Marshall Place should be maintained; the duplex units would eliminate 10 single family lots and we think that is starting to eat into the Dilworth neighborhood and we have concerns about that. The density along Marshall Place is higher than what the plan calls for; they are requesting eight units an acre and the plan does recommend four units an acre. We think the scale of the duplexes is a concern as well as the setbacks. Staff is not recommending this petition in its current form so we are real excited to see changes being brought forth by the petitioner and our issues are related to plan consistency and we have some site and building design issues.

John Carmichael, 101 North Tryon Street said I am here on behalf of the Petitioner, Rockwell Capital, LLC and with me are Ms. Julie Lowe and Mr. Tom Moore of Rockwell Capital, Chip Cannon of Urban Design Partners and Matt Ewars of Grandfather Homes. The site contains approximately 2.71 acres, is located at the intersection of Atherton Street and Euclid Avenue. Euclid Avenue is on the westerly boundary of the site and Marshall Place is along the easterly boundary of the site and northerly is Atherton Street. Single family homes are currently located on this portion of the site along Marshall Place and industrial and office buildings are located along this portion of the site along Euclid Avenue. The single family lots here continue all the way back to Euclid Avenue. Across Euclid Avenue from the site are commercial uses that are situated on South Boulevard such as Valvoline Instant Oil Change, a Taco Bell and an AAA Carolinas Car Care Center. To the south of the site is a David Weekly Homes townhome development, single family homes are located across Marshall Place from the site. Across Atherton Street from the site are parcel zoned B-2, I-1(CD) and a little further to the east R-5 and approximately a 6.5 acre portion of the site is currently zoned B-2, the remaining two acres are zoned R-5. The petitioner is requesting that the entire site be rezoned to the UR-3(CD) zoning district to allow for the development of the community that would contain up to ten for sale single family detached homes and that is the change from the plan that you saw previously, four for sale quadplex dwelling units and up to 48 for sale condominium dwelling units.

This is a view of the B-2 portion of the site along Euclid Avenue; Atherton Street is up to the top of the site. This is a view along Euclid Avenue from Atherton Street, the site is on your left, Max Speed Shop is up here, Atherton is here and Marshall Place is to the east and these are some of the existing buildings located on the B-2 portion of the site. This is a view from the site looking across Euclid toward South Boulevard so these are some of the commercial uses I mentioned previously. For instance there is the Taco Bell that I think I mentioned. This is the revised site plan and shows a maximum 48 unit condominium building, a quadplex building and then ten single family lots located along Marshall Place. There would be one vehicular access point into the site and it would be from Euclid Avenue. The petitioner felt it was important to only have an access point for vehicles from Euclid Avenue to minimize any impact to nearby property owners; we thought it would be best not to have an access point from Marshall Place and Atherton Street. Tree save areas would be located here; the condominium would have about 48 units and it would be located directly across Atherton from parcels zoned B-2 and I-1(CD). There would be 57 parking spaces located under the condominium building; there would be 13 surface parking spaces on the site and there would be 32 on-street parking spaces located along the site's public street frontages.

The condominium building would be three stories in height at the corner of Atherton and Euclid and then it would increase in height somewhat as you move along Euclid Avenue, so about here it would be three stories of living space over a portion of the structured parking facility. The height in feet would be about 40-feet at the corner and then about 49-feet at the entrance into the parking structure. This would be a curbless combination pedestrian vehicular court or plaza; it is called a one erf and we think that would add a unique feature to the site. This is a perspective drawing that will be part of the rezoning of the condominium building at the corner of Atherton and Euclid and you can see as it goes down Euclid you can get a sense of the scale and massing of the building. We feel it is reasonably compatible with some of the nearby residential structures being a three-story building. This is the Euclid Avenue elevation and previously I mentioned that the building increased in height a little bit as you go toward the south; that is because of the grade of the street falls and you can see that the parking structure peaks up a little bit on this portion of Euclid Avenue. This is a view of the site along Marshall Place and you can see the existing single family detached homes right here. Back to the site plan just to give you a little more information on what will be on Marshall Place; once again ten single family lots and homes, each home would have a two-car garage and it would be rear loaded so they would come in from the Euclid Avenue drive-way. The setback for the homes will be 25-feet from the non-recessed portion of the road, meaning where there is no on-street parking and 20-feet from the recessed parking. Those will be the building setbacks. This is the quadplex building I mentioned a moment ago; there will be four for sale dwelling units in that quadplex building and it would contain up to 5,800 square feet of floor area. This is a perspective of the homes along Marshall Place. You will notice that these have two doors because these are actually the duplex dwelling units, however the single family detached homes would be substantially similar in appearance to these. They would be craftsmen style homes as you can see. Mr. Ewars from Grandfather Homes is here to answer any specific questions you may have regarding these units.

They would be a little narrower and they wouldn't have two doors because they wouldn't be duplex units. These are just more elevations that would be part of the rezoning plan.

This is a shot down Marshall Place across from our site generally, but I think it is a little further south, but it shows the new single family homes that are being built on Marshall Place and as you can see they are very attractive. These are here just for the purpose of letting you know that the scale of the new homes that would be built on Marshall Place if this petition is approved would be consistent with the scale of these structures. This is an elevation of the quadroplex building that would be built by Grandfather Homes that faces Atherton Street. The quadroplex building would have a garage that has six parking spaces for the quadroplex building.

I want to thank the Dilworth Land Use Committee and Mr. Guyer and the neighbors; they met with us numerous times and we worked really hard and well with them we think and we appreciate all their input and we've made a lot of adjustments in the plan. I want to thank the Planning staff; everybody is trying to work together to create something that can go here, but it is a unique site.

Ken Pursley, 311 Atherton Street said I own the property directly across Atherton Street from this site and I want to make a few points for consideration with this. The first point is as you enter the neighborhood and what my business is looking at now is what appears to be an abandoned cinderblock building with broken windows and bars on it and an abandoned tractor-trailer. I feel something needs to happen to that site; I do like this solution in the sense that you've got the Newbern Area Transit Plan with three to five-story development along South Boulevard, then you have along Marshall Place single family residential housing so you've got a bridge between tall buildings and houses within one block. This is the block it has to happen in so in my opinion the solution of single family houses, ten units replacing ten houses now, a quadroplex and then a three-story building that bridges that transition up to the three to five story buildings is a good solution. Traffic flows all from Euclid Avenue in the back; the homes are all rear fed so the point I've got is if planning doesn't feel like this is a good solution I'm not sure what would be because I feel it does address the issues of trying to fix two conflicting areas and trying to bridge a gap from a projected plan in a residential neighborhood. The only point I would like to make is currently the cinderblock building is actually closer to Euclid than this building and about the same off of Atherton Street so as far as encroaching into the neighborhood it is already encroaching. There is already a mass on that corner. I'm in support of it and I think it is a good solution.

Mr. Carmichael said I think the plan that is proposed does satisfy the Newbern Transit Station Area Plan and by going to the single family detached homes it gets closer to meeting the requirements of the Dilworth Land Use Plan. It doesn't 100%; I think it is a little more dense than what the Dilworth Land Use Plan would call for but we think this is a good solution for the site. It is a unique site because of the conflicting recommendations and then its location and we think it is reasonably close to meeting the recommendations of the Dilworth Land Use Plan.

Councilmember Driggs said I just want to know what the height is of the single family homes versus the larger building and what the site lines look like.

Mr. Carmichael said can I defer to Mr. Cannon?

Chip Cannon, 1318 Central Avenue said what was the question?

Mr. Driggs said what the height is of the single family homes versus the larger building behind them as seen from Atherton Street. Will you be able to see the large building at all or only in the gaps between the single family homes?

Mr. Carmichael said you mean the view from here back to the existing single family?

Mr. Driggs said right.

Mr. Cannon said the proposed single family would be pushing the 40-foot limit so essentially you are only going to be able to see through the gaps.

Mr. Driggs said and the other building goes up to a maximum of 49-feet?

Mr. Carmichael said it is about 40-feet here and then it goes up to 49-feet because of the falling grade.

Walt Guver, 2421 Marshall Place said I am kind of in the middle of the project, directly across the street and I am here speaking on behalf of me and my neighbors from the surrounding area. I originally signed up to speak in opposition to this rezoning, we had issues around the density, we were concerned about protecting the existing trees, some of the traffic impacts, but as noted from Mr. Carmichael there has been a lot of conversation between the developers, between the DCA, a lot of progress has been made and come a long way since the beginning of the conversation. I definitely commend this group of developers for the action and the partnership that they've had with the neighbors and I think where I left it in our conversation with the developers today; I sent an e-mail over to them thanking them again for the cooperation. I just had four requests of items that we would like to see documented on the plan. I will run through those quickly. What we had asked around addressing some of the traffic concerns, the developers have verbally committed to providing some funding for speed humps to be installed on Atherton Street. Because there were tree concerns and trying to save the trees where possible the developer had agreed to contract with ISA certified arborists to assess the tree conditions and develop a binding tree protection plan. The third piece kind of in line with the way the parking will be set up in the future state as we would like to see the construction traffic enter and exit via Euclid Avenue during that transit period and the last piece John actually spoke to. We wanted to insure that the setbacks were consistent with the single family homes across the street on Marshall Place so that would be that 25-feet from back of curb except where the recessed parking is and that would be 20-feet I believe is what they stated. Given the progress that has been made and if we could see those documented on the final plan in the comment section I do not think there would be any further opposition to this plan.

In rebuttal Mr. Carmichael said I just want to say we thank Walt and the DCDA again and these four issues are things that Walt mentioned in his e-mail, I don't see those as being a problem. I do want to get with the Cannon on how we word the tree part of it, but I don't see any issues with this whatsoever and he is right; we had already talked about some of those and we are willing to commit to do those.

Councilmember Phipps said this site, the 2.71 acres is this one tract; it is not two parcels it is just one parcel.

Mr. Carmichael said it is multiple parcels and maybe I should go back to the zoning map; that is one parcel and these are all existing single family lots so it is 10 lots along Marshall Place. What they have done is pulled together these sites and the property owners of these individual lots agreed and have it under contract with the developer and signed the rezonings, but it is multiple lots.

Mr. Phipps said it looks as if you have this accumulation of separate individual lots but it is bisected by two separate plans.

Ms. Harmon said it is in two different plans; the portion that is zoned B-2 is in the Newbern Transit Station Area Plan and the portion zoned R-5 is in the Dilworth Land Use and Streetscape Plan.

Mr. Phipps said it seems like it would make it difficult being that it is blended plans that invariably you are going to have some inconsistency with one plan and that seems like what we are holding our hats on is being inconsistent.

Ms. Harmon said we haven't been able to accept in the 30-days before a hearing we can't accept a new site plan, but with the new site plan that was presented this evening with single family homes we want to go back and look at details but we are much more comfortable with that than what was previously proposed. They are in much closer compliance with both of those plans.

Councilmember Fallon said thank you John for the elevations; it makes it so much easier to understand.

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

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ITEM NO. 28: HEARING ON PETITION NO. 2016-007 BY CITY OF CHARLOTTE FOR A CHANGE IN ZONING FOR 12.5 ACRES LOCATED ON THE EAST SIDE OF WILORA LAKE ROAD BETWEEN JUSTIN FOREST DRIVE AND HOLLYFIELD DRIVE FROM B-1 SCD (BUSINESS SHOPPING CENTER), O-15(CD) (OFFICE CONDITIONAL) AND MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL TO R-4 (SINGLE FAMILY RESIDENTIAL)).

Mayor Robert declared the hearing open.

Interim Planning Director Ed McKinney said the aerial highlights in red the parcel for rezoning that is approximately 12.5 acres fronted by Wilora Lake Road at the intersection of Hollyfield and Wilora Lake Road. On the northern portion of a larger piece of land which the City owns, which is the former Eastland Mall site, so it is part of an 80-acre parcel; this is again a 12.5 acre piece outlined in red at the northern portion fronted along Wilora Lake Road. The next slide summarizes the existing zoning both for the Eastland Mall site, the context and the particular site highlighted in red and you can see the overall triangle parcel which is the overall 80-acre site that is the former Eastland Mall. As you can see it has a patchwork of different zoning site plans, specific zoning categories B-1, office, a mixed use category and a commercial center category. This proposal is to take this 12.5 acre piece, the collection of three different zonings, site specific office, B-1 and the mixed use and zone that into a conventional R-4 single family residential. From a future land use perspective this just highlights the land use recommendations related to the business and commercial along Central Avenue. You see the residential to the north and the single family neighborhoods, a mix of multifamily to the east and then a mix of single family, multifamily, office and retail that is proposed as part of the Eastland Area Plan that envisions the redevelopment along Central Avenue and particularly the Eastland Mall site into a mix of uses in a town center format.

Overall the plan is consistent with the Eastland Area Plan which recommends a mix and range of uses on this site; residential, office retail all within a town center format. The R-4 zoning is consistent with that providing for the opportunity for single family and it would also allow all the uses that are allowed by right in the R-4 district which includes in addition to single family residential, religious institutions, schools of various types and other government buildings. Staff recommends support of this petition and has no outstanding issues.

Della Grier, 1216 Farm Creek Road, Waxhaw NC said I am a second generation Charlottean and I can remember when Eastland Mall was one of the gems of the Charlotte Crown; it is a long way from that now. I also want to point out that within the last month I have been cited by the City of Charlotte for a nuisance violation for trash being on my property that is adjacent to what is being rezoned. The trash was in fact a blue barrel from the Eastland Mall property itself. I heard you all say earlier when discussing the SouthPark area that we brought in experts from outside of the City area and we conferred with 70 local experts regarding what to do around SouthPark. I wonder if that same diligence is taken in the Eastland Mall area. I am very concerned about seeing a piecemeal approach; I see this overall plan of it going back to multifamily that I really didn't even hear exactly what is going to go on this site. Is it the school I've been hearing about on the news; is it something else? I don't know. My big concern is an overall plan for Eastland Mall; the lack of one is what got us to where we are today so I'm not opposed to residential moving back into that area but what I'd like to see is an overall plan for that property versus piecemeal small portions and only rezoning those.

Darrell Bonaparte said my neighbors are here as well and we are in the community that is located directly next to the proposed rezoning property as well as right next to the Eastland Mall site. The main concern that we've had is they have all been calling wanting to have a meeting or giving some kind of understanding of what is really going to be taking place and we haven't had that opportunity at all to meet with the developers just so we can know what is going on. We have been calling since the month of January trying to establish that and that hasn't taken place

for the residents. I'm here because they didn't have a translator so they could also speak but they were not aware. They did come the first time we had the meeting and there was a lot more here but they postponed it to this month so that is why they are here again but we don't as many of the neighborhood here as before, but they wanted to know more about what was going on. We got letters but to have meetings like what is going on and kind of explain they haven't had that and the whole neighborhood is wanting to know what does this mean and they haven't had a chance to talk to anyone about that.

