

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Tuesday, January 19, 2016 at 5:17 p.m. in CH-14 of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were Al Austin, John Autry, Ed Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, LaWana Mayfield, James Mitchell, Vi Lyles, Greg Phipps and Kenny Smith.

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DINNER BRIEFING

Due to technical difficulties the audio was not recorded for this portion of the meeting.

ITEM NO. 1: AGENDA REVIEW

Tammie Keplinger, Planning advised Councilmembers that there were six statements of support and one letter in opposition that have been provided to Council. Ms. Keplinger advised Council that there has been a last minute deferral request for Item No. 18: Petition No. 2015-133 by BRC Salome Church, LLC; the request is to defer the decision on this petition until February 15, 2016. Ms. Keplinger also reviewed four other petitions that Council is being asked to defer to February 15, 2016, they are: Item No. 20: Petition No. 2015-058, by Childress Klein, Item No. 21: Petition No. 2015-059, by Childress Klein, Item No. 22: Petition No. 2015-111, by North Wendover Partners, LLC, and Item No. 23: Petition No. 2016-008 by City Center Hotel, Inc. Ms. Keplinger advised that there were 25 public hearings scheduled for February.

Ms. Keplinger advised that Item No. 7: Petition 2015-090, by Copper Builders, Inc. has a protest petition that has been withdrawn and Item No. 11: Petition No. 2015-118, by Pavilion Development Company has a protest petition that is sufficient. Ms. Keplinger also advised that Council will have to vote on Item No. 16: Petition No. 2015-131, by Synco Properties, whether or not to send the petition back to the Zoning Committee due to changes that have been submitted since the Zoning Committee's vote.

Ms. Keplinger also passed out a handout related to Item No. 33: Petition No. 2016-006 by Air West Commerce Center II, LLC & EWN Holdings, LLC regarding the differences between I-2 (general industrial) and I-1 zoning (light industrial).

Interim Planning Director Ed McKinney mentioned that there had been a dinner presentation in November 2015 regarding the first public hearing, Item No. 24: Petition No. 2015-099 by Pappas Properties. He noted that the text amendment clarifies how retail uses are provided for within the Pedestrian Overlay district.

There was discussion by Councilmembers regarding the challenges of making development decisions and promoting economic growth while not having all the information to consider the impact the decision will have on the city's infrastructure. Councilmembers stated they are being asked to make decisions when the area may not have the infrastructure to support increased populations that lead to traffic congestion, school overcrowding, and burdens on other city services. They discussed the need to have more guidance from staff, the need to discuss how the city develops, how to incent development in a focused manner, the need to bring schools into the development discussions, the need for predictability, connectivity, and consideration about how the project will work with the surrounding community. Councilmembers discussed the need to address the issue at the upcoming Council retreat.

City Manager Ron Carlee advised that there had been some discussions about these subjects and staff is prepared to bring back some recommendations to Council to gain policy guidance.

Mayor Roberts advised that there will be upcoming discussions about the Non-Discrimination Ordinance; there is a community forum on February 1, 2016, a Dinner Briefing on February 8, 2016 and there will be a vote on February 22, 2016.

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The meeting was recessed at 5:51 p.m. to move to the Council Chambers for the regularly scheduled Zoning Meeting.

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ZONING MEETING

The City Council of the City of Charlotte, North Carolina reconvened for a Zoning Meeting on Tuesday, January 19, 2016 at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were Al Austin, John Autry, Ed Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, James Mitchell, Greg Phipps and Kenny Smith.

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INVOCATION AND PLEDGE

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

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EXPLANATION OF THE ZONING MEETING

Mayor Robert explained the rules and procedures of the Zoning meeting.

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INTRODUCTION OF THE ZONING COMMITTEE

Tony Lathrop, Zoning Committee introduced members of the Zoning Committee and said they will meet Wednesday, January 27, at 4:30 p.m. in the Government Center to discuss and make recommendations on the petitions that have public hearing tonight. The public is welcome but please note that it is not a continuation of the public hearing that is being held today. Before that meeting on the January 27th, the public is welcome to contact the committee to provide input. Contact information and information on each of these petitions at charlotteplanning.org.

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DEFERRALS

Motion was made by Councilmember Lyles, seconded by Councilmember Austin, and carried unanimously to defer Item No. 18, Petition No. 2015-133, Item No. 20, Petition No. 2015-058, Item No. 21, Petition No. 2015-059, Item No. 22, Petition No. 2015-111 and Item No. 23, Petition No. 2016-008 to our February 15, 2016 meeting.

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HISTORIC LANDMARKS

ITEM ON. 4: EDWARD M. ROZZELL HOUSE PROPERTY

Motion was made by Councilmember Kinsey, seconded by Councilmember Driggs, and carried unanimously to adopt a resolution to hold a Public Hearing on February 15, 2016 on the question of designating the property known as the Edward M. Rozzell House Property located 15 11601 Old Rozzells Ferry Road, Charlotte, North Carolina, listed under Tax Parcel Number 03122258 as of December 22, 2015, as a Historic Landmark.

The resolution is recorded in full in Resolution Book 47, at Page 194-195.

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ITEM NO. 5: SLOAN-PORTER HOUSE

Motion was made by Councilmember Kinsey, seconded by Councilmember Phipps, and carried unanimously to adopt a resolution to hold a Public Hearing on February 15, 2016 on the question of designating the property known as the Sloan-Porter House, located 10124 Walkers Ferry Road, listed under Tax Parcel Number 11317102 as of December 31, 2015, as a Historic Landmark.

The resolution is recorded in full in Resolution Book 47, at Page 196-197.

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DECISIONS

ITEM NO. 6: ORDINANCE NO: 7023-Z PETITION NO. 2014-019 BY CAROLINA DEVELOPMENT SERVICES, LLC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 26.5 ACRES LOCATED ON THE WEST CORNER OF THE INTERSECTION OF MALLARD CREEK ROAD AND SALOME CHURCH ROAD, FROM CC, (COMMERCIAL CENTER) TO CC SPA 5-YEAR VESTED RIGHTS (COMMERCIAL CENTER, SITE PLAN AMENDMENT).

The Zoning Committee found this petition to be consistent with the Northeast Area Plan based on information from the staff analysis and the public hearing, and because the plan recommends multi-family and/or retail land uses 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 petition incorporated standards on site design, open space and buffers, street design and connectivity, and building form and design (as identified in the District 4 Multi-Family Assessment); and reduces the overall intensity of the site by eliminating 107,000 square feet of retail entitlement and reducing the total allowed number of residential units to 380 (422 currently allowed). The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

1. Environmental Features language has been amended to state that that the water quality facility to be constructed on the site will be designed and landscaped as part of the overall site design, and that such areas will be made aesthetically appealing through the use of grass, landscaping, water features, rain gardens or other like features.
2. Architectural Standards Note g has been amended to read as follows: "The petitioner reserves the right to combine or relocate building locations so long as the total number of buildings of 380 is not increased, the buildings are within the general Building Pod Areas as illustrated on sheet RZ-3 entitled Street Section/Building/Parking Concepts, the number of units in any single building will not exceed 34 units, and the typical public and private street frontage requirements are met, as further illustrated on this sheet."
3. Lighting language has been amended as follows: "Freestanding lighting on the site located within 200 feet of residential lots within Mallard Lake subdivision will be limited to 20' in height as depicted on the Technical Data Sheet. Other freestanding lighting located throughout the property will be limited to 20' in height as depicted on the Technical Data Sheet. Other freestanding lighting located throughout the property will be limited to 25' in height. All lighting will utilize full cut-off luminaries."
4. The Petitioner has agreed to dedicate in fee simple to NC-DOT a minimum of 50 feet right of way, measured from the existing centerline of Salome Church Road along the site's frontage for the future expansion of Salome Church Road and to install the required curb and gutter at its future location.
5. References to the CC Area Plan have been removed from the site plan.
6. Note e under Streetscape Landscaping, Buffers, and Setbacks has been revised to state: "With the exception to the 75' buffer adjacent to the Mallard Lake Subdivision, the petitioner may reduce the width of any required buffers by 255 with the installation of a 6 foot high fence or berm with required landscaping as specified in Section 12.302(b)."
7. Revised site plan to note that tree preservation areas will be a minimum of 30 feet in width.

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8. Modified vignette 3. Typical Open Space/Building Relationship with respect to building locations and treatment of open space and pathways.
9. A note has been added that the buildings will have the same “front” and “rear” elevations.

Motion was made by Councilmember Phipps, seconded by Councilmember Mitchell, to approve Petition No. 2014-019 by Carolina Development Services, LLC, as modified.

Councilmember Phipps said I just want to applaud the work that was done on this petition between the petitioner and the neighbors and residents of Mallard Lake Subdivision on Salome Church Road. The major point of contention for this particular petition was the opening of a stub street at Porter Creek and there was much contention over that prospect, but as we explained as part of our overall connectivity rules and guidelines that whatever was developed there it was going to be an necessity in order to promote connectivity to open that street up. This was one rezoning that was a long time in the making and it was slated for corrective rezoning several years ago; we’ve gone through that process, we’ve worked through it with the developer and they have come up with this. This particular rezoning actually represents a downzoning from what they could do in terms of some retail, strip center involved there, some apartment buildings. We’ve reduced some of those apartments and gotten rid of all of the retail and this looks to be the best option to move forward and on that basis I think the community, even though they vehemently disagree with opening that stub road, that is how it turned out in this particular instance so I recommend approval and hope my colleagues see fit to approve it.

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

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

NAYS: Councilmember Fallon.

Motion was made by Councilmember Phipps, seconded by Councilmember Austin, and carried unanimously that this petition is consistent with the Northeast Area Plan based on information from the staff analysis and the public hearing, and because the plan recommends multi-family and/or retail land uses 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 petition incorporated standards on site design, open space and buffers, street design and connectivity, and building form and design (as identified in the District 4 Multi-Family Assessment); and reduces the overall intensity of the site by eliminating 107,000 square feet of retail entitlement and reducing the total allowed number of residential units to 380 (422 currently allowed).

The ordinance is recorded in full in Ordinance Book 59, at Page 682-683.

ITEM ON. 7: ORDINANCE NO. 7024-Z PETITION NO. 2015-090 BY COPPER BUILDERS, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.53 ACRES LOCATED ON THE NORTH SIDE OF PINEVILLE-MATTHEWS ROAD BETWEEN REA ROAD AND WINDSWEPT DRIVE FROM INST (CD) (INSTITUTIONAL, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee found this petition to be inconsistent with the South District Plan; however, they found the petition to be consistent with the General Development Policies-Residential based on information from the staff analysis and the public hearing, and because the plan recommends institutional uses for this site as amended by a previous rezoning and the proposed residential density of 5.51 units per acre is supported by the General Development Policies-Residential. 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 requested residential density of 5.51 units per acre is supported by the General Development Policies and the residential density in the area surrounding the subject property ranges from three dwelling units per acres to eight units per acre and there is a concentration of six to eight units per acre adjoining the subject property at the intersection of Rea Road and Pineville-Matthews Road and the proposal is also compatible with the low scale residential character of the surrounding area. The Zoning Committee voted 6-1 to recommend approval of this petition with the following modifications:

1. Reduced the number of dwelling units from 29 to 25 for a density of 5.51 units per acre.
2. Shifted the driveway approximately 50 feet to accommodate sight lines.

The protest petition on this petition has been withdrawn.

Motion was made by Councilmember Driggs, seconded by Councilmember Autry, to approve Petition No. 2015-090 by Cooper Builders, Inc., as modified.

Councilmember Driggs said this is the expansion of existing townhomes into adjacent derelict land that will be a big benefit to the District. I would like to commend the Petition and area residents for resolving some issues and I recommend approval by Council.

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

Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield, and carried unanimously that this petition is inconsistent with the South District Plan; however, they found the petition to be consistent with the General Development Policies-Residential based on information from the staff analysis and the public hearing, and because the plan recommends institutional uses for this site as amended by a previous rezoning and the proposed residential density of 5.51 units per acre is supported by the General Development Policies-Residential. 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 requested residential density of 5.51 units per acre is supported by the General Development Policies and the residential density in the area surrounding the subject property ranges from three dwelling units per acres to eight units per acre and there is a concentration of six to eight units per acre adjoining the subject property at the intersection of Rea Road and Pineville-Matthews Road and the proposal is also compatible with the low scale residential character of the surrounding area.

The ordinance is recorded in full in Ordinance Book 59, at Page 684-685.

