

City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, May 16, 2016 at 5:18 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:** Councilmembers Al Austin and James Mitchell

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**ITEM NO. 1: AGENDA REVIEW**

**Assistant Planning Director Laura Harmon** said we have what looks like a pretty clean agenda tonight, and I will go over the withdrawals and deferrals with you. Item No. 3 is a decision and that is a request for withdrawal of this petition. You all simply will need to take a vote to decide the withdrawal of this petition. It is a project that was on the West side of Park Road and Woodlawn.

**Mayor Roberts** said do we need to vote on the withdrawals separate from deferrals?

Ms. Harmon said yes. We have six decisions that are requesting deferral to the Zoning Meeting on June 20, 2016. The first is agenda Item No. 4, decision on Petition No. 2015-037 by Dominick Ristanio; Item No. 5, decision on Petition No. 2016-015 by FCD Development, LLC; Item No. 6, decision on Petition No. 2016-024 by Greystar GP II, LLC; Item No. 7, decision on Petition No. 2016-049 by Loves Travel Stop & Country Store; and Item No. 20, hearing on Petition No. 2016-016 by Clarke Allen.

Ms. Harmon said Item Nos. 5 and 6 are protest petitions, but because we do not have full Council tonight, your policy is to ask the petitioners if they would like to defer their cases. Both of those petitioners said they would like to defer to June 20, 2016.

**Councilmember Smith** said I will not be here on June 20, 2016; just note that now, and I don't know if you want to incorporate that into when we put this on the agenda or wait and see.

Ms. Harmon said okay, we will see where we are. You won't have a full Council next Monday, then your Workshop, but right now we are looking at the June 20, 2016, so we will see what happens with those and see if there are additional deferrals requested. We also have two cases with minor changes after the Zoning Committee vote. Those are Item Nos. 11 and 17 and attached to your revised agenda are the materials that explain the changes on both of those cases. Staff feels that they are minor changes and we are not recommending that they go back to the Zoning Committee.

**Tony Lathrop, Zoning Committee** said we agree; we have already talked about that, and we are good.

Ms. Harmon said the follow-up report is in your agenda from last month.

**Councilmember Mayfield** said with regards to Item No. 11 what we are asking is if Council needs to send it back to the Zoning Committee because of the changes?

Ms. Harmon said that is correct.

Ms. Mayfield said so what is staff's opinion?

Ms. Harmon said staff's opinion is that Item No. 11 does not need to go back to the Zoning Committee and the same thing for Item No. 17.

Ms. Mayfield said so the changes were not significant for it to go back to the Zoning Committee?

Ms. Harmon said we do not think so.

Ms. Mayfield said I think the staff was not in support of Item No. 11

Ms. Harmon said we are not in support of 11.

Ms. Mayfield but is that because of the fact that we just recently approved the Steele Creek Area Plan because it is out of the plan or is it a concern with the design?

Ms. Harmon said it is largely the inconsistency with the plan and having this use at the entrance to a neighborhood. We think there will be better uses at the entrance to the neighborhood and again it is inconsistent with one of our more recently adopted plans.

Ms. Mayfield said but outside of the plan we have a challenge with this type of use and would that open the door and set a precedent if we were to allow something like this at the entrance of a housing unit?

Ms. Harmon said from our perspective we will continue with the policy that we have, and you all are free to look at each case on its individual merits, so unless Terri feels differently I don't think it would be a precedent one way or another.

Ms. Mayfield said that is something I would want to take into consideration of the changes; opening the door for other areas to look at doing the same thing.

**Councilmember Lyles** said I was wondering if we could go to Item No. 10; did we find out whether or not the City would be collecting garbage on that site and how about water and sewer services. How are we doing on those?

Ms. Harmon said I can't remember.

**John Kinley, Planning** said the City will not be picking up on that site; the number of units exceeds the number that the City would serve and there are private streets.

Ms. Lyles said when you go to Item No.11 let me make sure that I understand; when you approve Item No. 11 you drive through 11 to get to 10?

Ms. Harmon said yes, regardless of where that street is you are on one side of the storage building, if that is approved, or the other.

Ms. Lyles said I am looking at the page where the red stripes are; where is the street? Is it on the red strip or adjacent to on Item No. 11? We are not coming down a regular street, so we are going to come down between the storage unit and that other parcel there to go into the development that is in 10?

Ms. Harmon said you would go as if you are looking at the site plan.

Ms. Mayfield said that is what is interesting Ms. Lyles; it is on 10 that you see the side street, but you don't see the street that is on 11.

Ms. Lyles said I know, but it is that section between that parcel outline and the street. Who makes that street a street or is it already a street?

Ms. Harmon said I don't believe the street exists, but I'm go look to Keith to correct me. If you approve the townhomes in the rear and you don't approve the storage then you would enter on a street that is on the left hand side of the page.

**Keith MacVean, Moore & Van Allen** said if the townhomes are approved it has its own access via little panhandle on the left hand side

Ms. Lyles said Wright's Ferry?

Mr. MacVean said not parallel to Wright's Ferry, coming off there is one parcel between us so that would be the public street coming in off South Tryon Street.

Ms. Lyles said are you coming from the parcel? Are you going to build a street on that parcel?

Mr. MacVean said yes ma'am; that parcel has frontage on Tryon Street and the public street can be built on it. If the next petition is built for the storage then that petition will allow us to build the public street on the right-hand side of the storage and the panhandle becomes part of the buffer and tree save area for the storage facility. Either way; both petitions can work without each other and they can also work together.

Ms. Lyles said I think that is fair to say now but without that question we would have looked at the hash mark on the other one and I assumed it was one deed with the storage unit but what you are saying it is going to come next to if we don't rezone the storage unit.

Mr. MacVean said that little handle will be the public street.

Ms. Lyles said I just wanted to make sure; I was told the price point for the townhomes that would be for sale in this area under 10 would be approximately \$155,000 and up. They are private streets and there will be an HOA and the HOA would have to pay for garbage collection, street improvements and all the amenities within that site. When we talk about price points and HOA fees, it is just a little bit of a dilemma for me.

**Councilmember Phipps** said how much would the HOA fees have to be to handle those kinds of expenses?

**Senior Assistant City Attorney Terri Hagler-Gray** said you have to be careful about giving –

Ms. Lyles said I didn't ask a question, I just said 150,000 price points.

The Dinner Meeting was recessed at 5:29 to move to the Council Chambers for the regularly scheduled Zoning Meeting.

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## ZONING MEETING

The Council reconvened at 5:39 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center for their regularly scheduled Zoning Meeting with Mayor Jennifer Roberts presiding. Councilmembers present were John Autry, Ed Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, Greg Phipps, and Kenny Smith.

**ABSENT UNTIL NOTED:** Councilmember James Mitchell

**ABSENT:** Councilmember Al Austin

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## INVOCATION AND PLEDGE

Mayor Roberts gave the Invocation followed by the Pledge of Allegiance to the Flag.

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## EXPLANATION OF THE ZONING PROCESS

**Mayor Roberts** explained the Zoning Meeting rules and procedures.

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## INTRODUCTION OF THE ZONING COMMITTEE

**Tony Lathrop, Zoning Committee** introduced the members of the Zoning Committee and said Zoning Committee is going to meet Wednesday, May 25, 2016 at 4:30 p.m. here at the Government Center. At that meeting, we will meet to discuss and make recommendations on the petitions that have public hearings here tonight. The public is welcome at our May 25, 2016

meeting, but please note it is not a continuation of the public hearing that is being held here tonight. Before our May 25, 2016 meeting, you are welcome to contact any of the members of the Zoning Committee to provide your input. You can find our contact information and information on each of the petitions on the city's website at charlotteplanning.org.

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### **DEFERRALS**

Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield, and carried unanimously to defer the decisions for the following items to June 20, 2016: on Item No. 4, Petition No. 2015-037 by Dominick Ristanio, Item No. 5, Petition No. 2016-015 by FCD Development, LLC, the decision on Item No. 6, Petition No. 2016-024 by Greystar GP II, LLC, Item No. 7, Petition No. 2016-049 by Loves Travel Stop & Country Store, Item No. 8, Petition No. 2015-093 by 1351 Woodlawn and Item No. 9, Petition No. 2015-111 by North Wendover Partners, LLC.

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### **ITEM NO. 3: PETITION 2016-004 BY SELWYN PROPERTY GROUP INVESTMENTS, LLC**

Motion was made by Councilmember Kinsey, seconded by Councilmember Smith, and carried unanimously to withdraw Petition No. 2016-004 by Selwyn Property Group Investments, LLC.

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### **ITEM NO. 20: PETITION 2016-016 BY CLARKE ALLEN**

Motion was made by Councilmember Kinsey, seconded by Councilmember Autry, and carried unanimously to defer the hearing on Petition No. 2016-016 by Clarke Allen until June 20, 2016.

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### **DECISIONS**

### **ITEM NO. 10: ORDINANCE NO. 8028-Z, PETITION NO. 2016-025 BY BNA HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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)**

The Zoning Committee found this petition to be inconsistent with the Steele Creek Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential up to four dwelling units per acre for this site, as well as the properties to the north and south of 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 proposed development serves as a transition between the higher density residential development and lower density single family residential neighborhoods the BD (CD) portion of the property is a small portion of the site and will be used for circulation, buffers and storm water. The Zoning Committee voted 5-0 to recommend approval of this petition with the following modifications:

1. Deleted Note 4(a) that states the building materials used on the principal buildings constructed on site will be one or more of the following materials: brick, stone, precast stone,

- precast concrete, synthetic stone, cementitious fiber board, vinyl, aluminum, stucco, EIF, decorative block and/or wood.
2. Revised Note 4(f) to include wording “behind the front most building face, excluding porches...”
  3. Removed reference to building height for portion of site zoned BD (CD).
  4. Corrected acreage for Development Areas A and B to add up to 9.52 acres.
  5. Modified the fence detail on Sheet RZ-1 to specify vinyl as proposed material.
  6. Amended note on Sheet RZ-1 by removing under Site Data stating parking will comply with the minimum requirements of the zoning ordinance.
  7. The petitioner will include a sidewalk connection along the proposed private street from the intersection of the public streets to the first intersection of the private streets.
  8. The petitioner will amend General Provisions Note 1c (Graphics and Alterations) to reflect only the first paragraph.
  9. The petitioner modified the site plan to ensure that language on the site plan reflects that no buildings will be constructed on the BD (CD) (distributive business, conditional) portion of the site.

The petitioner made the following change after the Zoning Committee vote:

Added Note 4 (g): When vinyl siding is used as a building material, on the proposed buildings, the minimum thickness of the proposed vinyl will be .042 inches.

Motion was made by Councilmember Mayfield and seconded by Councilmember Kinsey, to approve Petition No. 2016-025 by BNA Homes, LLC, as modified.

**Councilmember Lyles** said I wanted to follow-up on the action and where the approval of the document is recommended is with notes, and we deleted Note 4.a which states the building materials will be used, and I was wondering what the note says in the Plan regarding building materials. Does it speak specifically to the building materials?

**Assistant Planning Director Laura Harmon** said previously there was a note that said one or more of the following building materials would be used and listed those building materials: brick, stone, precast stone, precast concrete, and so forth. They did eliminate that note, and I do not believe there is any note one way or another about building materials that will be used.

Ms. Lyles said I noticed under number 5 it modifies the fence detail to specify vinyl as proposed material. I wondered if the housing would specify vinyl as well, if that is a note that the petitioner meant to include.

Ms. Harmon said our understanding is that was not the intension. I believe the neighbors had requested the vinyl fencing, but they have not specified the materials for the housing.

Ms. Lyles said I was wondering if they intended to note vinyl for the housing and what type. I'm asking the petitioner if he intended to include that.

**Keith MacVean, Moore & Van Allen** said we did remove the note regarding the materials as the request of the staff. The list of materials did include vinyl because it did include so many materials or options that staff felt that it didn't make a particular commitment to one or the other, but the intent of the builder is that they would be constructed of vinyl and masonry.

Ms. Lyles said is that in a note somewhere or is it just an intent?

Mr. MacVean said the materials are not specified so there could be any range of materials all the way from masonry to hearty plank to vinyl, but the intent of the builder is to use masonry and vinyl.

Ms. Lyles said I know what the intent is; what does the note need to say or do we include a note that says what is your intent is. Intent and note are different.

Mr. MacVean said typically we only put notes on materials when there is a restriction on a type of material because there is no restriction on a material type in this development; there is no need for a note.

**Councilmember Mayfield** said for more clarification I'm going to ask staff this question; we are thinking about the fact that there is some conversation regarding the material, and I know that the intent is to use a certain type of material. Is it feasible to request a note saying no minimal material or a commitment in that note stating that the material would not be below this level, since there are multiple levels of vinyl? Ultimately, what we want and we know that the petitioner wants is a quality product but we also want to make sure that we have that language in place. Is there willingness on the petitioner's part to add a note that clearly states no minimal vinyl or to say what the vinyl level will be?

Mr. MacVean said the petitioner is willing to add a note committing to the highest grade of vinyl which is a .042 thickness, and we can add that note.

Ms. Lyles said with that note added, I certainly think we could actually have a really nice development and neighborhood at an affordable house point.

**Senior Assistant City Attorney Terri Hagler-Gray** said since you have made added a note after the Zoning Committee recommendation I think you probably need to hear from staff and Zoning Committee about whether they think that is significant enough for it to go back to the Zoning Committee. If not you need to take your vote about whether or not it goes back to the Zoning Committee.

Ms. Harmon said we don't think it is significant enough to need to go back to the Zoning Committee.

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

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

YEAS: Councilmember Autry, Driggs, Eiselt, Fallon, Kinsey, Lyles, Mayfield, and Smith.

NAYS: Councilmember Phipps.

Motion was made by Councilmember Mayfield, seconded by Councilmember Kinsey, and carried unanimously that this petition is inconsistent with the Steele Creek Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential up to four dwelling units per acre for this site, as well as the properties to the north and south of 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 proposed development serves as a transition between the higher density residential development and lower density single family residential neighborhoods the BD (CD) portion of the property is a small portion of the site and will be used for circulation, buffers and storm water.

The ordinance is recorded in full in Ordinance Book 60, at Pages 47-48.

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**ITEM NO. 11: PETITION NO. 2016-028 BY STOR-ALL PROPERTIES, INC. SEEKING REZONING FOR APPROXIMATELY 4.09 ACRES LOCATED ON THE NORTH SIDE OF SOUTH TRYON STREET BETWEEN WRIGHT'S FERRY ROAD AND GRANDIFLORA DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO BD(CD) (DISTRIBUTIVE BUSINESS, CONDITIONAL) 5-YEAR VESTED RIGHTS.**

The Zoning Committee found this petition to be inconsistent with the Steele Creek Area Plan, based on information from the staff analysis and the public hearing, and because the Plan recommends residential up to four dwelling units per acre. 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 climate controlled storage facility is designed to support residential uses in the general area. The climate controlled storage facility is accessible indoors. The site is located on a major road with commercial activities. The petitioner has committed to architectural treatments that further enhance the structure. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

1. Relocated possible water quality/detention areas to avoid encroachment into existing water quality buffers on the site.
2. Provided building elevations and architectural standards per the policies contained in the adopted area plan, and an architectural standards note identifying building materials (brick, precast architectural panels, metal panels and banding, clear glass); use of awnings as part of building exterior design; change in materials and panel orientation to break up building walls; pedestrian accessibility; and use of ornamental tree plantings to further screen building. Revised site plan further addresses adopted plan policies by enhancing safe pedestrian connectivity.
3. Provided note stating area for water quality and detention BMPs will be aesthetically appealing through the use of grass, landscaping, water features, rain gardens or other like forms.
4. Identifies sidewalk and planting strip along South Tryon Street, and new right-of-way to be dedicated 67 feet from existing center line of Hwy 49.
5. Petitioner has agreed to the request that corner elements and central architectural elements will extend beyond the wall plane of the east and south elevations.
6. Petitioner has agreed to design building so architectural panels will be recessed from the wall plane and vertical elements on the east and south elevations to vary the horizontal and vertical plane of the building.
7. Per the request of the petitioner, and as agreed by the Committee, the columns will be extended out.

The petitioner made changes to the petition after the Zoning Committee vote. The petitioner provided new building elevations and perspectives with the following changes.

- Included the awnings over the entrances that were not clearly visible in the earlier drawings.
- Accentuated the offset in the building façade as was discussed at the Zoning Committee meeting to break up the mass of the walls.
- Eliminated the ‘mansard’ type roof element in favor of a more formal cornice line that is used in other buildings in the commercial areas nearby.

Motion was made by Councilmember Mayfield and seconded by Councilmember Smith not to send the petition back to the Zoning Committee.

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

YEAS: Councilmembers Autry, Driggs, Eiselt, Fallon, Kinsey, Lyles, Mayfield, and Smith.

NAYS: Councilmember Phipps.

Motion was made by Councilmember Mayfield and seconded by Councilmember Smith, to approve Petition No. 2016-028 by Stor-All Properties, Inc., as modified.

**Councilmember Mitchell arrived at 5:56 p.m.**

Ms. Mayfield said we actually have a couple of conversations happening in the immediate area and the product that we just approved, as Council, is adjacent to this development. This is a storage unit that will be right off the street and basically would create the entrance way going into the multifamily townhome development that we just approved. I have reached out to our neighborhood association as well as the community, and they do not have concerns with this particular project. I have some concerns and some of my colleagues have talked the potential impact of having this facility in front, but based on the comments from my neighbors, as well as the comments from the Steele Creek Residents Association, is why I moved forward to move towards approval, but I also respect my colleagues decision on this particular rezoning, because ultimately, we have to try to make the best decision we can moving forward.

**Councilmember Kinsey** said I believe that staff is not supporting this, and I do have concerns about a structure like this, and we do have pictures of it, at the entrance of a really nice neighborhood, so I'm not going to be able to support it. I don't like to go against my colleague, but I really am concerned about this at the entrance of a nice neighborhood.

**Councilmember Lyles** said I'm going to concur with Ms. Kinsey, and although the District Representative has stated the reasons why; when I look at this and what we are trying to encourage in terms of the residential use, and if I were going to invest in a home that we just approved and pay \$150,000 plus for this house, I would not want to have a storage unit with the detail that we've been provided at my entrance.

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

YEAS: Councilmembers Autry, Mayfield, and Smith

NAYS: Councilmembers Driggs, Eiselt, Fallon, Kinsey, Lyles, Mitchell, and Phipps.

Motion was made by Councilmember Mayfield, seconded by Councilmember Kinsey that this petition is inconsistent with the Steele Creek Area Plan based on information from the staff analysis and the public hearing, and because the plan recommends residential up to four dwelling units per acre; therefore, this petition is not reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because the proposed climate controlled storage facility is inconsistent with the recommended residential land use for the site and the proposed use will be located on a site at an entrance to a future residential neighborhood, and also surrounded by residential development and the climate controlled storage is out of character with the surrounding residential development which primarily consists of single family detached homes, apartments, and an assisted living facility.