Mayor Roberts said there are two more hearings; this is a rezoning for this evening. This is not a vote on the school; there are two more hearings where we are going to talk about Eastland and an Economic Development Committee meeting on March 30th and then April 25th for the final vote on the school that was talked about in an earlier meeting. This is not a proposal for development on the part that doesn't have to do with the school. Mr. McKinney you can correct me if I am wrong but there has not been a meeting with the neighborhood because there is no overall developer who is coming in to make a proposal at this stage. If you want to explain again what this rezoning actually does.

Mr. McKinney said a couple clarifications; because this is a conventional rezoning it did not require a typical community meeting where a developer would go to the community and explain the proposal because there is no developer and this is a conventional rezoning. In January as part of our regular schedule community open house on all rezonings, we did have that meeting in January and there were a number of folks in the neighborhood that attended. At that case we simply explained the process and the details of this particular rezoning. On the overall plan for Eastland there has been a number of presentations and discussions both with the Economic Development Committee and the City Council, the County Commission and broadly the redevelopment plan for Eastland and this specific site in particular.

Councilmember Autry said every one of the iterations of these plans have been shared with those that are on my e-mail list; Mr. Bonaparte I believe you and I sat down and talked about one of them and I went through the plan with you whenever you came to me with questions, especially after the rezoning sign went up. I e-mailed you that concept but there is no developer coming forward or any part of anything at this time to offer anything so that is another discussion that has to go on and continue on. The Urban Land Institute actually did do a plan for the Eastland property back in 2009 and in some of our discussions, even with the Rose Fellowship pieces in 2010 which made the recommendations for the Gold Line so there has been considerable effort and this last effort we actually engaged Land Design, Inc. and the Planning staff and Neighborhood and Business Services, the Eastland Area Strategy Team and I've been talking about it at all of the neighborhood meetings that I have been invited to since February of last year. I don't know what else to say at this point except that the Economic Development Committee will be taking up the economic development aspects of the Eastland redevelopment and that site at its meeting this week and I look forward to hearing that discussion.

Mayor Roberts said there are two more opportunities for input and you can talk to Council after this session about getting another hearing.

Mr. Bonaparte said I didn't want to confuse the reason why they wanted me to come down here but I will speak afterwards.

Councilmember Smith said I think it is worth noting that Eastland has been a pretty big priority for Council and I think we all have a vested interest in its success. The issue to date has been the lack of private sector willingness to step forward and develop the site. I understand the frustration over the thought of a piecemeal site but I think at some point we have to figure out something to get some bulldozers moving to try to create some positive energy out there and again to date there has been very little private sector interest in the site. I think this rezoning, hopefully it is the first step in taking an 80-acre site and turning it into – I live a half mile from SouthPark and I can remember going to Eastland instead of SouthPark growing up so I think we all remember the gem it once was.

Motion was made by Councilmember Autry, seconded by Councilmember Austin, and carried unanimously to close the public hearing.
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ITEM NO. 30: HEARING ON PETITION NO. 2016-014 BY BLANCHARD FAMILY (NC) LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.5 ACRES LOCATED ON THE EAST SIDE OF CARMEL ROAD BETWEEN SHADOWLAKE DRIVE AND CARMEL HILLS DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Roberts declared the hearing open.

Assistant Planning Director Laura Harmon said the subject property is on Carmel Road between Quail Hollow and Pineville Matthews Road in South Charlotte. The request is from R-3 single family to UR-2 urban residential, conditional rezoning. It is a proposal for redevelopment of a single family parcel on Carmel with construction of 35 townhomes at a density of 7.77 units per acre. As you look at this area it is predominantly single family and you can see a lot of R-3 single family zoning but the subject site is next to a convenience store with gas sales, zoned B-1 or business conditional and a religious institute beyond that. Also across Carmel Road is a site that is an assisted living facility and I believe there are four duplex that are zoned R-8 conditional.

As you look at the plan, which is the South District Plan for this area it does reflect the single family zoning that is out there and single family uses to a large part as well as the convenience store to institutional, assisted living and the slightly higher density single family. The South District Plan does support residential use and as we look at higher densities for plans of the age of the South District Plan we use the general development policies, the residential locational criteria as a starting point for that and as we assess higher density housing requests and the general development policies do support a density of up to eight units per acre, and again this request is for slightly less than eight units per acre.

Getting into more detail of the proposal you can see this is a proposal for 35 single family attached dwellings in a maximum of ten buildings and the blue are the buildings that they have laid out on the site. Access is off of Carmel Road and follows this gray line on the site. The townhome buildings are limited to two-story with a pent house or a maximum of 40-feet and they have provided pretty extensive screening and buffers along the edges of the property, in fact they are very close with their yards and buffers to the R-8MF zoning which would be a more traditional multifamily district. These are shots of what this is likely to look like; in the upper left hand corner is a view from Carmel Road and you can see the screening along Carmel Road and then the drive that would access these units on the other side of the wall and the landscaping. In the middle on the right is a conceptual elevation and on the bottom left is a view if you are looking from the south of what this would like so you would have the units here, a pretty generous setback with a private drive here and then out to Carmel Road.

We found the residential land use requested is consistent with the South District Plan and the density is supported by the general development policies. Staff is supporting the proposal although it is located on a segment of Carmel Road that is primarily single family; the site does abut a convenience store and a religious institution. We think it provides a good transition from those uses that are that higher intensity to single family residential north and east of this site. They are limiting this to 35 units and a relatively low density for townhomes and are providing a large setback and wide side and rear yards abutting the single family that we think are very sensitive to the context in which they are located. They are also limiting the height to 40-feet which is the same height that would be allowed for a single family home on any of the abutting properties. Staff is recommending approval where consistent with plans and policies; we do have a few outstanding issues related to sight and building design that we would like to continue to work with the petitioner on.

Keith MacVean, 100 North Tryon Street said I am representing the Blanchard Family LLC, the petitioner. I want to thank staff for their assistance; I also want to thank the neighbors, we've worked for the last four or five months closely with them on revising this plan, coming up with a revised plan different than what was originally submitted that does have the support of the neighborhood. You will notice attached to your PowerPoint presentation there is a petition signed by everybody that surrounds this site supporting the request and one of the neighbors that

has signed the petition is also here. I will turn it over to Mr. Blanchard who is the owner of the property and has a lot of history here.

Jim Blanchard, 5700 Carmel Road said I would like to thank you for allowing me to speak tonight; it is my first time to speak before the Council. I am 75 years old and I was born and raised on Carmel Road; my names is Andrew James Blanchard, Jr., but if you see me outside of here just call me Jim and I'll be happy with that. When I was raised on Carmel Road the address was Route 1, Matthews; a lot has changed in 75 years. Carmel was a dirt road and my great grandfather owned all of the property in Shadowlake and Carmel Station probably 125 years ago. After his death the property for Shadowlake was sold by my father. My dad and I continued to farm the land where Carmel Station is and then saw Carmel Country Club built with nine holes and we saw it shut down one time because they had gambling machines in the basement and Charlotte didn't like that. But Carmel Club continued to survive. My father sold the land to a Carmel Station developer, keeping five acres for himself and after my father's death a year or so ago, he was 102, my sister and I decided to sell the property mainly because I was tired of cutting grass and she was tired of collecting rent. The last 22 months I've kept my neighbors informed of the forth coming changes; two community meetings and the support of the adjoining property neighbors have agreed on the plan that is being presented tonight. Recent changes to the plan received a round of applause at the last community meeting. Ladies and gentlemen we've worked hard on this thing for a long time. I would like to thank the Planning Committee who have done a great job working with us, they kept us straight, if we got out of line they turned us in the right direction. We originally started with 40 units and we cut it back to 35. I would also like to thank my neighbors, Keith MacVean, our Councilman Kenny Smith for his assistance. Within the last few weeks the neighbors adjoining the property, and I've set in most of their houses at their dining room tables and kept them informed of what was going on here because I've always been a good neighbor and they've been good neighbors to us.

I asked them to sign a petition if they were for it and we got over 20 signatures for that petition just from the people that live right on the property line. We like what has been done; everyone has worked hard to meet the rules and regulations required by the City. I think we are there and I've learned through this process how hard our City Council works and I didn't know what you guys did. I appreciate what you do and that is all I've got to say and I'll let you talk to one of the neighbors that supports the project.

Diane Hill, 5728 Carmel Station Avenue said my husband and I own our home and have owned our home for 24-years and our lot is adjacent to the planned project. We've seen it evolve and we are in favor of this project for the use of this land. It is good land, it is in a good area and we feel that this would be a good addition to our neighborhood.

Raymond Ellsworth, 6500 Wannamaker Lane said I am President of the Shadowlake Neighborhood Association; I'm speaking on behalf of our neighborhood. Myself and several others have participated in many meetings concerning the Blanchard Family rezoning petition; we've been involved with the leadership from the surrounding neighborhoods, a small working group was formed and after many hours of hard work thoughtful recommendations were presented to the builders, Eastwood Homes. We are all in agreement that Eastwood Homes have made significant changes to the original plan for us to support the petition with one caveat that they include the last agreed upon items in the final development plan. We also agree that this will provide a transition for existing commercial and single family housing. All that have been involved, those that are for and those that are against I will have to say have one overriding concern and that is the continued integrity and aesthetics of Carmel Road, not just this project, but all future development. We ask that a Carmel Road Overlay Plan be developed to help us achieve this goal.

Matthew Karres, 10801 Monroe Road said I am a Board member from the Montebello Homeowners Association and as we've done with other rezoning petitions in working with the petitioners, we employed Doug Burns, an Architect and Land Planner and former member of the Planning Commission here in Charlotte to help us and along with Mr. Ellsworth in Shadowlake, we also worked with Quail View Homeowners Association, residents of Windwood Circle, Glenn Forest and again Mr. Ellsworth in Shadowlake and some individual homeowners in Carmel Station. It is my understanding I can represent on behalf of all of those people that worked with us if they are in favor of the petition. We'd like to thank Mr. MacVean, Mr.

Blanchard, Keith Hawthorne and Art Fields for the manner in which they worked with us. They made changes to reorient the buildings, increase the setbacks, deal with the buffers, had specific notes with regards to the entrance design, fencing and landscaping, etc. We feel the changes to the site plan and the notes contextually reinforced planning principles that have been characteristic of Carmel Road. Our neighborhood has been involved in every rezoning up and down Carmel Road for the last 20 years and they specifically included in these notes notes that were done at Olde Town Shopping Center 20-years ago. Mr. MacVean and Mr. Brown represented Faison a few years ago in Quail Valley, these notes are in that, and most recently John Carmichael represented Carmel and Colony Townhomes that are now called Easton Park. We are happy to support the petition and we feel this is an appropriate transition from commercial to single family and working with these other neighborhoods service as an aside and with our fine Councilman Mr. Smith we are going to be back to the Planning staff. We would like to proactively kind of influence what happens to Carmel Road in the future, but we feel like what is done here is entirely appropriate and we wholeheartedly support it.

Mr. MacVean said thank you to Jim, Diane and Raymond for those words of support. As they mentioned here is our original plan with 40-units including a single family house here; the entrance was at the front. That plan was revised to the plan you saw Laura show you earlier. We reduced the number of units from 40 to 35, increase the setbacks along Carmel from 40 feet to 80 feet and increased rear yards and buffers along the parameter of the site, added additional landscaping in the side yards. This is a diagram that shows the proposed fencing and there is actually a couple pieces missing and there will also be fencing here as well as along Carmel Road as Matt mentioned. This is the specific landscape plan that will be made part of the petition details, all this landscaping and there will be irrigation also as part of that landscaping. This is the proposed fence which is a change from what is in your packet. In meeting with the neighbors a few weeks ago they asked that we change that from a solid wooden fence to a decorative metal fence and that is what we are going to do with the plan. To Mr. Ellsworth's comments regarding additional notes we will add the additional notes the neighbors asked us to provide regarding notification of HOA documents or providing HOA documents to the neighbors as well as several other notes regarding two-car garages on the end units etc. Here are the proposed new elevations that Laura indicated, the side elevation from Carmel, the front elevation with the landscaping and the entry feature from Carmel Road. Again a plan supported by the neighborhood, staff recommending approval and as everyone has mentioned a good transition from the lower density neighborhood to the commercial uses along Carmel Road.

Gerald Richarath, 6600 Wannamaker Lane said I am licensed architect and I thought I would have an easy job at the beginning because there were a lot of people against it, but like Mr. Blanchard said he really canvassed the neighborhood and whittled it down and now I'm the only one left. I think mine is the biggest impact because my issue with is that it is way too dense of a property and that original list that was all taken away, but you can see all of the surrounding areas where the Carmel South Townhomes are and there are apartments down here that are less dense than what is being proposed in another set of townhomes which is kind of close, but they are a different zoning so they have bigger setbacks. Those are the two closest things that are going to be similar to this property and this UR-2, the closest one that is over three miles away and everything in between is single family homes. Here you can see the residential all around and then the property. I had shown these two but this is more detail about the townhomes explaining the large area of trees and the single family homes have big buffers like you see all these trees here. This is the Waterford Apartments and they are all set back but they are using the actual parking for the setback so they have more open area, but you can see how far apart they are with all the buildings. These are the pictures that are SouthPark and what the density is going to look like with a UR-2 and you see on this one how close the units are. There is the road and the driveway on either side and then units. This one is what they propose and since my issue is with the density, if we could just have a few less units. You see these narrow alleyways that are about 10 to 15 feet between and you have about 17-foot high so you are going to be in this long narrow like no man's land, but if you took the four or five buildings that have five units in it and take one off you can easily see how much green space you get for that. I think that is going to look more in tune with the residential surrounding areas than this one because this one is really like something I see in SouthPark or urban areas and hence the urban residential name. This would still be UR-2 but we could reduce the number of units and have more space in between I would be happy with it. There are some details about the construction that we don't need to go into here because I have concerns about the windows in between and all of that but as

an architect they should be able to figure it out. I know I originally said 20 last time but I shot from my hip and I have no idea where that one went but when I looked at this, taking five units off to make it 30 I think would make it look much better and make it more compatible with the neighborhood.