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ITEM NO. 8: ORDINANCE NO. 7025-Z, PETITION NO. 2015-092 BY QUIKTRIP CORPORATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.11 ACRES LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF EAST W. T. HARRIS BOULEVARD AND THE PLAZA FROM R-4 (SINGLE FAMILY RESIDENTIAL AND B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) AND B-1(CD) SPA (NEIGHBORHOOD BUSINESS, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee found a portion of the petition to be consistent with the Northeast District Plan and a portion of the site inconsistent with the Northeast District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends retail uses for the portion of the site that is currently zoned B-1 (CD) and single family residential for the remaining portion of the 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 intersection of East W. T. Harris Boulevard and The Plaza is identified as a neighborhood center in the Northeast District Plan and a significant portion of the site was
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previously developed with a retail use, which has since been demolished and the proposed development will re-establish retail on the portion of the site, which is currently vacant and the remainder of the property, which is currently developed with single family residential and a church fronting The Plaza, will be primarily utilized for site access, tree save, landscaping, and buffering, and has been designed to be compatible with the adjacent residential on Hunters Crossing Lane and across The Plaza. The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

1. A note has been added that a car wash is not permitted.
2. The building has been oriented to that the outdoor dining and an entrance are accessible from The Plaza.
3. The gas pumps have been located at East W. T. Harris Boulevard.
4. The petitioner committed to changes to The Plaza to provide for a left-turn lane into the site and to extend the storage of the eastbound left-turn lanes.
5. The 30-foot Post Construction Water Quality buffer has been shown and labeled on Sheet RZ-1.
6. Note b (2) has been added as follows: "Accessory drive through service windows shall not be permitted on the site."
7. Note B (4) has been amended as follows: "A maximum of one principal building may be located on the site."
8. Note D (4) has been amended as follows: "Prior to the issuance of a certificate of occupancy for the building to be constructed on the site, petitioner shall, at its sole cost and expense, install the transportation improvements on The Plaza that are more particularly depicted on Sheet RZ-4 of the rezoning plan and generally described below:
 - a. Extended the existing inner eastbound left-turn lane storage on The Plaza at East W. T. Harris Boulevard from 365 feet to 650 feet with a 50-foot buffer;
 - b. Modify the existing outer eastbound left-turn lane storage on The Plaza at East W. T. Harris Boulevard from 535 feet to now terminate as a left-turn at the intersection of The Plaza and East W. T. Harris Boulevard;
 - c. Perform approximately 300 feet of widening on the south side of The Plaza from the existing eastbound right-turn lane on The Plaza at East W. T. Harris Boulevard to a section of existing shoulder pavement opposite Hunters Crossing Lane for the shift in the eastbound through lane. The existing shoulder pavement shall also be marked with a 300-foot transition taper for the shift in the through lane.
9. Note G (1) has been added as follows: "development of the site shall comply with the City of Charlotte Tree Ordinance."
10. The number of parking spaces located between the building and The Plaza has been reduced.

Councilmember Autry said the neighborhood is very supportive of this petition and is anxious to see this project move forward.

Motion was made by Councilmember Autry, seconded by Councilmember Fallon, and carried unanimously to approve Petition No. 2015-092 by QuikTrip Corporation as amended.

Motion was made by Councilmember Autry, seconded by Councilmember Driggs, and carried unanimously that a portion of the petition is be consistent with the Northeast District Plan and a portion of the site inconsistent with the Northeast District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends retail uses for the portion of the site that is currently zoned B-1 (CD) and single family residential for the remaining portion of the 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 intersection of East W. T. Harris Boulevard and The Plaza is identified as a neighborhood center in the Northeast District Plan and a significant portion of the site was previously developed with a retail use, which has since been demolished and the proposed development will re-establish retail on the portion of the site, which is currently vacant and the remainder of the property, which is currently developed with single family residential and a church fronting The Plaza, will be primarily utilized for site access, tree save, landscaping, and buffering, and has been designed to be compatible with the adjacent residential on Hunters Crossing Lane and across The Plaza.

The ordinance is recorded in full in Ordinance Book 59, at Page 686-687.

ITEM NO. 9: ORDINANCE NO. 7026-Z, PETITION NO. 2015-101 BY KOLTER ACQUISITIONS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 371 ACRES LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF ROCKY RIVER CHURCH ROAD AND ALBEMARLE ROAD FROM R-3 SINGLE FAMILY RESIDENTIAL AND R-12MF (MULTIFAMILY RESIDENTIAL AND B-1(CD) (NEIGHBORHOOD BUSINESS CONDITIONAL) TO NS (NEIGHBORHOOD SERVICES) 5-YEAR VESTED RIGHTS AND MX-1(INNOV) 5-YEAR VESTED RIGHTS.

The Zoning Committee found the request to rezone the portion of the subject property to MX-1 (mixed use) to be consistent with the adopted policies in the Albemarle Road/I-485 Interchange Study. The Committee further found that a portion of the area proposed for NS (neighborhood services) is consistent with the plan policies; however, the remaining area proposed for NS is inconsistent with the plan based on information from the staff analysis and the public hearing, and because the plan recommends single family land uses between four and eight dwelling units per acre for the MX-1 (mixed use) portion of the property and a mix of residential, office, and retail uses and single family residential up to eight units per acre for the NS (neighborhood services) portion of the property. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because Rezoning petition 2008-051 established O-2(CD) (office, conditional) and B-1(CD) (neighborhood business, conditional) zoning for a future hospital and limited commercial development for the properties along Albemarle Road between the subject property and I-485 and in light of the proposed hospital and retail uses to the west of the subject site, and the commercial zoning to the east of the site, well designed office and retail uses are appropriate for the portion of the site fronting Albemarle Road and the proposed non-residential development along Albemarle Road is intended to have a pedestrian oriented character and provide a direct connection to the large residential neighborhood that is planned for the rear portion of the site, and could also complement the hospital with potential medical offices and services; and this commercial center will provide goods and services within walking distance of the neighborhood, which the Albemarle/I-485 Plan envisioned for residents of this area, and the single family residential neighborhood is designed to promote walkability, provide a series of water quality facilities designed to serve as amenities, and retain significant open space. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

1. Note 6n has been amended to specify that at least one open space area located within Development Area B and along Street 2 will have a minimum of 30 feet of frontage on Street 2 and a minimum depth of 50 feet.
2. Note 6n has been amended to specify that the open space area will contain seating areas, landscaping and hardscape elements.
3. The approximate locations of tree save/open space areas have been shown on Sheet RZ-3. Added Note 9c to specify that site will comply with the requirements of the City of Charlotte Tree Ordinance.
4. Note 13a was amended to specify that dedication and conveyance of the 100-foot SWIM buffer shall occur as part of the Subdivision approval process for this portion of the site, and that storm water detention/water quality facilities shall not be located within the dedication area.
5. The petitioner has removed Note 10c as requested.
6. The definition of gross floor area under Note 3 was deleted.
7. Notes 6f and 6g were amended to add the following: "Angled on-street parking will be provided if allowed by the jurisdiction and/or NC-DOT."
8. Note 7b was amended to state "at least one primary" building entrance.
9. Cell towers were added to the list of permitted uses.
10. Clarified the transfer notes for the continuing care retirement center units in Note 3f under Permitted Uses as follows: "The petitioner reserves the right to increase the allowed number

of CCRC units allowed in the Development Area B by 100 units by transferring and converting residential dwelling units from the MX-1 portion of the site. Each residential unit transferred from the MX-1 portion of the site will equal two additional CCRC units available for development on Development Area B. No more than 50 units may be so transferred from the MX-1 portion of the site to Development Area B, and for each unit transferred from the MX-1 portion of the site the total number of units allowed in the MX-1 area will be reduced by an equal amount.”

11. All references to “multi-family” were changed to “continuing care retirement center (CCRC).”
12. Note 4a has been amended as follows: “The following transportation improvements are also illustrated on Figure 15 on Sheet RZ-4. The figure on Sheet RZ-4 is to be used in conjunction with the following notes to determine the extent of the proposed improvements (reference to a number or letter when describing an improvement corresponds to the number or letter found on Figure 15 for the proposed improvement).”
13. Note 41b(i) has been added as follows: “Increase the westbound right turn lane storage on Albemarle Road to the I-485 northbound on ramp to 325 feet with a 75 foot taper.”
14. Note 4 (1)(e)(ii) has been amended as follows: “Construct an exclusive right turn lane on the northbound approach of Harrisburg Road. A minimum of 150 feet of full storage and appropriate bay taper should be provided.”
15. Note 4 (1)(e)(iii) has been added as follows: “Extend the existing westbound left turn lane from Camp Stewart Road to so16. Note 4 (1)(i) has been added: “Extension of Public Street 5 to Novant Health Inc. and to connect to Novant Health Parkway subject to the terms and conditions set forth in this Section 4.” (See site plan for full text.)
16. Note 4 (1)(i) has been added: “Extension of Public Street 5 to Novant Health, Inc. and to connect to Novant Health Parkway subject to the terms and conditions set forth in this Section 4.” (See site plan for full text.)
17. Note 4 (1)(j) has been added as follows: “Intersection of Albemarle Road and Blaire Road (NC 51) (Intersection 9).”
18. Note 4 (1)(j)(i) has been added as follows: “Extend (restripe) the exclusive northbound left turn storage on Blair Road (NC 51) to westbound Albemarle Road from 425 feet to 575 feet plus appropriate taper.”
19. Note 4(II)(b)(i) has been amended as follows: “Petitioner has the right to construct up to the maximum amount of land use densities shown below by constructing the appropriate roadway improvements listed, or by submitting construction plans for the appropriate roadway improvements as indicated in a particular phase, for each level of development without being required to construct the remainder of the required transportation improvements listed above in Section 4.1.a-j until the development density levels shown below are exceeded.” Further added the following: “The phase numbers for the nonresidential Development Areas are not meant to require them to be completed in the sequential order they are listed (before the residential or before each other) and as a result may be developed sooner upon the substantial construction of the roadway improvements listed for each nonresidential Development Area.”
20. Phasing Notes 4(II)(b)(A-G) have been amended.
21. Note 4(II)(G)(d)(i)(c) has been amended to add the following: “(for example the acquisition of the Connector Right-of-way as set forth above).”
22. Note 6f has been added as follows: “All buildings shall provide street level, pedestrian oriented active uses along Street numbers 5, 2 and 3. Buildings along these street fronts will also have operable pedestrian doors that face these streets when angled parking is also provided. Angled on-street parking will be provided if allowed by the jurisdiction and/or C-DOT.”
23. Note 6j has been amended to add the following: “or CCRC buildings.”
24. Note 11c has been amended to add the following: “if developed as two separate areas under separate ownership.”
25. The legend and some dimensions on Recommended Improvement diagram have been amended.

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| Motion was made by Councilmember Lyles, seconded by Councilmember Mayfield, and carried unanimously to recuse Councilmember Smith from this agenda item. |
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Motion was made by Councilmember Autry, seconded by Councilmember Austin, to approve Petition No. 2015-101 by Kolter Acquisitions, LLC, as modified.

Councilmember Phipps said has there been any discussion or talk of possible voluntary annexation of this particular tract?

Tammie Keplinger, Planning said I believe the petitioner has been talking with staff about that; I don't know the status but we can follow-up with that.

Councilmember Mayfield said the proposed zoning is neighborhood services 5-year vested rights; can you explain what that vested rights means on this petition please?

Ms. Keplinger said what vested rights means is if a subsequent rezoning were to occur on this property; if this rezoning is approved tonight and someone came in later and subsequently rezoned this petition to another district that petitioner would have five years from the date of approval tonight to develop the property in accordance with the site plan you approve tonight. It protects them from future rezonings for five years.

Senior Assistant City Attorney Terrie Hagler-Gray said just for clarification; statutorily conditional rezonings get two-years of vested rights so that means they are protected from any changes on the property; also zoning ordinances or some change that might impact the property so when a petitioner asked for an additional three-years that is when you see the five-years invested rights instead of the two.

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

Motion was made by Councilmember Austin, seconded by Councilmember Driggs, and carried unanimously that this rezoning is consistent with the adopted policies in the Albemarle Road/I-485 Interchange Study. The Committee further found that a portion of the area proposed for NS (neighborhood services) is consistent with the plan policies; however, the remaining area proposed for NS is inconsistent with the plan based on information from the staff analysis and the public hearing, and because the plan recommends single family land uses between four and eight dwelling units per acre for the MX-1 (mixed use) portion of the property and a mix of residential, office, and retail uses and single family residential up to eight units per acre for the NS (neighborhood services) portion of the property. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because Rezoning petition 2008-051 established O-2(CD) (office, conditional) and B-1(CD) (neighborhood business, conditional) zoning for a future hospital and limited commercial development for the properties along Albemarle Road between the subject property and I-485 and in light of the proposed hospital and retail uses to the west of the subject site, and the commercial zoning to the east of the site, well designed office and retail uses are appropriate for the portion of the site fronting Albemarle Road and the proposed non-residential development along Albemarle Road is intended to have a pedestrian oriented character and provide a direct connection to the large residential neighborhood that is planned for the rear portion of the site, and could also complement the hospital with potential medical offices and services; and this commercial center will provide goods and services within walking distance of the neighborhood, which the Albemarle/I-485 Plan envisioned for residents of this area, and the single family residential neighborhood is designed to promote walkability, provide a series of water quality facilities designed to serve as amenities, and retain significant open space.

The ordinance is recorded in full in Ordinance Book No. 59, at Page 688-689.

ITEM NO. 10: ORDINANCE NO. 7027-Z, PETITION NO. 2015-107 BY D. R. HORTON AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR 12.99 ACRES LOCATED ON THE SOUTH

SIDE OF DAVID COX ROAD NEAR THE INTERSECTION OF DAVID COX ROAD AND DAVIS LAKE PARKWAY FROM INST(CD) (INSTITUTIONAL CONDITIONAL) AND MX-2 (INNOV) (MIXED USE INNOVATIVE STANDARDS) TO MX-2 (INNOV) SPA (MIXED USE INNOVATIVE STANDARDS) AND MX-2 (INNOV) SPA (MIXED USE INNOVATIVE STANDARDS) SITE PLAN AMENDMENT).