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**ITEM NO. 12: ORDINANCE NO. 8029-Z, PETITION NO. 2016-029 BY WHITE POINT PACES PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 11.85 ACRES LOCATED ON THE EAST AND WEST SIDE OF NORTH BREVARD STREET AND GENERALLY SURROUNDED BY PARKWOOD AVENUE, BELMONT AVENUE, EAST 16TH STREET, AND NORTH BREVARD STREET FROM R-8 (SINGLE FAMILY RESIDENTIAL) R-22MF (MULTIFAMILY RESIDENTIAL), AND I-2 (GENERAL INDUSTRIAL) TO TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT, MIXED USE OPTIONAL) 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 petition is consistent with the Blue Line Extension Transit Station Area Plan's recommendation for office, retail, industrial/warehouse/distribution uses for the area between North Brevard Street and the rail line; and The petition is also consistent with the plan recommendation for transit supportive development for the portion of the site between Parkwood Avenue and North Brevard Street. 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

this project proposes to repurpose an existing factory known as Highland Park Mill Building No. 1 and constructed around 1900; and the petition intends to save the original mill structure and remove recent additions that detract from the historic character as a condition of the rezoning; and the site of the mill building is located between ¼ and ½ mile from the Parkwood Transit Station and the historic mill building could be reused for any use allowed in the TOD-M (transit oriented development – mixed-use) district. The proposed reuse would meet both historic preservation and transit station area development goals and the site is adjacent to existing single family residential uses along North Brevard Street and Belmont Avenue, which are expected to transition to transit supportive development over time. Development abutting the residential sites will be required to meet all TOD-M (transit oriented development – mixed use) ordinance requirements that protect established residential areas from negative impacts of more intense development. The zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

#### Transportation

1. Added Note 4(G) as follows: “Prior to the issuance of the first certificate of occupancy for any structure located on the Site, Petitioner shall pay the sum sixty-five thousand dollars (\$65,000.00) to the City to be used by the City to install a temporary traffic signal at the intersection of Parkwood Avenue and Belmont Avenue. This payment shall be Petitioner’s only obligation with respect to any transportation improvements other than the streetscape improvements described below.”
2. Revised the site plan to depict and provide a 20-foot wide Permanent Sidewalk Utility Easement (SUE) for a proposed northeast/southwest multi-use path connecting North Brevard Street to 16th Street. The multi-use path will be constructed with a 12-foot wide asphalt surface and will include landscaping.
3. Amended Note 5(F) as follows: “Petitioner acknowledges that the City may, at its sole cost and expense, realign East 16th Street in the future through a portion of Development Area C as generally depicted on the Rezoning Plan. The exact alignment and location of realigned East 16th Street within Development Area C shall be determined by CDOT. Petitioner shall reserve the required right of way within Development Area C for the realignment of East 16<sup>th</sup> Street, and Petitioner shall dedicate and convey the same to the City upon the request of the City. Notwithstanding the foregoing, in no event shall Petitioner be required to dedicate and convey the right of way within Development Area C for the realignment of East 16th Street prior to the issuance of a building permit for Development Area A. Until such time that the right of way for realigned East 16th Street is dedicated and conveyed to the City, Petitioner may utilize that portion of Development Area C to be dedicated and conveyed to the City for surface parking.”
4. Revised the site plan to dedicate 38.5 feet of right-of-way in fee simple from the existing centerline of North Brevard Street, Belmont Avenue and East 16th Street, and relocated existing curb lines as determined in the construction permitting process to implement these transportation improvements before the site’s first certificate of occupancy is issued (see CLDS U-05C, revision 13).
5. Added Note 5(H) as follows: “Upon the request of the City but in no event prior to the issuance of the first building permit for Development Area A, Petitioner shall dedicate and convey to the City (subject to a reservation for any necessary utility easements) those portions of the Site located immediately adjacent to Parkwood Avenue for right of way and easements required for the City’s Parkwood NECI project, which right of way and easements are more particularly depicted on the City’s concept plan. Petitioner acknowledges that the exact locations of the right of way and easements shall be determined by the City at a later date. Petitioner and the City will work cooperatively to effect the development of the Site and the City’s Parkwood NECI project, and the City confirms that the dedication of the right of way and easements for the City’s Parkwood NECI project will not adversely impact or prohibit the preservation and re-use of the Mill Building and/or the development contemplated on the Site under this Rezoning Plan.”
6. Located proposed site access point#5 ten feet from the northern property line of Lot K within Development Area A.

#### Site and Building Design

7. Removed deck shown encroaching into Rail Road right-of-way per NCR’s recent input prohibiting encroachment.
8. Staff has rescinded the request to add the following Note in Section 4 as the parking lots are deemed temporary: “if and only if the Rail Road revokes it’s parking agreement that

Development Area B could be used for temporary parking per the TOD-M zoning ordinance.”

9. Identified existing structures to remain.
10. Staff has rescinded the request to Amend Optional Provisions to specify the time frame for removal of temporary parking lots located on Development Area C as the parking lot is not considered temporary.
11. Amended Notes D and E under Optional Provisions to specify that more than 35% of the total lot width that may be covered by surface parking lots.
12. Added Note 7(H) under Streetscape/Landscape/Open Space to apply to the right-of-way area to be abandoned on Parkwood Avenue and 16th Street as follows: “In the event that East 16<sup>th</sup> Street is realigned through Development Area C and the right-of-way for the former location of East 16th Street that is located between Development Area A and the realigned portion of East 16th Street is abandoned and incorporated into Development Area A (the abandoned East 16th Street right-of-way), the entry plaza/motor court located on the east side of the Mill Building shall be extended by petitioner into the abandoned East 16th Street right-of-way.”
13. Added Note 2(P) under Optional Provisions as follows: “The existing building located on Development Area B1 shall not be required to meet the minimum setback requirements of Section 9.1208(1)(a) of the ordinance, provided, however, that the existing building must be setback a minimum of 20 feet from the back of the future curb along North Brevard Street.”
14. Amended Note 2(Q) under Optional Provisions to specify that the existing building located on Development Area B2 shall not be required to meet the minimum setback requirements of Section 9.1208(1)(a) of the ordinance, provided, however, that the existing building must be setback a minimum of seven feet from the back of the existing curb along Belmont Avenue.
15. Amended Note 2(T) under Optional Provisions to retain the request for a waiver from the 10-foot buffer along the western boundary line of Development Area B2 and added the following: “However, a 10-foot buffer along the western boundary line of Development Area B2 shall be provided when Development Area B2 is redeveloped if a buffer is required under the ordinance at the time of redevelopment.”
16. Amended Note 2(F) under Optional Provisions to estimate that the required number of parking spaces on Development Area A, in the absence of this optional provision, would be 300 parking spaces.
17. Amended Note 6(A)(5) to add the following “Transition between the building and the sidewalk may be grade change, landscaping, a porch or stoop. The type of transition will be determined by the petitioner during the permitting and urban review phase.”
18. Amended Note 2M under Optional Provisions to only request an exemption of additions to the Mill building and any new buildings constructed on Development Area A from Sections 9.1209(1)(g), (i) and (j) of the ordinance pertaining to roof line variation, and the provision of entrances that face the street for ground floor units located across from single family zoning or abutting single family zoning on the same side of the street, instead of all of the design standards.

#### Requested Technical Revisions

19. Added Note 11A to anticipate future developer agreements as follows: “Petitioner and the City may, at their option, enter into Development Agreements subsequent to the approval of this rezoning petition, with respect to streetscape improvements.
20. Amended Section 7, (Note 7(D)(1)-(3) under Streetscape Landscaping/Open Space, to address streetscape requirements for Brevard Street, Belmont Avenue and East 16th Street as follows:
  - a. East 16th Street
    - i. Petitioner shall install an eight-foot wide planting strip from the back of the existing curb and an eight-foot wide sidewalk along Development Area A’s frontage on East 16th Street.
    - ii. Petitioner shall install an eight-foot wide planting strip from the back of the existing curb and an eight-foot wide sidewalk along Development Area C’s frontage on East 16th Street. As provided above under Optional Provisions, the existing power poles located along Development Area C’s frontage on East 16th Street may remain in place.
  - b. Parkwood Avenue
    - i. In lieu of installing the required streetscape improvements along the Site’s frontage on Parkwood Avenue (which frontage includes Development Area B2, Development Area A and Development Area C), Petitioner shall pay to the City an amount equal to the cost to install such streetscape improvements

(the “Parkwood Streetscape Funds”). The City shall construct all required streetscape improvements along the Site’s frontage on Parkwood Avenue in connection with the City’s Parkwood NECI project, and the Parkwood Streetscape Funds shall be applied to the City’s cost to construct the Parkwood NECI project. Petitioner shall pay the Parkwood Streetscape Funds to the City upon the issuance of the first building permit for Development Area A. The payment of the Parkwood Streetscape Funds to the City shall satisfy Petitioner’s obligations with respect to any and all streetscape improvements along the Site’s frontage on Parkwood Avenue, and the issuance of building permits and certificates of occupancy shall not be withheld by the City in the event that the City has not completed such streetscape improvements prior to the issuance of any building permits or certificates of occupancy for the Site.

c. North Brevard Street

a. Excluding any portion of North Brevard Street that is abandoned by the City as described above, Petitioner shall complete the following along Development Area A’s and Development Area B1’s frontage on North Brevard Street prior to the issuance of the first certificate of occupancy for Development Area A:

- (i) Dedicate and convey to the City (subject to a reservation for any necessary utility easements) those portions of Development Area A and Development Area B1 located immediately adjacent to North Brevard Street that are necessary to provide one-half of the right of way required for the local office/commercial wide street section as measured from the existing centerline of North Brevard Street and based upon a symmetrical widening.
- (ii) Install new curb and gutter in the location required for the local office/commercial wide street section.
- (iii) Install an eight-foot wide planting strip and a 12-foot wide multi-use path. The 12 foot wide multi-use path shall be in lieu of a sidewalk.

d. Belmont Avenue

i. Petitioner shall install a sidewalk against the back of the existing curb along Development Area B2’s frontage on Belmont Avenue. The width of this sidewalk shall be eight feet where feasible. However, the width may be less than eight feet in certain areas. Petitioner shall not be required to install a planting strip. This shall be a temporary condition and upon the Redevelopment of Development Area B2. Petitioner shall complete the following along Development Area B2’s frontage on Belmont Avenue prior to the issuance of the first certificate of occupancy for a new structure on Development Area B2:

- (i) Dedicate and convey to the City (subject to a reservation for any necessary utility easements) those portions of Development Area B2 located immediately adjacent to Belmont Avenue that are necessary to provide one-half of the right of way required for the local office/commercial wide street section as measured from the existing centerline of Belmont Avenue and based upon a symmetrical widening.
- (ii) Install new curb and gutter in the location required for the local office/commercial wide street section.

21. Petitioner has obtained an off-site parking agreement with Norfolk Southern for the I-2 property.
22. Labeled the site to reflect Development Areas A, B1, B2 and C.
23. Amended Notes 2G under Optional Provisions and 4B under Development Limitations to specify the maximum height of the existing smokestack on the Mill Building as 165 feet.
24. Amended Note 1G under General Provisions to define “redevelopment.”
25. Staff rescinded the request to provide a time frame for redevelopment of Development Areas A, B and C as the petitioner indicates there is not a time frame at this point in the process.
26. Petitioner is working to coordinate curb line and path construction into Charlotte Storm Water Project. However, if coordination cannot be accomplished, petitioner will be required to construct element, as specified under streetscape improvements for North Brevard Street and shown on the site plan, with development construction. This resolves C-DOT’s outstanding issue.
27. Amended Note 2B under Optional Provisions to specify “until such time that Development Area B2 is redeveloped.”

28. Amended Note 2G under Optional Provisions as follows: “The maximum height of the Mill building located on Development Area A, and any additions thereto, shall be 50 feet as measured from the average grade at the base of the Mill building, excluding the existing smokestack on Development Area A.”
29. Amended Note 2N under Optional Provisions to state that the existing buildings located on Development Areas B1 and B2 shall not be required to meet the urban design standards set out in Sections 9.1209(1), (2), (3) and (4) of the ordinance.
30. Added Note 2R as under Optional Provisions follows: “Upon the redevelopment of Area B1 the minimum setback on Development Area B1 from North Brevard Street shall not be required to meet the 30-foot setback per the standards of Section 9.1208(1)(a)(1) of the Ordinance required because of the adjacent R-8 zoning next to portions of the site, and the minimum setback from North Brevard Street shall be 20 feet from the back of the future curb along North Brevard Street.”
31. Added Note 2S under Optional Provisions as follows: “Upon the Redevelopment of Development Area B2, the minimum setback on Development Area B2 from Belmont Avenue shall not be required to meet the 30-foot setback per the standards of Section 9.1208(1)(a)(1) of the Ordinance required because of the adjacent R-8 zoning next to portions of the site, and the minimum setback from Belmont Avenue shall be 16 feet from the back of the future curb along Belmont Avenue.”
32. Added Note 2V under Optional Provisions as follows: “The existing power poles located along Development Area C’s frontage on East 16th Street may remain in place but may not be located in a public sidewalk.”
33. Added Note 2W under Optional Provisions as follows: “In addition to all signs permitted under the Ordinance, the following signage shall be permitted on the Site:
  - a. Walls signs may be installed on each wall of a building located on the Site, and the maximum sign surface area of all wall signs on one single wall of a building shall be 120 square feet.
  - b. Ground mounted or monument signs with a maximum sign surface area of 32 square feet per side.
  - c. A development sign over a covered awning may be installed on the eastern side of the Mill Building facing East 16th Street. The maximum sign surface area of this sign shall be 24 square feet.
  - d. A development sign may be installed on two sides of the existing smokestack located on Development Area A. These signs shall be comprised of painted or raised vertical letters and the maximum sign surface area of each such sign shall be 160 square feet. A light box may be installed at the top of the smokestack at the option of Petitioner.
  - e. The foregoing signs and any other signs allowed under the ordinance may be internally or externally illuminated.”
39. Amended Note 3(B) under Permitted Uses to delete reference to temporary surface parking lots. Provided the following language: “The surface parking of vehicles shall be permitted on the site. The surface parking lots located on Development Areas B1 and B2 are considered to be accessory uses to the Mill Building as well as to the existing buildings located on Development Areas B1 and B2. The surface parking lot located on Development Area C is less than one acre in size.”
40. Amended Note 4(A) under Development Limitations to add the following: “Any additions to the Mill Building must be located within the building and parking envelope set out on Sheet RZ-1.0 of the rezoning plan.”
41. Amended Note 4(C) under Development Limitations as follows: “In addition to any expansion or addition to the Mill Building, a new freestanding building may be constructed on Development Area A in the location generally depicted on the rezoning plan.”
42. Amended Note 4(D) under Development Limitations as follows: “The existing building located on Development Area B1 may remain in place and be devoted to uses permitted under this rezoning plan.”
43. Added Note 4(E) under Development Limitations as follows: “The existing building located on Development Area B2 may remain in place and be devoted to uses permitted under this rezoning plan.”
44. Amended Note 4(F) under Development Limitations as follows: “Subject to Sections F, R and U under Optional Provisions, in the event that Development Area B1 is Redeveloped, the Redevelopment of Development Area B1 shall be in accordance with the requirements of the TOD-M zoning district. The number of buildings allowed on Development Area B1 shall be

- governed by the Ordinance, provided that all buildings are located within the Building and Parking Envelope set out on Sheet RZ-1.0 of the Rezoning Plan.”
45. Added Note 4(G) under Development Limitations as follows: “Subject to Sections F, S and U under Optional Provisions, in the event that Development Area B2 is Redeveloped, the Redevelopment of Development Area B2 shall be in accordance with the requirements of the TOD-M zoning district. The number of buildings allowed on Development Area B2 shall be governed by the Ordinance, provided that all buildings are located within the Building and Parking Envelope set out on Sheet RZ-1.0 of the Rezoning Plan.”
  46. Added Note 4(H) under Development Limitations as follows: “Subject to Sections F and U under Optional Provisions, in the event that Development Area C is Redeveloped, the Redevelopment of Development Area C shall be in accordance with the requirements of the TOD-M zoning district. The number of buildings allowed on Development Area C shall be governed by the Ordinance, provided that all buildings are located within the Building and Parking Envelope set out on Sheet RZ-1.0 of the Rezoning Plan.”
  47. Amended Note 5(D) under Transportation as follows: “Petitioner shall submit a petition to the City of Charlotte the “City” requesting the abandonment of that portion of North Brevard Street that is generally depicted on the rezoning plan.”
  48. Amended Note 6(A)(5) under Architectural and Design Standards to add the following: ”The transition between the building and the sidewalk may include without limitation, grade change, landscaping, outdoor dining or seating, a plaza, a porch and/or a stoop. The type of transition shall be determined by petitioner during the permitting and urban review phase.”
  49. Amended Note 7(C) under Streetscape/Landscaping/Open Space as follows: “The transition between the building and the sidewalk may include, without limitation, grade change, landscaping, outdoor dining or seating, a plaza, a porch and/or a stoop. The type of transition shall be determined by Petitioner during the permitting and urban review phase.”
  50. Added Note 9(A) under Signage as follows: “Subject to the optional provisions set out above, all signs installed on the site shall comply with the requirements of the ordinance.”

Motion was made by Councilmember Kinsey, seconded by Councilmember Autry, and carried unanimously to approve Petition No. 2016-029 by White Point Paces Properties LLC, as modified.

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 petition is consistent with the Blue Line Extension Transit Station Area Plan’s recommendation for office, retail, industrial/warehouse/distribution uses for the area between North Brevard Street and the rail line; and the petition is also consistent with the plan recommendation for transit supportive development for the portion of the site between Parkwood Avenue and North Brevard Street. 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 this project proposes to repurpose an existing factory known as Highland Park Mill Building No. 1 and constructed around 1900; and the petition intends to save the original mill structure and remove recent additions that detract from the historic character as a condition of the rezoning; and the site of the mill building is located between ¼ and ½ mile from the Parkwood Transit Station and the historic mill building could be reused for any use allowed in the TOD-M (transit oriented development – mixed-use) district. The proposed reuse would meet both historic preservation and transit station area development goals and the site is adjacent to existing single family residential uses along North Brevard Street and Belmont Avenue, which are expected to transition to transit supportive development over time. Development abutting the residential sites will be required to meet all TOD-M (transit oriented development – mixed use) ordinance requirements that protect established residential areas from negative impacts of more intense development.

The ordinance is recorded in full in Ordinance Book 60, at Pages 49-50.

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**ITEM NO. 13: ORDINANCE NO. 8030-Z, PETITION NO. 2016-039 BY MPV PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.48 ACRES LOCATED ON THE EAST SIDE OF SOUTH TRYON STREET BETWEEN WRIGHT'S FERRY ROAD AND GRANDIFLORA DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO O-1(CD) (OFFICE CONDITIONAL) 5-YEAR VESTED RIGHTS.**

The Zoning Committee found this petition to be inconsistent with the Steele Creek Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential at up to four dwelling units per acre. 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 property is located on South Tryon Street, between a religious institution and Carolinas Medical Center and while the proposed office and child care facility is not consistent with the residential land use recommended by the plan, smaller office and institutional uses are compatible with the abutting hospital and religious institution and in addition, the subject parcel is cut off from larger tracts of land proposed for single family residential development by land owned by the church, thus limiting the potential for single family residential development on this site. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

1. Amended note in the Development Summary that the proposed zoning is O-1(CD) with five-year vested rights.
2. Removed reference to "no wall pak" from the Lighting Note on Rezoning Sheet 1.0.
3. Modified Architectural Standards Note 4.e. to specify architectural treatments to ensure blank wall provisions do not exceed 20 feet horizontally or 10 feet vertically, transparent windows are used on elevations visible from the public right-of-way for a minimum 50% of the façade and the pedestrian entrances feature prominent architectural elements, including, but not limited to canopies.
4. Modified Environmental Features Note 6.a to state that the site will comply with the City of Charlotte Tree Ordinance. Tree save area shall be provided on the site, primarily on the northern boundary where trees and vegetation exist. The exact location will be determined during the construction document review and permitting phase.
5. Modified Environmental Features Note 6.b to state that the site will comply with the Post Construction Controls Ordinance for storm water. Above ground Water Quality and Detention BMP's will be aesthetically appealing through the use of grass, landscaping, water features, rain gardens, or other like forms. The BMP's may be provided above ground or underground. If above ground, the BMP will be located in the northeast portion of the site.

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2016-039 by MPV Properties LLC, as modified.

Motion was made by Councilmember Mayfield, seconded by Councilmember Kinsey, and carried unanimously that this petition is inconsistent with the Steele Creek Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential at up to four dwelling units per acre. 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 property is located on South Tryon Street, between a religious institution and Carolinas Medical Center and while the proposed office and child care facility is not consistent with the residential land use recommended by the plan, smaller office and institutional uses are compatible with the abutting hospital and religious institution and in addition, the subject parcel is cut off from larger tracts of land proposed for single family residential development by land owned by the church, thus limiting the potential for single family residential development on this site.