In rebuttal Mr. MacVean said as we have indicated we originally started with more units and that was 40 or over eight units to the acre; we have lowered the density partly to address the comments you heard from Richard. Our plan does have 15% open space, a tree save area and each unit will have private open space behind the units and then additional open space in front of the units. We have provide buffers and landscaping around the parameter of this site; there is a large open space in the middle of the site that also does function as a water quality feature, but again is a portion of the site that will be open. This site makes an appropriate transition between the uses along Carmel Road which are more intense, the church and the gas station. There are other developments along Carmel Road, smaller scale townhome developments like this are very similar with large setbacks, well designed buildings and building edges and setbacks which we are providing. As you heard the neighbors say this maintains the character of Carmel Road and we thing we have done a good job of addressing density, very low traffic impact, very few more additional trips than the existing single family zoning would allow.

Councilmember Smith said Mr. Richarath I appreciate your stick-to-it-ness; the original meeting was quite testy to say the least and there were north of 55 people there. Staff originally had strong hesitations on this, the surrounding neighborhoods were pretty stuck together in their opposition and I think the petition has come an incredibly long way to get staff on board and to get the surrounding neighbors and quite honestly to get Mr. Richarath to this point. He had some very strong questions at the first one and to get it down to the five units I do think should be a tip of the cap to the developer for the hard work that was put in. A lot of the neighborhood leaders met on multiple occasions with the petitioner and worked real hard on this just to get it to this point and to get staff's approval and to have neighbors come down. In my wildest dreams I didn't think neighbors would come down and speak out on behalf of this at the first couple meetings.

Councilmember Eiselt said I just wanted to ask Mr. Blanchard, do you still own the gas station?

Mr. Blanchard said yes mame.

Ms. Eiselt said I have to tell you that café is one of the best in the area and you make a great egg sandwich.

Motion was made by Councilmember Smith, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.
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ITEM NO. 31: HEARING ON PETITION NO. 2016-018 BY CHEN DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.45 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF SOUTH SHARON AMITY ROAD AND WOODLARK LANE FROM R-17MF (MULTIFAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Roberts declared the hearing open.

Interim Planning Director Laura Harmon said this is the subject property fronting on South Sharon Amity Road; it is about 1.5 acres located west of the Cotswold Shopping Center and the condos along Woodlark and Sharon Amity are located here. Rosewood condos at the corner of Sharon Amity and Providence are located here. This is a request to go from R-17MF which is multifamily to UR-2(CD) urban residential conditional. This is a proposal for redevelopment of two single family homes and a duplex that are on Sharon Amity with 19 single family attached townhomes at a density of 13.7 units per acre.

As you look at the zoning of the area, the yellow is single family on both sides of Sharon Amity; you move into the light orange color is a lot of multifamily including the zoning where the property is located and across the street from the property we have a lot of office zoning, a little bit of business as you move towards Providence Road and then the Cotswold Shopping Center is in the corner zoned commercial center. The future land use for the area is from the South District Plan and it did recognize the multifamily zoning in place at the time of that plan and generally recognizes the zoning in the area so the land use and zoning are very similar throughout this area.

To give you a little bit more context before moving on to the details of this particular proposal, the site is located within the Cotswold Mixed Use Activity Center which is identified in our Centers, Corridors and Wedges growth framework and Cotswold Shopping Center is really the core of that activity center but as you move down Sharon Amity that is also part of the center as well as some areas down Randolph Road. Looking more closely coming back to the site you can see it in context and there is a power line easement along the rear of the site that I think is somewhat challenging for this site and there is also an existing brick wall in front of the adjacent single family homes along Sharon Amity and you will see that is duplicated for this site. These are the townhome units in blue; potential tree save area on Woodlark Lane in green and a driveway network that serves the development in gray. Again it is 19 single family attached dwellings units or townhomes and a minimum of two parking spaces per unit, limiting the height to three stories and a couple of other details, particularly the six-foot tall wall around the perimeter of the site along all sides.

The plan is consistent with the South District Plan because it does recognize that existing multifamily residential zoning that has been in place for probably 25 or more years and the locational criteria for the general development policies also supports consideration of up to 17 dwelling units per acre. We do have concerns about this petition and although it is consistent with the larger policy and it is in the Cotswold Mixed Use Activity Center, our concern is really the relationship to the single family homes to the side and to the rear and that is the lack of screening adjacent to those single family homes. Those homes are used to having single family homes behind them or a duplex and they will now be getting townhomes that will be visible from the rear of those homes and the lack of screening that is currently provided with the site plan is a concern that we have had. The site plan that we have been reviewing that came in about a month ago has lacked some site plan commitments related to how the buildings will look from Sharon Amity; I think you are going to see an update on that this evening that hopefully will make us feel a bit better with that, but we are lacking the understanding of how this would relate to Sharon Amity and making sure it provided a front facing building to Sharon Amity as opposed to the back side of townhomes. Although we are not supporting this in its current form we would like to get to a point where we would feel comfortable supporting it because the land use and density are consistent with the policy and are actually lower than the policy and that is really in cleaning up some of these details and getting some screening between those townhomes and those single family homes to the rear of those townhomes. Our request is that some changes be made to the site plan related to that screening and building design commitment and we are hoping we can come together on this petition.

John Carmichael, 101 North Tryon Street said I am here on behalf of the petitioner Chen Development. With me to tonight are Jeff Watson of Chen Development, John Tomarow and Allen Simonini of Simonini Homes and they are available to answer any questions you may have. As Ms. Harmon stated the site contains about 1.45 acres, is located at the northeast corner of the intersection of Woodlark Lane and South Sharon Amity Road. Cotswold Shopping Center is located to the east of our site. The site is currently zoned R-17MF so you could develop up to 17 units per acres on the site. If the site were developed at its maximum density allowed under the ordinance you could get about 24 units on the site; theoretically you could not get 24 townhome units on the site, they would have to be flats of some sort. Parcels located to the west of the site along South Sharon Amity Road are also zoned R-17MF and that R-17MF zoning goes all the way to the Rosewood Project at the corner of South Sharon Amity Road and Providence Road. To the east of the site across Woodlark are the Cotswold Home Condominiums which is an older condominium project right behind the mall and that is zoned R-17MF as well. Across the street you have office zoning and to the rear you've got R-3 single family zoning with single family homes. I do want to point out that although this property to the west is zoned R-17MF they are all single family homes until you get to Rosewood. What Chen

is proposing to do is to develop up to 19 for sale townhome units on the site; there would be a vehicular entry from Woodlark Lane, there would be a 20-foot wide internal private drive, there would be a five-foot wide area within that 20-feet that would be designated as a pedestrian zone to provide pedestrian connectivity to Woodlark Lane. There would be a six-foot tall masonry wall located along the northern boundary of the site and the western boundary of the site. A new revision is that this wall here is no longer six-feet; it is four feet. We felt like that was too tall of a wall next to the public right-of-way so four-foot masonry wall here and a four-foot masonry wall here. These would be tree save and tree planting areas as required under the ordinance. The overall density is about 13.1 units per acre which is less than the 17 allowed under the current zoning.

Ms. Harmon mentioned there is a 10-foot Duke Power easement here and that does provide some challenges in terms of screening and in terms of what you can plant in that easement area. I forgot to introduce Mr. Jacob Bachman from ColeJenest and Stone; I apologize and if there are any questions about that Mr. Bachman can answer those. Each unit would have a two-car garage and the site would have a total of 50-parking spaces on the site. The maximum height of the townhome units in terms of stories would be three stories and the maximum height in terms of feet would be 40-feet.

The building envelopes have changed a little bit since the last plan and in fact since the community meeting they were 40 feet deep by 24 feet wide; they are now 45 feet by 24-feet. Elevations have been recently prepared and if you go back to the site plan you can see there are two buildings that have two units and then one building that has three units facing South Sharon Amity Road. This is the elevation of the three unit building that would front South Sharon Amity Road. The exterior building materials would be a combination of brick, cementitious siding and some stucco. You can only have vinyl on the windows, soffits, trims and any railings. This would be the view from South Sharon Amity Road and you can see the four-foot tall wall; you can see there is a front on the public street and there are doors here. This is the two-unit building and you can see it is very similar to the three-unit building and once again the four-foot tall masonry wall, the brick, the stucco and the cementitious siding. This is the side view from Woodlark Lane which is the other public street frontage and you can see you've got the brick, the cementitious siding or stucco, I'm not sure which that is, then you've got a side door here and the four-foot tall masonry wall.

As Ms. Harmon stated the Planning staff does not currently recommend approval in its current form. We are hopeful that the building elevations that we will be submitting with the rezoning plan Thursday will address the design issues that have been raised regarding the screening. There will be a planting area on the western boundary of the site and that would have trees and shrubs planted at the following rate: 12 evergreen shrubs and three small maturing trees every 100 lineal feet. I will tell you we are going to have to think about what we can do north of the site to the rear because of the easement but we will have discussions about that. We appreciate working with the Planning staff through the issues and our team is here to answer any questions that you may have.

Councilmember Smith said this is interesting, this is one of the rare petitions where they are bringing in less density then you can actually build on the site. This site represents a dilemma that I think we are facing across the City in District 6 and I know in District 1 and that is you get about 25,000 cars a day on Sharon Amity and folks just don't want to do single family homes with those trip generations so I think this appears to be a pretty good alternative. John, I know that currently staff isn't in support of it but walk through real quickly the deed restrictions that were lifted and the process behind that. I think that is an important element; no neighbors have come down and spoken out against this and then you had to clear an extra hurdle to get the deed restrictions. Could you just take a minute to explain that?

Jacob Bachman, 200 South Tryon Street said we actually met with all the homeowners immediately adjacent to the property and there are deed restrictions on the properties for single family residential units and that is for the whole community except for the fact it is already zoned multifamily 17 units to the acre. We individually met with all the property owners and the HOA as well and Amy Harrison and John ... we've met with constantly throughout this process to make sure we are all on board and meeting with the HOA for this corner as well as the immediate adjoining neighbors so we have consent from all the property owners immediately

adjoining us and they are on board with our designs and landscaping plans etc. we have provided them. We will continue to work with them throughout this process as well as staff.

Mr. Smith said I just wanted to note that in addition to nobody coming down here deed restrictions are a pretty tough process to navigate through and usually it is sort of the ace in the hole if somebody doesn't want to support development and the fact they were able to get the surrounding neighbors to support removing the deed restriction I just thought was noteworthy.

Councilmember Kinsey said as soon as I say this Mr. Carmichael will be on the phone to me and want to meet tomorrow but I understand the Sharon Amity Road and the traffic but I think this is going to be a domino effect and while I know Simonini does beautiful work I really hate to see the single family homes go. I'm not saying I'm not going to support it; I'm just telling you this is happening all over the City, we are losing our single family homes and once they go on a street like this it is going to be all the way down. You don't have to call me tomorrow, you can wait a little while, but I would like for you to send me the elevations.

Mr. Carmichael said I will do that.

Councilmember Lyles said I remember when Rosewood and the condos were built and I thought that the house that was moved on that site next door to the three or four units, are there any requirements or was that move without any restrictions from the rezoning for Rosewood?

Ms. Harmon said there actually was not a rezoning for Rosewood; that was built under the R-17MF zoning at the time so it would not have been a condition of the zoning.

Ms. Lyles said when the house was moved it was moved on the R-17MF as well?

Mr. Harmon said I believe so.

Ms. Lyles said I understand it and I too have this kind of feeling that folks that built along there, when Mr. Oliver Rowe's house was moved there and then those other homes were built and then right behind it we've got this neighborhood that is beginning to really change in some respects. I'm with Ms. Kinsey, perhaps it is just that we have nostalgia and you don't have to call us about it, I know it will be a great product. I am concerned about the height and the houses next door; everybody can say well this is all well and good but then it starts going on and then it is Oh, my gosh, like all of a sudden I look up and it is three stories and they are looking down and all the kids and all of that. I don't know how to manage that because I don't think you can bring in trees that tall already so we will continue to work thought it and think thought it.

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

ITEM NO. 32: HEARING ON PETITION NO. 2016-025 BY BNA HOMES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.52 ACRES LOCATED ON THE EAST SIDE OF WRIGHT'S FERRY ROAD NEAR THE INTERSECTION OF SOUTH TRYON STREET AND WRIGHT'S FERRY ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-12MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL) AND BD(CD) DISTRIBUTIVE BUSINESS CONDITIONAL.

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said the request that we are talking about tonight is on South Tryon Street; it is located right at Wright's Ferry Road which is just a little bit to the south of Rivergate Activity Center. I want to show you a little broader picture of what is going on in this area; the petition that we are talking about and having the public hearing for right now is Petition No. 2016-025, it involves this triangular parcel and the sliver that runs to Tryon Street. The next petition we are going to talk about and hold the public hearing on is Petition No. 2016-028 which is for this square piece of property that is along Tryon Street. Earlier tonight you deferred

Petition No. 2016-039 which was for this property right across the street so we have three rezonings right in this immediate area for a variety of different uses. I'm going to try very hard not to complicate the two that are located on the north side of South Tryon Street but they are somewhat inner-related.

We talked a little bit about the location, the Rivergate Activity Center; this is Wright's Ferry Road, this is the neighborhood that has been active and I think most of you have received e-mails from this neighborhood regarding this petition tonight. This is the hospital that has been developed over the past few years. In terms of the existing zoning as usual the yellow represents single family residential; there is a little bit of institutional along South Tryon Street. This was developed several years ago and rezoned for a dependent living facility, you can see the hospital and then as you get up more toward the Rivergate area you see more residential development, more office and more commercial mix.

The request that is before you tonight with Petition No. 2016-025 involves rezoning the triangular piece of property from R-3 single family residential to R-12MF(CD) which is multifamily, conditional and this portion that provide access to South Tryon Street would be rezoned from R-3 single family residential to BD(CD) which is distributive business conditional. In terms of the future land use plan it shows both of these properties as R-4 single family residential for future land use. You can see the future land use for the majority of the residential development is R-4 and then we have a spattering of institutional until we move up to the Rivergate area.

I want to talk a little bit about the site and the area that is within; this is a picture of the site plan overlaid on the aerial so you can see how this could possibly work. You see that the petitioner has lined a row of townhomes along this side of the site and originally these townhomes were lined up against this side so they did listen to some of the neighbor's concern and move those. I'm going to turn the site plan on its head a little bit so we can get it on the screen so we can show you everything we need to show you. I will reorient you; this is South Tryon Street and is now the north side of the site, this is Wright's Ferry Road. The proposed request is for 74 townhomes for sale and the density is a little over eight dwelling units per acre. There is a limit on 18 buildings for this site with a maximum building height of 38-feet or two stories. They do provide buffers along the perimeter of the site; they specified building materials and provide design standards. They identified a possible tree save area and reforestation areas and they also provide an optional site plan.