The Zoning Committee found a portion of this petition to be consistent with the Northeast District Plan and the portion currently zoned institutional to be inconsistent with the plan based on information from the staff analysis and the public hearing, and because The plan recommends retail uses for a portion of the site; and the plan recommends institutional uses for a portion of the site as amended by a previous rezoning. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject site is part of approximately 383 acres originally rezoned in 1991 to allow a planned community consisting of 1,020 residential units, 292,000 square feet of office, and 197,000 square feet of commercial uses; and the site is located within an area with more intense development and abuts a retail center and is across Davis Lake Parkway from existing multi-family residential; and this proposal is a minor increase in density from 7.6 to 7.9 dwelling units per acre from the rezoning approved in 2008 for the subject property; and although a portion of the property was rezoned for institutional uses, the development rights for multi-family residential are still in place for the majority of the site; and the proposal will provide improved pedestrian and vehicular connectivity through an internal network of sidewalks, public streets, and private drives, including a new connection to David Cox Road; and the project will enhance the existing water quality pond with amenities such as benches and walking trails. The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

1. The proposed locations of Common Open Space/Tree Save Areas as referenced in Note b are now shown on the site plan.
2. Innovative Development Standards have been modified to state: "Minimum front setbacks for attached easements as applicable) or back of sidewalk (whichever is greater)."
3. The site plan has been modified to note a proposed pedestrian connection along Public Road A to the courtyard area of the shopping center to the south.
4. The following Architectural Standards have been added:
 - The exterior front wall surfaces, exclusive of windows and doors, of all buildings will be comprised of 100% brick, stone, and/or hardi-plank/fiber cement board. The only exclusion is the fascia board material.
 - The exterior side and rear surfaces, exclusive of windows and doors, all buildings will be comprised of 100% brick, stone, and/or hardi-plank/fiber cement board. Vinyl will be excluded from buildings as vertical siding component.
5. Details on amenities in the common open space have been provided and are now identified on the site plan. Amenities may include benches and site furnishings, a trail, enhanced landscaping, picnic tables, and specialty lighting.
6. The information under Site Development Data on Sheet RZ-1 has been modified to specify up to 98 attached, for sale, residential units.
7. The labeling on Sheet RZ-1 has been amended to note that the proposed 40-foot setback on David Cox Road will be landscaped. The corresponding Screening and Landscaped Areas Note b has been modified to state the 40-foot setbacks along both David Cox Road and Davis Lake Parkway will be landscaped and noted on the site plan.
8. The required 400 square foot open space for each unit is now labeled on the Typical Lot Layout on Sheet RZ-2.
9. The maximum building height and parking information in Site Development Data on Sheet RZ-1, has been amended to state that such will be allowed as per ordinance standards.
10. All Innovative Development Standards for the MX-2 Area have been combined on Sheet RZ-3.
11. An "Enhanced Screening Area" has been provided along the northwest property line, adjacent to Parcels 043-221-12 and 043-221-02, with Sheet RZ-2 noting specific location. Enhanced Screening Area will consist of an opaque fence (six feet in height) or a dense evergreen screen. An existing 15-foot sewer easement exists in this location, which may impact installation of a fence. If planting is provided, the plant material shall be evergreen large shrubs planted at a maximum of 20 feet on center. The minimum planting height of such material shall be six feet in height at time of installation.

12. An “Access Alternate” detail has been added on Sheet RZ-3 for proposed entrance at David Cox Road with No Left Turn Access and Right In/Right Out Access with a note stating: “The decision as to whether right in/right out or full access will be provided at the connection to David Cox Road will be determined by C-DOT during the permitting process.”
13. Five corner units as indicated on the site plan, that face two streets (public or private) will include a front stoop or porch that wraps the corner of the front and side of the unit.

Motion was made by Councilmember Austin, seconded by Councilmember Mitchell, to approve Petition No. 2015-107 by R. D. Horton, as modified.

Councilmember Austin said I want to thank the petitioner for coming out and meeting with some very vocal members of the community and wanted to make sure we had a great project and I think we have arrived at that. Thank you for your support and efforts.

Councilmember Fallon said I want to thank Mike Davis and Ed McKinney for walking in the rain with me on this property and the developer for helping with something I started working on six years ago when the recession got in the middle. He has been very helpful and we’ve changed the properties as to how they should look and how many units are there and I appreciate it and so does the community.

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

Motion was made by Councilmember Austin, seconded by Councilmember Fallon, and carried unanimously that this petition is consistent with the Northeast District Plan and the portion currently zoned institutional to be inconsistent with the plan based on information from the staff analysis and the public hearing, and because The plan recommends retail uses for a portion of the site; and the plan recommends institutional uses for a portion of the site as amended by a previous rezoning. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject site is part of approximately 383 acres originally rezoned in 1991 to allow a planned community consisting of 1,020 residential units, 292,000 square feet of office, and 197,000 square feet of commercial uses; and the site is located within an area with more intense development and abuts a retail center and is across Davis Lake Parkway from existing multi-family residential; and this proposal is a minor increase in density from 7.6 to 7.9 dwelling units per acre from the rezoning approved in 2008 for the subject property; and although a portion of the property was rezoned for institutional uses, the development rights for multi-family residential are still in place for the majority of the site; and the proposal will provide improved pedestrian and vehicular connectivity through an internal network of sidewalks, public streets, and private drives, including a new connection to David Cox Road; and the project will enhance the existing water quality pond with amenities such as benches and walking trails.

The ordinance is recorded in full in Ordinance Book 59, at Page 690 and 691.

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ITEM NO. 11: PETITION NO. 2015-118 BY PAVILLION DEVELOPMENT COMPANY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.79 ACRES LOCATED ON THE NORTHEAST CORNER OF NATIONS FORD ROAD AND TYVOLA ROAD FROM CC (COMMERCIAL CENTER) TO CC (SPA) (COMMERCIAL CENTER SITE PLAN AMENDMENT).

The Zoning Committee found this petition to be inconsistent with the Southwest District Plan, based on information from the staff analysis and the public hearing, and because the plan, as amended by petition 1997-015, prohibits automobile oriented uses such as convenience stores with fuel sales. 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 petitioner

has addressed concerns related to the lease and conversion of the site from a service station to general retail in the event the lease is terminated and the proposal prohibits a 24-hour diner and the propose use will be an amenity to the area. The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

1. The Architectural Standards language (transparency note) has been revised to address the façade facing Nations Ford Road in addition to Tyvola Road and the access drive by adding the following language: “The buildings must be designed to encourage and complement the pedestrian scale interest and activity by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street and right-in access driveway off Tyvola and Nations Ford Road on at least 50% of the length of the first floor frontage facing the street and right-in access driveway. Windows must not be blocked by equipment, window adhesives, or other means.”
2. Revised Architectural Standards language to state blank walls shall not exceed 20 feet and shall be mitigated by providing architectural detail such as a substantial change in material and/or articulation greater than 12 inches in depth.
3. Petitioner added a note to the site plan identifying proposed trees along right-of-way to be protected.
4. The petitioner clarified that the subject parcels will be designed with materials compatible with adjacent the residential neighborhood by providing the following language under heading Architectural Standards: “The subject parcels shall be designed with materials compatible with adjacent residential neighborhood. Adjacent residential neighborhood is constructed with plank siding and non-architectural roofing. Pursuant to restriction on our property and previous staff comments, our materials are high quality architectural precast stone and fiber cement board. Building materials used will be high quality architectural precast stone, fiber cement board and sloped standing seam metal roof.”
5. The petitioner incorporated C-DOT’s requested design refinements to the pedestrian refuge medians.
6. The site data was revised to remove “(CD)” from Existing Zoning and Proposed Zoning lines as the Commercial Center zoning district is conditional.

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

1. The petitioner has added a note under heading Permitted Uses stating that the petitioner agrees that in the event the proposed convenience store is vacated, the motor fuel facility will be restored to a commercial standard.
2. A note has been added under heading Permitted Uses that states that Parcel 4B will be restricted from being a 24-hour diner.

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

Motion was made by Councilmember Austin, seconded by Councilmember Kinsey, to approve Petition No. 2015-118 by Pavillion Development Company, as modified.

Councilmember Mayfield said we’ve had a lot of conversations in this community on this particular rezoning petition; I’ve worked with staff as you note disagrees with the recommendation of the Zoning Committee and based on the location of this particular project, which is right on a very busy thoroughfare, and based on previous discussions and what was identified for this area I will not be able to support this particular request so I will move to deny.

A substitute motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, to deny Petition No. 2015-118 by Pavillion Development Company.

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

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

NAYS: Councilmember Kinsey.

Motion was made by Councilmember Mayfield, seconded by Councilmember Smith, that this petition is inconsistent with the Southwest District Plan based on information from the staff analysis and the public hearing and because the plan as amended by Petition 1997-015 prohibits automobile oriented uses such as convenience stores with fuel sales;. Therefore this petition is not reasonable and in the public interest based on the information from the staff analysis from the public hearing and because the original site plan prohibited automobile service stations including fuel sales which are not compatible with the residential and religious institution uses on the other three corners of this intersections of Nations Ford Road and Tyvola Road; no significant land use changes have occurred that warrant the introduction of automobile service station as a permitted use on this site since the original rezoning in 1997.

Ms. Mayfield said the last point that I really want to discuss is the developer has really been amazing and gone above and beyond with a lot of the requests that the community had and a lot of the requests specifically that I had with this particular development, but unfortunately with looking at the growth that is happening and the lack of growth that is happening in this area through conversations with the community and with staff I could not support this, but it is not because there was lack of trying, but I do want to commend those that worked to help bring this project before staff, the developer as well as their representative. It is just unfortunate that this was not a project that I think would have benefited the community in the long run.

Councilmember Phipps said wasn't there a provision as a part of negotiations if there was an abandonment of the property that the tanks would be removed? Is that something from a policy standpoint and would that be something that can be a carry-over as a part of our normal properties with regards to future service stations that might be abandoned or does that go away with this particular petition?

Tammie Keplinger, Planning said it was unique to this particular petition but we have seen it on other rezoning cases within recent history so it is something that if the Council desires, it is something we could ask our petitioner if they are willing to do on similar cases.

Ms. Mayfield said for clarification, since there we do have some new members around the dais, when this conversation first started more than a year and a half ago some of the requests that I had were specific to what I had seen in the community. We have a number of gas stations and all of us have seen them that have closed down or been abandoned. A couple of the requirements that I asked; I wouldn't say they were requirements; the suggestions I made were that if we moved forward with this particular project that the commitment will be that if this gas station was not successful that they would put in writing to not only remove the canopy but also to remove the tanks and to have a third party certify that the land is safe so that in 10 to 15 or 20 years you will be able to redevelop that land without running into major environmental concerns. They were very open and receptive to that idea which is why I wanted to thank them for all the work they did and attempt in this particular project. I think that is something all of us need to consider when we are looking at the number of new gas stations and pumps that are coming into the area and to ask that question so if it is not successful, hopefully it will be, but if it is not we want to make sure that land could be redeveloped later on and these are ways that you can show that you are going to be a good community partner. I just wanted to give a little background for those that may not have been around the dais when we first started the conversation.

Mr. Phipps said I had a question if a station is not successful what about if another station would want to come in at some point and assume, just remake another ... if Shell comes in after Circle K or something; is there a set time that we would allow those tanks to stay in place or how would that work?

City Manager Ron Carlee said I don't think we are prepared to necessarily respond to that level of detail questions at a policy level on gas stations tonight. We will be happy to follow-up have a conversation in terms of what those questions are and prepare some material back to Council to help inform future decisions that you may have.

mpl

Councilmember Fallon said was there an alternative given to the developer of what could go there?

Ms. Keplinger said there are other items that are allowed by the current conditional plan; they could have other type of retail uses and office uses on the site. The current CD Plan just specifies that they cannot have a gas station or something with fuel sales. Other types of retail with office uses would be permitted.

Ms. Fallon said so he could change it to something else?

Ms. Keplinger said yes mame.

Ms. Fallon said but he has to bring it back to zoning again?

Ms. Keplinger said no mame, he can work under the existing conditional use.

Ms. Fallon said then he could have an alternative and come back to us?

Ms. Keplinger said if he wanted to rezone to another use that is not permitted by the current CD; he could reapply after the two-year rule or he could choose a use that is currently allowed.

Ms. Mayfield said another example that the developer and their representatives shared with myself as well as the residents is an example of a restaurant. One particular chain that is a 24-hour restaurant; that is something that by right could go there today. Whether or not that would be a good investment I wouldn't know. I wouldn't think so, but I'm not in that particular field so they do have the ability by right going in and creating a development, but this particular site, it has been more than 20-years that we've had development and later on tonight there is development in that area but it is consistent to what is already in the area so this particular rezoning would have started a different conversation with moving forward, but there are some thing they are able to build tomorrow.

Ms. Fallon said it is a food desert, right? What about something that would calm down and bring something in for the food desert problem?

Ms. Mayfield said unfortunately we don't get the opportunity to direct what is coming in the area so with that this particular rezoning request they have been working on was not one that I was able to support and I thank all of you for supporting me on this decision.

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

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ITEM NO. 12: ORDINANCE NO. 7028-Z, PETITION NO. 2015-123 BY BAINBRIDGE COMMUNITIES ACQUISITION I, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.6 ACRES LOCATE ON THE NORTHWEST CORNER OF SOUTH BOULEVARD AND POINDEXTER DRIVE FROM I-1 (LIGHT INDUSTRIAL) AND TOD-M (TRANSIT ORIENTED DEVELOPMENT – MIXED USE) TO TOD-RO (TRANSIT ORIENTED DEVELOPMENT RESIDENTIAL OPTIONAL)

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 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 site is within ¼-mile walk of the New Bern station and The request is consistent with the New Bern Transit Station Area Plan and Underutilized land will be replaced with new residential units, providing increased density in a transit corridor and The development will activate the South Boulevard Rail Trail with ground floor residential uses and

storefront-type lobby/leasing and common areas. The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

1. The optional building height had been listed as a maximum height of 84 feet and 10 stories.
2. Decorative benches, landscaping, and decorative building elements have been provided along the Poindexter Drive.
3. Hardscape has been added along South Boulevard.
4. A detail has been provided for the ground level units showing entrances and low wall detail.
5. Residential ground level units along South Boulevard have been modified to show and provide individual units.
6. A detail showing active uses, landscaped area, seating area and decorative grill work has been shown along Poindexter Drive.
7. Clear glazing, windows, and club office has been provided for along Poindexter Drive.
8. The building elevations have shown the parking being screened with decorative grills, masonry block, and landscaping.
9. A note has been added that doors and elevations are conceptual.
10. The 24-foot setback has been labeled along South Boulevard.
11. A detail has been provided showing the proposed street trees will be in curbed planters.
12. The word potential has been removed from the proposed sidewalk connections.