The ordinance is recorded in full in Ordinance Book 60, at Pages 51-52.

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**ITEM NO. 14: ORDINANCE NO. 8031-Z, PETITION NO. 2016-040 BY PROVIDENCE ROAD FARMS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 47.55 ACRES LOCATED ON THE EAST SIDE OF PROVIDENCE ROAD BETWEEN PROVIDENCE COUNTRY CLUB DRIVE AND ALLISION WOODS DRIVE AND ACROSS FROM ARDREY KELL ROAD FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED USE DEVELOPMENT, OPTIONAL SITE PLAN AMENDMENT).**

The Zoning Committee found this petition to be consistent with the Providence Road/I-485 Area Plan as amended by previous rezoning, based on information from the staff analysis and the public hearing, and because the site is recommended for residential, office, and 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 in the Providence Road/I-485 Mixed Use Activity Center, which is a priority area to accommodate future growth and the proposed site plan amendment provides for additional flexibility for the location of drive-through uses on the site, as well as a minor change to the signs allowed on Providence Road as proposed in the original approved plan and the rezoning for the Waverly development was initially approved in 2014 to allow a mixed use development permitting up to 560,000 square feet of office and commercial land uses, 150-room hotel and 561 dwelling units and the requested changes will not impact the overall goals and design for the development. The Zoning Committee voted 5-0 to recommend approval of this petition.

Motion was made by Councilmember Driggs, seconded by Councilmember Fallon, and carried unanimously to approve Petition No. 2016-040 by Providence Road Farms, LLC.

Motion was made by Councilmember Driggs, seconded by Councilmember Kinsey, and carried unanimously that this petition is consistent with the Providence Road/I-485 Area Plan as amended by previous rezoning, based on information from the staff analysis and the public hearing, and because the site is recommended for residential, office, and 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 in the Providence Road/I-485 Mixed Use Activity Center, which is a priority area to accommodate future growth and the proposed site plan amendment provides for additional flexibility for the location of drive-through uses on the site, as well as a minor change to the signs allowed on Providence Road as proposed in the original approved plan and the rezoning for the Waverly development was initially approved in 2014 to allow a mixed use development permitting up to 560,000 square feet of office and commercial land uses, 150-room hotel and 561 dwelling units and the requested changes will not impact the overall goals and design for the development.

The ordinance is recorded in full in Ordinance Book 60, at Pages 53-54.

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**ITEM NO. 15: ORDINANCE NO. 8032-Z, PETITION NO. 2016-044 BY W. HOLD PARHAM AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.9 ACRES LOCATED ON THE NORTHEAST CORNER AT THE INTERSECTION OF SOUTH TRYON STREET AND WEST KINGSTON AVENUE FROM B-1 (NEIGHBORHOOD BUSINESS) TO TOD-MO (TRANSIT ORIENTED DEVELOPMENT – MIXED USE OPTIONAL).**

The Zoning Committee found this petition to be consistent with the South End Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends mixed-use transit supportive development for the area in which the site is located. 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 subject site is within a 1/4 mile walk of the East/West Boulevard Transit Station on the LYNX Blue Line and the

proposed development will provide a mix of transit supportive non-residential uses, including hotel and commercial uses, which are appropriate for a transit station area and the petition provides a corner open space that encourages pedestrian activity and complements the pedestrian environment and the proposed site plan includes active ground floor uses along South Tryon Street and Kingston Street. These uses will support a walkable environment and the 75-foot building height optional request is only 15 feet greater in height than what is allowed by the ordinance standards. The additional height will not have a negative impact on the Wilmore neighborhood, which is separated from this site by commercial development. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

1. The optional request for deviation from the active street requirement has been removed.
2. The required streetscape on South Tryon Street has been labeled and shown on the plan.
3. An eight-foot planting strip and eight-foot amenity zone has been shown on the plan.
4. 30 feet from the centerline of South Tryon Street has been shown on the plan as requested by Charlotte Department of Transportation.
5. New curb and gutter along South Tryon Street has been shown on the plan.
6. The petitioner has committed to dedicate 30 feet of right-of-way to the back of the proposed sidewalk.

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2016-044 by W. Holt Parham, as modified.

Motion was made by Councilmember Mayfield, seconded by Councilmember Eiselt, and carried unanimously that this petition is consistent with the South End Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends mixed-use transit supportive development for the area in which the site is located. 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 subject site is within a 1/4 mile walk of the East/West Boulevard Transit Station on the LYNX Blue Line and the proposed development will provide a mix of transit supportive non-residential uses, including hotel and commercial uses, which are appropriate for a transit station area and the petition provides a corner open space that encourages pedestrian activity and complements the pedestrian environment and the proposed site plan includes active ground floor uses along South Tryon Street and Kingston Street. These uses will support a walkable environment and the 75-foot building height optional request is only 15 feet greater in height than what is allowed by the ordinance standards. The additional height will not have a negative impact on the Wilmore neighborhood, which is separated from this site by commercial development.

The ordinance is recorded in full in Ordinance Book 60, at Pages 55-56.

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**ITEM NO. 16: ORDINANCE NO. 8033-Z, PETITION NO. 2016-045 BY PAMLICO INVESTMENTS, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.37 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF EAST 10TH STREET AND SEIGLE AVENUE FROM B-1 AND R-22MF (NEIGHBORHOOD BUSINESS) AND (MULTIFAMILY RESIDENTIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).**

The Zoning Committee found the majority of this petition to be inconsistent with the Belmont Area Revitalization Plan, and the lot currently zoned B-1 consistent with the Belmont Area Revitalization Plan, based on information from the staff analysis and the public hearing, and because the plan recommends multi-family residential uses up to 22 units per acre, and greenway/open space uses for the majority of the petition and the plan recommends retail uses at the corner of 10th Street and Seigle Avenue. 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 petitioner has been sensitive to the desires of the neighborhood by providing retail space and uses provided will fulfill the needs of the neighborhood and the proposed use

will provide a good buffer for the neighbors in the multi-family development across the street from traffic noise, billboards and the cell tower and the development will provide space for public art. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

#### Land Use

1. Limited maximum building height to three stories and 45 feet along Seigle Avenue, excluding rooftop activities, and four stories and 60 feet along Stevens Street.
2. Eliminated the optional provision to allow signs to be installed above the third floor and up to 50 feet above ground.
3. Labeled the elevations and clearly depicted what will be constructed, including the portion of the building that will be along Stevens Street and Independence Boulevard.
4. Provided adequate area to accommodate the full width of the Cross Charlotte Trail that will run parallel to Independence Boulevard. In addition, provided building and pedestrian activity along the trail.
5. Reduced maximum square footage from 150,000 square feet to 117,000 square feet. Also limited the square footage devoted to non-self-storage uses to no less than 8,000 square feet of gross floor area and no more than 10,000 square feet of gross floor area, excluding rooftop activities.
6. Added Optional Request as follows: "For purposes of the development limitations set forth in these development standards, the following items will not be counted as part of the allowed gross floor area (as defined by the ordinance) for the site: surface parking, all loading dock areas (open or enclosed), and outdoor dining areas whether on the roof of the buildings) or at street level."
7. Added Optional Request as follows: "Outdoor seating does not count towards parking calculations or maximum square footage of allowed uses."
8. Amended Note 3(a) under Optional Provisions as follows: "Because Stevens Street will not be improved as a vehicular road but rather a pedestrian connection from the Cross Charlotte Trail to 10th Street, the percentage of the ground floor façade along Stevens Street being used for professional business and general offices, retail sales, eating/drinking/and entertainment establishments may be reduced to 0%."
9. Deleted Note 6(b): "Except as otherwise provided in these development standards, the building will be constructed and operated in accordance with the restriction described in the ordinance."

#### Design

10. Added Note 6(e) under Architectural Standards as follows: "The buildings will include vertical breaks, belt courses, string courses, molding, ornamentation and/or change in material and pedestrian scale storefront bays every 30 feet to prevent monolithic buildings and maintain a rhythm consistent with surrounding buildings."
11. Added Note 6(f) under Architectural Standards as follows: "The buildings must have a minimum of 70% transparency along the primary frontage where the retail/office establishments are located."
12. Added Note 6(g) under Architectural Standards as follows: "Maximum window sill height is three feet in front of the retail/office establishments."
13. Added Note 6(h) under Architectural Standards as follows: "Retail establishments shall maintain at least one street-facing entrance to a public or private street with doors unlocked during regular business hours."
14. Added Note 6(i) under Architectural Standards as follows: "Height of the retail/office establishments shall be greater than upper floors."
15. Added Note 7(c) under Streetscape and Landscaping as follows: "Parking area behind the building will be screened from the Cross Charlotte Trail by landscaping and a decorative security fence."
16. Added Note 7(d) under Streetscape and Landscaping as follows: "Reverse angle parking shall be located along Seigle Avenue as shown on site plan."
17. Deleted Note under Streetscape and Landscaping as follows: "Streetscape improvements will be generally as depicted on the site plan and will comply with all MUDD standards."
18. Deleted all notes under Parks, Greenway and Open Space.
19. Deleted all notes under Signage.
20. Deleted note under Phasing stating that the project will be developed in a single phase.
21. Provided an eight-foot sidewalk along Stevens Street.

22. Provided a decorative security fence and landscape screening to screen parking from Stevens Street.
23. Modified the optional provision regarding ground floor uses along Stevens Street to indicate that panels for art work will be provided along the building edge that abuts Stevens Street.
24. Added note committing to provide no less than 40 linear feet of the ground floor area of the building frontage on Stevens Street with allowed nonresidential uses as called for by the MUDD regulations.
25. Identified the uses allowed on the roof top to allow all uses in the permitted use list except warehousing, and limited the area of the roof that may be used to 15,000 square feet.
26. Identified the streetscape improvement that will be made at the intersection of Seigle Avenue and East 10th Street as a monument sign that will reinforce the intersection of East 10th Street and Seigle Avenue as a gateway into the Belmont community.
27. Added a note indicating that large maturing trees will be installed in the Stevens Street right-of-way every 40 feet.
28. Added a note that a paved amenity area with plantings may be provided along East 10th Street.

Transportation

29. Eliminated the request to abandon Stevens Street right-of-way as it is planned to be used by the Cross Charlotte Trail in the future.
30. CDOT has rescinded the request to eliminate the reverse angle parking along Seigle Avenue and replace it with parallel on-street parking.
31. Deleted Note 5(e) under Transportation, which read “Petitioner will improve pedestrian areas along East 10th Street in conjunction with development of the site per the ordinance and consistent with the Belmont Area Revitalization Plan.”
32. Amended Note 5(d) under Transportation to add the following: “Petitioner will improve 10th Street with on-street parallel parking spaces as generally depicted on the site plan and will improve Seigle Street with reverse angle parking spaces as generally depicted on the site plan.”
33. Deleted Note 5(g) under Transportation as follows: “Uses which do not have conflicting hours of operation may share parking as allowed by the ordinance.”
34. Added Note 5(h) under Transportation as follows: “Petitioner will provide an area within the site that can be used as a B-Cycle station in the future.”
35. Added Note 5(i) under Transportation as follows: “Petitioner will construct a pedestrian connection from the Cross Charlotte Trail along the Stevens Street right-of-way and across East 10th Street. Petitioner will provide an adequate area to accommodate the full width of the Cross Charlotte Trail that will run parallel to Independence Boulevard. Connections from the property to the Cross Charlotte Trail will be provided once points of egress from the improvements are established during project design.”

Environment

36. Provided a pedestrian connection from tax parcels 080-152-08, 09 and 10 to the Little Sugar Creek Greenway/Cross Charlotte Trail Corridor as called for in the 2014 Greenway Master Plan.

Motion was made by Councilmember Kinsey and seconded by Councilmember Fallon, to approve Petition No. 2016-045 by Pamlico Investments, Inc., as modified.
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A vote was taken on the motion and recorded as follows:

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

NAYS: Councilmember Phipps

Motion was made by Councilmember Kinsey, seconded by Councilmember Autry, and carried unanimously that this petition is inconsistent with the Belmont Area Revitalization Plan, and the lot currently zoned B-1 consistent with the Belmont Area Revitalization Plan, based on information from the staff analysis and the public hearing, and because the plan recommends multi-family residential uses up to 22 units per acre, and greenway/open space uses for the majority of the petition and the plan recommends retail uses at the corner of 10th Street and Seigle Avenue. 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 petitioner has been sensitive to the desires of the neighborhood by providing retail space and uses provided will fulfill the needs of the neighborhood and the proposed use will provide a good buffer for the neighbors in the multi-family development across the street from traffic noise, billboards and the cell tower and the development will provide space for public art.

The ordinance is recorded in full in Ordinance Book 60, at Pages 57-58.

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**ITEM NO. 17: ORDINANCE NO. 8034-Z, PETITION NO. 2016-055 BY REAL ESTATE INVESTMENT FUND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.52 ACRES LOCATED ON THE WEST SIDE OF PROSPERITY CHURCH ROAD BETWEEN JOHNSON OEHLER ROAD AND I-485 FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO MUDD-0 (MIXED USE DEVELOPMENT, OPTIONAL).**

The Zoning Committee found this petition to be consistent with the Prosperity Hucks Area Plan, based on information from the staff analysis and the public hearing, and because The plan recommends a mix of uses at 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 subject site is located along Robert Helms Road and Docia Crossing Road, fronting on I-485 and The site is located within the growing Prosperity Church Road Activity Center, and the proposal supports the adopted Plan's policies regarding development that should be compact, pedestrian oriented and well-connected internally, and to surrounding development and this site's location within a Mixed Use Activity Center, will provide a mixture of uses that yield shorter vehicle trip lengths that are less impactful than accommodating the same uses spread over greater distances and the proposed rezoning of the site to MUDD-O (mixed use development, optional) to allow for a climate controlled storage facility and ground floor accessory retail uses is in a format that is consistent with the design policies detailed in the Prosperity Hucks Area Plan. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

Transportation

1. The petitioner has amended the site plan to widen Prosperity Crossing Road to a local collector street typical section requiring a minimum 51 feet of right-of-way; this street section allows recessed on-street parallel parking on both sides of the street. The future back of curb along the site's Prosperity Crossing Drive's frontage will be located 37 feet from the existing back of curb on the south side Prosperity Crossing Drive.
2. The petitioner shows 51 feet of total right-of-way as measured from Prosperity Crossing Road's exiting "southern" right-of-way line. The public sidewalk along the site's Prosperity Crossing Road frontage can be placed in a permanent Sidewalk Utility Easement or additional right-of-way. The petitioner has revised the site plan to depict and label future right-of-way and/or permanent Sidewalk Utility Easements along the site's Prosperity Crossing Road frontage.
3. The petitioner has revised the site plan to depict and label a permanent Sidewalk Utility Easement or additional right-of-way to include the entire six-foot public sidewalk along the site's Docia Crossing Road frontage.
4. The petitioner has agreed to work with CDOT on how the existing curb line of Prosperity Crossing Road, west of Docia Crossing Road, will properly align with the new curb line proposed east of Docia Crossing Road.

Site and Building Design

5. The petitioner has deleted the third optional request because it does not match the site plan drawing. The petitioner has provided a minimum 16-foot setback from back of curb in order to accommodate required street trees.

Requested Technical Revisions

6. The petitioner has removed the third paragraph under General Provisions heading that read "The technical data sheet..."
7. The petitioner has moved Architectural Standards/Streetscape and Landscaping Note 7j under Permitted Uses heading where language lists prohibited uses.
8. The petitioner has revised site plan to show paved surface next to on-street parking with trees in grates or planters.
9. Architectural Standards/Streetscape and Landscaping Note 7.c. regarding dumpster areas has been modified by adding language that states: "...gates or doors shall be opaque and shall lock in order to limit access during non-business hours."
10. Lighting Note 11.c. has been modified to read: "All decorative exterior, building-mounted lighting shall incorporate globe lanterns or other similar style that adequately illuminate pedestrian areas and reduce shadows along building frontages."
11. Parking Note 13.b. has been added that states: "Petitioner will provide a minimum of one (1) conveniently-located parking space reserved for 'clean commuters' (which shall include carpool, vanpool, hybrid vehicles and electric vehicles), otherwise, parking will meet all ordinance standards."

Motion was made by Councilmember Phipps, seconded by Councilmember Driggs, and carried unanimously not to send the petition back to the Zoning Committee for further review.

Motion was made by Councilmember Phipps, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2016-055 by Real Estate Investment Fund, as modified.

Motion was made by Councilmember Phipps, seconded by Councilmember Mayfield, and carried unanimously this this petition is consistent with the Prosperity Hucks Area Plan, based on information from the staff analysis and the public hearing, and because The plan recommends a mix of uses at 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 subject site is located along Robert Helms Road and Docia Crossing Road, fronting on I-485 and The site is located within the growing Prosperity Church Road Activity Center, and the proposal supports the adopted Plan's policies regarding development that should be compact, pedestrian oriented and well-connected internally, and to surrounding development and this site's location within a Mixed Use Activity Center, will provide a mixture of uses that yield shorter vehicle trip lengths that are less impactful than accommodating the same uses spread over greater distances and the proposed rezoning of the site to MUDD-O (mixed use development, optional) to allow for a climate controlled storage facility and ground floor accessory retail uses is in a format that is consistent with the design policies detailed in the Prosperity Hucks Area Plan.

**Councilmember Fallon** said generally I'm against storage units, but if we are going to have them this kind of development is the best, and I think everybody ought to take note of that. If you are going to do it incorporate it with something else that satisfies and is an amenity for the community which is a restaurant, boutiques, or something of that sort rather than just a straight storage unit. It is softer and easier for the neighborhood to accept it.

The ordinance is recorded in full in Ordinance Book 60, at Pages 59-60.

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**ITEM NO. 18: ORDINANCE NO. 8035-Z, PETITION NO. 2016-058 BY COLLIN BROWN AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.81 ACRES LOCATED ON THE WEST SIDE OF SOUTH CHURCH STREET BETWEEN I-**

**277 AND WEST STONEWALL STREET FROM UMUD-O (UPTOWN MIXED USE, OPTIONAL) TO UMUD (UPTOWN MIXED USE).**

The Zoning Committee found this petition to be consistent with the Charlotte Center City 2020 Vision Plan, based on information from the staff analysis and the public hearing, and because while this plan does not make a specific land use recommendation for the site, it encourages future development that will contribute to the overall viability and livability of Center City. 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 this conventional rezoning request allows a site currently used for a distribution warehouse, associated parking and maneuvering, to be developed with any use allowed in UMUD (uptown mixed use) zoning. Use of conventional UMUD (uptown mixed use) zoning applies standards and regulations to create the desired form and intensity of development in Uptown and a conditional rezoning is not necessary. UMUD (uptown mixed use) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The UMUD standards and allowed uses will promote development that supports the Charlotte Center City 2020 Vision Plan's goal of creating a viable and livable Center City. The Zoning Committee voted 6-0 to recommend approval of this petition.

Motion was made by Councilmember Mitchell, seconded by Councilmember Autry, and carried unanimously to approve Petition No. 2016-058 by Collin Brown.

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, and carried unanimously that this petition is consistent with the Charlotte Center City 2020 Vision Plan, based on information from the staff analysis and the public hearing, and because while this plan does not make a specific land use recommendation for the site, it encourages future development that will contribute to the overall viability and livability of Center City. 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 this conventional rezoning request allows a site currently used for a distribution warehouse, associated parking and maneuvering, to be developed with any use allowed in UMUD (uptown mixed use) zoning. Use of conventional UMUD (uptown mixed use) zoning applies standards and regulations to create the desired form and intensity of development in Uptown and a conditional rezoning is not necessary. UMUD (uptown mixed use) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The UMUD standards and allowed uses will promote development that supports the Charlotte Center City 2020 Vision Plan's goal of creating a viable and livable Center City.