I want to talk to you a little bit about the optional site plan and one other issue with access. With this development there will be two public streets, one from South Tryon Street and one that runs along this property line. If you look very closely you can see that there is a sliver of land that runs between the subject property to be rezoned and Wright's Ferry Road. That sliver of land is actually owned by the HOA for this single family home development. The public street that will go through here will dead-end where that strip is and will not connect to Wrights' Ferry Road and that is one thing that has been important for the neighbors that live in the Wright's Ferry neighborhood, they did not want that road connection. The only way that connection would ever go through is if the City actually went in and condemned this land and found a reason that that should be extended. There are lots of situations like this across the City and at this point we don't see a reason that that would actually occur.

I want to talk about access and about this little strip of land they are proposing; I talked about an alternate plan a minute ago; this petition shows this property as either a drive-way connection to South Tryon Street or it shows that as an area that can be combined with this property is this property if rezoned and then it would be used for buffers, for storm drainage, for a partial fire truck turn around and the notes right now say some other accessory uses but we are working with the petitioner on that. The intent behind this is that if this property is rezoned and if this property is rezoned, which the request is for climate controlled storage, that they would actually construct a new street on this side of the property. What I've put in is the site plan for 2016-028; I don't want to confuse you, but I wanted to show you how this street network would work if both of these properties are rezoned. What would happen is this would not become part of the design for this overall development and the street would move up here; it would be a public street and there would be a driveway off the street to serve the climate controlled storage and then it would lead into the townhome development. If this rezoning, 2016-028 is not approved and this one is then

is the development that we would get. The public street would be located here which would lead into the development.

The petition is actually inconsistent with the Steele Creek Area Plan. The plan recommends up to four dwelling units per acre, as I showed you earlier, for this site as well as further sites to the north. Staff doesn't recommend approval of this petition at this point in time, however we could consider the possibility of recommending approval if the climate controlled storage and the related accessory uses are eliminated. The portion of the site that is recommended for the townhomes is located between apartments and single family detached homes. It is an awkward shape and we feel that some sort of multifamily may be acceptable in this area. The proposed townhomes will provide transition between the single family and the higher density residential. At this point staff does not recommend approval of this petition in its current form and again the issues that are outstanding relate to land use, the site and building design and then we have a couple of requested technical revisions.

Keith MacVean, 100 North Tryon Street said Jeff Brown and I are assisting BNA Homes with this rezoning petition. With me and representing BNA Homes is Mark Blythe as well as Phillip ... with Benesch Engineering, his firm is doing the site planning for the site.

As Tammie mentioned this is a 9.5 acre site zoned R-3; our request is R-12MF(CD) and BD(CD) to allow us to coordinate with the petition I think you will hear shortly that is along the frontage. What we were trying to do with the BD portion of the site is coordinate access onto South Tryon Street, have one access point versus two at a better location along South Tryon Street and that is why that small pan handle is being zoned BD to allow a swap of land and a shared access point through a public street that would be developed in conjunction with the site on front. If that site is not zoned the petitioner does have access to South Tryon and a public street would be built in the small pan handle portion of the site. There is also the possibility, not to complicate matters more, that even if the other sites does not get rezoned BNA Homes would approach that property owner about swapping property and still providing a public street further north on South Tryon Street, but the idea is to have a shared access point at a better location.

Staff is supporting the townhome portion of the site as you heard Tammie say; it is a good transition, it is an oddly shaped piece, it is hard to see single family homes on this site with the access limitations and configuration, but again I think the staff opposition is mainly due to the non-residential portion of the site which again was added and included in the petition in that manner to coordinate shared access and access location on South Tryon Street. The Steele Creek Residents Association does find this land use acceptable for this site and are supportive of the request. Again 74 townhomes for sale, access via South Tryon Street. We have tried and this was on your agenda last month actually for a public hearing and we deferred it. We wanted to go back and meet with the Steele Croft Homeowners Association, they are the neighborhood directly behind this site. It is a large neighborhood and this portion of Steele Croft actually only has access to South Tryon and they came to our community meeting and gave us a lot of comments. This was our original plan that we presented to the neighborhood at the community meeting and as you can see under this scenario there was a lot of townhomes backing up to the home on Wright's Ferry Road or in the Steele Croft Neighborhood. That plan was revised to this plan where everything flipped to the other side and under this scenario there is only one townhome and it is a side elevation versus a rear that abuts one existing single family house in the neighborhood. The rest of this area along Wright's Ferry Road we are providing a buffer, we are providing a six-foot solid fence and we have extended the location of that fence the entire length of the property that we share or the common property line we share with the Steele Croft Neighborhood or the Wright's Ferry folks in that area. That was something they asked us to do, but again we deferred last month to go meet with the neighbors. I made a request to meet with the neighbors and as you saw in our last petition we try to meet with neighbors to work out issues and resolve problems. Unfortunately the neighborhood response back to us last month was until you address every request we have made we are not willing to meet with you any longer. The requests were from reduce the number of units, increase the buffer, change the type of fence from wood to vinyl, provide more parking on site and make sure you have more three bedroom units than two bedroom units. Again a lot of things we could have addressed and might have been able to address in terms of fence materials, fencing height. We could not reduce the units further as that would create a problem for the economics of the development. But again we

were not given an opportunity to have any kind of discussion at all with the neighborhood; it is unfortunate.

We also thought by flipping the plan we actually did address the concerns the neighbors had in terms of relationship, density, buffers and again this is a 36-foot Class C buffer with a solid six-foot fence that runs along the perimeter of the site. There is only one building and again these are two-story townhomes, less than 40-feet in height that abuts that existing home in the neighborhood. The rest of the townhomes actually abut the multifamily or the right-of-way of Wright's Ferry Road. These are the actual townhomes for sale themselves. We will work with staff to resolve the remaining issues and be glad to answer any questions.

Eddie Deese, 16129 Wright's Ferry Road said I have lived in Charlotte all my life and I've enjoyed the City. I was raised by a single mom who taught me there are certain places you retrieve in life and home is not one of them. I grew up on the west side and in some neighborhoods where I didn't have a voice, I didn't have a choice, but now that I'm in a good neighborhood around great neighbors and here is my wife Angela and this is my neighbor. We are speaking on behalf of some of the people that couldn't be present this evening. Our concern is regarding property values and qualities of life, addressing different issues and development concerning stuff that wasn't named or wasn't a concern at the last meeting. Speaking of density, buffers and also parking issues; I am here on behalf of the neighborhood and there are a lot of things going on at Wright's Ferry and there are a lot of things that are really fencing us in and there is so much development going on in just that little small area. If you will look at the programs I made for you, you will see that the area is so congested and really there is not enough around this place and there is so much water that is in the neighborhoods and we are concerned about keeping it a single family residential. I don't know all the big words to say but I just know what my neighbors feel and when we moved to this area the only thing we had behind us was a great scenery with horses and things of that nature and that is why we purchased the place. I'm just saying it is kind of hard when you work hard for something to have everything change. Change is inevitable, that is not what we are saying here but we had requested when he mentioned about the buffers, they wanted to reduce it to 36; we wanted it to be 48. They wanted the fence to be six feet, we wanted it to be eight feet. They wanted the fence to be wooden and we wanted it to be vinyl. In those pictures you see other properties that use the wooden fence and you've got people trafficking through your property increasing a home association with security and break-ins and stuff that we didn't have at first. There is a whole lot going on Wright's Ferry with traffic and we having to make just a right turn. All I'm asking is for somebody here to hear our voice, hear our cry because we just want things to be nice for everybody.

In rebuttal Mr. MacVean said we felt with the change in the plan that we had effectively increased the buffer. We moved the buildings that backed up to the homes in the neighborhood and moved them closer to the multifamily site to the point where there is only one townhome adjacent to one existing home and that has a 36-foot buffer and a solid wooden fence. We've considered vinyl as a material however the Steele Creek Residents Association did not support; the like wooden fences better. This is a townhome for sale community that will be a homeowners association and they will be responsible for the maintenance of the fence and the appearance of the fence. The appearance of the fence is something they have a vested right in since it affects their property values. BNA Homes has developed a lot of these communities throughout Charlotte; they have a good homeowners association, they do a good job managing their homers associations and maintaining the landscaping as well as the fencing material is something they are able to do well so the material itself will be durable and will be maintained. In terms of density this is a very low density at 7.5 units to the acre effectively, very few trips added to South Tryon Street. Our access is in right in/right out and we do have the ability at this access point or at the alternative access to use a median cut in South Tryon that would allow u-turns on South Tryon Street. The neighborhood could also eventually have access to that as Tammie explained, if and when they get comfortable with the idea of having this public street connected to Wright's Ferry Road. We are willing to meet and discuss some of the remaining issues in terms of is there a location on the site where maybe a taller fence might be more effective. Again the majority of the buffer and the fencing actually abuts public right-of-way, not existing single family homes.

Councilmember Mayfield said first let me thank you for the conversations that we had and for talking to your clients regarding the fence. What type of material did you say the fence would be?

Mr. MacVean said it is a wooden fence.

Ms. Mayfield said so that is going to be a challenge which we talked about briefly so that is going to be something that we definitely want to make sure we get back to the community and have conversation on. The challenge I have and the question that I have is looking at the long-term impact of wooden fences because I did have a chance to drive by over the week-end and look at another property that is in close proximity and wooden fences just do not last and saying that we are going to put it on the future homeowners for them to maintain it, I have a concern with. I would like to hear some possibility of some different type of fencing because that is a major concern. Tammie, I'm challenged a little with the fact that staff's concern regarding this project is based on the second project and whether or not that one moves forward. What we have listed in here is that staff does not recommend approval of the petition in its current form because of the portion of the site being processed for BD. If the BD portion was removed because that is all based on a completely separate site, that site that is in the front; is that what we are saying that you will consider it or are we waiting on finding what happens with the second site and whether or not it may be approved or denied before moving forward?

Ms. Keplinger said what we are saying is that we do not support the BD in this area. If you notice on the next petition we also are not supporting that so what we would like to see is this come in as all of it to R-12MF(CD).

Ms. Mayfield said Keith have you talked to the petitioner regarding the removal of the BD?

Mr. MacVean said we would need to have that discussion; it can be done. I think we wanted to be able to have a shared access point. The only uses allowed in the BD portion of our site are accessory uses such as buffers, water quality, a turn around for a fire truck, so if the other petition is not approved then that little strip can only be used as a public street. We would have to work out how we coordinate eliminating that BD zoning because in order to share access we currently need that zoning on that little strip. We will have to have that discussion.

Ms. Mayfield said the two requests are tied closely together?

Mr. MacVean said they are in terms of access. Both petitions are designed so that if one fails and one succeeds the one that succeeds can work as a stand-alone and if they both succeed they also work and obviously if they both get denied that it really doesn't matter, but they are linked in terms of a shared access point, but they also work independently if need be.

Ms. Keplinger said one of the things that you will find that staff does not do very often is allow alternate site plans and in the case of these two petitions as Keith and Ms. Mayfield mentioned, they are very tightly tied together in terms of infrastructure which is a little bit different from some of the other alternate plans that staff has been presented with in the past that were not based on infrastructure. For that reason staff has allowed both of these petitioners to submit a "what if" scenario. What if you get rezoned only and the other one doesn't and then what if you both get rezoned. Like Keith said there is an alternate plan that will satisfy whatever scenario happens with these two cases.

Ms. Mayfield said I would say that I do agree that for transition going from multifamily to residential that we are not going to be able to really have a quality project of single family on that particular site because of its design, but I would like to know that we will continue to have conversations prior to us coming to the decision regarding that fence because I think that is going to be the biggest challenge and I know is going to be a major concern for me. I do think there are some possibilities but there are some things that we discussed in conversations regarding how to move forward if this moves forward but I do hear the concerns of the community. I think you for reaching out and calling me and for the e-mails and for coming tonight to speak, but recognizing what can be there today as is opposed to what is being proposed, I think we still have some room to have some conversation but what could go in this space as is today?

Ms. Keplinger said as it is today; single family residential, this site is about 9.5 acres so you figure about 40 single family homes if they could fit that in with the road network. You probably wouldn't be able to get quite that many. There are other uses that can go in the R-4 such as churches and schools.

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

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ITEM NO. 33: HEARING ON PETITION NO. 2016-028 BY STOR-ALL PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.09 ACRES LOCATED ON THE NORTH SIDE OF SOUTH TRYON STREET BETWEEN WRIGHT'S FERRY ROAD AND GRANNDIFLORA DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO BD(CD) (DISTRIBUTIVE BUSINESS, CONDITIONAL) 5-YEAR VESTED RIGHTS.

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said I don't think I need to go over all the details of this one; I think you know where we are and the one that we are focusing on now is this piece of property. This is Petition No. 2016-028 and the existing zoning is R-3 single family residential; the request is BD (CD), distributive business, conditional, with 5-year vested rights. In terms of the future land use plan it does call for R-4 single family residential. Again we are right close to the Rivergate Activity Center. In terms of the site I overlaid the site plan on the aerial so you can see how this would fit in. The site plan you are seeing here is the site plan that is if the rezoning for Petition No. 2016-025 is not approved. This petition would allow up to 100,000 square feet of climate controlled enclosed storage; it limits the building height to two-story; it provides access via a new public street which will also provide the connection to the site for Petition No. 2016-025 and we will come back and talk about that in just a minute, and the alternate site plan. It provides internal pedestrian and vehicular circulation through the private drive and sidewalk system; it identifies possible water quality areas, tree save areas with variations and locations between the alternate plans; it identifies a 25-foot SWIM buffer, post construction buffer and a 30-foot stream buffer. It limits the detached lighting installed on the site to 20-feet. This scenario that you see is this part of the property, if you follow these red lines and just pretend they were pulled on through, this is the portion of the site that is part of the previous rezoning in this area. If the previous rezoning is approved and this one is approved then this is the type of development we would have. Here is the new public street on the northern side, has a drive-way into this site which circulates around the building. The building is in the center and the area that is in Petition No. 2016-025 is actually used for water quality, for stormwater buffers and there is a little area for the fire truck turn around.

If Rezoning Petition 2016-025 is not approved then this would be the scenario for development. This area would not be included, it would not be a part of this site plan; there would be a simple drive-way connection on to South Tryon Street which would serve the site.

Councilmember Mayfield said so we don't have that picture opposed to us having to imagine what this would look like? Do we not have the picture if it is not approved so that we don't have to try to imagine what it would like?