Motion was made by Councilmember Mayfield, seconded by Councilmember Fallon, and carried unanimously to approve Petition No. 2015-123 by Bainbridge Communities Acquisitions I, LLC, as modified.

Motion was made by Councilmember Mayfield, seconded by Councilmember Lyles, 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 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 site is within ¼-mile walk of the New Bern station and The request is consistent with the New Bern Transit Station Area Plan and Underutilized land will be replaced with new residential units, providing increased density in a transit corridor and The development will activate the South Boulevard Rail Trail with ground floor residential uses and storefront-type lobby/leasing and common areas.

The Ordinance is recorded in full in Ordinance Book 59, at Page 692-693.

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ITEM NO. 13: ORDINANCE NO. 7029-Z, PETITION NO. 2015-125 BY WHITE POINT PACES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.78 ACRES LOCATED EAST OF 13TH STREET, WEST OF BELMONT AVENUE BETWEEN NORTH BREVARD STREET AND NORTH DAVIDSON STREET FROM B-1 (NEIGHBORHOOD BUSINESS) B-2 (GENERAL BUSINESS) AND I-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 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 site is within ¼-mile walk of the New Bern station and The request is consistent with the New Bern Transit Station Area Plan and Underutilized land will be replaced with new residential units, providing increased density in a transit corridor and The development will activate the South Boulevard Rail Trail with ground floor residential uses and storefront-type lobby/leasing and common areas. The Zoning Committee voted 7-0 to recommend approval of this petition.

Motion was made by Councilmember Kinsey, seconded by Councilmember Fallon, and carried unanimously to approve Petition No. 2015-125 by White Point Paces.

Motion was made by Councilmember Kinsey, seconded by Councilmember Eiselt, 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 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 site is within ¼-mile walk of the New Bern station and The request is consistent with the New Bern Transit Station Area Plan and Underutilized land will be replaced with new residential units, providing increased density in a transit corridor and The development will activate the South Boulevard Rail Trail with ground floor residential uses and storefront-type lobby/leasing and common areas.

The ordinance is recorded in full in Ordinance Book 59, at Page 694-695.

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ITEM NO. 14: ORDINANCE NO. 7030-Z, PETITION NO. 2015-128 BY COUSINS ACQUISITION ENTITY, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.3 ACRES LOCATED ON THE WEST SIDE OF SOUTH TRYON STREET BETWEEN WEST PARK AVENUE AND CAMDEN ROAD FROM B-1 (NEIGHBORHOOD BUSINESS), TOD-M TRANSIT ORIENTED DEVELOPMENT MIXED USE) AND MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO TOD-M (O) 5-YEAR VESTED RIGHTS (TRANSIT ORIENTED DEVELOPMENT, OPTIONAL (5-YEAR VESTED RIGHTS)).

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 a mix of transit oriented uses with the greatest intensity of development within ¼ mile of the transit station. 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 Significant employment uses support the mixed use goal of the South End Transit Station Area Plan and includes street level pedestrian activation with neighborhood-serving retail uses and urban open spaces and strengthens Camden Road as South End's "Main Street" and building height is attenuated by stepping the building back on two sides. The building mass on the southern half of the site is consistent in scale with surrounding buildings. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

1. A minimum of 15,500 square feet will be provided for retail, eating/drinking/entertainment establishments and personal services.
2. Optional sign requests have been modified for 50 square foot ground mounted sign and wall signs to allow up to 200 square feet.
3. Optional request "d" has been modified as requested.
4. The detail has been modified showing doors to allow access from the proposed plaza area along South Tryon Street and Camden Road.
5. A note has been added to address the pedestrian plaza along South Tryon Street.
6. The plaza area along Camden Road has been modified to provide for a possible festival street.
7. A detail has been provided showing retail entrances along South Tryon Street.
8. The South Tryon Street elevation has been updated with the proposed materials and appearance.
9. Elevations for the three public streets have been provided.
10. The Camden Road crosswalk has been removed from the plans.
11. The proposed cross section of the festival street has been provided.
12. Notes have been added for the festival street.
13. The planting area between the back of West Park Avenue has been removed.

14. Notes have been added to the site plan to address the concern of the change of grades for the site.
15. A note has been added that the proposed commercial space along South Tryon Street will be marketed for 18 months but will have the base equipment such intake and exhaust hoods, grease trap connections, and fire suppression systems for a possible EDEE. After 18 months the space may be used for active uses associated with the proposed office building.
16. A note has been added that the grade falls and will only have a difference of 24 inches between the building and the Camden Road.
17. Note 5B has been modified and landscaping has been removed as the only option for screening.
18. Note 5b has been modified to read that decorative screening and landscaping will be used to meet the required screening requirements.
19. The minimum of 4,000 square feet of open space area has been provided.
20. The proposed building elevations have been modified.
21. The table on RZ-3 has been modified to show the overall request.

Motion was made by Councilmember Mayfield, seconded by Councilmember Austin, to approve Petition No. 2015-128 by Cousins Acquisition Entity, LLC, as modified.

Councilmember Mayfield said I would like to thank all of the residents in South End. The South Neighborhood Association came out in record numbers, thanks to the leadership of the Wilmore Neighborhood Association and in partnership with the South End Neighborhood Association, thanks in large part the Center City Partners and I definitely want to thank all of the behind-the-scenes, the presentative and developers because there was a lot of conversation regarding the impact of this particular development in South End and there were some concerns of what that impact could be. I appreciate the fact that the conversations were able to continue and that your clients heard the community and heard the concerns and that you are still having conversations. I'm glad to report that most of us have received letters of support from the South End Community and I just want to take a moment to thank you all for staying at the table, the community and the developers. Thank you for showing up and for our amazing guidance on a lot of this because it was a pretty big project.

Councilmember Smith said I wanted to take a moment to at least acknowledge that again when we had this discussion at the end this was sort of hand in hand on ED where we have some economic development with the major tenant for this site. It is going to be a new business in Charlotte and I think about 300 jobs and my position on incentives is well known, but my position on other mechanisms of which we can bring people to the City and grow our workforce is where I really want to be supportive, so tipping the cap to our newest corporate citizen.

Mayor Roberts said that is terrific to hear; 300 jobs.

Mr. Smith said I think it is 600 jobs.

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

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 a mix of transit oriented uses with the greatest intensity of development within ¼ mile of the transit station. 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 Significant employment uses support the mixed use goal of the South End Transit Station Area Plan and includes street level pedestrian activation with neighborhood-serving retail uses and urban open spaces and strengthens Camden Road as South End's "Main Street" and building height is attenuated by stepping the building back on two sides. The building mass on the southern half of the site is consistent in scale with surrounding buildings.

The ordinance is recorded in full in Ordinance Book 59, at Page 696-697.

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ITEM NO. 15: ORDINANCE NO. 7031-Z, PETITION NO. 2015-129 BY DOUG BRADLEY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.98 ACRES LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF OTTS STREET AND LOUISE AVENUE FROM I-2 (GENERAL INDUSTRIAL TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL.)

The Zoning Committee found this petition to be inconsistent with the Belmont Area Revitalization Plan, based on information from the staff analysis and the public hearing, and because The petition is inconsistent with the Belmont Area Revitalization Plan recommendation for industrial uses. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because although inconsistent with plan’s recommendation for industrial uses, the Belmont Area Revitalization Plan does recommend removal of some industrial uses to help buffer the City’s Fleet Management site from the Belmont neighborhood and this site would be an appropriate site for non-industrial uses that would buffer the neighborhood and this project proposes to repurpose the existing factory constructed in 1945, and the City has approved approximately \$65,000 in façade grants for improvements to restore the exterior of key facades and the retail and office uses that would be allowed by MUDD (mixed use development) zoning could provide opportunities for goods and services to the residents of the Belmont neighborhood. The Zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

1. The maximum building square footage has been specified as 62,657 square feet.
2. The note under heading of “Purpose” has been amended to state that the site will require a rezoning to modify this plan if more than 20 percent of the conditioned floor area of the existing building is demolished.
3. The note under “Architectural Standards” has been amended to state that artwork or vertical landscaping will also be added to the retaining wall along Otts Street.
4. Note B under “Transportation” has been amended as follows: “The parking on the site may be restriped or reconfigured to accommodate the planting of street trees and the removal of obsolete industrial components on the site. As a result of these reconfigured areas, both existing and additional parking and maneuvering will be necessary between the building and the street and are hereby included as a component of the Optional request.”

Motion was made by Councilmember Kinsey, seconded by Councilmember Autry, and carried unanimously to approve Petition No. 2015-129 by Doug Bradley, as modified.

Motion was made by Councilmember Kinsey, seconded by Councilmember Driggs, and carried unanimously that this petition is inconsistent with the Belmont Area Revitalization Plan, based on information from the staff analysis and the public hearing, and because The petition is inconsistent with the Belmont Area Revitalization Plan recommendation for industrial uses. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because although inconsistent with plan’s recommendation for industrial uses, the Belmont Area Revitalization Plan does recommend removal of some industrial uses to help buffer the City’s Fleet Management site from the Belmont neighborhood and this site would be an appropriate site for non-industrial uses that would buffer the neighborhood and this project proposes to repurpose the existing factory constructed in 1945, and the City has approved approximately \$65,000 in façade grants for improvements to restore the exterior of key facades and the retail and office uses that would be allowed by MUDD (mixed use development) zoning could provide opportunities for goods and services to the residents of the Belmont neighborhood.

The ordinance is recorded in full in Ordinance Book 59, at Page 698-699.

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ITEM NO. 16: ORDINANCE NO. 7032-Z PETITION NO. 2015-131 BY SYNCO PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 27 ACRES LOCATED ON THE WEST SIDE OF SHARON ROAD BETWEEN MORRISON BOULEVARD AND COLONY ROAD FROM R-17MF (MULTIFAMILY RESIDENTIAL) TO MUDD-O 5-YEAR VESTED RIGHTS (MIXED USE DEVELOPMENT, OPTION, WITH 5-YEAR VESTED RIGHTS).

The Zoning Committee found this petition to be inconsistent with the SouthPark Small Area Plan based on information from the staff analysis and the public hearing, and because the plan recommends multi-family with limited retail/service uses for this site. However, this petition was found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because the SouthPark Small Area Plan envisioned the area transitioning from a suburban shopping and business environment to a walkable town center and the Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and the proposal is inconsistent with the specific land uses recommended, but is consistent with the larger vision articulated in the area plan and in the Centers, Corridors and Wedges Growth Framework, as well as recent development and the site plan includes a vertical mix of uses and active ground floor uses and the site plan also provides wide setbacks along the existing public streets to allow preservation of mature trees and to add green space. The zoning Committee voted 7-0 to recommend approval of this petition with the following modifications:

1. Removed inset images on Sheet RZ-8 related to the connection through Area B to Colony Road.
2. Amended Note 6d to describe the pass through connections through Areas B and C, and then amended the Design Intent to match. The pass through in Area B commits to no head-in parking; however, parallel parking may be provided, with a minimum six-foot sidewalk on the eastern side and a minimum ten-foot sidewalk on the western side of the drive. Area C commits to either a minimum eight-foot sidewalk on one side or six-foot sidewalks on both sides of the drive.
3. Added a note that the petitioner shall provide and construct a waiting area for the existing bus stop on Sharon Road.
4. Removed "and as applicable, NC-DOT", from a note related to reviewing administrative changes to street improvements.
5. Reduced the amount of vehicle storage from 250 feet to 200 feet for directional crossover on Sharon Road.
6. Amended a note to clarify the location of a pedestrian refuge island on Colony Road.
7. Amended Note 3b to read "allow up to three porte-cocheres and valet parking service areas on the site between buildings and streets."
8. Amended the last sentence in Note 3j because access points are not lettered on the site plan.
9. Amended Note 8l to change "connection" to "connections" in the second sentence.
10. Amended Note 8m to read "except as specified in Paragraph (l) above..."
11. Amended the words "Tree Save Edge" on sheet RZ-8 to "Perimeter Tree Zone" and amended Note 9b to change "tree save areas" to "perimeter tree zone."
12. Ensured that the Development Notes and the Design Intent are consistent with one another throughout.
13. Amended Note 8j and 8k and the Design Intent to specify that the setback is measured from the future back of curb. Stated in Note 8j that "except in locations where widening is proposed as part of the transportation improvements described in the notes, the existing and future back of curb are the same."
14. Clarified that setbacks along the existing public streets are measured from the future back of curb.
15. Amended the design intent to clarify that phase 1 is development area A and phase 2 and 3 are development area C.

The petitioner made the following changes since the Zoning Committee vote:

1. Changed 2nd paragraph in Note 2 (General Provisions):

This Rezoning will accommodate development on the Site of a horizontally-integrated mixture of office, retail, hotel and residential uses. Additionally, the Petitioner seeks to extend Rexford Road through the Site and to create a new East/West street connection through the Site extending from Colony Road to the Site's southern property boundary (the "North/South Connection") in order to create a more complete street network that will allow pedestrian, bicycle and automobile traffic to travel through the Site, thereby helping to alleviate congestion at existing intersections.

2. Added a new 3rd paragraph to Note 2 (General Provisions):

It should be noted that the proposed North/South Connection shall extend from Colony Road and end at the Site's southern property line. This Rezoning does not propose and does not require a street connection from the Site through adjacent property to Morrison Boulevard. However, the North/South Connection does provide an opportunity to create a street connection from Colony Road to Morrison Boulevard should the owners of adjacent property chose to connect to the North/South Connection in the future.

3. Amended Note 3 d) (Optional Provisions):

Deviations from Section 9.8505(2) to allow water quality and stormwater detention facilities to be located within setback areas and beneath sidewalks (but outside of the right-of-way);

4. Changed all references in the notes and site plan to the extension of "Adair Court" to refer to "North/South Connection."