The ordinance is recorded in full in Ordinance Book 60, at Pages 61-62.

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**ITEM NO. 19: ORDINANCE NO. 8036-Z, PETITION NO. 2016-060 BY TRIPLE C BREWING COMPANY, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.5 ACRES LOCATED ON THE WEST SIDE OF GRIFFITH STREET BETWEEN POINDEXTER DRIVE AND YOUNGBLOOD STREET FROM 1-2 (GENERAL INDUSTRIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT, MIXED USE).**

The Zoning Committee found this petition to be consistent with the New Bern Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends mixed-use transit supportive development 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 subject site is within a 1/2 mile walk of the New Bern Transit Station on the LYNX Blue Line and the proposal allows a site previously used for industrial/office to convert to transit supportive land uses and use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the

desired form and intensity of transit supportive development, and a conditional rezoning is not necessary and TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The Zoning Committee voted 5-0 to recommend approval of tis petition.

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, and carried unanimously to approve Petition No. 2016-060 by Triple C Brewing Company.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously that this petition is consistent with the New Bern Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends mixed-use transit supportive development 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 subject site is within a 1/2 mile walk of the New Bern Transit Station on the LYNX Blue Line and the proposal allows a site previously used for industrial/office to convert to transit supportive land uses and use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary and TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

The ordinance is recorded in full in Ordinance Book 60, at Pages 63-64.

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#### HEARINGS

**ITEM NO. 21: 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 public hearing open.

**Interim Planning Director Ed McKinney** said the parcel is just under ½ acre .44 acres on the south side of Central Avenue, and the next major intersection is Briar Creek Road. As you can see, most of the parcels that front on Central Avenue in this case are zoned multifamily, R-22MF. This parcel in particular is currently zoned UR, urban residential commercial with a conditional site plan on it. The proposed rezoning is for neighborhood services and you can see the single family nature of the residential neighborhoods on the north and south side of Central Avenue. Our future adopted future land use shows the land use policy for the area which highlights the multifamily residential on the corridor. This parcel in particular and because of its unique zoning and its existing use is shown for a retail use and you can see the single family neighborhoods to the north and to the south.

I will zoom in on the proposed plan and talk just real quickly about this case and this is a case you saw for a hearing back in March, and I will explain just in a moment why we are seeing it again tonight. The proposal is to expand this existing dentist office use to a building on the back side of the property, about a 1,100 square foot addition to the existing office use with some expansion of parking in the back. This is the existing buildings, some existing parking in the front, a driveway access that gets you to Central Avenue and this footprint here is where the future expansion of the office use would be. This is an elevation and a perspective sketch of what that expansion building might look like. Here is an elevation on the west side; it is a one-story building trying to be in character to the residential character of that existing building although it is being used for an office use. You can see the existing building with the proposed expansion on

the backside, and this gives you a sense of the character and scale of that as you would view this from Crystal Road.

The reason we are seeing this again; it became a very specific issue related to the sign located on Central Avenue and this is a photo of the existing sign for this office use. You see the residential building form with the office use and parking in front. This is the sign that exists today, and it was necessary to go to this neighborhood service zoning category to insure that we could actually do what the petitioner is committed to doing which is taking that existing sign and really enhancing it to fit to the character of material and style of the existing site. This zoning category gives you the ability to make sure that we can do the size that is necessary in this case and do the improvements as you here see proposed.

The plan is consistent with our Briar Creek, Willow, and Merry Oaks Small Area Plan, particularly as it was rezoned for this office use back in 2008. The site sits on Central Avenue, part of that building expansion really is part of the character of the existing use and the surrounding neighborhood. The building expansion is designed to fit into that style, particularly the adjacent residential behind it and the improvements that we get out of this petition, particularly related to the sign to improve that frontage condition and the design of the site as you view it from Central Avenue. Staff recommends approval of this petition; there are a few little technical edits and additions to the revisions of the site plan but staff recommends approval.

**Michael Berglass, 3410 Central Avenue** said I am here to answer any questions that you might have.

**Councilmember Phipps** said the original sign that is there now; was that in compliance with the sign ordinance?

Mr. McKinney said there was sort of a technical issue with that; it was not, and that was something that kind of emerged through this process. This is a good opportunity in our minds to correct it, and the petitioner is committed to making some good improvements to that sign that will actually be in character and commitment to the character of the Central Avenue corridor.

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

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**ITEM NO. 22: HEARING ON PETITION NO. 2016-041 BY HORIZONS AT STEELE CREEK, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.2 ACRES LOCATED AT THE END OF CALAWOOD WAY NEAR THE INTERSECTION OF STEELE CREEK ROAD AND CALAWOOD WAY FROM R-3 (LLWPA) (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO R-17MF(CD) (LLWPA) (MULTIFAMILY RESIDENTIAL, CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA).**

**Mayor Roberts** declared the hearing open.

**Interim Planning Director Ed McKinney** said this is just over a three acre parcel highlighted in red. It is adjacent to Steele Creek Road and on the back side of a multifamily project that is being developed. This is kind of an extension and connection to that multifamily project. This will give you a sense of the broader context of this. You are just north of the Industrial Activity Center at Westinghouse Boulevard and continue up Steele Creek Road to get to I-485, the Outlet Mall, Shopton Road Activity Center and you can see the White Hall Mixed Use Activity Center and then the residential that is between all of those. You can see that sits in an undeveloped portion of that section of Steele Creek Road. Zooming back in to the site with the existing zoning, highlighted in red you see all around is zoned R-3 residential single family and you can see in the orange color the R-17 multifamily zoning that fronts along Steele Creek and connects adjacent to the R-3 piece currently zoned residential. The proposal is to take it to R-17MF, with a conditional plan, again to tie it to and be sort of a next phase of this multifamily residential development immediately adjacent. As a reminder, the letters you see are again recognizing this

as part of the Lower Lake Wylie Protected Area, so it has some very specific provisions for the nature of the development within that overlay.

The adopted future land use, you can see where it was zoned for multifamily and we show in our future land use for residential up to 17 units per acre, but then primarily around this you see residential single family for up to four units per acre including this specific parcel. This zooms into the proposed site plan and to highlight that this portion of land is currently under development as the by right multifamily R-17. They are currently extending Calawood Way as the public street that would provide access to this multifamily project. This plan proposes to continue that extension to this site and provide an additional connection to what would be two new additional buildings that would be part of this site plan. You can see the parking lot would connect to the existing parking lot that is being developed now so it would essentially be two additional buildings to this multifamily project that is currently underway. All total this proposing 48 additional units in those two buildings that would total that for the two phases 336 total units.

The maximum height is 45-feet and three stories. Some key things about providing additional buffer on the back side to the single family residential; you see these other red dash lines which are the extension of what would be required as this develops for single family residential, subdivision required streets; as you can see these streets are stubbed would connect out. This project would provide a buffer to those. There is also a significant tree save that is provided on the back side that would be a transition between that single family and multifamily phase of this.

These elevations that show the scale and architectural style of the two buildings proposed, really are consistent with the approved development that is underway as part of that first phase of the multifamily project. The plan is inconsistent with the Steele Creek Area Plan which recommends, as you saw on that plan, residential development only up to four units per acre; however, our rationale again this is located adjacent to the Horizons at Steele Creek, the name of the multifamily project and includes 288 units. This would mean an additional 48 units so a relatively limited addition to that total project. The proposed conditional plan is consistent with that zoning both in style and character and connections and over 40% of that site is protected for tree save as a transition between this multifamily and single family. Staff recommends approval of this project upon the resolution of outstanding issues and the issues are a few final technical site notes and details that need finalization.

**John Carmichael, 101 North Tryon Street** said I am here on behalf of the Petitioner, Horizons at Steele Creek, LLC. Mr. McKinney did a great job of going over the plan, so I will not repeat what he said other than a few items. This is the site plan that Mr. McKinney shared with you; these are the two proposed buildings that would each contain 24 units. Each building would have a maximum height of 45-feet and three stories. You can see all the green space and some open space here; over 42.5% of the site would be preserved as tree save along the southern boundary and western boundary of the site. Included within the tree save area would be a 50-foot Class C buffer. The width of the green space here in the south is about 80-feet and then you would have a buffer and tree save area here next to the future public street and that continues up to the north and this is the extension of Calawood Way. There are architectural elevations that are a part of the rezoning plan; there is a picture of the proposed building which is a brick building. This would be Phase II of a multifamily community that is currently under development by the petitioner and we are pleased with the fact that the Planning staff recommends approval. There are a few technical outstanding site plan issues which we will certainly be able to address by Thursday at noon as required. We had a community meeting and met with the Steele Residence Association as well early in the process and we are happy to answer any questions you may have.

**Councilmember Mayfield** said we have this noted that it is near the intersection of Steele Creek Road and Calawood Way, but really it is off of Steele Meadow Road which is on the back side if we go back to the maps that you had up. I'm trying to put the cross sections in both in virtual Charlotte as well on Google Earth so it is really off of Steele Meadow. I'm wondering why we would say it is off of Steele Creek Road and Calawood Way opposed to Steele Meadow which is the actual area that it is located off of.

Mr. McKinney said you are correct and let me clarify that. The way this phase will get its initial access will be off of Calawood Way which is currently being constructed as part of this project

and would be extended as you can see on the top side with a drive connection back and another connection that would provide access to the parking of the site. Steele Meadows Road; again this parcel is adjacent to it but as you can see this would be a future road that would happen when the remainder of this land around it, which is currently zoned R-3, would develop for single family residential. By subdivision requirements those roads would be extended, so ultimately as you can in the dash red lines, those roads would connect but it is really separate from the initial construction of the phase and the multifamily project.

Ms. Mayfield said Calawood Way is not an accessible road today; that road will be built if this project moves forward?

Mr. McKinney said it is being constructed as we speak as part of this current by right development so that road connects you to Steele Creek and Calawood Way would be a new public street which is being constructed now.

Ms. Mayfield said Calawood Way is being constructed now; do we not have the drawings to show us what is off of Calawood Way right now because unfortunately on Google Earth it is not updated enough to show me what is currently there.

Mr. McKinney said we could provide that as a follow-up because the by right didn't go through a recent rezoning so it is a by right development. We do have the development plans that were approved by our subdivision staff so we can provide that in a follow-up so you can see how all of that connects.

Ms. Mayfield said I think that would be helpful for all of Council to see what is currently there where all of that residential on the side if we are talking about another potential development where we are building a road into it; it would be helpful to know what is exactly already proposed and/or developed on that adjacent land.

Mr. McKinney said we will provide you the detailed site plan. For this purpose imagine again this will be a public street with a driveway connection that gets you to a pattern of multifamily development. These buildings are similar in scale to the other buildings with parking drives that connect them.

Ms. Mayfield said it will be helpful for me, because trying to imagine it isn't going to work for me; I need to see what we are talking about and the potential impact. Also I asked the question earlier of staff to try to get an idea of the proximity to the Airport, specifically the runways, so this question I will ask to the petitioner; have there been any discussions regarding any potential Airport runway traffic and whether or not that will impact the housing, and if so, are there going to be restrictions or notifications in the deeds to explain to those potential home buyers that ultimately this area may be impacted by noise capacity from the airlines? Have you had a conversation to look at the possibility of the runway impacting this particular development because it might not. I just want to make sure.

**Ray Holt, 6412 Bannington Road** said we've worked on this for about two years; when we started there was no impact, but these are rental units, not for sale units.

Ms. Mayfield said as rental units, what I'm going to encourage is to reach back out to the Airport, because we are seeing a lot of development happening in Steele Creek and as the Airport continues to grow and that new runway what I think all of us would hope to not have is a community that is heavily impacted by Airport noise and them not being fully disclosed that there is a possibility that they are going to feel that impact.

Mr. Carmichael said we will be happy to do that.

Motion was made by Councilmember Mayfield, seconded by Councilmember Smith, and carried unanimously to close the public hearing.
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**ITEM NO. 23: PUBLIC HEARING ON PETITION NO. 2016-046 BY 1101 CENTRAL GROUP LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.24 ACRES LOCATED ON THE NORTH SIDE OF CENTRAL AVENUE BETWEEN HEATH COURT AND HAWTHORNE LANE FROM B-2 (PED) (GENERAL BUSINESS, PEDESTRIAN OVERLAY) TO MUDD-O (PED) (MIXED USE DEVELOPMENT, OPTIONAL, PEDESTRIAN OVERLAY.)**

Mayor Pro Tem Lyles declared the hearing open.

Assistant Planning Director Laura Harmon said the site is located on Central Avenue at Hawthorne Lane shown in red. As you mentioned, it is a little over an acre in the Central Avenue Pedestrian District. As you look at the zoning for the area, you can see that largely along Central Avenue is commercial zoning of one type or another ranging from MUDD-O on the site immediately next door, this property being B-2, and we have office here, industrial zoning here, and some heavier industrial as you cross the rail line and move off Central Avenue. Flanking Central Avenue are neighborhoods; this being Plaza/Midwood, this being the Sunnyside Neighborhood, Belmont Neighborhood over here.

This is a request for 166,000 square feet of retail office and warehousing within an enclosed building, and this is a map of the Pedestrian Overlay District in the hatched area. With respect to the adopted future land use, the Plaza/Central Pedscape Plan calls for retail for this site, and you can see it has been changed in some places as development has occurred and rezonings have occurred but again maintaining largely commercial use or multifamily along Central Avenue and in this corridor and reflecting again the neighborhoods in yellow for residential zoning, typically single family and a concentration of industrial on the other side of the rail line.

The petition is for a relatively small site; 166,000 square feet of non-residential uses and warehousing within an enclosed building, and the site is divided into two areas. We have Area B up along Central Avenue, and this is Heath Court to the side, area A which is actually to the rear and is currently a graveled parking lot. Area A will have 130,000 square feet of office, retail and enclosed warehousing; a maximum height of eight stories with floors five through eight being stepped back along Hawthorne Lane at least 20-feet. This would be the area where we would have the parking deck with the storage on top of the parking deck. Area B is the area that is largely already developed. There is a building with a couple of restaurants on Central Avenue; there is an option to either retain that commercial building and use it for retail and office space or to remove the building and rebuild on the site with up to 36,000 square feet of commercial and office space in one building with a maximum height of three stories and 55-feet or either retaining the existing building and build back to the rear a little bit or taking down everything that is in the area B and rebuild.

The proposal for this site does provide architectural standards, specifies building materials, talks about access being from Hawthorne Lane, Heath Court, and an alley that exist here that will be widened if this proposal is approved. They do have optional provisions, a request to only provide 47% of the frontage along Heath Court as commercial; 50% is required so they are a little bit low on that side, although they have an extensive amount of ground floor retail on Hawthorne Lane; also allowing Heath Court for the established part of the site to not have to meet the streetscape requirements per the area plan and our regulations.

These are the renderings and annotation of what the development would look like; conceptual renderings and they have gone and annotated different commitments they are making for this development. We have found that the retail use is consistent with the Plaza/Central Pedscape Plan although the storage is inconsistent technically with the plan; however, we have looked at the site, it being within the Plaza/Central Commercial District, the commitment to ground floor pedestrian oriented uses along Central and Hawthorne Lane in particular and the important of having those to create and enhance the pedestrian friendly streets; also the commercial uses along Hawthorne supporting the future street car line. Parking and the parking deck will be developed on what is currently an underutilized portion of the site, and it is internal to the site so it is not impacting the pedestrian environment with that indoor climate controlled storage located above the parking but giving the appearance of an office structure. We think it has been well done as far as how it presents to the street. We are also impressed and support the expansion of the area street network by extending Heath Court, which is on the northern side of the site,

through this part of the site and setting up for future connectivity opportunities. Staff is recommending approval upon the resolution of outstanding issues related to some minor site design matters and also technical revisions.

**Michael Adams, P. O. Box 958, Davidson, NC** said I am the petitioner, the property owner, and the restaurant operator. The site we are looking at, the existing building has 8,000 square feet of active restaurant use space now, one of which is one of my restaurants, Kickstand Berger; the other is a leased restaurant that is La Unica Mexican Restaurant. We also operate another restaurant down the block on Hawthorne at 7th Street; Hawthorne's Pizza. Hawthorne's has been there 10-years; we started restaurants in these community 15-years ago, so I would say we are pretty well known as restaurant operators. Over those 15-years this area has changed significantly; we've watched it change. We took this site on about eight years ago with the intention of doing something bigger, primarily focusing on restaurants; that is what we do day in and day out. The goal in watching everything that goes on around us is to maybe more focus on enhancing the neighborhood uses of this site as it relates to all of the multifamily that is going on around us and to second Councilmember Fallon's comments about using the retail components to surround the climate controlled self-storage use is a great comment, and I leave it at that. We intend to continue to use the restaurants to separate Central and this facility in the back and also on Hawthorne Lane we've made great strides in making Hawthorne Lane really 100% fully active retail component engaging new uses. When the project is done, combined with the corner building, we will have over ten neighborhood uses between our uses and the corner uses all kind of in front and out from the self-storage facility. We are going to continue operating as restaurateurs in the area, improving the alley way with landscaping and sidewalks to help it be more pedestrian friendly. This site will be transformed and be the destination of multiple great neighborhoods of Elizabeth, Plaza/Midwood, Belmont and Sunnyside. We intend to be drawing more people to this site and the climate control facility is really a truly neighborhood service. A lot of the homes in the area are arts and crafts, small closets, a tremendous amount of multifamily, and we want to encourage and possibly not getting a third bedroom and getting a two-bedroom and using the self-storage facilities. I think that idea of self-storage has changed significantly.

**Councilmember Lyles** said I just want to say you make great pizza. The question I had was about the alley; you were going to use it as kind of a pedestrian way. Will it have vehicle traffic at all?

Mr. Adams said the alleyway will be two-way traffic and there will be a loading and unloading area for the climate control facility. I think it is up to 35-feet wide which is pretty significant and then that also accounts for the tree scape and the sidewalks as well.

Ms. Lyles said will it be built to public standard and dedicated to the City or will it continue to be a private?

Mr. Adams said we are leaving it as a public alleyway.

Ms. Lyles said what does that mean; does that mean it is a street and we maintain it or help me Mr. Davis on what that means.

**Mike Davis, Transportation** said I will ask those with local knowledge to correct me if I'm wrong, but I think there is an existing public alley that is narrower than what was just described. I think what this mean is this is going to be improved upon for vehicular traffic. What it means that it is a public alley simply it is available for anyone to use, but it is unlike a public street in that the City of Charlotte doesn't have any operational control over it; we don't maintain it. It is just there and available for the use of those who abut it and want to pass through it.

Mr. Adams said we will maintain the landscape and everything in that area and obviously for the best interest of our restaurants and the building along it, we will end up maintaining that as well.

Ms. Lyles said I have seen some of the alleys where we have loading between and impact pedestrian traffic and sometimes they don't always look or maintain in a way that I think represents our City well. It is just a question for me of how to make sure that maintenance occurs

and it is an attractive area; particularly, I expect you will not have water trucks coming through there, but maybe some other types.

Mr. Adams said we take a lot of pride in our pizza, and we will take pride in this investment as well.

Mayor Roberts said they not only make good pizzas they make good burgers, and the area around your existing restaurants is kept very clean and neat and orderly. I know that for restaurants that could be a challenge, but I think you all do a really good job.

**Councilmember Kinsey** said this may have changed since the time we met; are you using the alley as an entrance into the storage facility?

Mr. Adams said there will be two servicing entrances for the self-storage; there will be loading and unloading in the alleyway which is part of that 35-foot and then people will pull into the parking deck, and there will be another loading elevator that will happen inside the structure.

Ms. Kinsey said can there also be access from Heath Court?

Mr. Adams said yes, you will access the one level of parking on Heath Court.

Ms. Kinsey said I don't recall when we met; you mentioned the retail but now, you are saying there is more on Hawthorne Lane. When we met you said well it is an office or something. That to me is not retail.