Ms. Keplinger said this is the picture if the multifamily is not approved. So if the multifamily is not approve there will not be a road; the road is not here and the road is not here; it will be a simple driveway connection and it will only serve this site. Again this petition is also inconsistent with the Steele Creek Area Plan which recommends four dwelling units per acre. Staff is recommending denial of this petition; the proposed climate controlled storage is inconsistent with the recommended residential land use. The use is located on a site at an entrance to a possible future residential neighborhood and it is surrounded by residential development. The climate controlled storage is out of character with the surrounding residential development which primarily consists of single family and multifamily and assisted living. The proposal doesn't meet a number of the area design policies that address building transparency, pedestrian access, connections, building massing and residential design character. For those

reasons staff does recommend denial and we do have outstanding issues as I mentioned with land use, environmental issues, site design and technical issues.

Mayor Roberts said just to be clear staff is not recommending this or the other connected.

Ms. Mayfield said they are not recommending the first one; they are recommending denial of this one.

Walter Fields, 1919 South Boulevard said Thomas Wells from Stor-All is here with me this evening and I guess this is a story of No Good Deed Going Unpunished. We began this process back in July; Thomas came up from Atlanta one day and we met with some of the folks in the Steele Creek leadership and I wouldn't tell them what the use was until they agreed to take the meeting because the concept of conditioned storage space is still relatively new and I knew if I said we just want to talk to you about doing self-storage we wouldn't have even had a conversation. This is something we have talked about with you all on several prior occasions; I have asked the staff on more than one occasion to let us put together some policies and ordinances for you to look at so we can deal with conditioned storage space because it is not the mini-warehouses that we all think about when we think about self-storage. The staff has to oppose this because there is not any place in anybody's plan that is going to call that a location for something like this because it is a use that has evolved into a community use from the old industrial business park, Westinghouse Boulevard type location where we have found so many of them in the past. We knew from day one that the staff would not be supportive of this because the plan shows this as residential. They say in their staff analysis that one of their concerns is it is really not consistent with the residential character of the area, but let's think about the character. We are across the street from the Fire Department which is actually no a piece of R-3 zoned land. Christ The King Lutheran Church is a beautiful institutional use right across the street; Crossings at Steele Creek is the institutional uses that Tammie referred to that is just down the street and if you go further to the south there is more business and high density housing. The hospital is across Highway 49; there is new retail and office on Steelecreek Parkway; a lot of this has happened since the adoption of the Steele Creek Small Area Plan. She began her presentation with talking about three zoning petitions in the same general area; clearly this is an activity center and clearly the source of activities that are being proposed here are coming to meet the demand that is present.

I have talked to many of you in the past and you were kind enough to vote on prior occasions for condition storage facilities of this sort in other parts of the community. I would estimate off the top of my head either built and zoned, there is probably a thousand apartment units within a half mile of this site and many thousands of single family homes nearby. Those are the customers for the Harris-Teeter and they are the customers for conditioned storage space. When we try to define what the character of the area is I would encourage you to look, if you have on your screen as is on the big screen, our building and then look up in the right hand corner of that photograph and you will see a building about the same size; that is the Harris-Teeter at the corner of Hwy. 160 and Steele Creek Road. Our building is basically the size of a grocery store, both horizontally and vertically. A grocery store is 24 to 26 feet in height and our building is about the same. We are not talking about a giant warehouse; we are talking about something that is roughly the size of a grocery store and because it is two floors it is 100,000 square feet.

We entered into this process with Keith and his client really at the suggestion of the Steele Creek Community Association who were concerned that if the front of this land were to be developed without consideration of the land to the rear that would be problematic and so it was fortunate that there happened to be an interest in the rear portion of the site. We've had several long telephone conferences and meetings to coordinate our site plans and from a guy that has been planning for a lot of years I thought it was kind of cool. We had two different zoning cases with two different uses but we focused on the issues that were common to both which is good access. We met with NC-DOT, we met with C-DOT both of those organizations preferred the access point for both sites to be as far north along Tryon Street or York Road, as the natives would call it, as possible. So in cooperation with Keith's client and my client we developed a site plan which provides for a public street connection from Tryon Street (York Road) through this site to get to the townhome community in the rear. We knew they were having access limitations because of the spike strip along the edge of their property, not being able to connect to the south, so this was a way to help benefit that piece and make it more developable and it works for us

because we are able to accommodate that on the site. The two cases are linked because each has to stand on its own, as Keith pointed out in his presentation, but by the same token each works together and is designed to accommodate the other. We would hope that as you look at both of these cases you will see the effort that both of these clients and the petitioners have put into this and the Steele Creek Community Association has sent a letter to us which I presented to Ms. Mayfield earlier in the evening, in support of our petition. I will say also that we have already shown them some building elevations that we will add to our site plan so this letter that they have sent to us includes the elevations that we have sent to them that we will now provide to the staff.

I want to talk just a moment about some of the issues that the staff had in their analysis when they talked about design because we always get to talk about design. One of the things that was a little bit troubling to us is that these designed characteristics are picked out of a long list of characteristics which are generally to be used for non-residential buildings, principally retail and office. This is not a retail building and it is not an office building; it is a storage building so by its very nature it has a different function and a different form, but as I go down the list one of the things that the staff points out is that we have to have transparent openings. Well we do, on the plans it will be attached to this petition as part of this; our major interest is in the corner architectural feature all clear glass, so we clearly defined what the entrances are. They say it has to have pedestrian interest; now I'm not exactly sure what that means but there are sidewalks on this plan both through it and around it whether it is a free standing side or whether it is connected to the property to the rear to provide pedestrian circulation and pedestrian connectivity. I would suggest to you that while we are close to a number of multifamily units, I mean literally next door, we may not see a lot of folks arriving with their skis and their mountain bikes on the sidewalk. They will probably come in their cars but we have accommodated those pedestrian connections on our plan. One of the points on the list was intermittent sidewalks and as I said they are on the plan. There was a comment about making sure that when the two petitions are viewed together that the street entrances that comes in off of York Road or South Tryon Street looks like a residential street entrance and our site plan shows that as a tree-lined street off which we would then have a driveway so the main connection through the site, and I'm going to show you how that plan looks, this is the street that we were asked to make look like a residential street and that is exactly what we have tried to do. We don't front on that street, we still front out to Tryon Street.

As I look down this list of unresolved issues I see some that can never be resolved. Our community plans don't contemplate this type of use yet. In petitions that you've heard earlier and one that Tammie pointed out in her presentation, institutional use just down the street, they are not contemplated by plans either, but we find places for them to go. We focus on how they relate etc, and if we had a set of policies or if we had a set of specific ordinance provisions that dealt with this new form of development, this conditioned storage space, which we look at as more of a neighborhood use than we do as an industrial use, perhaps we could focus more on the common elements that these uses should have instead of deciding each one as it comes along based on what somebody thinks about it today. I would encourage you and I would still entreat the staff to please let us work together to devise some sort of process by which we can look at this type use, much in the same fashion as you look at food trucks. Food trucks, nobody heard of them until a few years ago and now they are everywhere and now you have to deal with them from an ordinance standpoint. Conditioned storage is here; conditioned storage is coming and I would ask you to let us have an opportunity to work through those issues without focusing on each one as a zoning case by case decision. Let me just close with a statement that was made tonight; as part of your plan consistency statement where you voted to approve another conditioned storage space in an area where it wasn't consistent with the plan, and you said it provides a diversity of uses that contribute to the creation of a more vibrant place. I would suggest to you that is exactly what this does; it is an element that is not here, it fits well in the location, it works with the adjoining property and we believe it would be an asset to the community.

Councilmember Kinsey said I met with two separate developers today about conditioned storage facilities and in both cases they look like office buildings. I've seen some storage buildings that are awful and they are thrown up and they look like warehouses. Even if this is something I can get excited about it better look good. It is not my district but the others are doing it now and they are making it look like office buildings and that is what I expect to see

from now on unless they are somewhere out in the boonies, and this isn't in the boonies anymore. I would like to see the elevations.

Mr. Fields said Ms. Kinsey were those in an urban location or in a more suburban location like this?

Ms. Kinsey said no they were urban; District 1 so naturally urban. That doesn't mean that you should make a suburban facility look nice and there are some in Charlotte that are awful and they are the old ones, but going forward I think they ought to look nice and fit into the neighborhood because this is in a neighborhood.

Ms. Mayfield said as I'm looking at this how does the residential off of Wright's Ferry Road access this facility?

Mr. Fields said they would be able to come up the sidewalk on Tryon Street if they chose.

Ms. Mayfield said let's think about that for a moment. I'm not going to be carrying any item that is going to go into a storage unit on my back so when you come out of Tryon you have to make a right because unless you come out by that apartment complex where you have that turn around, which is one of the challenges because of the congestion on Tryon so thank you for backing that up. If you are in the residential neighborhood and you come out because you technically, legally should only be making a right onto Wright's Ferry, even though I know some neighbors create alternatives, how are they supposed to access this facility?

Mr. Fields said they would have to access this the same way they would if they were going back to the Harris-Teeter; they would turn south on York Road, go to the median crossover, make a U-turn and go back to the north. Once you get to the north of this site there is a crossover where the Fire Department is and there is a crossover at the multifamily driveway just to the north of that. It would be the same basic motion as if they were leaving Wright's Ferry and going to the Harris-Teeter.

Ms. Mayfield said Tammie, staff's recommendation on this falls more in line with the fact that this is area is identified as residential, but the question that I have is if this were not to move forward, just looking at this piece what outside of residential could go there now. I personally would have a concern with the amount of development that is happening on Tryon Street, having a storage facility directly in front or basically sandwiched between multifamily and single family. What else could go there if in a different world we didn't have two separate properties because I know you said the other property is zoned for about 30 or 40 single family homes? Is that number created including this piece or that number was created just for that triangle because this is called for residential?

Ms. Keplinger said this is an additional four acres so this would allow as it is zoned right now R-3, it would be about 12 more units. This site by itself could have about 12 single family units as it is currently zoned.

Ms. Mayfield said Mr. Fields, another question for you; has there been any consideration for any other developable space in the immediate area for alternatives opposed to this particular site?

Mr. Fields said you mean another site for conditioned storage?

Ms. Mayfield said for your storage unit yes.

Mr. Fields said I believe that the shape of this site and its proximity to the center without being in the middle of the center makes it a much more desirable location for storage use. You do want it to be convenient to people, you want it to be close to where you have traffic capacity to handle the traffic even though storage generates virtually no traffic. You want it to be convenient, you want it to be accessible.

Ms. Mayfield said that is the reason why I asked the question if any other site is open for discussion because your key was that you want it to be convenient. On South Tryon trying to access a storage facility is not going to be convenient and the reality for those that do; this isn't

like going to Harris-Teeter because once you get to where the Harris-Teeter is located you have a couple ways to get in and out of that Harris-Teeter. This you really have one way in and if something were to happen you've got one way out. You are coming up South Tryon, you are making a right to get in, you have to come out make a right to get out, go down or if you miss it because you are trying to find it for the first time, you have to go all the way down and come back. There is not a whole lot of convenience in this particular location opposed to up where the Harris-Teeter and the other little shops around Harris-Teeter are located that are convenient. Up there where the Harris-Teeter is you have the UPS Store, you have B of A, you have a couple of different shops, you have restaurants, you have other things there where you have more accessibility so if we are saying that this will be a convenient site I'm challenged a little around how you all decided that this site will be convenient based on trip generation and accessibility. That is what I'm trying to get to as that doesn't seem really convenient to me so I'm asking how you all determined it to be a convenient site or even truly an accessible site?

Mr. Fields said as I recall there was another site that had been looked at significantly to the north of this in an area that was not adjacent to this activity center but was adjacent to some higher density housing and I think that the decision was made that it is great for the storage business to be close to a lot of housing but it also is good for it to be close to other retail uses, the source of things where people come and go on a daily basis. You might make several trips to the Harris-Teeter in the course of a week; you might not come to this site but once a month. In terms of accessibility it is not designed nor does it need to be designed to have a high volume in and out driveway or multiple access points because it simply doesn't generate that much traffic, but in terms of being convenient to where people shop and have their normal routine about the things that they use on a regular basis it wants to be close to where those activity centers are. The issue about putting it in a site like where the Harris-Teeter is that is the size of a Harris-Teeter; it is that same size footprint. It takes up an awful lot of room if you were trying to put it inside the shopping center site, but it is not such a big footprint that you couldn't have it adjacent to an activity center like this, near multifamily, near office, near other single family communities both close and further away that travel through this area and by this site on a regular basis. We really do believe it is both convenient and accessible; it is not a high trip generator, it is not something you go to everyday and because it is conditioned space it doesn't get turned into a commercial use like the old traditional mini-warehouse type buildings did. You can't drive a truck in it; it has no garage doors, it has entrances just like an office building would have as Ms. Kinsey was talking about.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2016-030 BY JOHNSON DEVELOPMENT ASSOCIATES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.0 ACRES LOCATED ON THE SOUTH SIDE OF MOCKINGBIRD LANE BETWEEN PARK ROAD AND HEDGEMORE DRIVE FROM MUDD (CD) (MIXED USE DEVELOPMENT, CONDITIONAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) 5-YEAR VESTED RIGHTS.

Mayor Robert declared the hearing open.

Assistant Planning Director Laura Harmon said this is a five-acre site on Park Road in the Park/Woodlawn Activity Center; it is currently the Phiffer University site and the request is to go from MUDD (CD) to MUDD-O and for the site to be redeveloped with 17,000 square feet of non-residential and 360 multifamily units. If you look at the zoning for the area you will see that around the periphery of the activity center you have a lot of single family and multifamily in a range of districts. As you get more into the core of the activity center you have a mix of office reflecting the older suburban zoning for that area and more recently MUDD-O zonings that in the last few months you all approved and then again the request for this MUDD (CD) site to go to MUDD-O.

The Plan for this area is the Park/Woodlawn Area Plan and it does call for this site and surrounding sites a mix of office, retail, residential in a walkable urban form, really starting to make this a pedestrian oriented center with a mixture of uses and that is all in that striped area as you see here. Also the Cross Charlotte Trail proposed alignment is not too far from this site and then outside of the center a range of residential sites. Moving out a little bit, this is the Park/Woodlawn Activity Center and as some of you all were able to join us at lunchtime today, there was a request for more information on recent rezonings in this area. You can see we have identified a number of rezonings around as this area is transforming from a more suburban center to an urban pedestrian oriented center. To date there have been about 1,500 new dwelling units approved for this area and this is really the type of area where we do want to see greater intensities, where we see the potential to have the area transformed so that people can walk and bike from uses as well as in some cases drive and really create a center where people can live and work in that area if they choose. Getting back to the site and moving forward to a bit more detail the building is currently designed as a singular building and you can see it around the periphery of the site with a parking deck in the center and a couple of courtyards that are in green. This also includes a new street which we think is really important for adding more connectivity and transportation network to the area. One thing we are excited to see is ground floor space for commercial uses on Park Road and Mockingbird Lane. The maximum building height for this is six-stories and not to exceed 80-feet. As it is currently designed it is one building but could become three buildings but it would still be very much to similar form to what you see here.