5. Changed the label "Tree Save Edge" on sheet RZ-8 to "Perimeter Tree Zone."

Mayor Roberts said there have been changes to this petition since the Zoning Committee meeting and asked the Zoning Committee if those were significant enough to require this petition to go back to the Zoning Committee for further review.

Tony Lathrop, Zoning Committee said this petition does not need to come back to the Zoning Committee.

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

Tammie Keplinger, Planning said after the agenda went out we had two additional items that the petitioner changed and I would like to briefly go over those for the public record. They have modified the term of the workforce housing from 15 years to 30 years and originally they said that they would provide 5% of the total number of units as workforce housing; now the proposal is 55 units to be constructed as workforce housing regardless of the total number of other units constructed.

Motion was made by Councilmember Smith and seconded by Councilmember Mayfield, to approve Petition No. 2015-131 by Synco Properties, as modified.

Councilmember Smith said this is a culmination of 15 months of work; I grew up about a half mile from this site; my parents are still in my childhood home. I live about a half mile from the site, the Colony Apartments and I'm raising my three children there. Twenty-seven of my 42 years have been spent living within a half mile of the Colony Apartments, the site for redevelopment. This is not a far off part of the City for me; this is my home and it is where I'm raising my family. Every meeting that I attended as a member of Council, and there were dozens of these meetings, meetings that I attended previously and this last time as a neighborhood leader. This is not a decision that I take lightly and I do not want to misrepresent; there is a fair amount of support from some neighborhood groups that surround the project. I don't want to misrepresent to say there is a uniformity of thought. There has clearly been some opposition that has come in the past few days. This petition had a lot of moving pieces; my support did not come easy, it came after a lot of dialogue and some consternation and mixing it up on more than one occasion on a couple of issues that I felt were incredibly important for the community. I think it is unprecedented that we received letters of support from four surrounding communities in the opposition or the primary opposition was from commercial development. In my time as a neighborhood leader or a Councilmember it is usually the reverse. I haven't seen that happen and I think that speaks to the hard work that was put in by a lot of people. I think it is worth

noting that this is as proactive of an outreach as I have seen from a developer again as a neighborhood leader or on Council. When I was first approached in October of 2014 the first thing I told the petitioner is you need to reach out to the neighbors and they did. They had several community meetings before hearing; they reached out to Deering Oaks, Barkley Downs, Trianon, and Morrison and it is my understanding that some members of the Barkley Downs Community also reached out to the Foxcroft leadership and again I want to recognize that a lot of the opposition on the residents has come from the Foxcroft community. After a protracted back and forth and a lot of horse trading so to speak, we finally arrived at a point of consensus between the neighbors and the petitioner. I just want to point out some of those areas of agreement that were reached after all of this going back and forth.

I'm going to lead with something that is not typically my area of expertise or support but I want to talk about the workforce housing. This is the first project in which a developer, and it not just SouthPark, it is Citywide, that a developer has proactively offered workforce housing with no public sector assistance so we are not paying for it. This is coming out of their bottom line; they are offering a hard count of 55 units for a 30-year fixed term and again this is an area of importance to a lot of my colleagues and it is something that we are going to have to continue to deal with as a City, but I do think that is a pretty big hit to these guy's bottom line and they made that commitment, which I appreciate. I think it is worth noting on that also, a third of the units in this new structure will be within the price range of the existing Colony Apartments. I think we needed to note that and I wanted to leave with that. I want to get through some other key concessions. There was a hotel originally on the site at the corner of Colony and Sharon. It was a 300-room hotel within of 160 feet. That was reduced to 225-rooms and shifted to the interior of the site, so the corner dropped down to 75-feet. The building height along Colony, this was very important to a lot of the neighbors on this side of Sharon; dropped to 120-feet. That is our transition into residential communities and there was strong opinion that 160-feet was a little too tall to lead into residential neighborhoods and quite frankly it costs them a relationship and they had to shift directions on that as a result of making the commitment to go to the 120-feet. They shifted out from a JV partners. They have increased the buffer along Colony so at most points we are going to have a 75-foot buffer, which is important as we are trying to make a walkable community. They have reduced the unit count by 10% and still carved out the 55-units for workforce housing. That is a pretty big carve out on number of units and to somebody's bottom line.

There are key improvements made along the Colony Road corridor; the developer is going to add landscaping and infrastructure along Colony Road. There are some very unsightly drainage ditches that are now going to be paid for, committed and landscaped by the petitioner. They are going to send their crews out there to make sure they are taken care of. We are going to have pedestrian refuges that will help connect Deering Oaks and Barkley Downs. Currently if you want to go for a run, walk your dog, push your kids in the stroller you are sitting next to vehicles in between the sides streets and we are going to have pedestrian refuges which are going to help make the community a little more walkable. These are just a handful of concessions that were made; this process is one that was quite tiring for everybody involved, tiring for those that opposed it, tiring for those that worked on it and tiring for the developer, but after a dozen community meetings, four of which were community wide, so they weren't limited to small group discussions but they were held at Renaissance Hotel, Myers Park Baptist Church and the Morrison Library and then the public hearing here so it was a public vetted project. One person came to speak in opposition at the hearing but on a project of this scale to have one person come speak in opposition I think speaks volumes to the outreach and hard work that was done again by those that have spent the most time on it. This does not discount the last minute flurry of e-mails we all received and it doesn't make their concerns any less valid. It just means the people that worked the longest on this arrived a different conclusion.

The last thing I want to say this is my home, my first date in the car was at the old movie theatre out there; I used to walk to see her and play video games at the Arcade. SouthPark is very important to me; it is the cornerstone of our community. We are adding 33,000 people a year to the City of Charlotte. Go to Buffalo; they would kill for traffic problems, but you go to areas that aren't growing and are dying on the vine and they would love to have that. Unfortunately we can't widen Sharon, Colony, Fairview, Morrison, Rexford, Roxborough, Barkley Downs or Coltsgate. We've got to have some redevelopment to get the interior road networks that are
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going to help navigate people in and around this area. C-DOT supports it; C-DOT says that the traffic mitigation, there is not enough traffic concerns to warrant putting a project on hold. I found out today and I was going to bring Mike up, but we will spare it, I asked him to run the numbers on the traffic to the retail portion of this site and it is 14,000 trips. That is a big number out of a total of about 24,000 but those are numbers that are cannibalization of folks that are already going to be into more than likely, not all of them, not universal, but a lot of them are going to come into the SouthPark area; they will now shop at a Publix instead of a Harris Teeter. Again we are adding people, we need road connections, this is going to provide the initial phase of a grid to help try to get people through SouthPark and I appreciate you letting me speak on this long and I support the project.

Councilmember Lyles said I'm not going to tell you how long I've lived in SouthPark because I don't want you to know. Thank you Kenny for even bringing that up, but I too have lived in this area for a long time and one of the things that happens is whenever you live in an area, even though I keep sending them to Kenny they will call me and say well Vi, what are you going to do about this. I remind them of what traffic was like before Colony Road was extended and widened. When we live there and you couldn't get to the mall from November until mid-January or you didn't want to drive in the streets. Kenny said a lot of things about the project and the developer and the work that has been going on for over a year, talked a lot about the neighborhood participation, but what I want to do is speak to the issues that we are going to have as a City and a community as we grow. As Kenny said, you think about Buffalo, but even thing about the east side and the west side how much some of those communities would love to be having this problem that we are going to have this kind of economic development in SouthPark, but those kind of opportunities do bring about some challenges and traffic is one of the major ones, but it also means that we have to look at how do we get people to work there, so affordable housing again. But all of those are things that I think are solvable if we would actually begin to have a dialogue.

As I told the neighbors, one of the things that I would encourage the most is if you are in a neighborhood in a fast growing area of the City get your neighborhood organized, begin to learn about what traffic congestion means. Look at the ways and opportunities. Unfortunately we weren't out in the west where we had a great grid system of streets and we also ended up in the suburbanization period in the '70's and '80's when everyone wanted to live on a cul-de-sac. We've got challenges about how to move people around. We also have challenges about how do we get people that perhaps are making \$30,000 in a community where the housing starts at \$250,000. How do you get the teachers that are going to be at Sharon Elementary or Selwyn or AG or Myers Park so they don't have to commute as long as they do. I really feel that we are up to the challenge and I think that one of the things I would like to see us do is where we have these communities that have this kind of competing opportunities for economic development that we as a Council begin to talk about that and we develop a plan because just as much as we are committed to that kind of growth we need to be committed to the opportunity to create that growth in other areas. We've got to balance out the scale a little bit, figure out where we can incent a little bit more and figure out how to deal where we've got high needs for growth. I think it is time for SouthPark to have a new plan; I know we are going to have the ULI Study, but I think if we can have the idea of how to give predictability to our developers in these fast growing area, particular in SouthPark where we know we have at least four, five or six major opportunities coming forward that present us challenges we've got to figure out how to do that and I want the developer to know that we need to do this as quickly as possible so that you can have some assurance of what we expect, but we also need to do it in conjunction with the public engagement of the neighborhood and the community so that we can do it well.

Councilmember Fallon said I came in today and I was going to vote against this. I got all your e-mails, I read them, I could not answer them all, there were just too many. Councilmember Smith came to talk to me about it and I said to him you've got to do something because I'm uncomfortable. The workforce interest may be because this is the first time someone has been willing, without protest and name calling to put in workforce housing. It is important and they sweetened the pot with another five so five more apartments which is going to cost them over \$2 million loss. I can't not vote for it because this will serve as a model to other builders. You come into a good neighborhood and you put in willingly, and thank you people who live there, for being kind and willing to do what is right. I hope this will be the model that if you come into

good neighbors you willingly put in some workforce housing and so I will vote for it because of that.

Councilmember Kinsey said I can't find it anywhere in my notes but what is the AMI of the workforce housing?

Ms. Keplinger said you may have to ask the petitioner's agent for that answer or someone else on staff.

Staff member said it is 80%.

Ms. Kinsey said of the 55 units does that include the units that you mentioned would be affordable for the existing residents or is that on top of that?

Mr. Smith said it is 55 units total; they went from a percentage and the nuance on that is that the second phase of the residential the market may dictate they do larger more luxurious and so they just agreed to say we are going to commit to affirm 55 units. Regarding who lives there I think that they are nuances in place on how you apply for and get in. I don't know if they can be set aside.

Ms. Kinsey said I didn't really mean that I just mean are the apartments that you mentioned would be affordable for some of the residents who live there now; is that on top of the 55-units?

Mr. Smith said yes, the price point for a third of the units will fall within the existing rates, and this is a little bit of a different scenario than Sharon Corners, the existing rates there are between \$900 and \$1,500 and you've got some multi-bedroom larger rents but you will have about 300 of the units will fall within that existing rate structure.

Ms. Kinsey said I'm very glad to hear about the workforce housing; it is something we've been working on for a long time and I'm delighted to hear about it and that probably has eased my decision making because I have some concerns about the fact that so many people didn't seem to know what was going on until sort of the last minute. There have been changes so I'm really concerned about that but it is very, very difficult to pass up affordable housing in the SouthPark area. I will have to admit that so I'm very happy with that.

Councilmember Autry said this has been an interesting experience following this petition up and down the line. I also have been very concerned about the amount of workforce housing in the SouthPark Area. I'm also concerned about the amount of workforce housing in the other affluent areas of our City where people who take your blood pressure when you go to the doctor's office, the assistant in the dental chair, the rookie Police Officers, they need workforce housing that is affordable to them in all portions of the City because we always complain about congestion and how we can't widen our way out of congestion. One of the keys is to have people who can live closer to where they have to actually earn their living. I'm thrilled that the petitioner is extending the period of workforce housing availability from 15-years to 30-years, that they are not coming to us for any resources to make that possible and that we have a firm number of units. I'm always troubled about displacing folks; this is not going to be easy for the current residents, and I will challenge this Council as we look to our Retreat in a couple of weeks that we come back with some hard core principles and policies that we want to follow about addressing the lack of diversity in our housing options for all the citizens of the City of Charlotte and that means folks at 80%, 60%, 30% of AMI where they are needed, not just where some folks want to put them because that is an unsustainable situation. I challenge this Council to take that discussion seriously during our Retreat and hopefully we can have some direction coming back after the Retreat on policies and principles that we want to follow and adhere to. I will be supporting the petition and I certainly appreciate the diligence of the petitioner and his agents have put into this project and let's move on.

Councilmember Driggs said I just wanted to say briefly to those who wrote to us and expressed concerns about traffic and the size of the project, we did hear you. If it is any consolation your observations about this triggered a very lively discussion on Council and I think we enforced our appreciation of the fact that we have work to do in terms of addressing the issues, particularly in SouthPark and I think I can fairly say has been identified as an area that really warrants our
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attention. As far as I'm concerned to tell a developer at this point that we would not be willing to support the petition based on a criteria that had not been defined beforehand and which they did not have the benefit of being able to conform to would be a little bit of an arbitrary act that would hurt our general business development goals and job creation goals and policies. We need to have consistency and transparency on how we administer these zoning decisions and there simply wasn't in place something that the petitioner could conform to as far as a requirement on traffic. For the reasons that Councilmember Smith mentioned and because I don't want to do that to a developer I'm going to say yes to this.

Councilmember Austin said I echo all the comments of my esteem colleagues and I would suggest calling the vote.

Councilmember Eiselt said I will echo the echo and just say that I probably was more uncomfortable with this because of traffic. Having been a South Charlotte resident for 18-years I want to say that it was so impressive the way the neighborhood and citizens got involved with the developer and work with the developer. It is a model of what we should be doing in our City; it is growing at a rate that nobody wants to live with but it is growing at that rate. I really am concerned that everybody have a voice and get involved in helping us shape what we want to see our City look like because it isn't just about SouthPark, it is about what happens to the traffic patterns and the rest of South Charlotte when these projects go up. I really encourage people to take the example that the neighbors in this project gave all of us to get involved in these projects and help us to put forth good decisions.