Mr. Adams said Hawthorne will be fully active retail. The self-storage office will be at the corner of the alley and Heath Court and then Heath Court will have the 47% of additional retail. I can't remember exactly what we said but retail on Hawthorne is 100%.

Ms. Kinsey said what is it going to be?

Mr. Adams said the uses; a florist, a hair cutter, small light retail will be the uses for that; small businesses. There will probably be about two users; three max.

Ms. Kinsey said I want to know what the address is on Hawthorne Lane for this building. If it is not connected to the Central Avenue building in my mind it has to have a Hawthorne Lane address.

Mr. Adams said we've always used the 1101 Central Avenue, because that is where the primary building is, and it is two parcels. Actually, we've never used an address because there is no structure on the back lot.

Ms. Kinsey said but there is going to be so there should be an address because if you give somebody an address on Central Avenue, they will never find it.

Mr. Adams said exactly; I assume the facility will have its own address, which would primarily be Hawthorne Lane.

Ms. Kinsey said if you don't mind would you get back in touch with me so we can talk about this?

Mr. Adams said absolutely.

**Councilmember Phipps** said I was interested in the feasibility that you went through in proposing yet another storage facility. Tonight we approve one not too far from you, Pamlico which is about 150,000 square feet, but there are about six of them within a short radius of where you are proposing yours and all total it is a little over 700,000 square feet of storage facility space which in my research that is five to six times higher than the national average. How concerned are you that all of this space could be absorbed with so many storage facilities in a concentrated area around yours?

Mr. Adams said I would like to defer that to my self-storage partner; I'm the restaurant, and he will be able to help us out in answering that question.

**David Stewart, P. O. Box 1017, Davidson, NC** said we have done a lot of research to try and answer that exact question. We've hired an outside consultant who came , and he said there is a demand. The existing facilities are all at 90 plus percent, and they are getting high rates for their facility. By that measure, he would say that there is more demand out there that needs to be met. Ideally we would not have another facility eight blocks down the road; we will have to make that decision, but right now we think we are better located. We are in the middle of a lot of new multifamily that was not included when the consultant came up to do our study and again it is a big investment on our part; we need to make sure it is going to work, but right now we think it will.

Mr. Phipps said I appreciate your response, but I really do have concerns that the area may be over built with storage facilities, but I look forward to your success.

Mr. Adams said the stabilization period will probably stretch as more of these are developed but typically under this project prior to some of those other storage facilities coming on line we were looking at a one to two year stabilization; we are probably leaning more towards a three year, but with all the active retail that we are going to add to this site and what is existing now, I think we have an advantage over a lot of these other facilities that don't even have the retail occupied. We are already bringing a majority of the retail to the facilities on day one, so it will allow us to bring more people to the site with our retail and then people will end up more or less being our consumers in the climate control facility.

Mr. Phipps said the six that I mentioned are new sites that don't include the sites that are already on the ground.

**Nancy Wiggins, Zoning Committee** said I wanted to ask about the parking lot behind your restaurant and the steep slope of the driveway to Hawthorne Lane. Are you all going to pave that?

Mr. Adams said everything you see in this picture is entirely all gravel; the alleyway is what we are looking at and then where the dumpster and the remainder there is the parking. All of that will be either structure or paved alleyway.

Ms. Wiggins said are you going to do anything about the steep slope towards Hawthorne Lane?

Mr. Adams said we have addressed that and it was probably one of the biggest challenges we had on this site, and that is why we have multiple parking decks which will allow us to transition from Heath Court down to a loading, down to Hawthorne Lane.

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

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**ITEM NO. 24: HEARING ON PETITION NO. 2016-050 BY MARNICALY AT UNCC, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.59 ACRES LOCATED ON THE WEST SIDE OF OLD CONCORD ROAD BETWEEN SUTHER ROAD AND JOHN KIRK DRIVE FROM INST (INSTITUTIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Roberts** declared the hearing open.

**Interim Planning Director Ed McKinney** said in front of you is the site context you see in red; it is just under three acres off of Old Concord Road. You can see in this image, University City Boulevard and the core of the UNCC Campus. The next slide shows the existing zoning around; you can see the single family neighborhoods, R-3 on the south side of Old Concord Road and then multifamily R-17 in the lands between Old Concord and University City Boulevard. The

currently zoned site is institutional; if a collection of institutional zoned land amongst the multifamily between University City Boulevard and Old Concord Road. In the future land use map, it is showing multifamily for future land use for this parcel and for the parcels around it and then again the context of the single family neighborhoods and the University to the north. The petition is proposing up to 26 duplex units in 13 buildings; you can see the footprints highlight the building footprint and the locations of the buildings with a new street connection that would come off of Old Concord Road, stubbed to the property line and then provide access to the parking lot of the site that would extend on the back side and link back around to Old Concord Road. In the center is where the club house would be located with a common, open space area. A couple of details about the proposed 10-foot wide multiuse trail along Old Concord Road and the one way nature of this drive that connects off of Old Concord Road back to the street stub out.

Regarding the architecture they have made commitments both in the elevations and in their design notes so you get the sense of the scale and kind of character of these duplex units. Each building having two units, this elevation shows the porch design features, an angle view, and a backside view. There is a commitment to brick or stone in terms of materials, and you get a sense of that in these architectural elevations. The plan is consistent with the Northeast District Plan which recommends multifamily for this site, and in addition, through our general development policies and location criteria, we have allows up to 11 units per acre. This is an overall density of 10 units per acre. The rationale for our recommendation is the subject property is a context and surrounded by multifamily housing on Old Concord Road. It provides some great design features in addition to the streetscape along Old Concord Road and this multiuse path. The site plan provides an opportunity to provide a connection, the new street that would stub out, provides access to the site also allows us to get future connectivity as sites adjacent to it develop with ultimately a connection that would get you from Old Concord Road over to University City Boulevard. Staff recommends approval of this petition upon the resolution of some outstanding issues. Two key ones are a couple of nuances to make sure we get the setback and the curb line location correct for Old Concord Road, and there is a nuance on that site plan that needs to be worked out with C-DOT in terms of the circulation pattern. What is proposed now is kind of a one way loop which causes some issues with how that site would get accessed off of Old Concord Road, but we are in discussion with the petitioner on resolving those issues.

**John Carmichael, 101 North Tryon Street** said I am here Kevin Shea of Marnicaly at UNCC, LLC and Chip Cannon of Urban Design Partners. As Mr. McKinney stated, this is a 2.6 acre site located on the west side of Old Concord Road currently zoned institutional (CD). You can see this is the edge of the UNCC Campus so the site is walkable to UNCC; immediately to the south and west of the site is the Colville Condominiums development. Under this proposal, if it were approved Mr. Shea would build 13 buildings that would each contain two duplex dwelling units. The overall density would be about 10 units per acre. Access to the site would be by way of Old Concord Road and a new stub street that would be constructed the petitioner. Kevin Shea is a custom home builder, and he has been interested in this site for years. I think I started talking to Kevin about this site four or five years ago. He has a real passion for UNCC, and he has been extensively researching student housing for the last several years, and he has a desire to develop student housing on this site. He believes that these units would be extremely attractive to graduate students, and these units would provide a different student housing option from what is currently being offered in the area. There are elevations, and the units would be a combination of brick and stone.

I would like to go back to the site plan for one moment. We did have a community meetings, and we had two folks who owned units in Colville Condominiums come to the community meeting, and in fact, there are numerous units in that development, but at their request Mr. Shea agreed to plant large maturing evergreen trees along the northern edge of an existing fence located on the Colville Condominiums property if Mr. Shea can get the permission of the property owner's association, but that is a commitment by Mr. Shea, and in addition, I want to point out to the 13 residential buildings there will also be an amenity building that would be located here, and it would contain up to 1,800 square feet of floor area. The request is consistent with the Northeast District Plan and the GDP supported density of up to 11, and this is about 10 units per acre. I will close by saying Mr. Shea has been looking at this site for years, and if you have any questions about student housing at UNCC he can certainly answer them and will be happy to answer any questions regarding the zoning request or any other matter that relates to the site.

**Councilmember Eiselt** said I do have a question about University Housing for Mr. Shea.

Mr. Carmichael said the entrances would be gated for security purposes so there would be a high end security system installed here.

Ms. Eiselt said have you talked to the University? I know they have the Niner's Choice that has standards for housing for University students. Have you worked with the University to see that lighting, architectural landscaping, and all that complies with the Niner's Choice Program?

**Kevin Shea, 4620 Town and Country Drive** said we have; to get onto the University's advertising you have to meet their criteria, so there are a lot of things you have to meet for security lighting, context, communication, etc. This property will meet all those standards.

**Councilmember Phipps** said you have heard the explanations for the property; I think it will be a nice enhancement to the area, it is very walkable. Given our rules, I wish we could just go ahead and approve this tonight, but I know we have to go through the normal process. Our write-up made mention of some possible ground water contamination on the site; could you explain what that could potentially be?

Mr. McKinney said we probably need to provide a little bit more technical follow-up, but essentially the note that is highlighted is related to the ground water potentially off site. It is saying there is a potential site adjacent to here which would affect this site's ability to use well water. Essentially it is saying the site's development would have to provide and use Charlotte City Water. That is an overall sort of summary version, and we will be glad to give a little more technical background in the follow-up report.

Mr. Phipps said regarding the circulation issue on the site, how far are we apart on resolving that issue?

Mr. Carmichael said that is not going to be an issue; Chip Cannon has been working with Rick Grochoske at C-DOT so that won't be an issue. The curb line, I think there may be a misunderstanding because it is on the plan, the 35 ½ feet from the opposite side of Old Concord Road, but we will get with Mr. Grochoske and make sure that is resolved.

Mr. Phipps said I know that the site sits directly across from I guess one of the busiest Norfolk Southern Rail Lines in the state along that east coast line from Atlanta going up to Washington, DC, but you have said that you have made certain enhancements to the building in terms of sound proofing. Could you describe; is that still in tack?

Mr. Shea said it is very much so. There are three main things we will be doing; one is the speck for this will have sound deadening windows, number one. The properties will be foamed; they won't be craft insulated, it will actually be foam which helps also with that sound deadening. We are also using quiet rock which is a fairly new drywall product that also deadens the sound. Hence the reasons we are trying to go to graduate students who aren't really the Friday night partiers; they really care about a quiet relaxing place, and it is very important we meet those kinds of details for their requirements.

Mr. Phipps said I know that staff in a workshop meeting we had recently that they recently made application for a quiet zone, I guess from the Back Creek crossing or is it the McLean crossing on down to Orr Road so that would probably enhance the quiet nature.

**Councilmember Fallon** said who polices this, the University or the University Division?

Mr. Shea said it is not the University.

Ms. Fallon said so it would be our Police Department? Have you talked to Captain Foley about it?

Mr. Shea said we have not.

Ms. Fallon said I would suggest you do because the University is a problem for us, the student housing.

Mr. Shea said we are keenly aware.

Mr. Phipps said I know the University Division of CMPD works closely with the University in their Niner Choice Program, so I would think he and his Lieutenants would be very much a part of the conversations there, so I'm comfortable with it.

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

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**ITEM NO. 25: HEARING ON PETITION NO. 2016-057 BY FEDEX GROUND PACKAGE SYSTEM, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 16.5 ACRES LOCATED ON THE WEST SIDE OF TODDVILLE ROAD BETWEEN FREEDOM DRIVE AND CSX WAY FROM R-17MF (LLWPA) (MULTIFAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO I-2(CD) (LLWPA) (GENERAL INDUSTRIAL, CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA, 5-YEAR VESTED RIGHTS.**

**Mayor Roberts** declared the hearing open.

**Interim Planning Director Ed McKinney** said you have before you the site context aerial highlighted in red is the 16.5 acre site just south of Toddville Road. You can see single family residential around it; this is an undeveloped site adjacent to some existing industrial land uses. You can see from the zoning around to the north is I-2 zoning, some developed and some undeveloped. This current parcel is zoned R-17 multifamily; you see the residential zoned R-4 and R-17 to the south of this site. The proposal is to take it from the R-17 multifamily to an I-2 industrial district conditional district. The details from the land use perspective highlight sort of a change in land use pattern that is occurring here. It is single family neighborhoods to the south, some multifamily and single family development adjacent to the site on Toddville, but then the industrial development is happening to the north and this undeveloped parcel sits in between that and the area plan envisioned that as being development for single family up to 4 units per acre.

This details the proposal, highlighted in yellow is essentially a surface parking lot so the intent here is to develop this site under this industrial zoning essentially parking for the FedEx facility. Highlighted is the actual extent to the parking lot; in red are the two points of access off Toddville Road and then you can see everything highlighted in green is the buffer between the single family uses on these two sides and the parking lot itself; some of the details again providing up to 247 spaces for tractor-trailers, 80 employee parking spaces and some future trailer parking spaces. Again, this is tied to the site plan that defines the key access points and this buffer condition between the residential, specifically that 100-foot buffer highlighted in green and there is also some specific design details that include a retaining wall that is intended to make sure that as much of the trees and the development of the site is minimized so that we get a good buffer and transition between this use and the adjacent residential. The petition is inconsistent with the Northeast District Plan, as you saw from that earlier diagram, that plan had originally envisioned that this undeveloped site would be for single family use. Our rationale again the property is adjacent to the developing industrial uses in this industrial activity center to the north and east; the site plan has been specifically designed to allow for that expansion but be protective of the residential around it, and it essentially supports the overall expansion of industrial uses in this activity center. The recommendation from staff is for approval upon resolution of the outstanding issues and those are related to some technical site plan notes.

**Jay DeVaney, 701 Green Valley Road, Greensboro** said I represent FedEx Ground, and we also have here Michael Carlson and Wesley Stokes, the consulting engineer who prepared the site plan and the traffic engineer who prepared the traffic study which has been given and reviewed by C-DOT. They are here to answer any questions. We had a neighborhood meeting and the minutes and report are all in your file. The neighbors did have concerns about the curve on Toddville Road and in the vicinity of this site and FedEx is very safety conscious; it is one of

their priorities, and they concur that if C-DOT can find its way to so some striping and put some signs up to slow the traffic along that curve that would be a safety assistance. All of the technical issues raised by staff are being addressed by Ms. Carlson and a revised site plan will be submitted this week that will answer and be responsive to all of those issues. The buffer will be , and you didn't see a good aerial of this site, but it is heavily wooded. That buffer will be a minimum of 100-feet along the south and west borders bordering the neighboring residential areas and is left totally undisturbed.

**Councilmember Mayfield** said even though it was noted, we don't have a good aerial. I am trying to get a better view to understand how far exactly the current facility is because basically this is just going to be truck parking, correct?

Mr. McKinney said correct.

Mr. Mayfield said I need to get a better idea of how far we actually are from FedEx for where this is going. I like the idea because unfortunately in the area we are receiving a lot of 18-wheeler and major trucks that are parking in community, parking in shopping centers, parking illegally, so this would at least create a space specifically for the trucks to be parked. I just want to make sure that we have a clear understanding of exactly how far from the current FedEx facility will this be and what the connector is going to be for the vehicles to get back and forth. I saw a number of the questions were really on impact of the road for the residential and whether or not the residents were going to feel the impact of the trucks. I think that would be helpful when we come back to show a little bit more detail of what that connecting street will be as well as the proximity from the current facility.

Mr. DeVaney said you can see the FedEx facility on the aerial photo; it is the white T-shaped building and they use CSX way out to Toddville. This facility is for tractor parking and automobile parking of the drivers who come into this parking lot, who will pick up a tractor, go to the FedEx facility, pick up the trailer and then they will leave the FedEx facility via CSX Way and go on Toddville either north or south. The primary traffic is to Freedom Drive; it is approximately 365 feet from this site to the hub.

Ms. Mayfield said so primary traffic is going to be up Freedom?

Mr. DeVaney said on Freedom, yes ma 'me.

Ms. Mayfield said that is going to be a challenge. Even though we have done an expansion, the City just did a major investment on a road widening project where we spent a couple of million from other previous bond allocations with repaving and widening Freedom Drive and also Toddville felt some of that impact, so to know that we are going to have these heavy trucks potentially that is going to be driving up on Freedom. We know the reality, it wears down the road and we just had a major widening project on Freedom that went all the way from I-85 down to Toddville Road. As far as the community, I haven't heard any concerns, but those are some of the things that I would like for us to really look at how that connector and what the impact is going to be on our main roads, Toddville as well as Freedom.

Mr. DeVaney said a traffic study has been delivered to C-DOT, and it shows a minor impact on traffic in this area including the Freedom/Toddville intersection. The delay is two seconds or less.

**Councilmember Phipps** said compounding the issues that Ms. Mayfield just brought up; the write-up under transportation considerations in our book brings up some additional issues that I'm just wondering how have they – it seems here that the resolution is quite incomplete, so how are these issues being worked through in terms of these gated communities and the driveway stem, there are some concerns about that with tractor trailers bumping up against each other, the potential for blocking access there. Are those things being worked through, either through this traffic impact analysis or is Transportation satisfied with the progress that these particular issues are receiving at this point?

**Mike Davis, Transportation** said from a staff perspective there are a lot of issues; the ones that are listed are generally related to the design of the site plan. I don't know that any of them in

there, at least from my perspective, are not ones that can be worked through. It is up to the petitioner to either address those or not in terms of getting ready for Zoning Committee review. Mr. DeVaney said I have talked to Mr. Grochoske, and we are going address in the revised site plan his issues about the length of the driveway to the gate. That was his reference there, and it will be addressed.

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

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**ITEM NO. 26: HEARING ON PETITION NO. 2016-059 BY RENAISSANCE WEST COMMUNITY INITIATIVE FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.25 ACRES LOCATE ON THE NORTH SIDE OF WEST BOULEVARD BETWEEN BILLY GRAHAM PARKWAY AND LEAKE STREET FROM MUDD-O TO MUDD-O SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).**

**Mayor Roberts** declared the hearing open.

**Interim Planning Director Ed McKinney** said before you is the context, shows you the location of the site again highlighted in red. It is a 1.25 acre piece of the overall Renaissance West Project. For context again it fronts on West Boulevard, and you can see immediately adjacent to the Billy Graham Parkway intersection with West Boulevard. This parcel is part of the mixed use rezoning of the Renaissance West, and you can see multifamily zoning all around it, north and south of West Boulevard. This is really a site plan amendment so it is going from the mixed use option district that it is currently under to a mixed use optional, site plan amendment. The SPA will talk through specifically what is happening in terms of the details of that change. The adopted future land use is consistent with the mixed use intent of the Renaissance West and the multifamily surrounding this project on West Boulevard. To jump to the issues and this focuses on the 1.25 acre site highlighted in red you can see on the corner of the entrance to Renaissance West at West Boulevard and new Renaissance Way this parcel was intended to be a child development center and essentially as they have gone into development the intent is to do it a little bit larger than what they had originally intended. It is going from 17,500 square feet up to 25,000 square feet, so it is really modifying the size, a little bit of adjustment given that size of the specifics of the building location, you can see it in white, the building will front on West Boulevard with a kind of U-shaped route with open space both around this side and in the center of the site. As was planned in the original rezoning sort of a driveway access and parking that connects on the backside and connects to the larger site plan. So, the specifics of this is really about the size and a little bit of an adjustment to the location of the day care center on the site and then an optional provision to adjust a little bit the parking allowance for that use. The petition is consistent with the Central District Plan and the overall intent of the development of Renaissance West. From a rationale perspective, it is really again a minor site plan talking about the scale of that use and increasing and really serves the original intent. It is a minor site plan adjustment to the original entitlement. Staff recommends approval upon resolution of the outstanding issues which are a few site notes and technical issues that we are cleaning up now.