This is the rendering for the proposed building looking at it from Mockingbird Lane and then Park Road to the side and you can see again the ground floor activity and we did have some conversation with the agent today about the certainty of getting this and making sure that we would be getting this kind of ground floor activity on this part of the site which we think is very important. This petition is consistent with the Park/Woodlawn Area Plan which recommends a mix of uses for this area in a walkable form. Our rationale for supporting this is that it is located in that mixed use activity center which is a priority area for new growth. As we know we have a lot of growth coming into the community and we have identified areas where we think it is most appropriate for the more intense growth to occur and this is that type of area. The plan also called to reduce the amount of surface parking lots in this older office area part of the activity center and they are accomplishing that. We are getting a mixed use form of development by the commitment to ground floor space at the corner of Park Road and Mockingbird Lane and a number of other design features which we really think are important and will help us as we see this area transform. Our recommendation is approval upon resolution of some outstanding issue, particularly related to some details with respect to building design and some of the street elements.

Jeff Brown, 100 North Tryon Street said my colleague Keith MacVean and I have the pleasure of assisting Johnson Development Associates on this rezoning; in the packet we have given you a letter from the President of Phiffer University referencing Phiffer's plans long-term. Laura did a great job on summarizing where we are and I'm not going to go through our PowerPoint; we have given you the materials so I will just hit some high points. In the materials is a reference to Johnson Development's record; they have developed over 25 communities up and down the east coast. They have a strong commitment to sustainability and in fact they've been selected early on as one of the lead builders in the National Green Builders Standard for green partners of excellence. They received that award in several states and one of the first builders to be able to receive that award and they also plan to undertake those types of green certifications with regard to this project.

We do thank Laura and the staff for their efforts on this project; Mike Davis in the Transportation Department and we look forward to addressing the remaining issues which we are very confident we will be able to do so. In the materials and again Laura mentioned this, is a reference very specifically to the Park/Woodlawn Plan which is only two to three years old. This plan got a lot of community input, a lot of community activity and this development fits squarely and in the material we have shown a number of quotes directly from the community plan and how this project fits in from the ground floor retail, creating sidewalks, eliminating the surface parking and creating an activity center as part of a node. We are very appreciative of the support of the community; we've reached out to the Madison Park Community and others. Councilmember Smith, we appreciate your energy and activity on this. We are pleased to

recognize Douglas Welton who is the President of Madison Park and has provided a letter in your materials as well. We've also had other outreach that has been positive, we had a speaker who was going to speak tonight, Ms. Theo Robinson who was caught ill and is not able to be here tonight. We are really pleased with this project; we think it fits squarely within the plan and we appreciate the opportunity to be here.

Councilmember Eiselt said Jeff, could you mention where the new road is; what is the connection back there?

Mr. Brown said I'm happy to and we can go through some of the materials. You see the current plan here is a surface lot and there is no connectivity between Mockingbird Lane over to Seneca Place whereas this project will now actually have the connection from Mockingbird Lane through the back of the site to connect through all the way to Park Road and through the parking field along in this location as well to get to Seneca so that is an example of what you are seeing a lot in this area of additional street connections that provide a number of different outlets and I think that has been positively received.

Ms. Eiselt said the reason I asked that, not to pick on this project, but I'm really struggling with this whole corridor. There is so much redevelopment going on and rezoning and I don't see how it is that much more walkable. It is kind a nightmare to walk in right now anyway.

Mr. Brown said I will be glad to give a little more answer to that question if you would like me to. I think this particular instance for example, one of the things we tried to highlight with only three minutes; there are no current sidewalks along Mockingbird Lane for example. We are providing through the MUDD plan significant sidewalks and planting strip areas, increasing the walkability along Park Road in this location. Activity on the street; right now there is a sidewalk but it is not the same width or the same type of planting strip that we will have along this area here. I do believe we are going to be providing walkability; we are also contributing to a traffic signal that will also allow the ability over time. We realize that this is an area in flux; we also realize that as development comes we will be providing the infrastructure to allow it to reach the goal of the three-year old plan for more walkability and we think our project is providing that in addition to pedestrian and vehicular support through the back of the project. As I mentioned there is a community plan statement that I think we are consistent with.

Ms. Eiselt said it is almost as if we have to get all of you all to talk because one of the things we learned through the ULI Study for SouthPark is that we've got lots of sidewalks that don't connect that are at different heights and there just isn't this consistency amongst walkable paths and then we end up creating these pockets with green space that just belongs to the building and it really isn't accessible to people.

Mr. Brown said I appreciate that Ms. Eiselt and I do think with the project that just got approved, when the new buildings come on line the fabric and tapestry is going to start connecting in a manner that is consistent with the plan. This project that recently received approval we will be having sidewalk connectivity there. I appreciate right now it appears a little influx but as these pieces come together I think we are creating what the community plan is seeking to achieve.

Councilmember Lyles said I think Ms. Eiselt stated pretty concisely my concerns. I wonder if it is possible for the staff to actually; I know in our book it has the rezoning history in the area and those areas that have been approved, but I'm wondering if we could actually see a graphic with approved areas, where the sidewalks connect and how the road would work. I know there is Ceilo and there is the new one that is coming along and the shopping center is all flowing together so what I would really like to see, if it is possible, where are the sidewalks and how do they connect, where are the gaps in advance and then I would also like to see the long-term plan with all of the developments requested how it will circulate Park Road. Park Road is a major arterial right now it is pretty narrow and the sidewalks are pretty close to the road and I'm not seeing the kind of design and what we will end up living with or having to retrofit. In addition I just wonder one more thing about this; when we are building all these apartments aren't we really trying to also encourage people to bike instead of taking their cars where they can and I don't see any activity around bike lanes or bike ways and I know it can't be on Park Road; there is not enough lane width probably to do that. As you talk about going back by Mockingbird Lane, Seneca Place and I can't remember all the little streets in there, I wonder how we are

looking for those connections like we looked at Park Road Shopping Center where we said let's figure out how to make Westfield work and go over across the creek and up the street. I think with the rezonings we are going to end up not having the kind of thing and we can say oh, it will come in 10-years or 20-years but we are building for now and I think we've got to figure that out now. I would like to at least see where our problems are even if we don't have the answer, where our problems are and what would we like to do.

Ms. Harmon said we will be glad to pull all of that together in the follow-up report and it may enlighten us on some things and give us some ideas on some things we can do in the near come.

Ms. Lyles said I have one other question; we were all in DC visiting the Department of Transportation and I noticed across the street from their office building they had a two-story grocery store, very small grocery store; we are doing the one-story retail but I wonder if there is an opportunity or when there might be an opportunity to actually see more than just the convenience kind of shopping. I don't know if that is the right retail or real estate term for it, but I look at it and I think we've got all the restaurants and we've got the beer pubs and we've got the entertainment street on Montford Drive but what about just some of the things, household shopping for all of the apartments that are going along in there. I'm sure Mr. Smith will give me a lesson on how to calculate retail space at some point but I just wonder because we are doing the ground level, when do we get to a point that we can actually see a little bit more than just the restaurant, the dry cleaner and that kind of thing.

Mr. Brown said I appreciate the question and it is a very good one. One response I would make is this is more than a modest effort at retail. This is 17,000 square feet which actually is a fair amount of retail along a corner of this kind so the retail we are talking about will be fronting all of Park Road and then will be making the turn into the driveway along Mockingbird Lane so 17,000 square feet is a fairly significant amount. We are not doing two-stories at this point and in terms of when we will get to that on this corridor I think part of the way we are going to get to it is when we are trying to create that pedestrian environment that the plan calls for.

Ms. Lyles said what goes on the retail level?

Mr. Brown said I will be happy to have Ben refer to that now in terms of the types of tenants they are looking at.

Ben Graves, Johnson Development said the first answer to your questions Ms. Lyles about grocery stores; we retained a local broker in Charlotte and we've had several discussions with national grocery stores both the smaller 12,000 square foot variety and a larger 25,000 square foot variety and it is just not quite the right fit for this site. They like to have surface level head-end park and the idea of parking in a deck when there are so many options still within a close proximity where they don't have to have deck parking was a resistance we had. As far as what the retail will be we hope to have at least one high quality restaurant and a local more boutique service oriented upscale retail that is complimentary to the neighborhood.

Councilmember Mayfield said one of the questions I have is regarding the office because when we are talking about creating something that is more walkable who is that really going to be the target if the majority of the people are still going to be getting into their vehicles to drive to work. What we have in that immediate area is a lot of retail that is being built and very little office space. Has there been any real consideration about activating office space since that is what this area calls for is residential, office and/or retail. There is a lot of retail there but we also have a lot of people in their cars so creating something that is walkable, but not getting people out of their cars seems a little counter-productive.

Mr. Graves said so your question is have we considered having an office component?

Ms. Mayfield said right, opposed to just retail because there is a lot of retail already in the area.

Mr. Graves said no and we've seen several redevelopment plans for existing office buildings and new office buildings to be added, but the two components we focused on for this site are multifamily and retail, not an office component.

Ms. Mayfield said thankfully you all have seen it but Mr. Smith you haven't seen them?

Councilmember Smith said I would be interested in the office development but I haven't seen anything yet.

Mr. Graves said there is a plan to redevelop the Parson's Building; I think the Grubb redevelopment plan has some office component in there as well as future phases.

Ms. Mayfield said I just wanted to find out regarding office. Mr. Brown we have established that the builder has received the Green Builder Award but of course the question I always ask you is the question I'm going to have to ask again. As the City of Charlotte is developing and we are becoming more and more expensive is there any conversation or consideration for any workforce units in this development. We are approving a lot of new multifamily this evening but it will be interesting to know if there has even been a conversation about whether or not this is all going to be market rate so that would be the 80% or above or if we are looking at some workforce just in case we happen to have a teacher that would might want to live over there.

Mr. Brown said this rezoning proposal does not have a voluntary workforce component within the project proposal. Johnson Development has been working on this plan for over 6-months on this project; it has worked hard to deal with the unit mix, deal with the building design, dealing with the ground floor retail and things of that nature. We do note that no residents live on the project and we appreciate the global desire and the goal which the Council has enumerated for workforce housing. This project is not displacing any existing tenants and we've also had meetings with the community in terms of the type of project and the nature of the project and there is evidence by Madison Park's support and others; they also appreciate the project that is being proposed. To answer your questions more directly, it does not contemplate a voluntary workforce component.

Ms. Mayfield said the only piece that I would add to that for us to consider and for us to share with our developers, I think somewhere along the line there is a disconnect that in order for there to be a workforce component there is a displacement component. The two don't necessarily correlate for me; we have seen some displacement, but if we are having new development that is happening and we know people are moving into the City on the average of 44 plus people a day. Not all of those necessarily are looking at six figure jobs so it would be nice if when we are having the conversation on the front end we are talking about how to be the most diverse and sustainable City as we possibly can and not necessarily look at it as well we are not displacing so we shouldn't even have a conversation about diversifying our units in order to make sure that we have a stronger community because unfortunately the economy sank not too long ago so we've proven that majority high income or majority low income community both are at risk for major challenges whereas the stable communities that were mixed communities were the ones who actually came out better now as we are looking to redevelop. Thank you for letting me know that there is not a component; that is just something we need to consider moving forward how we make decisions.

Councilmember Phipps said this project has up to 360 multifamily units proposed?

Mr. Brown said that is correct.

Mr. Phipps said how many, on a prorated share basis, how many cars does that equate to? Is that one and one-half times?

Mr. Brown said I believe we are looking at just sort of in the high 500's of the parking so it is a little bit more one space; 1.3 of 1.4 spaces but that includes the retail parking as well.

Mr. Graves said by code we are required to have one space per unit; the reality I think is more parking than that is necessary to park the residential at about 1.5 spaces per unit and then have guest parking and four spaces per 1,000 square feet of retail which equates to a total of 600 spaces.

Mr. Phipps said I know at one point we were studying or there was a proposal to look at the parking ratios for different projects, but every time one of these multifamily apartment complexes get built then there are just hundreds of cars associated with them. It seems like at a time when we are always talking about bike ability, walkability we are always creating

competition with vehicular traffic. It is still very car centric in a lot of project all across the City that we are doing so that is something I think we have to look at on a go forward basis at some point to see if we are really serious about walkability and bike ability. I don't know but it seems like a circular type of process that we are going through that I'm still trying to get my head around it.

Councilmember Fallon said just as I suggested this afternoon, the 300 units I thought that maybe you could find a place for five for workforce housing and change something around would make it much more palatable.

Mr. Brown said we appreciate your input tonight, thank you.

Ms. Fallon said that is what I tell people when they bother me with 42 mail and I can't do anything about it.

Mr. Smith said I see they've got \$25,000 set aside for the contribution towards the traffic light that would be at Mockingbird Lane and I know Grubb put some money towards that as well. Between the two groups is that enough to cover the actual cost of a traffic light or are we good on that? Regarding the Small Area Plan we've got a little less than a million square feet of office space in the Park Road Corridor; it does appear that we are starting to get a little out of kilter on residential without the office component. I do think that is something we want to look at as we move forward because to the extent you've got Park Abbey, you have Hedgemore, Park Seneca, the Parson's Building, the Parkwood Building, 4108 Park Road, you've got a handful of buildings there but I think to increase the walkability these people really do need to have a place to walk to work. That is the one things that I think SouthPark is moving towards is that in addition to the addition of multifamily we are having a place for the folks to go, not just on a Friday night. I think that is something we do need to look at in that corridor, how we can get the office and then regarding the workforce housing I think sometimes we take a land use issue and then infuse a policy issue into it and I welcome the conversation anywhere in District 6 where we can find some land and want to have workforce housing. I just don't think it is always our job to impose that onto the private sector and the developer for a project. I think I heard some other very valuable criticism or positive reinforcement maybe on the project; I just think that is one that shouldn't be on there.

Councilmember Driggs said I think we need to be careful when we talk about how we like affordable housing that we not give the appearance that the decision turns on that because even though we may find it appealing if somebody volunteers the housing if we start to talk like we need to see that in order for the petition to proceed it starts to look like more mandatory. I also think it would be fairer to petitioners if we put out there in a more organized fashion what we are hoping for or what kind of things and we had a better articulated strategy about it because having people work for months on a proposal and then come in and hear things that they weren't prepared for on an ad hoc basis makes it kind of tough for the whole process. I hope we will have the conversation and I think the dispersion of housing and the affordable housing are important issues, but I don't know that we should debate them in zoning meetings.