Mayor Roberts said I don't have a vote and I came in the process late; I think it has been a terrific discussion, I think this is sort of the epitome of the growth challenges that Charlotte is dealing with. One thing that no-one has brought up yet that I made short a note; even though it is in our packet under the schools input I asked the School Board what is the impact on area schools and I got a figure, not just in terms of students but also money. Just so we know and start thinking outside of our silos, again when we come to our Retreat; CMS has said this will cost them \$3.4 million in additional capacity trailers, etc. for the already overcrowded schools in the area. Sharon Elementary is going to be raised to 161% capacity, AG will be 119% capacity and Myers Park will be 118% capacity. I just want us to be aware and the community to be aware that there are consequences beyond just the City that we need to talk our School Board and our County colleagues as well as we grow. We can't do adequate vote facility ordinances; that is not allowed, but we can certainly think about our adequate public facilities from a broader perspective and I hope that we continue that conversation and that we start to talk about it as a community. If our schools are going to succeed we can't just make decisions in a silo and we also need to be aware of that. There are real numbers that are going to be impacted by this; these schools are already overcrowded and we are all going to work together to make sure that we are getting those facilities adequate as well. I just wanted to raise that; great about workforce and working with folks displaced.

Councilmember Phipps said I certainly agree with a lot of the comments my colleagues have made about this petition. I'm especially grateful for the efforts to restore some semblance of workforce housing in the area in view of the fact that I recall the Park Road rezoning we had where we had to remodel a popular workforce complex that forced a lot of people out and there was also another one I think Kenny in your District that we made some provisions for in terms of adding relocation assistance and such so I think to the extent that this developer has undertaken this voluntarily and included this he deserves much credit. As you can recall during the public hearing I did express some serious concerns about the traffic congestion going from 2,400 trips per day to 24,000, that is enough to get anybody concerned and I still am very much concerned about that so I certainly hope, and I think it is the hope around this dais that we are not going to be placing too much reliance on a change in the future behavior because I don't see that we have a real precedent for it right now as a basis of fact that all of a sudden everybody is going to start walking around, going to different place. Only time will tell so I'm going to lend my support to this petition to join my colleagues to hope that we can get to a point where we would have an ability to get around SouthPark more effectively than we are now. I will be casting my vote in favor.

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

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Motion was made by Councilmember Smith, seconded by Councilmember Mayfield, and carried unanimously that this petition is inconsistent with the SouthPark Small Area Plan based on information from the staff analysis and the public hearing, and because the plan recommends multi-family with limited retail/service uses for this site. However, this petition was found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, and because the SouthPark Small Area Plan envisioned the area transitioning from a suburban shopping and business environment to a walkable town center and the Centers, Corridors and Wedges Growth Framework identifies SouthPark as a Mixed Use Activity Center, a priority area for intensification and the proposal is inconsistent with the specific land uses recommended, but is consistent with the larger vision articulated in the area plan and in the Centers, Corridors and Wedges Growth Framework, as well as recent development and the site plan includes a vertical mix of uses and active ground floor uses and the site plan also provides wide setbacks along the existing public streets to allow preservation of mature trees and to add green space.

The ordinance is recorded in full in Ordinance Book 59, at Page 700-701.

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ITEM NO. 17: ORDINANCE NO. 7033-Z, PETITION NO. 2015-132 BY SIMONINI SARATOGA, LLC AMENDING THE OFFICIAL ZONING MAP OF THE OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.36 ACRES LOCATED ON THE NORTH SIDE OF HUNTLEY PLACE NEAR THE INTERSECTION OF HUNTLEY PLACE AND PROVIDENCE ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) AND B-1 (NEIGHBORHOOD BUSINESS) TO UR-3(CD) I URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee found this petition to be inconsistent with the Central District Plan; however, they found the petition to be consistent with the General Development Policies-Residential based on information from the staff analysis and the public hearing, and because the plan recommends retail development for this site however, the proposed residential density of 11.11 units per acre is supported by the General Development Policies-Residential. 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 although the Central District Plan identifies site for retail, it also envisions a mix of uses including residential could be appropriate for this and surrounding sites and the requested residential density of 11.11 units per acre is supported by the General Development Policies and proposed development will provide a moderate density residential transition from the Providence Road commercial area to the single family neighborhood and the low scale and generous setbacks of the proposed units are compatible with the existing neighborhood and the site has been designed to maintain the existing sidewalk and pedestrian activity along Huntley Place. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

1. Petitioner has added a note that landscaping and shrubs will be provided near the back of the existing public sidewalk.
2. Sidewalk connections to the public street network have been shown on the plan for each unit.
3. The building setback has been labeled and shown as 20 feet from the back of the existing sidewalk, for an overall building face setback of 32.5 feet from the back of curb along Huntley Place.
3. Recessed doors and landscaped area have been provided for the two proposed internal units.
4. A note has been added to the "Architectural Standards" that decorative garage doors will be provided.

Motion was made by Councilmember Kinsey, seconded by Councilmember Austin, and carried unanimously to approve Petition No. 2015-132 by Simonini Saratoga, LLC, as modified.

Motion was made by Councilmember Kinsey, seconded by Councilmember Driggs, and carried unanimously that this this petition to be inconsistent with the Central District Plan; however, they found the petition is consistent with the General Development Policies-Residential based on information from the staff analysis and the public hearing, and because the plan recommends retail development for this site however, the proposed residential density of 11.11 units per acre is supported by the General Development Policies-Residential. 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 although the Central District Plan identifies site for retail, it also envisions a mix of uses including residential could be appropriate for this and surrounding sites and the requested residential density of 11.11 units per acre is supported by the General Development Policies and proposed development will provide a moderate density residential transition from the Providence Road commercial area to the single family neighborhood and the low scale and generous setbacks of the proposed units are compatible with the existing neighborhood and the site has been designed to maintain the existing sidewalk and pedestrian activity along Huntley Place.

The ordinance is recorded in full in Ordinance Book 59, at Page 702-703.

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ITEM NO. 19: ORDINANCE NO. 7034-Z, PETITION NO. 2015-134 BY CHARLOTTE MARLENE FDS 713525 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.84 ACRES LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF WEST SUGAR CREEK ROAD AND MARLANE DRIVE FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES).

The Zoning Committee found this petition to be inconsistent with the Central District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential development at up to four dwelling units per acre for this site. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the petition will bring new development and encourage future development in the area. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

1. Clarified note under Architectural Standards to state that the primary building entrance for each building will be a corner entrance that is oriented to West Sugar Creek Road.
2. Depicted an eight-foot wide planting strip and six-foot wide sidewalk along the site's frontages on Merlane Drive and West Sugar Creek Road.
3. Committed to dedicate in fee simple 40 feet of right-of-way as measured from the existing centerline of West Sugar Creek Road.
4. Aligned the maximum square footage listed under "Permitted Uses" and in the "Development Data Summary" to reflect 13,000 square feet.
5. Committed to specify the boundaries of the ten-foot "Class C" buffer, and provide a buffer at the rear of the property abutting single family residential uses and zoning.

Motion was made by Councilmember Kinsey and seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2015-134 by Charlotte Marlane FDS 713525, as modified.

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

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

NAYS: Councilmember Lyles.

Motion was made by Councilmember Kinsey and seconded by Councilmember Driggs that this petition to be inconsistent with the Central District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential development at up to four dwelling units per acre for this site. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the petition will bring new development and encourage future development in the area.

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

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

NAYS: Councilmember Lyles.

The ordinance is recorded in full in Ordinance Book 59, at Page 704-705.

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HEARINGS

ITEM NO. 24: HEARING ON PETITION 2015-099 BY PAPPAS PROPERTIES FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO 1) ADD RETAIL ESTABLISHMENTS AND EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS IN HOTELS AND MOTELS, OFFICE AND MULTIFAMILY BUILDINGS; AND 2) ADD AND MODIFY THE PRESCRIBED CONDITIONS WHEN LOCATED IN AN OFFICE ZONING DISTRICT WITH PED (PEDESTRIAN OVERLAY) DISTRICT DESIGNATION.

Mayor Roberts declared the hearing open.

Interim Planning Director Ed McKinney said I will give you a brief overview of this proposed text amendment and some explanation of why and some of the background. I want to talk a little bit about the Pedestrian Overlay which this affects and some of the details of the proposed amendment and our staff recommendation. The purpose of this text amendment is to change the office zoning districts, particularly when they are in the Pedestrian Overlay, and I will talk in a minute about the Pedestrian Overlay District covers and what it does, and why this text amendment is being proposed. The specifics of the change here are for underlying office zoning districts when they are in a PED Overlay District specific to retail uses, retail, eating, drinking and entertainment establishments and essentially the design, the size and the location of those retail uses in an office district.

Just a quick overview of what the PED Overlay District is; that is an Overlay District that applies to existing underlying zoning, and in this case we are talking about office when you are in a PED Overlay, and this Overlay was really designed to cover some of our in town urban business corridors, but the intent was to essentially to provide and apply some of these design standards that would encourage the kind of walkability, the mixed use and the pedestrian oriented design in those corridors again specifically oriented to street design, making sure we had active uses and design on the street and we have setbacks and building orientation that provide an inviting pedestrian environment. There are essentially five of those overlay districts and you can see them outlined in the light blue on the west side in the Beatties Ford Corridor, West Morehead, all just outside of uptown; this is the loop, the Midtown/Morehead/Cherry Overlay, the East Boulevard Pedestrian Overlay and the Plaza/Central, again the urban in town corridors. What is highlighted in the map to the right is office zoning category in those districts, primarily in the East Boulevard Overlay District and in the Midtown/Morehead/Cherry District and those are the specific places where the underlying office zoning is and where this text amendment would apply.

A little background of why; again the notion here is to change the provision for retail uses when you are in this office district in a PED Overlay. Essentially what is currently in the office district is a set of provisions that constrain the size, the location and design of retail uses but the notion is those provisions and those restrictions really design for office districts in a much more suburban location so again when we are trying to achieve the goals of the more pedestrian corridor as we are in the PED Overlay these design changes really provide and strengthen the goals we have for that when you are in an office district in a PED overlay.

I'll walk you through the specifics of the size provisions that are changing, the design and the location issues. I have highlighted on one side the types of uses you can do in the office zoning districts and certainly you can do office buildings but by right you are allowed to do hotel/motel uses and multifamily buildings. As you can see in the column under current, those are essentially the size provisions for the amount of retail you can provide depending upon the use, the office, hotel/motel use. Currently in office 20%, specific hotel and motel to the number of units you can do 75 square feet per unit and then similarly in multifamily 25 square feet per unit. We have simplified and clarified those provisions so that like office is essentially design to provide 20% of the overall office development' we've essentially aligned both the motel/hotel and the multifamily to provide the same provisions and now all of those uses are given that 20% of the gross floor area of the use. We've kept some minimum provisions again and the notion here is we are still in an office district so you are providing a primary use that is office, hotel/motel or multifamily with retail being a supporting use to it.

Regarding the location there were some clarity that was needed to support the goals that we had for the overlay and making sure that it is always on the ground floor. In this case we provide a little clarity about the potential to have a mezzanine level of retail, but again always on the ground floor and then specific in hotel/motel we provided provisions that you could use some of that retail on the top floor of a hotel, for example as long as you have some very specific provisions for separation of that top level use to adjacent residential single family.

Then lastly on design so again here are some interesting provisions that were more suburban related so the notion that we in this case were restricted from providing display windows or orientation of that retail to the street so we clarified it for all those categories that you can have ground floor display merchandise in orientation to the public street and then insure that we've got ground floor entrances again just being consistent with the notion of an orientation to the street and activity along the pedestrian public realm.

I know there is a lot of detail in there and I'll be glad to answer questions. Staff recommends approval of this petition and all of these changes are really in our mind designed to support the larger goals that we have for the Pedestrian Overlay and insure that we get the kind of retail activation and pedestrian orientation that we are trying to achieve in the Overlay District.

Walter Fields, 1919 South Boulevard said I'm here to answer questions if you have any.

Councilmember Kinsey said my usual statement about text amendments; I don't like them because I'm never quite sure what the unintended consequences are. I would appreciate it if staff would take a few minutes and stretch their minds and see if they can come up with any that we might possibly have in the future. I'd rather see a rezoning where we have all the facts in front of us than a text amendment that we don't know what is going to be particular in a PED Overlay District.

Mayor Roberts said this will be part of our Retreat discussion and also part of it as we look at our Zoning Ordinance and have that conversation as we update what we now have as 80% of conditional.

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| Motion was made by Councilmember Mayfield, seconded by Councilmember Lyles, and carried unanimously to close the public hearing. |
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ITEM NO. 25: HEARING ON PETITION NO. 2015-122 BY DAVID WEEKLEY HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.2 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF NORTH COMMUNITY HOUSE ROAD AND PAULSTON ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO MX-2 (MIXED USE) 5-YEAR VESTED RIGHTS.

Mayor Roberts declared the hearing open.

Assistant Planning Director Laura Harmon said this is a 15.2 acre parcel that has four single family lots and is proposed for 87 units a mix of single family detached and townhomes at a density of 5.7 units per acre. It is located in the larger Ballantyne area on Community House Road at Paradise Ridge Road and is actually southeast of the Ballantyne Center. As you look at the site you can see the site is zoned R-3, but it is in a large area predominantly single family in either R-3 zoning or MX-1 zoning. There is a rezoning that you all approved in the last year for NS for a mixture of retail and multifamily on that site then as you look further to the south there is institutional zoning in this location for the Morrison YMCA. The adopted future land use which comes from the South District Plan pretty much reflects the zoning of the area and does call specifically for this site to be residential and as you remember we use our General Development Policies as a starting point for assessing rezoning petitions that are requesting higher density than the base density of three or four units per acres and that is what we have used in this case and for this site and have found that a density of 6 units per acre is supported by our General Development Policies. This is the proposal in context and you can see a street network that is proposed of predominantly private street and initial public street coming off of North Community House Road and tying in a long term ... that would connect into the site to the north. As you look at this petition you can see the lighter yellow color, the single family attached homes and the gold color is single family detached homes so they are providing a mixture of housing units in a unified development; they are creating architectural standards and also doing a really good job of buffering and screening abutting the existing single family housing along the edge of the property. For most of the development we are abutting existing single family and they are putting single family next to the single family detached.