**Laura Clark, 2917 Windsor Avenue** said I am the CEO of Renaissance West Community Initiative, the organization responsible for implementing the cradle to career education continuum at Renaissance. The child development center is the cornerstone of this work, as it will provide full day high quality child care and early learning for the children at Renaissance and its neighboring communities. To meet the high quality standards of a five star, early head start and NAEYC accredited center and to maximize the number of children served additional square footage is needed. We have also addressed the outstanding staff concerns, and those notes will be reflected in our updated site plan submission. I urge your approval of this petition so that we can meet the tremendous need for early care in this community. Your support will also allow us to complete this final phase of this Renaissance Community in 2017 along with the innovative STEAM school that will be opened in collaboration with CMS.

**Councilmember Mayfield** said I'm looking at the location and trying to understand; we do not have a connector into Little Rock Apartments which is next to it. There is actually a buffer

between the current housing and the street and crossing over Leake Street which is on the back side of this. There is not an actual road that is connecting Little Rock, crossing over Leake Street and entering into Renaissance West to access the child development center.

Mr. McKinney said that is correct; as you can see the site plan there on the north does anticipate this street on the north side since it stubs out for a future connection to that adjacent site.

Ms. Mayfield said there is not a connection right now.

Ms. Clark said I will add that Nobles Avenue does connect on the back side of the property towards the community center so you could come in from Little Rock that way, but not immediately across from the child development center.

Ms. Mayfield said currently with this particular design if you are in; because I'm assuming some on Little Rock, since that is the closest day care they may utilize it so they will have to come out onto West Boulevard, if they are driving and almost make an immediate right turn to get in.

Ms. Clark said they could do that; I think most of them would opt to go to the back of Little Rock and come up Nobles Avenue because they could do that without actually leaving either property. You take Nobles and then come up to New Renaissance Way and come back down.

Ms. Mayfield said any concerns with having this right on West Boulevard opposed to being pushed back because we are thinking about the area for the playground. I see the entrance on the back side for the on-street parking, I see the entrance coming in; are there any concerns with fronting West Boulevard considering we are talking about a day care center, and you are going to have young people that are running around and playing opposed to moving it back some?

**Dionne Nelson, 511 East Boulevard** said I am the Chair of the Board for Renaissance West Community Initiative. That site was always designed as the child development center site. We will have to have play areas connecting to each classroom for the children, but we also have planned appropriate fencing etc. to make sure that the children that are participating in the child development center are appropriately protected from the traffic either be it on West Boulevard or New Renaissance Way.

Ms. Mayfield said since we are now looking at a larger site, opposed to what was originally proposed, show me where we are looking at for the actual green area for the children since the building is going to be right there to the left.

Mr. McKinney said you can see the white area here in the "C" shape is the building location; the hatched areas are here and then around here are where the open spaces are being proposed. The building is intended here to front close to West Boulevard with the open space sort of on this side and then surrounding the court yard of the building.

Ms. Mayfield said as we are moving forward we are looking at classrooms facing West Boulevard? I'm trying to get an idea when you are driving up West Boulevard because of all of the amazing work that is happening at Renaissance West and how it is really transforming the area; what are you going to see when you are driving up West Boulevard? We are not going to see a brick wall.

**Daniel McNamee, 2740 Burnt Mill Road** said I am the architect for Neighboring Concepts; if you are driving up West Boulevard and again we are showing the approximately location of the building envelope here. Looking this way you will see some green space and the building behind and driving this way you will see some of the building and green space as well. Does that answer your questions?

Ms. Mayfield said not really; it will make more sense when I see the elevations.

**Councilmember Phipps** said I have the fortunate occasion to tour the facility not too long ago, and I guess I was so confused I thought when I took the tour they showed the site I guess for the child development center. The child development center is not open yet is it. I saw one site so this addition is going to be on that site or are we just reconfiguring where that site is going to be?

Mr. McNamee said it will be on that currently vacant site at New Renaissance Way and West Boulevard.

Mr. Phipps said so we are just adding to it?

Ms. Nelson said to be clear, the request is solely tied to the fact that in order to deliver a five-star early head start qualified child care development center. The square footage that was initially approved in the initial site plan did not align with the number of kids that the center was approved for, so as we have gotten into the design work to accommodate the number of children that were initially allowed in the center we realized we needed more square footage in each classroom to provide the quality center that we have committed to. A square footage change cannot be done administratively so we've come to the full rezoning process in order to make sure that we can deliver the quality center that was initially committed when the Renaissance project was designed.

Ms. Mayfield said thank you for that clarification because that I also helps not just us but the community who is watching to know that we are continuing the original plan for the area, and as we move forward we are not creating additional changes we are just trying to continue to make it better.

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

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**ITEM NO. 27: HEARING ON PETITION NO. 2016-062 BY BENSON EJINDU FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.23 ACRES LOCATED ON THE NORTH SIDE OF THE PLAZA NEAR THE INTERSECTION OF EAST W. T. HARRIS BOULEVARD AND THE PLAZA FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO O-1(CD) (OFFICE DISTRICT, CONDITIONAL).**

**Mayor Roberts** declared the hearing open.

**Interim Planning Director Ed McKinney** said it is a 1.2 acre site highlighted in red just adjacent to the intersection of W. T. Harris Boulevard and The Plaza. The site is currently zoned R-3 and you can see R-3 residential zoned on this whole adjacent site with essentially next to the B-1 zoning that represents the neighborhood center that has been identified here for retail and commercial at the intersection of W. T. Harris and The Plaza. The proposal is to go from an R-3 zoning to an O-1 office district conditional zoning district. The future land use while zoned for single family you can see some of the land immediately adjacent here, including this parcel were envisioned for higher density multifamily, some mixed use and other retail related to the neighborhood center designation for the intersection at W. T. Harris and The Plaza. This zooms into the site specific, again highlighted in red access is off The Plaza; the red arrow shows the driveway access to a parking surface parking lot on the side with the building office footprint here to the side of the parking and fronting on The Plaza. The petition is for up to a 10,000 square foot medical office, single use building, and maximum building height of 40-feet. Again, specifically sited to put the parking to the side and bring the building to the street provides the Class C buffer against the existing R-3 zoning and then redesigns and kind of improves the sidewalk and streetscape condition on The Plaza again with the surface parking wrapping on one side and the building located up to The Plaza. This shows conceptually the scale and architecture of the proposed office building; the front street view from The Plaza, one story building with a 40-foot max, sort of a porch configuration on the front and similar treatment on the two sides. The plan is inconsistent with the Northeast District Plan which recommended multifamily. Our rationale, given the site's adjacency to the neighborhood center, has been identified for that intersection, this fits in within the intent to get mixed neighborhood service, retail, commercial and office uses. This proposal will also provide a good buffer we believe from the transitioning of that commercial activity to the multifamily that will ultimately happen around it. Again the site design does some good things in terms of kind of reinforcing and strengthening the pedestrian environment on The Plaza. Staff recommends approval of this petition, and there are no outstanding issues.

**Benson Ejindu, 6049 Hemby Road, Weddington** said staff has already said everything that I'm supposed to speak. I signed up just for the purpose of responding to any questions and I'm very happy that I did. The Zoning Committee approved it with no outstanding issues, so I don't have anything more to add unless you have questions.

**Councilmember Lyles** said in our staff's review. Charlotte Water noted that Charlotte Water does not currently have sewer system availability for the parcel and the closest sewer main is 260 feet of the southeast corner of the property. I wanted to make sure you were aware of that as you are proceeding to move forward with the rezoning.

Mr. Ejindu said yes ma'am.

**Councilmember Phipps** said I am pleased to share this neighborhood center with my good friend and colleague Mr. Autry. Directly across the street from this site is District 5, so that intersection I think that this project would add some needed diversity of uses there. I guess it is anchored by a storage facility and some gas service stations on one end and a Hardee's across the street. So, I would think a facility like this with some medical office space there could be a good addition to making that neighborhood center has more possible mixed uses. I hope as we go through this process that my colleagues would look favorably on this petition for possible approval.

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

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**ITEM NO. 28: HEARING ON PETITION NO. 2016-063 BY IMPRINT PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.18 ACRES LOCATED ON THE NORTH SIDE OF NORTH DAVIDSON STREET BETWEEN DONATELLO AVENUE AND ANDERSON STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).**

**Mayor Roberts** declared the hearing open.

**Assistant Planning Director Laura Harmon** said this is a request for a rezoning from I-2 to MUDD-O and this is the site, North Davidson Street being located here, this is East Craighead and this is the Sugar Creek Station on the LYNX Blue Line Extension. This will allow the adaptive reuse of existing buildings in this portion of North Charlotte and located within one-half mile of the Sugar Creek Station for any use allowed in the mixed use development district. That is typically office, retail, commercial uses, as well as residential. The request is MUDD-O, and you can see that the zoning in the area is UR-3 for this large area here, UR-1 as you move further to the west, UR-2 across the rail line so those are all urban residential zoning districts and here we have this MUDD-O and then you move into an area that is largely zoned for industrial. It hasn't really begun the transition to our more urban districts that we are seeing around the 36th Street Station which is actually off of your screen. We haven't seen that transition around the Sugar Creek Station but this is one site that is beginning that transition with the exception of that MUDD across the street.

The adopted future land use for the area is transit oriented development; it is pretty much in an area where we are calling for transit oriented development except for this portion of the area that is residential or lower density protecting the established neighborhood. As you look at the site plan for this site, there are one or two buildings, depending on how you look at it; I believe they are connected to each other. There is an existing building footprint here bounded in blue and another footprint here bounded in blue. This is a proposal to retain those two buildings or that one building and also to allow patio expansion on the site, as well as on the rooftop. The buildings are to retain their existing height, except for any height that may be added in conjunction with the rooftop patio, but no greater than 50-feet in this area. They are looking at incorporating art work and design components into the patio and common areas and those areas are kind of surrounding the buildings as well as adding and formalizing some parking on the site between the buildings and to the west of the building. They are looking at screening parking with

a wall that may incorporate some art elements. The site is tight and getting the needed parking or as much as possible parking on this site is causing them to look at doing walls and something different than a traditional landscaping, and they are a couple of optional provisions requested to driveway design and parking reduction and location of parking. They are asking for less parking than would be required by the MUDD district, and they are looking at locating the parking closer to the street than we would typically allow in MUDD, but again they are reusing it and retaining the existing buildings, and it is a tough site to work with so we are glad to see someone working with it. We've really considered that parking reduction, and we look at these on a case by case basis but they are further away from the established neighborhood, and we don't see the impact that you might have if the site were abutting an established single family neighborhood. This petition is consistent with the Blue Line Transit Station Area Plan, which does recommend transit supportive uses, and that is what we would see going in here. It is located in the North Charlotte neighborhood within a half mile of that transit station; it is proposing to have the buildings that exist be reused. They will preserve those buildings and help maintain the character of this part of the North Charlotte neighborhood. The proposed streetscape enhancements are consistent with the most recent plans for the Blue Line Extension Project and are accommodating those plans, including a wider sidewalk than currently exist and planting strip so improving the pedestrian environment in this area. Staff is recommending approval of the petition upon resolution of the outstanding issues, again tweaking some of the sidewalk design, talking about placement of windows and doors, and some goal revisions, but we are just fine tuning the site and we are supporting its approval.

**Russell Ferguson, 1208 The Plaza** said I represent the petitioner on Petition No. 2016-063, and as you've seen from the slides, this petition is requesting a change from I-2 to MUDD-O. I think it meets the spirit of the neighborhood which is evidenced by the neighborhood's support of our project, which you have received from the neighborhood directly. It sort of extends the character of the existing part of NoDa that you all know, to an area that probably many of you have never seen before, but will go through a lot of change in the coming years as the Blue Line comes on line. We've attained both City staff and the NoDa Neighborhood and Business Association's support in this process and we started with the Neighborhood Association before we even filed this petition just to make sure that we would be able to address parking issues and other concerns regarding the uses in this area. We actually received unanimous support from them on the night the vote was taken, but we presented to them three different times along the way to make sure they were in line with our projects. We are requesting a reduction in the parking, but this is a good project that saves the buildings there, and it keeps two old warehouse building that are made of substantial all brick and have vaulted warehouse ceilings that create the kind of feeling that the area has become known for with regards to its adaptive reuse of existing buildings.

The parking makes sense because of the proximity to multifamily that is already there, the multifamily that is already planned, pedestrian bridge that is part of the state's programs with the Sugar Creek Park and Ride location that is right down the block. Then on-street parking improvements are coming and they are not adjacent to our lot so they wouldn't count towards the parking, but there are about 30 spaces along the North Davidson section of the Blue Line Bridge right there, so you've got an area that won't be developed because the bridge is right there close to the street. For all these reasons I think that is why the neighborhood supported and after a lot of – it is difficult to use these old buildings and to get them in line with current code, so most of the options are related to that. Staff worked with us and vetted us very heavily, as we made it to here, and obtained their approval and we request your approval of this.

Motion was made by Councilmember Smith, seconded by Councilmember Autry, and carried unanimously to close the public hearing.
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**ITEM NO. 29: HEARING ON PETITION NO. 2016-066 BY JWM FAMILY ENTERPRISES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.32 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF ROXBOROUGH ROAD AND REXFORD ROAD FROM O-1 (OFFICE DISTRICT) AND O-15(CD) (OFFICE DISTRICT, CONDITIONAL) TO MUDD-0 (MIXED USE DEVELOPMENT, OPTIONAL).**

**Mayor Roberts** declared the hearing open.

**Interim Planning Director Ed McKinney** said the 5.32 acre site is highlighted in red, composing two pieces here; the existing Marriott Hotel and a portion of the surface parking lot. It is located at the corner of Roxborough Road and Rexford Road in the SouthPark Activity Center. This is Colony Road, and you are all probably familiar with the recent rezoning of the Colony Apartments immediately adjacent and then the SouthPark Mall immediately to the south. To put it in context, the site in red the identified activity center boundary for SouthPark sort of in the heart just immediately north of the SouthPark Mall. Back to the existing zoning, highlighted here are these two sites and then the Marriott Hotel and its parking is currently zoned O-1 and the parking portion is zoned O-15 (CD) with a conditional plan on it. The intent is to take those two pieces zoned for office and rezone them to mixed use development with some options and the intent is to intensify this site. The adopted future land use shows the mixed pattern of mixed use identified in the SouthPark Activity Center, so the retail core of the mall itself and then a range of single family and multifamily office uses. Primarily, this is part of sort of a collection of office uses centered around Rexford Road. This focus is now on the site specifically in the proposed plan, and this is the portion of the site that is being developed, the larger site here is a little bit off here in red the full site but really focus on the surface parking lot portion of the existing Marriott Hotel. The intent is to take that surface parking lot and reuse it intensified, put in a new 170 room hotel and locate it in here sort of fronting and facing along Roxborough Road. Behind it and to the side is a two-level parking deck that is attached to that hotel and that essentially serves the hotel and serves the overall site so taking that surface parking lot, including some structure parking and allowing the addition of a new hotel.

A couple of key things about the site plan; a new drive connection off of Roxborough Road that would connect behind the site that would provide access again to the existing Marriott, access to the new hotel and the parking lot and then another drive connection off of Rexford Road that would essentially do the same both to the deck and to the existing Marriott. The location of the deck itself and hotels has been a pretty important discussion for staff, particularly in making sure that we have enough setback and condition along both Rexford and Roxborough to save a number of the existing trees that are there and provide a good space for both pedestrian sidewalk connections, new landscaping that would front along the hotel and also sort of buffer the edge. The overall height of this building is eight stories, not to exceed 85-feet; that is really focused on the new hotel portion focusing on the design and pedestrian activation of those two frontages, particularly with an entrance to that hotel that would front on Roxborough Road, the opportunity for outdoor dining and activity that would be on the ground floor of that hotel and front on Roxborough, within that setback. Just to really quickly highlight some of The optional provisions related around the nature of combining these two sites, and many of the optional provisions are exceptions to the existing Marriott design and its parking relationship, having parking between it and the existing streets and insuring that the design standards don't apply to the existing Marriott Hotel building.

This next image shows you the scale and the elevation concept for the building itself. This is the view off of Rexford and the two level parking deck and then the scale of the new hotel, off of the Rexford elevation, and then this is the front elevation of the hotel off of Roxborough, again an entrance into the hotel itself that would front on Roxborough, opportunity for ground floor dining, and then you get a sense of the eight-story 85-foot height of the hotel building itself. It is not shown in these elevations, but that 40-foot setback off of Rexford we've been very specific about saving as many of the existing tree as possible, working with the City Arborists to do that. The size of that setback was part of that, and it also allowed for additional landscaping and buffering to soften that edge to that parking deck. The petition is consistent with the SouthPark Small Area Plan, again identified as a mixed use activity center. That plan has envisioned that sites like this would intensify over time; that hotel is really part of that mix from an office and mixed use standpoint. The rationale is that this transformation that is occurring and that intensification will occur on sites like this. The new hotel is a part of that mix and provides activity with some good design intent here that is different. As you can imagine, the existing Marriott Hotel was designed in a more suburban timeframe; this now allows that site to kind of transform itself and put buildings up to the street and begin to hide some of that surface parking lot. The site plan provides some wide setbacks on both of the public streets on either side allowing us to save existing trees and to buffer the edge of the parking deck. One last point about

the height, as you recall, is relatively consistent with the scale of development that was approved, literally across the street with the Colony, so again for all those reasons and the rationale, staff supports and recommends approval of this petition. As you can imagine given the complexity of this there are a few more details and conformation on some of the design issues and the sidewalk, the edge condition on those two streets and then a few details that we are confirming on some of the transportation improvements.

**Jeff Brown, 100 North Tryon Street** said my colleague Keith MacVean and I are very pleased to be here tonight assisting JW Marriott Enterprises and the SouthPark Real Estate LLC, which are the owners of the Marriott site. Kevin Kimble who is the Manager of the Family Enterprises is with us. This rezoning does present an opportunity to bring a new hotel, an AC Marriott brand to the site but in many respects it is much more of an expansion of the existing hotel. There will be a lot of common employee parking, there will be employees working in both. Linen deliveries will be combined. The restaurant encouragement in the main hotel so it is very efficient way of adding more hotel opportunities in a different brand in the SouthPark area without consuming another site, so there are some real efficiencies that we are dealing with there.

We are pleased that the staff supports the rezoning and I want to hit a few quick high points as we go through. We've had great outreach with the community and as you can see we do have some new elevations; we've shared a number with you. This gives you a sense of the corner at the corner of Rexford and Roxborough Road, and the existing tree canopy that is going to be preserved, which is a very important feature of the identity of SouthPark in some of the ULI Study work that Councilmember Smith and others were very involved in, trying to preserve the tree canopy. As you know on Rexford Road, there is quite a tree canopy and also on Roxborough. In addition, we look forward to coordinating with regard to the Colony project here and we will be working hard to insure that our streetscape and the Colony are in harmony. A lot of efforts are going to be put into insuring that this site is developed in that fashion. We've also reached out to both the Trianon Community, which many of you may remember during the Colony rezoning as the condominium at the corner of Rexford and Roxborough. We are very pleased that you received late today an e-mail and a letter of support from the Trianon Community; we've also had outreach with Barclay Downs and Deering Oaks, and we've had very positive discussions with them, working a few details, but we feel like we have made great progress and support from the community.

This was some of the feedback we got along the way that we've really addressed along with addressing some of the issues regarding the plan that staff has raised. I want to talk a little bit about the importance of the tree canopy. This is the new hotel and there are two levels of parking deck but frankly one above grade and one more underneath grade, and that is the parking area with the preservation of the trees there. I look forward to looking at these remaining elevations and will be happy to answer any questions.

**Councilmember Eiselt** said does the SouthPark Area Plan consider the capacity for hotel rooms, how many; there are four or five hotels right now in SouthPark and there are three that are in the works. At what point are we saturated with hotel rooms?

Mr. McKinney said it is a little difficult to answer; our area plans typically do not get to that level of detail to specify the specifics of how many of those kinds of uses. The SouthPark Area Plan does not define that in any detail; the notion was as office developed and as other additional residential and retail developed the need for those kinds of uses was certainly anticipated in the area plan. It is still an open question about the number of those and the area plan does not get into that level of detail.