Councilmember Austin said I think what the Chair of Housing and Neighborhood Development was trying to do is initiate conversation and consideration of those types of needs that are in our community and I think that is where we all are. We recognized that we need more affordable housing and more workforce housing in all of our projects so I think us having conversation, this is the place to do that and this is the place to try to push that to our petitioners and developers just to have the conversation or consideration of that because that is a great need in our community and it is going to become even more so.

Councilmember Fallon said the point in fact is we are "apartmenting" Charlotte and if we are apartmenting Charlotte to be the extent we are something has to come back for regular people who cannot afford \$1,600 per month rent and if it is objectionable I'm sorry, but we have to take care of other people too. It cannot be the top of the market always. We have to have some kind of an idea of meeting other people and you want to change the schools and the way the schools are; the only way you are going to change it is with workforce housing where everybody goes to school together and that is only done through housing.

Ms. Eiselt said I agree with all of you and I think that this is on us. The problem is this is the only time we all sit and talk about this so it comes up in rezonings and as I said earlier, I don't mean to pick on you all but it is our problem because this is the only time we all talk about it and we've got to look at the area and say we've got eight rezonings, we've got eight projects. We don't want to stop progress because it is not fair to people who have spent months and months on this but then if this isn't the way to do it we've got to figure out how to get together and talk about this and set some guidelines and work with developers earlier and say what do you need from us to be able to include four or five units. If there is something there that makes it attractive to you then we've got to find some tools in our arsenal to come up with.

Mayor Roberts said in terms of the conversation and where it happens, that is actually right; we are all together in public meetings before the cameras and this is where we do talk politics. So apart from Committee meetings and there is also the Housing and Neighborhood Development Committee which can go into even more depth, but I think this is a terrific exchange and it has nothing to do with a particular project, it is something that you can tell has been building with the numbers of petitions we've had, the rezonings, just accelerated development and it is not sustainable to develop at this pace without taking into account the needs of the overall community, the workforce, the families and the big picture stepping back. Even a question about let's look at one corridor that we've had twenty or something petitions, let's take a step back and look at that as a unit and then we can look at the bigger questions of workforce housing and where do our teachers live, which is a real issue. I think it is a great discussion; I welcome input from the private sector because it is not sustainable for them either. The lumber industry replants trees so we know it also in the best interest of the private sector to work with the public sector to figure out how do we sustain this type of growth, keep our traffic corridors still functioning because we know we can't widen anymore in certain areas where development comes right up to the edge and figure out that walkability, livability and that inclusive mixed income that we know works really well with our school, with our workforce with where our places of people working and how that connects to where they can live. These are very tough questions and I hope we can start having that tougher part of the conversation to integrate all of that thinking at the same time.

Ms. Harmon said we hear you and we are beginning some of that work to be able to bring back to you all, probably starting with transportation.

Mayor Roberts said it is heavy lifting and we are not saying it is easy; it is heavy lifting for all of us.

Ms. Smith said I agree that it is a worthy policy discussion and to your point at the dais is a time we can sort of hash this out together because we don't all attend community meetings. My concern is imposing what should be a broader policy that we need to figure out moving forward on individual developers is where I see the possible line being drawn. In some cases it can be viewed as punitive and harder to do business in Charlotte and then you also run into practical issues like the ability to get financing where it is not as simple as the developer saying hey, I want to do this. They've got folks that are putting money into their projects and it is just a much bigger piece of the puzzle. The Colony Apartments which voluntarily gave up 57 units with a 27-acre site and it is going to cost them well over \$1 million to provide the workforce housing for 30-years and their financing was close to jeopardy but they could spread it across other uses. Again I think we may have a larger policy discussion, I just don't like it necessarily showing up at the individual zoning level as opposed to trying to figure out the 30,000 foot level but we do have needs, we have issues, we have a locational policy and we have other things that we've been working on.

Mr. Driggs said this will be easier when we have a new Planning Director and we can start having high level conversations about how we pursue these things. I just think it is not right for developers to get caught in a haphazard crossfire of kind of goals and wishes and as I said I'm particularly concerned about horse trading where we say hey, you might get your approval if we got this because I don't know at what point it starts to sound like illegal mandatory inclusionary zoning but I don't know if we should be making deals like that or putting that burden on developers where it sounds like you don't get the approval unless.

Ms. Mayfield said I think it is so interesting the interpretation that one of my colleagues has on asking a question, but if that is the case then we can look at saying that anytime there is any

housing development, whether it is multifamily or single family, it should automatically come through Housing and Neighborhood Development before coming to the full Council since we are now all sitting in each other's committees because if we don't have the conversation around this table and considering the question I asked was of which, and thank goodness we actually have cameras in this reported. The question I asked was have you had any discussion or had there been any thought around workforce housing. The question that I ask is a question I should be asking and that really all of us should be asking if we really want to have a sustainable City. I agree as was said by some of my colleagues that this is the time that we have the discussion; this is the time that the community gets to learn that no, when it seems like we are coming up here and we are making decisions and we move through the process they don't get to see all the times that we have long discussions about some of these projects, but I feel like it is part of my responsibility to ask a developer, have you had this conversation because every developer that comes before me with a question in District 3 I am asking them the exact same question because at some point you should not have to count on government to demand you to do the right thing. We have to decide what that right this is; we fall in different areas of that arena of what is considered the right thing but I should be asking that question, this is the time that we ask the question. I'm only going to speak to my question which was has there been a discussion regarding workforce house so make it a lot easier for all future developers that come I'm going to prepare you that as of right now on the 21st this evening at 9:23 p.m. I'm going to consistently ask you that question and if will be helpful for you to come with an answer that falls in line with some of the goals that we have as a City because we do have some goals. But that does not mean that your petition is going to be approved or denied based on whether or not you have, but we have some businesses, some developers out there that have made this commitment to a broader community. It can be done, whether or not the financials were there that made it seem like it was hard, well life is hard, but the reality is also we are supposed to ask the questions; some of you are going to come and give an answer and that answer is going to be received. How it plays out when it is time for a vote you will find out whether you get six or more.

Ms. Fallon said just to make you happier I did have the discussion this afternoon with Jeff asking if there was a provision for it. He explained it was eight months and I said let's see what we can do. My vote is not contingent on that because it is something they have worked on, but I think we have to let builders and developers know that that is something we are interested in, not that we are going to force it on anybody, but that we are interested. You are asking us for something; you are asking us for approval of 300 apartments and somebody else came with six. I don't see why there can't be some kind of a give back. You are asking this City to approve you making a lot of, not you personally, but the general global you making a lot of money and I think it is only reasonable for nobody to be able to walk away; this is our City, it is your City and there is some give and take that has to be. We cannot be a City of only rich people or people that can afford high rent because if we do we will end up being a City without anybody here; they will go outside the City.

Mr. Smith said they are going to go outside the City for other reasons; I'm telling you the right thing for the developer to do is to bring good land use, it is not social engineering, it is to bring good land use. They are bringing a project here that we need to discuss on its merits and quite frankly there are some things about it that I think concern all of us that are far greater than the potential for five units and that is the walkability, that is traffic and there are other concerns, but their job is to bring something that matches the area plan and our job is to vote on whether or not it is good land use.

Mayor Roberts and I think it was a good discussion; we have different viewpoints and it is not in particular to one; this is a broader question.

Motion was made by Councilmember Smith, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing.
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ITEM NO. 36: HEARING ON PETITION NO. 2016-037 BY DR. MICHAEL BERGLASS, DDS FOR A CHANGE IN ZONING FOR APPROXIMATELY .44 ACRES LOCATED ON THE SOUTH SIDE OF CENTRAL AVENUE BETWEEN CRYSTAL ROAD AND

CYRUS DRIVE FROM UR-C (CD) URBAN RESIDENTIAL COMMERCIAL CONDITIONAL, TO UR-C (CD) SPA (URBAN RESIDENTIAL COMMERCIAL CONDITIONAL, SITE PLAN AMENDMENT).

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said this petition is located off of Central Avenue and Crystal Road in the Merry Oaks Community. This property is actually zoned UR-C (CD); it was rezoned several years ago for a dental office and the request that you have before you is an urban residential, conditional site plan amendment to allow approximately an 1,100 square foot addition to the site and you can see the site plan, this is the existing building, this is the addition that is proposed with the new parking. This does remove a 560 square foot accessory building and there are limitations on the building materials, the elevations and there is the removal of a note requiring the property owner to notify the HOA prior to the submittal of any administrative amendments. You can see the house and the addition that is proposed; the petition is consistent with the Briar Creek/Woodland/Merry Oaks Small Area Plan as amended by Petition 2008-157 which approved the site for a dental office use. Staff is recommending approval; we do have several outstanding technical issues that need to be resolved.

Angela Sanadino, 1542 Crystal Road said I am the property directly behind the dental office and I am in favor and I am here just to mention I had a concern regarding some stormwater drainage issues coming off of his property onto mine and we did talk about it and I believe it has been taken care of. I just wanted to put my two cents in.

Nancy Pierce, 1637 Flynnwood Drive said I am one of three members of the Merry Oaks Neighborhood Association Land Use Committee and it is very important to us that you realize that we have passed this through the Commonwealth Park Neighborhood; the two boards we had our Neighborhood meeting with about 45 people; we have engaged each other in this conversation as well as 14 of us attended the petitioner's meeting. We actually want Dr. Berglass to be able to make this addition but because of the way the rezoning process is constructed we have speak in opposition because we still have an outstanding issue, but believe me we want him to be able to do this. When we put this message out to our neighbors that this was going on what kept coming back to us was what about the sign. We have an issue with Dr. Berglass' sign that has been up for about eight years and let's just say it is very hard to miss. We have a few conditions that were included in the approved site plan from 2008 that we want to stay in this current site plan having to do with the use of the building and having to do with lighting on the site and we've also asked because we have become aware of recent health and safety concerns around light pollution that we wanted to expand the existing verbiage and require a full cut-off outdoor fixtures and say that there will be no flood lights on the property. Actually the petitioner and his representative have agreed to agree to these and we've seen the site plan with these things written on it, so we are okay with that, but we get back to the sign. We asked to see a rendering and we've seen a rendering but it omits some details like color and material of the main part of the sign and we need to see that and that is all we need in order to speak in favor of this petition. We trust that we will be able to see that and be able to see what the sign will look like and this is because of the kind of history we've had with this property and sign so you will hear from us regarding whether or not we've seen the picture of the sign and hopefully we will be able to tell you to go ahead and vote for it.

Councilmember Lyles said I just wondered if the staff could tell us that the stormwater issues have been resolved or how was that conclusion reached?

Ms. Keplinger said we can check into that; my guess is that is a private issue between the two property owners, but we will check into it.

Councilmember Phipps said is staff prepared to say whether or not the sign as proposed is in compliance with the Sign Ordinance?

Ms. Keplinger said the sign as proposed, as I understand it, is in compliance. I think we didn't have any issues with the sign as it stands but I understand there has been some past history with that so anything that is worked out between the petitioner and neighborhood associations we will make sure that it is on compliance.

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

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ITEM NO. 37: HEARING ON PETITION NO. 2015-094 BY CHARLOTTE MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO 1) EXTEND THE VALIDITY PERIOD FOR A HISTORIC DISTRICT CERTIFICATE OF APPROPRIATENESS FROM SIX MONTHS TO TWELVE MONTHS FORM THE DATE OF ISSUANCE; AND 2) MODIFY THE CERTIFICATE3 OF APPROPRIATENESS RENEWAL PROCESS.

Mayor Robert declared the hearing open.

John Howard, Planning said this text amendment has two elements to it; one is more procedural and the other deals with the architecture of a building and I will walk you through what those elements are. The first one extends the validity and renewal period for a Historic District Commission Certificate of Appropriateness and the second one deals with the restoration replacement of architectural features on a structure if it encroaches into a yard, setback or buffer.

Currently our Certificate of Appropriateness (COA) last for six months and we can renew that COA for two more six month intervals so it is kind of complicated, six months, six months, six months and then it is void. We want to simplify that and have the first initial period to be 12-months and then the second renewal to be 12-months so it is nice and clean, there are no staff administrative issues with that and again it is because we need more flexibility for major urban projects. Things come up sometimes with big multifamily buildings in historic districts so there is more time for our customers to be able to come in and made those changes and also it is easier for staff to administer with a simpler timeframe like that.

The next item on this text amendment is the restoration of historic features on a historic property. Currently it is not permitted by right if a property encroaches into a setback; it has to be rezoned or apply for a variance so the recommendation is to have the Zoning Administrator may grant an administrative approval for the restoration or replacement of historic features on a landmark or a house or a structure in a district only if that feature would encroach into a required yard, setback or required buffer and those missing features have to be proven by either a photograph, pictorial evidence, a survey, some type of proof that that element is an actual historic feature on that property. This text amendment has been discussed at three of our Historic District Commission meetings; we have a 12:00 public workshop that is open to the public before we go into our 1.00 HDC meeting. It has been supported by the Dilworth Community Association because the issue that arose from this and caused this text amendment to happen is there is a home on Cleveland Avenue, it is an old mill house and most mill homes are in violation of zoning because they are so close to the street. There is a porch that was on the house, that was taken off, or it fell off and they wanted it to be put back on but it had to be rezoned to allow that setback to be narrower than 20-feet. Again HDC, Steward Gray of the Land Marks Commission and the Dilworth Community Association all helped us craft this text amendment and they are all in support of this change. Just to summarize this does accomplish two different things, one it allows us to give the applicant of a project more time to complete that project by restructuring that COA validity privilege and also the extension of the timeframe for Historic District COA and its renewal is more consistent with other jurisdictions in the state and also it does help us reinforce our mission which is to protect the character of old neighborhoods by allow these architectural features to be replaced on an old home. Usually the mill districts have these narrow setbacks, narrow lots so they will apply to either a very old structure or a mill type structure.

Stewart Gray, Historic Landmarks Commission said I want to thank the Charlotte Planning Department as well as the Historic District Commission and John Howard for drafting this text amendment and really working it through. We were under contract to buy the house at 2005 Cleveland Avenue and the fact that we would have had to gone through rezoning to put the porch back on the house made the purchase where it wasn't practical. The owner wasn't willing to give us the time to get it through the rezoning and so we urged the amendment to be adopted.

We've got one property, an important landmark in Dilworth that perhaps we can save if we get the text amendment. I just wanted to come and show our support for this change.

Councilmember Austin said John, we talked about removing the language that says a valid reason for failure to comply; the reason behind that is what, just to help me understand. Doesn't that mean that the project will kind of linger on for quite some time?