This is consistent with the South District Plan, the density is supported by the General Development policies. The thinking behind our recommendation; currently we aren't supporting the rezoning but simply because we need the petitioner, and we've been talking with them, to make an adjustment for a second access point per the subdivision ordinance. That is our caveat to support for this and we've been working with them and expect to be able to resolve that and once that is resolved we would support this. The reasoning is that it is consistent with the plan, the residential use, and the density is supported by the General Development Policies. It is providing a mixture of single family housing, both the attached and detached in a single unified development which we think provides some housing choices in the area and because of the solid job they have done on providing that buffer and transition to the existing single family adjacent to the site. Again, we are not supporting in its current form but upon resolution of the subdivision issue and the other outstanding issues staff would support this petition. We have some minor issues related to land use, transportation and site design and we have heard from the petitioner that they will be able to adjust accordingly.

Councilmember Driggs said the real flash point to this is that issue of the connectivity and the need to create a second access. The site plan you just showed us only has one so I guess I would like to know what the options are that are being considered and to point out in particular a connection to Paradise Ridge Road would create for me and for the occupants of that street a lot of problems. Do we see a solution that doesn't include going there?

Ms. Harmon said certainly, as you are looking at the site we expect a secondary access somewhere in this location. We are working with the petitioner but wanting something and working with C-DOT we've been talking about something between Briarwick Lane and Paradise Ridge Road that really is kind of in the middle. That is to provide that second access which is largely for safety issues – fire or police should there be an issue in accessing in one location and being able to do that. We have spoken with the petitioner about that location and expect to be able to reach resolution on that. Paradise Ridge Road, we have not been evaluating at this point

in time from a planning perspective because we are expecting the issue to be resolved with an access on North Community House Road.

Councilmember Fallon said is there infrastructure in there; does the sewer lines have to be extended there?

Ms. Harmon said I don't think we are expecting that they would have to extend the sewer lines except onto the site.

Ms. Harmon said and the water is in there?

Ms. Harmon said not on the site yet because that wouldn't come onto the site until the point at which it was developed.

Mr. Driggs said there are four houses there now.

Walter Field, 1919 South Boulevard said David Weekly Homes is the petitioner and I'm pleased to introduce Mark Gibbs and Shannon Baldwin and Matt Langston who is our site planner. They probably look familiar to you because this will be the fifth infill type rezoning that David Weekly has brought before the City Council in the last couple of years and we've been very gratified in the four previous occasions the Council thought we had done a good job of working with the community and done a good job with the plan and those were all approved. We are hoping to keep our record intact.

Ms. Harmon has given you the highlights of this case; it is about a 15 acre site and we are looking for 87 units. We started at a higher number, but as we made adjustments to the plan with staff comments and made adjustments to the plan with working with the community and are down to 87 units. This is proposed to be a gated community; this is an opportunity to create a real interesting and high value property in this already well developed portion of the community and I'm looking forward to that opportunity. Laura mentioned the technical issues with the staff and I sent an e-mail today to John Kenley who is the Planner on this case and we have agreed to address all the issues that they have raised. We have met fairly recently with the members of the community; probably 35 to 40 people there and went through a 20-item list of additional concerns that had been put together and I think it is worth pointing out that that was one of eight or nine meetings since we began the initial discussions with the neighbors about this project back last summer; long before we filed it because we understood that there had been a lot of discussion about the Pappas Terwilliger rezoning. We knew we would walk right into a community that was fully ginned up in terms of their concerns and issues about development in their community so we tried to get way out in front of that in some of these meetings very early on. We've had a couple meetings that were literally standing room only. We got a big conference room at a hotel and literally there was not room to fit everybody in so first and foremost I want to point out our appreciation to all the members of this community that have worked so hard to really get us to pay attention to their concerns. We went in the doors with our eyes and ears open and I hope that they will tell you in a few moments that they think we've done a pretty fair job of addressing those issue.

As Laura mentioned an item as come up in the process sort of down near the end that we have been asked to go back and take a look at and we have done that. It dealt with, as Mr. Driggs asked about a secondary access point on to Community House Road. We committed early on to the community that we had no interest and really appreciated their concerns about a connection to Paradise Ridge Road and we have never submitted a plan in this entire process that showed that connection. We are that firm in our commitment to respect their concerns and I think that was the only issue that was still outstanding. Staff pointed out to us that they still had a concern regarding a secondary access point, as Laura said for safety and access and other things. We've gone back now and actually got Randy Goddard working over this past week-end and put together an analysis of how and where that second access point on Community House Road could occur. We sent that in e-mail form to Mike Davis and to members of the Planning staff on Monday while the City office was closed and to his credit Mike opened it and read it on Monday so that guy needs a break. We are confident that we will find a means by which to create that access point; we've talked to Mike tonight and he says he might want to have us move it up the

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street a little bit. We just want to take a look at it from a technical standpoint and he has committed to us and Randy has committed that we are going to resolve that issue and put that to bed once and for all so there is never any concern on the part of the folks that live next door to us that there will be a connection to Paradise Ridge Road.

I will tell you we've made some improvements to the plan as we've gone both in terms of responses from the staff and our neighbors. We have done a better job of defining how the buffers will work. The Vineyard Community next door actually has a landscape easement on a portion of this property that put there years and years and years ago. We are going to widen that a little bit and beef it up and take over the maintenance of it as part of this development if it is approved. We have broken up the building mass on Paradise Ridge Road because we had some larger groupings of units in there originally and the staff mentioned it to us and some of the neighbors did too so we went back and actually broke those buildings up so there is nothing but two unit buildings in this development along Paradise Ridge Road and they are grouped to line up with the same scale and same rhythm as the lots across the street across from Paradise Ridge Road in the community. We made some additional adjustments in terms of some additional notes that will be added to this plan. We had a meeting almost two weeks ago now and went through a 20-item list of additional concerns of the community and we were able to agree almost right out of the box on about 16 of those. We are still tweaking a little bit on some of the others and Eric Howard, who you will hear from in a minute, is the guy that has really pulled all of that together and we very much appreciate it. This will be built in two phases sort of a northern three-fifths of the site will be in the first phase because there is a separation in the ownership and then the lower portion of the site will be the second phase. We have committed verbally and will put on the plan that will actually install the buffers and the screening before the construction really gets underway on those areas because that puts them in place at the beginning instead of coming along at the end. We really are looking forward to this opportunity and we really do want to say again thanks to the staff who worked with us a lot on this access issue. I think we actually sent a copy of the plan that showed that proposed access but I don't know if it got on the machine upstairs, so I apologize.

Eric Howard, 10201 Ventana Court said I live in the Vineyard Community and I would like to thank Council for this opportunity to speak. I would like to confirm everything Mr. Fields said, the Developer, David Weekly Homes has been proactive and responsive in responding to our concerns and issues regarding developments and they have had numerous meetings and have been very forthcoming with what they plan to do. We have gotten through all of the major issues with the exception of one issue; like Mr. Fields said we just have a couple of minor things to work out but we are optimistic that they will be worked out. The one major issue that has not been worked out is the that is unknown which is the possible requirement by the City for a roadway connection to Paradise Ridge Road from the new development. The surrounding community does not want this road, the developer doesn't want this road and I'm unaware of anyone at the City that thinks this road is reasonable. The road will not eliminate traffic issues. Most traffic in the a.m. is northbound on Community House Road and in the p.m. southbound so the traffic from the new development will be actually going around about long ways if they come to Paradise Ridge Road to go or come home from work which will add to the traffic load on Community House Road between the currently proposed entrance to the new development and the possibly proposed entrance on Paradise Ridge Road.

The second connection is required by a recently changed ordinance within the last couple of years; there are many communities in this area that have a single entrance in and out. I appreciate the City's desire to evolve and encourage internal connectivity and decrease traffic concerns, but I don't feel it is appropriate to shoehorn that into this infill development in an existing built area. If the City requires the Paradise Ridge Road connection to be included in the new development we must protest the entire rezoning and development. If the City does not require the connection at Paradise Ridge Road we are optimistic that we can work through the remaining issues with the developer to produce a development that is acceptable to our community.

Councilmember Mayfield said this question is for staff; I'm trying to get a little clarification since this also is looking at the 5-year vested rights a lot changes in three to five years so what I'm wondering is an example, there was a project that was approved by a previous Council in

2007 where the development didn't come out of the ground for housing until 2013, 2014. We had a lot of changes in the community and I don't think that development if we put a cavetti in for them to have to come back because of some changes so should we be looking at some conditions on this mixed use in the single family because again we've seen a lot of changes in a short period of time and that housing stock that is being built now based off of 2007 approval is not necessarily the same quality we will be getting had they come through a rezoning in the last year and a half or two years. Are we taking that into consideration when we are looking at these 5-year vested rights?

Ms. Harmon said typically when we are looking at 5-year vested rights it is for large projects that we expect to build out in five-years. I don't think that we have a clear policy at this point in time on when we should be looking and supporting 5-year vested rights or not. It is something we can certainly go back and look at from a Planning staff perspective. I think one challenge we have in previous conversations with Assistant City Attorney Hagler-Gray is that we cannot set a sunset on rezonings and what we would have to do is have a policy in practice to come and undo those rezonings at the point at which we felt they were no longer valid and we haven't had a process that of doing that. Certainly I think we would be looking for direction from Council if they felt that was important for us to be doing. Two folds, one we typically don't go back and revise the zoning after that time period and I think the exception would be that the location approved tonight, the District 4 rezoning, and secondly, we don't have a clear policy. That is something we may need to look at on extending vested rights beyond the two years to the five years.

Ms. Mayfield said I think that is something as a Council that we really need to consider. Given an example, just as there are minor changes we ask the question if it should go back to the Zoning Committee for them to review it; we need to put some type of cavetti in that if it is three, four or five years later before that development comes out of the ground, opposed to starting all over at least have to come back to that Council because again our growth in the City has changed drastically in 2014, 2013, 2012 from what it was in 2007, 2008 and 2009. We've seen a lot of changes and there has to be a way for staff to look at creating language that doesn't necessarily lock the developer in but gives us the ability so that future Council will be able to ask whatever questions they need to ask opposed to being bound to the decisions that we are making today.

Mayor Roberts said sort of like requiring a booster shot after five years?

Ms. Mayfield said which would make perfect sense to at least revisit the conversation because whoever is around the dais at that time should have the ability to ask whatever questions they have regarding that development.

Mayor Roberts said I think that is a great topic and I know our Manager is making note of that for us to go through looking at our updating our ordinance and even as a Retreat topic.

Councilmember Phipps said the provision to have a second entrance into the sub-division, is that similar to our requirement for connectivity that it is a situation that is not going to be any leeway on, is that like an etched in stone kind of thing?

Ms. Harmon said it is; the way the sub-division ordinance reads there has to be two points of access if feasible so in this case the Sub-division Administrator determines that it is feasible from what we found out so yes, it is not something that can be undone with a rezoning petition.

In rebuttal Mr. Fields said to Ms. Mayfield's question North Carolina has statutory vested rights and then there is common law vesting. The statutory vested rights were put in a number of years ago especially for larger multi-phased developments to assure that the person who was making that investment that investment would be protected. An example would be, you were talking about rewriting the Zoning Ordinance; if you rewrote the Zoning Ordinance that affected the basic zoning district that applies to this property it could potentially change come rules or requirements, but we are already down the road with our plan so it is not to keep the Council from acting on conditional zoning cases after a few years, in fact the ordinance specifically provides for that today. After three years any conditional zoning plan can be reviewed by the City Council and they can make a determination about what they want to do with it, leave it there, change it, put it back like it was. That has been in there literally for decades, but as you went through that process before I left the City a number of years ago and reviewed over 500

conditional zoning cases and out of all of those we found about 20 that had violations and we made a recommendation that about 12 of them should be rezoned. That process is available to you at any time and has been for many, many, many years.

With regards to the second connection as Mr. Howard pointed out this is a requirement that came to us by virtue of your adoption of the USDG (Urban Street Design Guidelines) a few years back. It used to be if I recall correctly that you didn't have to have two connections to a sub-division as a mandatory requirement until you got to 125 or 150 units, but the new requirement is just sort of one of many. If there is a legitimate reason not to do it the sub-division ordinance provides for that. What we have found out is there is a way to do it and we can put that in front of the staff and we are going to resolve that before we submit our revised plan on Friday because we've committed to these folks that is what we would do.

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. 2016-013 BY RICHTER DEVELOPMENT LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.47 ACRES LOCATED ON THE SOUTH SIDE OF EAST WOODLAWN ROAD BETWEEN HALSTEAD DRIVE AND PARK ROAD FROM R-6MF (CD) (MULTIFAMILY RESIDENTIAL CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Roberts declared the hearing open.