**Councilmember Smith** said I appreciate the outreach to the surrounding community, and I know that we have made some real good progress towards getting towards some sort of resolution. I want to put out a couple things for the record; one is I know there has been a request for a continued softening of that corner at Roxborough and Rexford and the suggestion was made for some sort of possible public art or some sort of way to continue to soften that. The coordination of landscaping, I don't know if there anything you can put in the notes to say you do that but the neighborhood community is interested in having somewhat of a unified look as you come down Roxborough so you don't have a couple of disjointed projects. I know there have been some requests on the median between Trianon and the hotel if there is any additional

landscaping in there that can be done. I think according to Mr. Davis the funds for the streetlight may already be covered by Senco so there may be a possibility to be a diversion from the request there to some of that additional landscaping and that is something we can talk about off line. Those were the three big things from the neighbors.

**Councilmember Phipps** said is it safe to assume that the certainty of getting some signalization at that intersection, is that something that is moving forward within the scope of possibility?

**Mike Davis, Transportation** said there is not a need obviously today for a traffic signal; the thing that really got a lot of radar is the recently approved Colony development. The Colony was one that we also didn't think would trigger the need, but we know we are getting close so the Colony project put up funds that should fully fund a traffic signal once it is warranted. That money can also be allocated towards other transportation priorities. With this project coming along, we think it is really going to get to a point, particularly between the two of them, where it will be needed so the funds will be in place clearly so once it meets the technical warrants, we will be ready to activate a signal there.

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

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**ITEM NO. 30: HEARING ON PETITION NO. 2016-068 BY YMCA OF GREATER CHARLOTTE, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.03 ACRES LOCATED ON THE EAST SIDE OF SOUTH CALDWELL STREET BETWEEN TEMPLETON AVENUE AND LEXINGTON AVENUE FROM O-2 (OFFICE DISTRICT) TO TOD-MO (TRANSIT ORIENTED DEVELOPMENT, MIXED USE, OPTIONAL).**

**Mayor Roberts** declared the hearing open.

**Interim Planning Director Ed McKinney** said you have the aerial in front of you and highlighted in red is the parcel, just over an acre at the corner of Caldwell Street, Lexington Avenue and Templeton or bounded by those three streets. The Dowd YMCA which is part of this is located here off of Caldwell. Pritchard Memorial Baptist Church is immediately across the street; you can see South Boulevard is just one block off and the next block up is the Carson Transit Station and then you can see the Blue Line, the Bland Street Station further down, Morehead Street, I-277 and Uptown, so we are within the Station area of South End and the Carson Transit Station. The existing zoning today is O-2 Office district included adjacent to the church across the street and then you can see a mix of transit oriented development zoning on a couple parcels around it and then the Dilworth residential neighborhood a couple blocks to the south. You can see the mix of development and business zoning off of Morehead and ultimately TOD development around the station area. The proposed zoning is to go from an O-2 to Transit oriented mixed use with some options, and I will walk you through the specifics of what is being proposed on the site with that zoning.

The future land use is to remind us again about the Station Area Plan itself; this is within South End stations and the Carson Transit Station specifically. The future land use recommended the transit oriented development mixed use and for much of the development immediately around this site in addition to that. From an orientation standpoint now Caldwell through the center of this graphic, Lexington Avenue on this side, Templeton Avenue on this side and again the church is here. What is being proposed now is a partnership between the church and the YMCA to share parking, and what they are proposing is to take the surface parking lot and develop a parking structure, allow the parking deck to have an additional 17,000 square feet of ground floor commercial uses. There is a minimum amount of open space that creates sort of a trail and open space on the back side of that deck between apartments that are being developed and the parking deck itself. The maximum height of the deck is 60-feet or four stories and the optional provisions relate to the TOD provision for parking deck and some unique opportunities to provide some activation on the street with this deck that requires a little bit of optional condition related to the amount of retail per each street frontage.

This diagram shows the location of this site and the parking deck; the two red areas shows the access points for the deck itself, one off of Lexington and one off of Templeton and what you see in this yellow band is where we will have street activation. This is part of using the TOD zoning district for a parking deck requires a minimum amount of 50% of activation on each street frontage, and you can see what has been done in this petition is to take that frontage and concentrate it on Caldwell Street and a portion of Lexington Avenue to get a street level activation on both of those sides. Here is a view from Caldwell to get the scale of the deck here, and you can see that ground floor level off of Caldwell, that first bay is designed to have active uses that can be converted to a range of commercial over time, but the intent is a portion of that, particularly along Caldwell Street would be space that could be used uniquely by the Y. I'll let them describe their intent for how that might be used. Then some more focused retail at the corner so this shows you the Caldwell frontage, the Lexington frontage sort of a corner view of the area with that retail ground floor activation wrapping that corner for the majority of Caldwell and a portion of Lexington. This is a view off Lexington Avenue showing that trail and open space condition between the multifamily apartments being developed and the parking deck itself. Here is a more focused detail of elevations so you get a sense of the Caldwell Street elevations so that of the ground floor is designed to be active uses. The intent is to use some of those spaces for some unique ways. The Y could activate them through their programs and activities, but also could be converted to retail over the long-term and you can see the back side elevation where the trail connection is and then the two elevations of Templeton and Lexington.

The petition is consistent with the South End Transit Station Area Plan which intends to have mixed use development. This was an opportunity for this partnership between the church and the Y to develop the deck in a way that is consistent in using the TOD zoning district specifically to make sure that deck is consistent with the kind of design intent, particularly the activity on the street. It allows a way to kind of intensify the site the way we envisioned in the Station Area Plan to share parking and design that parking in a way that really supports the walkability, the activation and the kind of design intent that we had within the Station Area Plan. Staff recommends approval of this petition upon resolution of the outstanding issues. There are a few more kind of nuisance details that we are working through on the building design and some of the elevation details, but most of those are site specific and some technical note issues related to the design conditions.

**Keith MacVean, 100 North Tryon Street** said Jeff Brown and I of Moore & Van Allen are assisting the YMCA of Greater Charlotte with this petition. With me tonight is Chris Orr, who is the Executive Director of the Dowd Y, Bobby Morrow who represents Pritchard Memorial Baptist Church and Scott Krueger also with the Greater Charlotte Y, and then David Burt with LS3P. I want to thank the staff for their assistance with this petition. We did start out with a different zoning petition and a different parking deck. With input from the staff as well as the Dilworth Land Use Committee, we also thank them for their help with the design of the petition we are happy to present to you tonight a request that the staff supports as well as the Dilworth Lane Use Committee. The site is one acre currently zoned O-2, used for a surface parking lot. This petition does allow the Y and Pritchard Memorial Baptist Church to build one single deck that both the Y and the church can use. You may remember last year the Y went through a rezoning request for the Dowd Y itself to allow the Y to expand and add more exercise space and facilities along Morehead Street. As part of that petition, it also gave the Dowd Y the ability to expand on the site with a new deck as well. The reason for that is as Morehead Street is redeveloping the site next door is actually being developed for additional office space; the expansion of the Y also took parking so they started to lose parking that they currently use, and they needed more parking on site. The good thing about this rezoning it allows a shared deck, a much smaller and more efficient deck for both these institutional uses, at a much more efficient cost. We do have active uses along the street; the Y will be using those for office and fitness spaces are the current plan. We are working with staff to resolve the remaining issues and hope to do that by Thursday's submittal.

**Councilmember Kinsey** said I know the property is owned by the church, so they do not pay taxes on it, but once the retail comes in will that portion of the parking deck have to pay property taxes?

Mr. MacVean said I don't know the answer to that. It will be office uses and recreational uses initially, but we will have to investigate; I don't know.

**Councilmember Phipps** said how many parking spaces are there going to be?

Mr. MacVean said 380 spaces.

Mr. Phipps said no plans to have any of it used for storage facility spaces?

Mr. MacVean said no climate controlled storage at this site.

**Councilmember Fallon** said are you going to charge for this parking?

Mr. MacVean said no, the members of the Y will be able to use the deck as well as the members of the church.

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

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**ITEM NO. 31: HEARING ON PETITION NO. 2016-069 BY WHITE POINT PACES PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.83 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF BELMONT AVENUE AND NORTH CALDWELL 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 the property highlighted in red; Caldwell Street and Belmont Avenue, and the request is from I-2 to conventional transit oriented development mixed use. There is no site plan associated with this rezoning. As you look at the existing zoning in the area, you can see that we have started to see conversion of sites going to TOD; right next door TOD and across the street TOD. We have some MUDD zoning down Caldwell Street and on 15th Street some MUDD zoning, then an interesting mixture and addition of residential, multifamily residential, single family residential and industrial in this area. This is a site within one-half mile of the Parkwood Avenue Station that is just up off of your screen along the LYNX Blue Line. As you look at the adopted land use, it is in a station area and you can see that this core area is for transit oriented development where the site is located. The petition is consistent with the Blue Line Extension Transit Station Area Plan, which does recommend transit supportive development for this site and surrounding sites. It allows a vacant site to be converted from industrial use to transit supportive uses. We do think that the use of conventional TOD for this small site will be appropriate as it will apply the standards of that district to create the desired form and intensity of development. The standards include requirements for streetscape treatment, building setbacks, building walls, entrances, and screening. Because the plan does not have a specific height limit, we don't think there is a conditional plan needed to deal with height transition for this particular site. Staff is recommending approval of this petition and there are no outstanding issues.

**John Carmichael, 101 North Tryon Street** said I am here with Jay Lavell, the petitioner White Point Paces Properties. As you may recall, White Point is the entity that is preserving and repurposing the Highland Mill Building, and you can see the Highland Mill Building right at the top and catty cornered from this site is property that was part of that TOD-MO rezoning that you folks approved tonight for White Point Paces Properties. It is about .83 acres and is within one-half mile of the Parkwood Transit Station; it is currently zoned I-2, and as you can see there is TOD zoning to the north, west, and south of the site. There is industrial zoning across Belmont Avenue from this site, and the site is currently utilized as a salvage yard. We are pleased that the planning staff is recommending approval, and it is consistent with the Transit Station Area Plan. We will be happy to answer any questions.

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

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**ITEM NO. 32: HEARING ON PETITION NO. 2016-070 BY WOODFIELD ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 21.68 ACRES LOCATED NORTH OF MADISON SQUARE PLACE AND NEAR THE INTERSECTION OF MADISON SQUARE PLACE AND NORTHLAKE CENTRE PARKWAY FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND CC ( COMMERCIAL CENTER) TO UR-3(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Roberts** declared the hearing open.

**Assistant Planning Director Laura Harmon** said this is the property highlighted in red abutting I-485, and you can see Northlake Mall in the lower right hand corner of the slide. This is a request for 300 multifamily units at a density of 13.8 units per acre. It will be Phase II of an approved rezoning from 2013 that allowed 416 multifamily units on the abutting site to the northeast. The orange area is the mixed use activity center for Northlake, and you can see the site is in the mixed use activity center priority area for growth and intensification and also the creation of a more pedestrian environment. Looking specifically at this site and the zoning around it, it is currently zoned R-3, and it was a former subdivision that became disconnected from the remainder of the subdivision with the construction of I-485, so you can see how this at one point connected Forest Drive on the other side of I-485 and over here. So, it kind of left this parcel behind. Other zoning around is across I-485 a lot of single family zoning, but on this side, we are really reflecting the mall and the larger mixed use activity center so the mall is zoned commercial center, and there is some additional CC zoning along Madison Square Place, down below is some urban residential zoning abutting this for that previous phase of this development and then some BP business park zoning up north of the mall.

The adopted future land use plan is the Northlake Area Plan from 2008; it did call for this site to be residential, office and/or retail, so you can see the residential is potentially coming into fruition. Also, an important component of the land use is the greenway that is potentially abutting this site. This petition calls for up to 300 multifamily units, and it will be the second phase of the abutting multifamily, and you can see the first phase in the upper right hand corner; Woodfield Apartments under construction, and the street network would connect into this property and extend that development. The site would receive access from that first phase; have architectural and design standards relating to building materials, roof design, blank walls, pedestrian connectivity that are meant to carry forward what was committed to in the first phase. They are also proposing to convey to Mecklenburg County the majority of the 100-foot FEMA floodplain for future greenway development and also identifies the location for a greenway connection.

The petition is consistent with the Northlake Area Plan; the plan called for residential again, office and/or retail but it also said that if it was a single use for multifamily that the maximum number of dwelling units per acre should be 22; this proposal is well below the maximum of 22, at 13.8 units per acre. Staff is supporting this petition; it is located within the Northlake Mixed Use Activity Center, a priority for future growth and appropriate for new multifamily. This would be a second phase of a development that is underway; it will maintain those design commitments from the first phase and will also be providing greenway dedication, and those are factors that we think are positive for this site. We are recommending approval upon the resolution of an outstanding issue related to building height.

**Keith MacVean, 100 North Tryon Street** said Jeff Brown and I of Moore & Van Allen are assisting Woodfield Investments LLC with this petition. It is 21 acres currently zoned predominantly R-3; there is a little bit of commercial center zoning on the site that was part of a previous rezoning. The request is for up to 300 apartments, Phase II of the current Northlake Apartments. We have met with Councilmember Austin, and I know he is not here tonight, but he met us out on the field, and we did walk the site with him. He didn't share any objection to this rezoning with us at that time. I felt it would actually be good for the Northlake area to add

additional residents this close to the Mall and the other retail uses in the area so they could take advantage of that and strengthen the core of the Northlake area.

This plan proposes an extension of a public street that will access these additional units; the public street will terminate at the pool amenity area. We are providing a large tree save area along I-485 and then additional greenway area dedication here for the future trail. Part of that greenway dedication also includes an existing bridge over the creek that is here. This is specifically what Parks and Rec wanted to allow for crossing over that the creek. This is a photo of Phase I apartments, which are almost complete now, and will probably be complete within the next 30 to 60 days, or may be already leasing actually. This is the same design quality and commitments that were part of Phase I are carried on to Phase II. I mentioned buffers and tree save areas as well as access to the site being a new public street.

**Councilmember Mitchell** said are these market rate apartments or are they a combination?

Mr. MacVean said these will be market rate apartments.

Mr. Mitchell said Phase I was market rate as well, correct?

Mr. MacVean said that is correct.

**Councilmember Phipps** said the combined number of apartments units of Phase I and II is 716?

Mr. MacVean said as Ms. Harmon mentioned, Phase I was approved for up to 416 units; there are actually only 310 units in the first phase. This would allow up to an additional 300 so a maximum of 610 at this point.

Motion was made by Councilmember Mitchell, seconded by Councilmember Kinsey, and carried unanimously to close the public hearing.
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**ITEM NO. 33: HEARING ON PETITION NO. 2016-071 BY ASTON PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.28 ACRES LOCATED ON THE NORTH SIDE OF WEST TYVOLA ROAD BETWEEN CITY PARK DRIVE AND SPEER BOULEVARD FROM MUDD-O TO MUDD-O SPA 5-YEAR VESTED RIGHTS FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA 5-YEAR VESTED RIGHTS (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT, 5-YEAR VESTED RIGHTS).**

**Mayor Roberts** declared the hearing open.

**Assistant Planning Director Laura Harmon** said this is the subject property here on West Tyvola Road, and I think you are all familiar that that is the Old Coliseum site, and you can see a bit of development that has occurred on that site. This is at the entrance to the larger City Park development, and it is really kind of where highway oriented design comes to West Tyvola and converts to something more pedestrian oriented on City Park Drive. It is a rather small site, 3.28 acres for this property. This is again within the Old Coliseum mixed use activity center and you can see that in orange, another priority area for this type of urban development. The zoning for that large development is MUDD; MUDD-O for the City Park Development, and you get further south and east you have R-4 zoning and as you move to the west industrial development as the area turns into an industrial center. This request is a site plan amendment to a small portion of the existing City Park Development. The plan calls for residential, office and/or retail for this site and calls for a mixture of that throughout the larger development, and in place, there is commercial development accommodated on this particular site. What they are trying to do is update the site plan for this property to recognize the conditions that are out there and current market conditions. The proposal divides the site into four parcels; parcels one, two, and three are building envelopes, and parcel four is at the corner of City Park Drive and National Avenue is designed to be a rain garden amenity area. This would allow 20,000 square feet of commercial uses in up to three buildings, one on each of those parcels, with two drive-thru windows, one on

parcel one and one on parcel two, both of those parcels fronting Tyvola Road. It does limit the uses associated with the drive-thru windows and prohibits convenience stores with gas sales, car washes, and automobile service station on any of these sites. There are some optional provisions because MUDD is fairly strict on treatment of drive-thru, so the optional provisions related to first allowing drive-thru and modifications to some of their signage standards. In addition, their proposal includes architectural renderings, specifies building materials and goes into a fair amount of detail and what will go on the site. They do have a rendering here, and we spent a bit of time with them talking about how this would read from Tyvola Road, so there is maneuvering allowed between one of the buildings, not the one at City Park, but the one at Tyvola and the other street, parallel to City Park which is Potomac River Parkway, and they do have some maneuvering between the building and the street which is not typically allowed in MUDD without an optional provision, but you can see how they have screened that with both walls and landscaping to minimize the impact to that. They have moved the building up to the street at the corner of City Park and West Tyvola, so we think they have done a good job of balancing a pretty heavily traveled and auto oriented roadway of Tyvola with trying to move into a more pedestrian environment as you move into the City Park development.

The Petition is consistent with the Southwest District Plan recommendation for that mix of residential, office and/or retail uses for the overall City Park development, as amended by the rezoning for that development. It is technically inconsistent with the specific limitations on that previous rezoning related to drive-thru service windows and the design of those drive-thru service windows and the location of the vehicular maneuvering; however, staff is supporting it because we do think that they have mitigated the negative aspects of that and really worked hard on the design and we see that this is located on Tyvola. The current site plan allows commercial uses with drive-thru windows; this is just tweaking the way it is done a little bit. It does not increase the number of drive-thru windows but simply expands the type to allow two eating, drinking, entertainment establishments, one of which will have limited food preparation. We talked about the treatment along West Tyvola with the hiding of the drive-thru maneuvering lane, and we do think the pedestrian orientation is maintained on the really important streets for pedestrians, those being City Park Drive that enters into the development and National Avenue which is within the interior of the development. We are also supportive of this because of the amenity and their treatment of the rain garden and outdoor seating. We are recommending approval upon resolution of outstanding issues, and you can see we have a few things we want to wrap up with the petitioner related to access, screening, and some requested technical revisions.

**Colin Brown, 214 North Tryon Street** said I am with the Law Firm of K&L Gates here on behalf of Aston. Ms. Harmon did a great job on the overview, and I would just hammer home a couple things she said. The master rezoning that Pope and Land did that some of you may recall allowed four drive-thru uses; specifically, it allowed one coffee shop, one dry-cleaner, one pharmacy, and one bank so our modification is not to increase the number of drive-thru; it is to provide some flexibility. Councilmember Mayfield joined us for the community meeting out there, and it is exciting to see what Pope and Land is doing; there is finally some momentum, there are people walking around. The attendees of the meetings were the developers of the single family sites and the apartment sites and their questions were, when are you going to bring us some retail that our folks can go to? I don't know if those residents would be too excited about the dry-cleaner and the pharmacy; they are really interested in what we are calling ED and EE. One of the uses we think is probably coffee shop; that is not really defined by our ordinance. If you think of your favorite coffee shop now, they are doing a lot of food and beverage, so we are now going to say that will be an ED and EE and then a traditional ED and EE. We've talked with staff and there will be an amendment to the master City Park rezoning to insure that the number of drive-thru stays where it was. It just gives a little bit of flexibility for these uses and some maneuvering to make this work.

**Councilmember Phipps** said I was wondering with that many drive-thru windows and the desire to make the place more walkable, how is that consistent with the overall vision there?