Mr. Howard said what we are finding is valid reasons could be anything from financing or having trouble with a structure that may have come up that they didn't expect. Most reasons are valid that people come to us to get an extension and again we want to make sure the projects get completed and not just go by the wayside. If that COA does expire they would have to reapply and come back before the Commission again to get a new COA approved or issued.

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

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ITEM NO. 38: HEARING ON PETITION NO. 2016-035 BY CITY OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.1 ACRES LOCATED ON THE EAST SIDE OF NORTH TRYON STREET AT THE INTERSECTION OF NORTH TRYON STREET AND J W CLAY BOULEVARD FROM INST (INSTITUTIONAL) TO TOD-M (O) (TRANSIT ORIENTED DEVELOPMENT MIXED USE OPTIONAL).

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said this is a one-tenth of an acre site off of North Tryon Street. The purpose of this rezoning has to do with signage. This is going to be the base of the pedestrian bridge that is going to go over North Tryon Street for the CATS light rail. In the TOD District the signage allows 5% of the wall or up to 100 square feet; CATS is asking for three signs for the total of 220 square feet. These signs will be placed basically in predominant areas for the public to see along this pedestrian bridge. The request is consistent with the University City Area Plan which recommends transit oriented development for this site and staff is recommending approval.

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

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ITEM NO. 39: HEARING ON PETITION NO. 2016-054 BY ALDRSGATE UMRC, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 91.31 ACRES LOCATED ON THE SOUTH SIDE OF SHAMROCK DRIVE ACROSS FROM GLENVILLE AVENUE AND EASTWAY DRIVE ACROSS FROM DUNLAVIN WAY FROM INST (CD) (INSTITUTIONAL, CONDITIONAL) TO INST (CD) SPA (INSTITUTIONAL, CONDITIONAL SITE PLAN AMENDMENT).

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said don't let the 91 acres fool you; this property has been in several times over the past recent years for rezoning and what the request is tonight is actually a really good request; they have a Hospice facility and a dialysis facility that are on site but under the current conditions they cannot allow the public to use. They want to open the Hospice facility and the dialysis facility for the public and that is the simple change they are asking for in their notes on their site plan. This petition is consistent with the Eastland Area Plan recommendation for institutional uses as updated by the 2014 rezoning for the last rezoning for this petition and staff is recommending approval.

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

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ITEM NO. 40: HEARING ON PETITION NO. 2016-033 BY RANDALL C. VOYLES & BRIAN YOW FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.30 ACRES LOCATED ON THE NORTH SIDE OF WEST 5TH STREET BETWEEN FLINT STREET AND FRAZIER AVENUE FROM UR-1 (CD) (URBAN RESIDENTIAL, CONDITIONAL) TO UR-1 (URBAN RESIDENTIAL).

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said this is another small rezoning that was involved in a larger rezoning a number of years ago. The previous petition actually has a single family home that is shown on this site that was never constructed. The request before you tonight is actually to remove the conditional plan from this property so it can be developed in accordance with the regular urban residential standards. Staff does not have an issue with this; we feel like this is consistent with the West End Land Use and PED Scape Plan. We are recommending approval and I'll be happy to answer any questions.

Councilmember Austin said I did have an opportunity to talk with the petitioner today and had a subsequent conversation and I am okay with the particular rezoning.

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

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ITEM NO. 41: HEARING ON PETITION NO. 2016-034 BY ROBERT KEZIAH FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.75 ACRES LOCATED AT THE END OF DISTRIBUTION CENTER DRIVE OFF STATESVILLE AVENUE NEAR THE INTERSECTION OF I-77 AND I-85 FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO I-1 (LIGHT INDUSTRIAL).

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said this is a piece of property that is zoned R-4 off I-77 and Hutchinson McDonald Road and if you look at the zoning map you can see that everything around it on this side of I-77 is all industrial. The request is to rezone this property from R-4 to I-1 light industrial. It is a conventional request and it is consistent with the Northeast District Plan recommendation for industrial uses. There is no associated site plan and staff is recommending approval.

Councilmember Austin said I had an opportunity to go out to the location and meet with the petitioner; there is very little else that can go at this location.

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

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ITEM NO. 42: HEARING ON PETITION NO. 2016-036 BY ESC FITNESS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.45 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF CLANTON ROAD AND DEWITT LANE FROM I-2 (GENERAL INDUSTRIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT MIXED USE).

Mayor Roberts declared the hearing open.

Assistant Planning Director Laura Harmon said this is the parcel on Clanton Road at DeWitt Street and you can see it in proximity to the Scaleybark Light Rail Station on the Blue Line. This is a request to go from industrial to conventional TOD-M and you can see it is an area largely zoned for industrial but there is larger piece of property on South Boulevard that has already been zoned to TOD-M. With respect to the plan it is in an area recommended for transit oriented development for a mix of uses. The request is consistent with the Scaleybark Transit Station Area Plan and staff is recommending approval.

Daniel Merlin, 4601 Park Road said I am attorney with Alexander Ricks here in Charlotte and we are representing the petitioner. Over the past five years Mr. Brower has built quite a successful fitness community in the South End area; his company currently operates in a building on Mint Street near Morehead Street and unfortunately for him the landlord has decided to sell so he needs to find a new home for his company. They located this site, 255 Clanton Road as a potential location for their business and they want to preserve the existing building. It has been used for a plumbing warehouse for the past 35-years and in order to preserve the existing building we come before you asking to rezone it to TOD-M. Fortunately the Scaleybark Transit Station Area Plan recommends that this specific parcel be TOD-M and also fortunately Mr. Brower has embraced the transit oriented concept. He has entered into a partnership with B-cycle and Center City Partners to use the B-cycles to get to the site and back as part of the fitness related to his company which is pretty exciting; using the Newbern Station and the Scaleybark Station back and forth which we think is in the spirit and the policy of the transit oriented development and we are excited to see that. Finally with the project that Pappas Properties has in this same block adding more apartments and adding some office we think this will be a nice amenity that isn't a brewery; not that there is anything wrong with breweries.

Terry Shook, 4601 Park Road said I have been associated with South End for a long time and I am related to it, Stewart is my sin-in-law so I will get that comment cleared up real quickly. I will say that one of the things in South End we have looked at for the longest time beyond just places to live, beyond places for food and beverage, but those places really have recreation and behind you have the Rail Trail, from the very beginning we are the originators of that. To see now places where people can actually exercise and take advantage of an open agenda in terms of using the outdoor space in South End I think is very much a good thing. I urge approval of this petition.

Councilmember Mayfield said I am very happy to hear about someone really taking into consideration the walkability aspect and I think it is going to be very exciting, the partnership with Charlotte B-cycle to make that part of the workout, getting on your bike, getting over to the fitness center. Less cars are going to be in the area so I'm really excited about that.

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

ITEM NO. 43: HEARING ON PETITION NO. 2016-042 BY GRIFFBREW INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.37 ACRES LOCATED ON THE EAST SIDE OF GRIFFITH STREET BETWEEN NEW BERN STREET AND POINDEXTER DRIVE FROM I-2 (GENERAL INDUSTRIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT – MIXED USE.

Mayor Roberts declared the hearing open.

Assistant Planning Director Laura Harmon said this is the second of three parcels that we have requesting rezoning from industrial to conventional TOD and I would like to remind Council that when it is a conventional case anything can be done that would be allowed in the TOD District for all three of these although you did hear some ideas about what might be done on that previous property. This is currently an industrial use that is located a quarter of a mile from the New Bern Transit Station; we moved in one Transit Station from the previous case. If

you look at the zoning in the area you can see that we have a lot of industrial that still remains in I-2 but we also have Transit Oriented Development zoning and MUDD zoning that is showing the transition around the New Bern Transit Station Area. This is another parcel that is clearly planned for TOD mixed in this larger area of Transit Oriented Development around that station. This is consistent with the New Bern Transit Station Area Plan recommendation for transit supported development and staff is recommending approval.

Jason Mathis, 106 Foster Avenue said I am with the Durban Group; we are working alongside the petitioner on this project and as was mentioned by Planning we are proposing a conventional rezoning to TOD. I am here mainly to answer any questions and respond to any comments that we may have but to touch on a couple of themes that I've heard we are very interested and engaged with the light rail and the public transportation, the walkability and bike ability of the area. In fact that is why we are coming in for a rezoning; the uses that we have in mind we may be able to do with the existing zoning but we like the TOD aspect and concept. Additionally we are looking at a collaboration of a couple of users potentially up to three or more within the same building and the TOD zoning allows us the flexibility to do that. With that in mind I will answer any questions you may have.

Rodney Hines, 708 Oakland Avenue said I am mainly concerned about this petition because I have a business right beside it, the Furniture Connector. We have a shared space in between the two and if you've ever been there on Saturday afternoon when I have my retail business open there are cars already parked on the side of the road. Triple C is there and they have a huge parking lot in the back but my main concern with this is because we have not seen any plans of what they are going to do with this space and how we are going to park when I only have eight parking spaces in front of my retail store. I would urge you to look at the plans before you pass this petition.

Councilmember Mayfield said staff and I have been having this conversation for a while where I think we really need to look at TOD and the impact because I think it is a little too broad, but has there been any conversation regarding what Mr. Hines just mentioned regarding having a shared space and the majority of this space is I-2 and there is a very clear requirement on I-2. If we were to rezone this to TOD how does that impact the immediate businesses that are surrounding that are still under I-2 or under B-1 or any other classification?

Ms. Harmon said the new use and under the Transit Oriented Development should, from a parking perspective, should meet their parking on their site or arrange with other property owners to park on their site but they need to consider whether they can make that use work with the parking that they have on their site or what they might be able to share with other folks through shared parking agreements.

Ms. Mayfield said I'm a little confused. We are looking to rezone a parcel that we know has a shared access for we've not had conversations with the current owner of the building that is not being rezoned regarding the impact to their business or have you had any conversations Mr. Mathis, since you have a shared site, have you and Mr. Hines or a representative with Furniture Connector had a conversation regarding how you would share that space?

Mr. Mathis said we have not spoken to Mr. Hines; we have spoken with the property owner and my understanding is that we are well within terms of how the properties will be used together. In fact as I mentioned to you we've talked about expanding our concept a little bit further but we are not ready to do that tonight; obviously only with this parcel, but it was our understanding that everything was pretty well coordinated and that we were on the same page.

In rebuttal Mr. Mathis said obviously we want to be a good neighbor and we want to do anything we can to work with the adjacent businesses; we want to be a collaborative and good neighbor. We wouldn't have any rights beyond what are afforded by a zoning or an easement to park on another property so our business would have to be self-contained unless we went out and obtained additional rights to do so. Our belief is that we are going to be heavily served by light rail traffic and foot traffic from the area. In fact our business is going to be oriented such that it fronts both Griffith and the light rail to encourage traffic to come from the light rail by foot or by rail.

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

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ITEM NO. 44: HEARING ON PETITION NO. 2016-048 BY DCC PARCEL B PLUS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.29 ACRES LOCATED ON THE NORTHEAST CORNER AT THE INTERSECTION OF WEST WORTHINGTON AVENUE AND HAWKINS STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT MIXED USE).

Mayor Roberts declared the hearing open.

Assistant Planning Director Laura Harmon said this is another request to go from I-2 to TOD-M and we've in another station and we are within a quarter of the East/West Station. This is an area that has a lot of urban zoning, either TOD-M or UMUD or different versions of MUDD zoning. You can see the site here is one of the few remaining industrial zoned sites in the immediate area. It is the Transit Station Area that is called for to be TOD-M and the petition is consistent with the South End Transit Station Area Plan recommendation for a mixed use transit supportive development.

Eric Hampton, 200 South Tryon Street said I am simply here to answer any questions that come up during the discussion.

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

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ITEM NO. 45: HEARING ON PETITION NO. 2016-052 BY ROLLINS LEASING, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.32 ACRES LOCATED AT THE END OF KEETER DRIVE NEAR THE INTERSECTION OF LITTLE ROCK ROAD AND KEETER DRIVE FROM I-2(LLWPA) (AIRPORT NOISE OVERLAY) (GENERAL INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA, AIRPORT NOISE OVERLAY) TO I-1 (LLWPA) (AIRPORT NOISE OVERLAY) (LIGHT INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA, AIRPORT NOISE OVERLAY).

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said this property is south of I-85 to the west of Little Rock Road shown in red. The property is currently zoned I-2 and a truck leasing facility is currently located on it. The adopted future land use calls for office industrial and you can see that is pretty much what this area is; basically office and industrial uses. This is a conventional request; the petition is consistent with the South/West District Plan which recommends office and industrial. It is located just north of the Charlotte Douglas International Airport; it is in the Lower Lake Wylie Protected Area and it is also in the Airport Noise Corridor so it means it is in an area that is not recommended for residential development.

Keith Merritt, 201 South College Street said I am with Hamilton, Stevenson, Steele & Martin and with me is Frank Krisak who is the representative of the property owner. This is a simple rezoning to allow the sale of trucks at this location as well as the rental of the vehicles. We are glad to answer any questions, but otherwise we are glad to go home.

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

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MAYOR AND COUNCIL TOPICS

Councilmember Smith said April 21, 2016 we are going to do a Town Hall in District 6; it is actually going to be at Sharon Methodist Church and will be a breakdown of the ULI Panel. We will have more details to follow but we are going to have staff there and we are going to give a lot of the presentation that was given on Friday.

Mayor Roberts said we are welcome the Ambassador from France who was in my office today and going to be at a lunch tomorrow. We are always happy to increase our ties with France and Europe.

Councilmember Fallon said April 24th I will be having a meeting at the University Library with Sheriff Carmichael and Police Chief Kerr Putney. The public is welcome at 2:00 p.m. on Sunday.

Councilmember Mayfield said I want to thank Empower HerMec; I am sporting their shirt tonight. They had an amazing mini retreat this past Saturday at the Main Library uptown and our second budget retreat for District 3 will be coming up on May 14th and I will be getting out more information and mailers will be going out within the next week to two weeks. If you would like to RSVP you can contact Kim Oliver at koliver@charlottenc.gov.

Councilmember Phipps said I would like to thank the staff at Neighborhood and Business Services for putting on an excellent Neighborhood Board Retreat this past Saturday at the new Science Center on the Campus of Johnson C. Smith. I was joined with my colleagues there Ms. Kinsey and Al; they had an excellent Board Retreat there. Several communities showed up and a good time was had by all.

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ADJOURNMENT

Motion was made by Councilmember Mayfield, seconded by Councilmember Austin, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 10:08 p.m.



Stephanie C. Kelly, City Clerk MMC, NCCMC

Length of Meeting: 4 Hours, 24 Minutes
Minutes completed: April 8, 2016