Mr. Brown said there is no increase in the total number of drive-thru; I think if we look at the site plan, staff has been pretty intentional about the design of the site and where these can be located. On the main street, City Park where you come in the building on the corner will have a drive-thru, but the requirement is that it be internal from the site so that when you are driving in you see a nice look on the corner that everything here feels pedestrian, has a nice sidewalk, plenty of

screening, takes you to an open space site. We've got residential right here so it kind of works where if you come out there is an open space here, the sidewalks takes you to the building. There is a lot of excitement out there, but if you look at the market study that our teams are doing this is very much an office market, so you've got a lot of folks that are out there clocking in 9:00 a.m. to 5:00 p.m., and that is where the real demand is. It is those office workers that are going to drive-thru and maybe grab a coffee or pick up a lunch. That is what is allowing these retailers to locate here; what is going to be of benefit is that gets them here and then these folks get the benefit of it. Without those drive-thru components we would not be able to attract the type of retailers that are coming.

**Councilmember Fallon** said why vested rights 5-years?

Mr. Brown said that protects for five-years; I think City Park is a perfect example of why sometimes you need that protection. I think that zoning was approved in 2008, and here we are in 2016 coming along with components of it, so it really locks in the zoning as it is so this site can be developed consistent with it. We've got a really good idea what is going to happen in parcels one and two; Aston is going to develop those, and we know exactly what is going here. There is less certainty about number three, so this could be a couple years down the road and the vested rights just kind of locks everything in, so this site can be developed as approved for at least five years.

Mr. Phipps said could you go back to your first slide; is that the old footprint for the Coliseum out there?

Mr. Brown said those are ball fields; that is the Renaissance Park.

**Councilmember Mayfield** said Mr. Brown, I want to thank you and the petitioners for when we had the meeting you answered quite a few of my questions as far as the layout and the plan. This is a good bit of land right there on that corner of West Tyvola and City Park, but I actually drove around in the community after we finished the meeting and as was mentioned there are a lot of people out and about. The other pieces they did a really good job of having wide sidewalks there, and if we remember we had conversations a while ago regarding the farmer's market on the back side, and they have a trail that is planned through the farmer's market. With this bit of retail, when you think about is actually over there, you have one restaurant that has been there forever and you have some new development that is further up, but there is nothing really like this and it is tying in with another project that we talked about that is further up West Tyvola and Nations Ford where we are looking at some retail, restaurant and eating establishments, so I actually think this is going to be a good attraction, especially since they are doing very well with the multifamily development that is happening and other development that we've approved within the last one to two years. I'm happy with the fact that any question that came up and I assume that will continue if any of my colleagues come across anything that they want to know, but I'm comfortable with this project moving forward, and it seems like the few people that I talked to that were out walking when I was riding around in the complex and just asking their opinion about it, there seems to be a buzz and some excitement.

Mr. Phipps said I noticed that staff had developed a new word for sidewalks that are larger than the traditional sidewalk, and they call it a "wide" walk.

Motion was made by Councilmember Mayfield, seconded by Councilmember Smith, and carried unanimously to close the public hearing.
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**ITEM NO. 34: HEARING ON PETITION NO. 2016-072 BY DV XV, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.43 ACRES LOCATED ON THE NORTH SIDE OF SOUTH COLONIAL AVENUE BETWEEN QUEENS ROAD AND PROVIDENCE ROAD FROM O-1 (OFFICE) TO O-2 (OFFICE).**

**Mayor Roberts** declared the hearing open.

**Interim Planning Director Ed McKinney** said the site is outlined in red; Colonial Avenue here and it is just off of Providence Road. If you continue on this road you are just outside of uptown kind of in the sphere of influence of the hospitals. This is Queens Road off to the west. With regards to the existing zoning, it sits within the context of office and medical office zoning off of Providence Road and Randolph Road, again kind of influenced by the core of medical office and hospitals. This is a conventional zoning that goes from O-1 to the proposed O-2 district, by right conventional. The future land use; this is to reemphasize the pattern of office and mixed use development all around it and some portions of this is anticipated for a range of multifamily as well. The petition is consistent with the Central District Plan which recommended a mix of uses, residential and office in the area. Simple rationale this proposed use is really an increase in office intensity in a location near uptown and adjacent to our growing hospitals and is consistent with the surrounding office zoning, which includes O-2. Based on that staff recommends approval and there are no outstanding issues.

**John Carmichael, 101 North Tryon Street** said I am here on behalf of the petitioner. The site is highlighted in red, and it is a .4 acre portion of approximately 1.42 acre parcel of land that is located at the intersection of Providence Road and South Colonial Avenue. The .4 acre portion is zoned O-1, and the remaining two-thirds of the site are currently zoned O-2. The request is rezone the one-third portion of the site from O-1 to O-2, so the zoning for the entire parcel is consistent and it would have consistent development standards. I will tell you that if it goes from O-1 to O-2, there will be a little more square footage that could be developed here, about 7,000 square feet growth. Mr. Boochie tells me with the other requirements of the ordinance would be less than the 7,000 square feet. The O-2 is consistent with the zoning to the east and north of the site across Providence Road. To the west of the site are parcels zoned O-1. To the south is O-1(CD). Catty cornered is O-2 and then at the other corner is O-6(CD), so we feel it is consistent with the surrounding zoning and it would also once again apply one zoning district to the site. It is unusual to have two conventional rezoning requests in one evening, but we think there is some logic here.

**Councilmember Smith** said Mr. Carmichael, I assume that once you get these on the same zoning classification that you are going to come through with a more intense office use?

Mr. Carmichael said he doesn't know at that point what he is going to do with it, but as I said it would allow 7,000 square feet total on the whole site for office use.

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

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**ITEM NO. 35: HEARING ON PETITION NO. 2016-078 BY SOUTH END GOLD, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.14 ACRES LOCATED ON THE NORTH SIDE OF WEST PALMER STREET BETWEEN SOUTH GRAHAM STREET AND SOUTH MINT STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT, MIXED USE).**

**Mayor Roberts** declared the hearing open.

**Interim Planning Director Ed McKinney** said you have before you the site aerial, and if you look really hard you can see this .14 acre site just off of Palmer, just north of Mint Street. You can see Carson Boulevard takes you down to the Carson Transit Station, and you see the Blue Line and its relationship to Mint Street and uptown and the Football Stadium in the South End Station Area Plans. The existing is zoning shows a zoning pattern of industrial zoning centered on Mint Street and then you can see pieces and parts of the zonings that have occurred over time now related to the Station Area Plan for both mixed use and TOD zoning. This is taking an I-2 zoning district classification going to a by right conventional TOD mixed use district. From a land use perspective and station area plan perspective it was anticipated in our Station Area Plan, and you can see the line between where the industrial uses are and where the plan anticipated for transit oriented development, so the TOD really connecting you and the development extension of adjacency and walks that gets you down to the station. The petition is consistent with the

South End Transit Station Area Plan recommendation for mixed use, transit supported development. It is within one-half mile of the Carson Transit Station and the site allows for the conversion and the anticipation we had in the Station Area Plan for those uses to convert over time to uses that were supportive of the transit station area and this is using the conventional TOD zoning district to do that for an industrial use, with all the design standards, with all the standards that give us the form and the shape, the street activation and the design that we want in our Station Area Plans. Based on that staff recommends approval of this petition, and there are no outstanding issues.

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

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### MAYOR AND COUNCIL TOPICS

**Councilmember Autry** said I want to thank the City and everyone else who participated in Bike Charlotte over the last couple of weeks. It was a resounding success again and especially thank Ken Tippet, the City's Bicycle Program Manager, for his dedication to putting this effort forward. A great time was had by everyone, and I look forward to next year.

**Mayor Roberts** said I just want to thank all the officials with the American Public Transportation Association, who are here in Charlotte for several days, and we had several CATS bus drivers who were in the Bus Rodeo; we don't know if they won yet. They are going to find out tomorrow. I just want to welcome and thank all those officials for being here; we really rely on public transportation to make sure that everything is accessible in our community, and we know a lot of people rely on public transportation to be able to get to work and the doctor. We had almost a thousand officials here for three or four days; we welcome them and hope they have a great convention.

**Councilmember Lyles** said I would like to actually ask all of our citizens who are interested in how we move around the City, what our mobility options are to please take a few minutes to look at the Comprehensive Transportation Plan website. That website is active and alive, and it talks about what we need to do to make Charlotte a more connected City over the next 20-years. We will continue this public participation but the website is ready for your use and your thoughts and ideas. Please click for the Comprehensive Transportation Plan website.

**Councilmember Mitchell** said without any objections, I would like for us to refer an item to the Economic Development and Global Competiveness Committee, just to look at the economic impact that the HB-2 is having on our great City.

Mayor Roberts said I think we are all good on that.

Mr. Autry said what is the objective of this referral?

Mr. Mitchell said there are some of us that have been hearing information from other people, and I think it is good for us as a Council to get all the current and accurate information about the impact from our tourism industry, from our corporate community and some of our sports franchises.

Mr. Autry said how does this effort move the dial at all?

Mr. Mitchell said part of my request is not about moving the dial; it is about getting information so we can all be clear on the impact it is having on our City.

**Councilmember Phipps** said I wanted to thank the Prosperity Village Association for their participation this week-end in the Great America Clean-Up in conjunction with Keep Charlotte Beautiful and Keep America Beautiful. All total, I think we had seven different big projects all over the City participating in the Great American Clean-Up. I'm thankful we are doing our part in incremental ways to keep Charlotte beautiful through litter pick-up and cleanliness in the City.

**Councilmember Smith** said I celebrated my 11th wedding anniversary over the week. You all have had me for three years, and my beautiful bride has had me for 11, and I thank you for all that you do Bridget, Happy Anniversary.

**Councilmember Mayfield** said first I want to thank all of our City staff, as well as all the community members that came out to the budget discussion we had this past Saturday morning, and specifically want to thank Pastor Sadler of Steele Creek AME Zion for hosting us and giving us an opportunity to be in the Fellowship Hall. I want to let people know this is a busy season, so this coming Saturday morning from 9:00 a.m. to 1:00 p.m. will be our Community Corners; this will be our fourth Community Corners. We've been moving them around for the community to come out and engage. We've seen a high influx of crime unfortunately; you need to know who your CMPD Officers are, who your fire response area team is and as the community fellowship and get to know each other. That will be at the River Gate Shopping Center, Steele Creek area this coming Saturday 9:00 a.m. to 1:00 p.m., and we also be hosting on the west side of my community, the Reed Park Community Festival, which will be held in the lot next to the West Boulevard Library on the corner of West Boulevard and Clanton Road. The Reed Park Festival will start around noon so you have two events that will be happening in District 3 this week-end. Hopefully I will see you at one or both of them.

**Councilmember Kinsey** said are you referring what Mr. Mitchell asked for to the Committee?

Mayor Roberts said I'm not; I thought the Council was.

Ms. Kinsey said well, we didn't vote.

Mayor Roberts said the Attorney told me we didn't need to have a vote, but if you want to have a vote of Council that is fine.

Mr. Autry said Mr. Mitchell if you get this referral, how much time will you need that in Committee? When I asked for the Solid Waste Services, I said we want to study this for six months.

Mr. Mitchell said without knowing what is going to be presented to us, I don't know. Our next Committee meeting is May 26th; I have no idea.

**Councilmember Eiselt** said what kind of an impact does this have on our Finance staff at a time when we are trying to get the budget done? What staff members are the ones that would be responsible for pulling this data together?

Mr. Mitchell said I wasn't hoping to tax our staff, but I hope some of our stakeholders from the community would come and share a report, for example the tourism industry, from the sports franchises and from the business community. I didn't see this taxing our staff or having staff to make any presentations.

Ms. Eiselt said so, we are asking for the business community to give us a presentation in the Economic Development Committee, or are we asking for a report to be put together? Who is coordinating all of that? I'm just unclear as to what it is that we are asking for, and as Mr. Autry suggested, what the purpose of it is.

Mr. Mitchell said it is to receive information. Some of us have been in meetings, and I think some of the information needs to be shared with everyone on Council about the true impact that this bill is having on our community. The business community has shared some concerns, some of our sports franchises have shared some concerns, as well as the tourism industry, and I think it is in our best interest just to hear from people, some of the stakeholders, on the economic impact it is having.

Mr. Smith said we've been getting piecemeal information in the Observer but have not had the opportunity in a setting where we can the vested folks in the business community give us a more comprehensive picture. You get an article here and an article there; I think to have an opportunity in a committee setting to have some of these stakeholders come in, the City is not

giving anything up to have them come in. If we can get information and then we can figure out from there what to do with it.

Ms. Mayfield said Mr. Mitchell, what I'm wondering is if we are talking about just receiving an update from the business community, opposed to it going to the Economic Development Committee, which is a Committee of five, why not do it in the form of a Dinner Briefing so that all of Council can hear the information at the same time? I think one of the multiple challenges is that the full Council not having conversations with these individuals. Some of us are having conversations. Others are having a different conversation. If it goes to a specific committee then that Committee is going to receive a presentation just for us to turn around and schedule another meeting, and I agree with Ms. Eiselt that in the middle of us trying to get through the budget, if this is going to consist of staff resources, it seems like it would be more beneficial to have it presented in a Dinner Meeting and have time specifically carved out for us to ask questions and that way the full Council gets the information. I'm not really sure how it would benefit outside of us knowing that there is an impact. We've already pretty much gotten from the Chamber; they sent us notices to let us know what is going on, but I agree that it may be helpful to hear from the community, but I think a Dinner Meeting would probably be more beneficial instead of a Committee.

Ms. Smith said when we did the Bojangles Arena and we were looking at Good Sports or whoever coming in, I think nine of the 11 Councilmembers showed up for that presentation. I was not on the Committee, I asked several questions that morning, and quite frankly, I just don't see what a detriment to having a dialogue in a committee is to any of this. I understand that folks may not think it is as productive, but I don't see what the detriment is.

Mr. Mitchell said just like we do other referrals, I don't see taking up a lot of staff time. I think Ron Kimble the goal would be hopefully. Those who we think it necessary to be at the meeting would come give a report, I don't see Kim Eagle and the rest of our team who is preparing our budget having a large role in this presentation.

Ms. Kinsey said not too long ago, I asked for something to be referred, or I talked with management about it, and I didn't bring it to the Council because they wanted to understand what we were asking the Committee to look at. We've got to be consistent; we either do what we usually do and bring it to the Council like has been done tonight or it goes to staff, and this isn't being consistent. I may not be able to get to that meeting, and either the Manager or the Mayor refers it, or if there is anybody who disagrees we have the right to raise our hand against it and then the Manager or the Mayor can refer it if they wish. I agree with Ms. Mayfield it probably should be on a Dinner Meeting, so all of us can hear the same thing, because some of us won't be able to get to that Committee meeting.

Mr. Autry said Mr. Mitchell; the impact to HB-2 is pretty evident to all of us. We read about; we hear about it, and we feel it in the community. There is nothing that could come forward from the Committee that this Council could act on that would have any effect on HB-2. I don't see the necessity of the referral with that understanding that what we want from Committees is policy and HB-2 is not on our purview; it is not on our wheelhouse. We can lament about it; we can fret about it, but we can't do anything to move the dial. I'm fine to hear from the CRVA; I'm fine to hear from the sports franchises about what they feel about it. I think that is good that we would have that in front of the full Council; I really just don't see the purpose, because I don't see an outcome from the committee referral.

**Councilmember Driggs** said I just want to say for one in terms of the precedent, we are in an unprecedented situation, and we are also in a multilateral standstill right now in circumstances that are very harmful to our state. I think this fact finding proposal is a way, without making any concessions to anybody, of us demonstrating an awareness of the situation. I think it would be a little naive to suggest that we have no part in all of this regardless of how adamant of how everybody is about who went first or who did what, and I don't want to talk about that. I just think we need to cease any opportunity we have to be part of a solution. I don't think that necessarily involves making concessions, but I know that some of what I've heard from the General Assembly suggest that total inaction on our part is not helpful to any progress they might make in dealing with the situation they have. We can sit here and say hey, that is their problem, but the fact is the state and the City are hurting right now, and if we have an opportunity to do

anything about that we should. At the moment, all that is being proposed is very limited; it is a Committee conversation. It is not the full session; it is just let's get some information, and let's let everyone know that we are thinking about it and there will be no action beyond that. We may not even get that far; I think we need to talk about exactly what the Committee meeting would look like, but I don't see the danger at this juncture in suggesting that the Committee ought to talk about it; any other member of Council that wants to be there for that meeting should come. There is no presumption, but again I repeat the suggestion that we have no part in any potential solution just because of our conviction that they created this problem and they ought to solve it is simply not responsive to the situation we are in.

Mr. Mitchell said I'm open; there has been great dialogue, so if you think a Dinner Briefing is better, I have no problem referring it to staff for a Dinner Briefing. I think it is important to gather information, so if that suits the Council, I'm open to that as well.

**Councilmember Lyles** said you remember when we had the Retreat and everybody went there is action and process and you saw my corner, so I'm going to go to process. I would say that Ms. Kinsey is correct, when we talked about referring things it is been where we've talked about solving a problem as a Council, we've done a charge and done all of that, so I do think it is more appropriate for a Dinner Briefing when we often have people come in and report on what they are doing, Tree Charlotte for example. I'm going to say and just speaking for myself, I don't know that I have the information around the economic impact. I actually did make a call to CRVA staff and said, tell me what this means because so many people have framed this economic loss in the terms of our big marketing image, and I talk about this in the terms of the loss of the person that is working that second job at the Convention Center where we are not having it. Those folks that actually use this in some ways to supplement their income, so I do think, and it is not just the hospitality industry, so much of this feeds off of it. I think it always important for us to have shared knowledge and information, so that is why I would be willing to actually have the report by both the hospitality and entertainment industry by our financial industry, any way that we can coordinate this in a way that maybe it does come from the Chamber's kind of outreach to businesses. I'm asking for nothing more than help me be aware of what this impact is. I think knowledge is really good, and I don't know that I can speak fluently around the economic loss or the economic impact that we are having. I would support actually learning or having the information and a Dinner Briefing would be fine with me, because I think that is more consistent. We are not asking for action; I think to Ms. Kinsey's point, we are not asking for action; we are asking for information.

Mr. Autry with all deference sir, whenever you say that there are multiple passes to this whole situation, and there is no way to get anything done without somebody making a move somewhere first, but yet no one can articulate to this Council what action we should take and what we should do to move the dial. In that respect, I will not support the referral to the ED Committee, but information is good, and just like Ms. Lyles quoted from the motto of Faber College in Animal House, knowledge is good.

**Councilmember Fallon** said maybe it would help to dispel some of the rumors, number one. Maybe it will give a little more confidence to the business community that we are fully engaged and want something done and understand how it is hurting them, because they are responding and thinking we are detached.

Ms. Mayfield said just for clarification, Councilmember Mitchell, are you accepting my amendment for us to do it in a Dinner Briefing opposed to going to Committee?

Mr. Mitchell said yes.

Mr. Smith said when can we get it on a Dinner Briefing?

Mr. Mitchell said can we get it on a Dinner Briefing on May 23, 2016?

**City Manager Ron Carlee** said we can try; we'll work on it and certainly try to do it.

Ms. Fallon said why can't we have the economic meeting at the Dinner Meeting and have a Council meeting of the Economic Committee at the Dinner Meeting to have things presented where we are all at?

Mayor Roberts said it is going to be the whole Council.

Mr. Autry said I would ask also that for the Dinner Briefing that is usually upstairs, could we arrange to have that portion of that Dinner Briefing televised?

Mr. Carlee said I don't want to respond just off the top of my head, but I will certainly take all of these ideas that are coming forward and put it together in a plan, run it by Mayor and Council and make sure that we are setting things up in a way that is responsive to what you've asked.

The Council voted on the suggestion to have the information presented in a Dinner Briefing on May 23, 2016, and the vote was unanimous.

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### ADJOURNMENT

Motion was made by Councilmember Mayfield, seconded by Councilmember Lyles, and carried unanimously to adjourn the meeting.
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The meeting was adjourned at 9:04 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 3 Hours, 36 Minutes  
Minutes Completed: June 13, 2016