Assistance Planning Director Laura Harmon said this is a 2.47 acre site, seven single family lots along Woodlawn Road and it is a proposal for 48 single family attached units at 19.4 units per acre. I will skip most of the context slides just to give you a broad idea this is the Park/Woodlawn Center and this is the location of the site so it is at the edge of the mixed use activity center identified by the Centers, Corridors and Wedges Growth Framework for the City. This request is for six townhome buildings allowing up to 48 single family dwelling units, dedication of right-of-way is coming with the rezoning, limited building height to 45-feet and commitment for building design elements. It is consistent with the residential land use in the Park/Woodlawn Area Plan but it is slightly higher than the density called for in that plan of 17 units per acre and this being slightly over 19. Our rationale in addition to the plan is that it is located within the Park/Woodlawn Activity Center within walking distance of some key facilities including the Park Road Shopping Center. We think this townhome project provides a good transition from the single family to the south to the more intense of multifamily across Woodlawn. We think the density is generally in line with what the plan recommends and that although they are not taking up all of the parcels in the previous rezoning they are picking up all the contiguous parcels so it does allow for a unified development. Staff is recommending approval upon resolution of outstanding issues related to a few things we want cleared up with site and building design and transportation.

Councilmember Smith said for clarification because the notes are a little confusing; the density of 19 units does not need to be resolved; as I was reading through my notes I was a little unclear as to whether that was one of the items that we wanted to resolve down to 17 units.

Ms. Harmon said we are not recommending a change with respect to the number of units. That is a slight inconsistency with the plan but –

Mr. Smith said as I read it it said there may need to be some resolution and I just wanted to make sure you had that down there.

Dennis Richter, 4200 Arbor Way said I am with Richter Development and I just want to do a short presentation just to give you an idea what the development is about. I passed out some handouts of the presentation for you to look at. The anchor project is Towns of Madison Park; it is 2.57 acres currently zoned R-6, the proposed zoning is UR-2 and is proposed for 48
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townhomes. I think Ms. Harmon pointed out the location at the edge of the neighborhood and currently the site is a number of kind of run down rental homes; most of the houses along the street are rental and as the Woodlawn Corridor has gotten more and more busy these homes have turned into rental and have fallen into disrepair so we felt it was a good way to clean up that entrance to the neighborhood and make for a good transition into Madison Park. There are six townhome buildings that will be three-story townhomes that will face Woodlawn and will have direct access to Woodlawn Road. There will be a private interior street that the townhomes in the back will actually front the street. The first level of the townhomes will be garages that will either be a single or a tandem garage. The parking for each of the units will have at least one parking and most will have two whether they are a tandem garage with two on the inside or a single garage with a parking apron in the back of the unit. This particular plan shows a connection to Woodlawn and we have eliminated that connection to Woodlawn here. There was a request from C-DOT to make some changes to this so it is right in/right out only and with that to put in a median to deter people from making left hand turns. They are requesting that we widen Woodlawn down past Halstead and install a left turn lane onto Halstead. We had a meeting with them and told them that it was not economically possible for us to do that; that is a significant improvement for a small project. After some discussion we did agree to make a contribution to improvements in this area for either a future traffic signal at Halstead or a future widening. We are agreeing to the architectural standards recommended by the Planning Commission; they recommend brick or masonry veneer, some articulation on sidings, asphalt shingles, brick on the building and as mentioned on the back we have agreed to do a wood fence with plantings to shield that fence from the adjacent single family neighbors.

Councilmember Kinsey said the seven houses facing Woodlawn; it says in our notes there are seven single family homes but in the drawing it looks like they are attached.

Ms. Harmon said the proposal for attached that the existing homes I think six of them face Woodlawn and one of them faces Halstead.

Ms. Kinsey said those existing are not going to be torn down?

Ms. Harmon said they will be torn down and they will be replaced with the six townhome buildings.

Ms. Kinsey said that is not exactly what it says here so I'm just trying to figure that out. I'll just made a note that this is just a domino effect because while those houses may not be the very best in the neighborhood the other single family homes will probably follow at some point and I hate to see that happen, but I understand the proximity to the multifamily across the street but this just could be the first strike at squeezing some nice single family homes, moderately priced homes.

Mr. Smith said I don't disagree and I think one thing we are working hard over there is along Woodlawn and some other areas that are becoming so heavily traveled that they are less inclined to stay single family. We've worked hard on this and the petition is sort of infringing upon trying to get into Madison Park with some of the multifamily and trying to maintain, to your point, the single family, so it is on my radar and I think in this case probably not as applicable because I think of what these houses have turned into on Woodlawn, but I want you to know that as a District Rep it is noted as I am looking at stuff that is coming to Madison Park and agree with you.,

Councilmember Phipps said is Woodlawn Road a state maintained road or a City maintained road?

Ms. Harmon said it is a state maintained road.

Mr. Phipps said so any conversations geared toward possibly expanding or widening would have to go through their process?

Ms. Harmon said we would have to work through the state as well as Charlotte DOT with coordinating that.

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

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ITEM NO. 27: HEARING ON PETITION NO. 2015-120 BY GRUBB PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.7 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF PARK ROAD AND ABBEY PLACE FROM O-1 (OFFICE DISTRICT) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) 5-YEAR VESTED RIGHTS.

Mayor Roberts declared the hearing open.

Assistant Planning Director Laura Harmon said this is the site we are looking at with frontage on Park Road between Park Road and Hedgemore Drive bounded by Abbey Place and Mockingbird Lane. It is 10.7 acres and there are two mid-rise office buildings probably built in the '60's on the site with a lot of surrounding parking. The request is for 600,000 square feet of commercial which includes somewhere between 5,000 and 35,000 square feet, depending on market conditions, to accommodate retail and 450 multifamily units. The existing office buildings would remain until redevelopment. This is in the Park/Woodlawn Mixed Use Activity Center and you can see the site here and this is Park Road Shopping Center at Park and Woodlawn to the north. This is a request to go from O-1 to MUDD-O and something we are starting to see as the center evolves from a more suburban center to a more urban place. This is consistent with the proposed land use on that plan that recommends multifamily residential, office and retail, a mixture of uses and a more walkable design than what exist out there now.

They have a number of development areas bringing through a couple of new streets to increase connectivity and break up the larger blocks as you can see those. As I mentioned a mixture of uses, essential open space that they are proposing with buildings brought up to the street with parking to the rear to support a much more walkable form of development and few optional requests with a limited amount of parking and maneuvering between buildings and streets. Some requests with respect to signage and sight and building design. These are within the context the location of existing buildings showing up in orange on your screen and an open space showing up in green on your screen. This is consistent with the Park/Woodlawn area Plan for that mix in uses in a pedestrian friendly form and the reason that we are supporting this is that it is located in that activity center, it supports the goal of that mix of uses and removal of a large surface parking lot and creating a more pedestrian form of development. The commitment to some level of ground floor retail or designing for that to serve needs of the residents and workers in this area, supporting walkability, pedestrian mobility by providing a number of improvements, but most particularly the pedestrian crosswalk at Park Road and Mockingbird Lane and adding new streets to the area and sidewalks from the buildings connecting to those streets. We are recommending approval upon the resolution of the outstanding issues.

Councilmember Smith said we've had this conversation from the Lat Purser rezoning last year where you've got an isolated island of residential but still in an area that is rapidly transitioning and I'm just trying to figure out how we balance that with some of this new development. A couple questions those neighbors had and I haven't had a chance to meet with them but we've traded e-mails and phone calls, but I wanted to voice their concerns tonight at the hearing. A couple questions I've received from them; can you walk through the interior road and the placement of the entry and exit points and why they are where they are?

Ms. Harmon said I can show you where those are and you can ask the petitioner or their agent to explain why.

Ms. Smith said is this a City requirement or a developer requirement?

Ms. Harmon said this street off of Hedgemore is a sub-division requirement and then there are also a couple more access points off of Hedgemore. I read over those concerns and I believe

there are two access points to the development across the street as well, but I know they had concerns about access. We can certainly ask the petitioner to go back and look at that.

Mr. Smith said you do get some spill-over parking and I know some of the existing residents have had some questions about possibly no parking signs, not trying to limit all of the parking on Hedgemore, but as you get in close proximity to where the residents have to come in and out where does staff come down on trying to add a sign or two just to give those folks a little bit more visibility and protect and is that a petitioner or is that a C-DOT issue?

Ms. Harmon said they would look at this from a safety perspective and I'm going to ask Mike Davis to jump in on this one.

Mr. Smith said I think part of the clarification is not necessarily during the work day but as the entertainment district heats up and you have the spill-over parking.

Mike Davis, Transportation said we have been talking with the petitioner who has done work with the community to hear some of the concerns and they have brought to us a request to look very specifically how parking is handled sort of on the perimeter conditions. Some of what is going to happen is through the development certain physical things will happen that will make it more viable for on-street parking in some cases and other things might be more temporary measures through paint and signage so I think where C-DOT is we try to separate those things out; things that are going to be permanently fixed through the rezoning, we are going to get that right through design implements. The more near term things that await that incremental development we will make sort of an operational decision. I haven't read or seen what these concerns are so I need to understand them better, but we can deal with signs and paint sort of in real time if that makes sense.

Ms. Smith said as you go around town and you will have no parking during certain times, maybe there is a medium there but I did want to bring it up. Then other questions; stop light at Mockingbird, this is something that we discussed as part of the Lat Purser petition last year and I think we also discussed at Woodlawn even though it is a state road, I know there are some funds set aside for the stop light. Regarding when we think the need will be implemented, how far after construction would you anticipate the ability to actually get the light and is that something, how proactive can we be on pushing that because I do think that is going to help as this area intensifies, help get folks in and out because right now you are limited pretty much to Abbey Place and it can be tricky.

Mr. Davis said the idea of putting a traffic signal at Park Road and Mockingbird Lane is one that C-DOT staff supports. Park Road is not a state maintained street so we don't need to necessarily coordinate with the state on that. We see that as a very near term thing; it is a good benefit, it is a commitment out of this petition and we expect other development in the area that is going to make that warranted. The one that is at Woodlawn and Montford is tricky; it is a state road and we've tested a little bit with the state and their appetite for that and they are a little bit resistant about that right now. What we are trying to do is work through some of these rezonings to try to create the funding and the opportunity to be able to implement that as we continue to work with the state on that opportunity.

Mr. Smith said I would encourage my friends in Raleigh just to try to hang a left on Montford after eating at the restaurant at noon and to get out onto Woodlawn it is a pretty precarious turn but I also think to increase the quality of life we are going to allow some of the densities that I think from what I'm hearing there is not neighborhood opposition per se as long as we can have some protective measures for those folks.

Councilmember Fallon said are we turning commercial into residential?

Ms. Harmon said we are adding more development to this site and a portion of it will be residential and a portion of it would continue to be office.

Ms. Fallon said that area up there is really commercial.

Ms. Harmon said this is largely office buildings in this area but yes, the area plan did call for a greater mix of uses so that people could walk between uses.

Ms. Fallon said from what I'm remembering back of it is all commercial; restaurants, mall.

Ms. Harmon said as you go up to Montford it is but there is multifamily immediately across Hedgemore Drive.

Ms. Fallon said why are we doing that when we need so much commercial and it is tax money.

Rachel Russell, 4601 Park Road said I'm with Grubb Properties; I run our development division and there is quite a bit of people here, I think the whole top row is our design team so if you have any detail questions I can't answer they are here as well as a few supporters that are available to speak should you like to hear from them. That was a great presentation and I think the thing that is most exciting to me about this project is that you took a public document, the Park/Woodlawn Plan or executing it so everything in Section L-3, that represents our area we are doing and it is real exciting to have that synergy. There were a couple of questions that came up and I will try to answer those. On the on-street parking this rezoning is just referencing right around our perimeter but there will be build outs that are already planned to prevent anything from intersections and driveway distance; that way it is safe and we've been working a lot with Mike on that. During the community meetings we've had at least 16 meetings, a lot of individual meetings and the conversation has come up that people park in this area where it says no parking so we realize there is no reason to have no parking signs. There is enough space there so they are already going to park there so let's go ahead and strip it so that way we make it pretty and tell them where not to park, so don't park next to driveways and I think that conversation is just happening behind the scene, it is not part of this rezoning so there is a little bit of confusion but the intent is to make it safe. It is not related to our rezoning but we are trying to facilitate what we've heard in the community.

Regarding the mix of uses that is something that specifically was asked for in the Small Area Plan. I personally think the mix of use is important; right you have two office buildings there that we plan to preserve and that is where our headquarters has been moved. At night it is dark and there is no activity there and having residents is a positive thing making it a 24-hour district. A lot of the retail came to me and said they want to support this project because it is residential, it is part of the vitality of the economy and I think what makes the neighborhood successful today is that it is mixed use and we want to continue that.

Councilmember Driggs said I was just interested to know how tall a building would it take to get 450 residential units into the portion of this site that you expect to use for residential?

Ms. Russell said we do wood frame and when we construct multifamily that would go up to five stories. You could have a basement connection and on this site there is a huge grade fall so there is likely to be a section that will be six stories. In this rezoning it is 120 feet and that is what the existing office building on Mockingbird Lane is so we left that in there to be flexible, specifically for the Park Road site to have that flexibility of commercial but for us the multifamily piece would be probably up to six stories.

Councilmember Smith said what are you going to do to help shield some of the lighting for the residential or what mechanisms are in place?

Ms. Russell said we are not asking for any variance when it comes to light; there is no large signs that are going to be brighter or higher. We will have the standard street light that most people are encouraging and there is no up lighting that is going to be directed out of our neighborhood. We are just following the ordinance regulations; there is nothing unordinary about it.

Mr. Smith said I know there is concern about the hotel and it sounds like you guys may be willing to have a commitment at least with the placement of the hotel.

Ms. Russell said we've talked a lot with the community and the hotel is something that came up as a desire in those meetings. We are not hotel developers but because a lot of people in the
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market wanted to have the option to have a hotel in the neighborhood we added it in. We are not hotel developers, we don't have a plan but wanted to include it so the last piece of this if someone wanted to develop then we would sell it off. That is not in our plans right now and I'm not with the resident who had that concern and spoke this morning about it. We don't have the intention of putting a hotel right in front of their home and so we could commit to that. I urged them to look at the plan as we start developing in detail and work with us to make sure they like the way it looks. We don't have a plan to do a hotel and can be flexible if it is a real concern.

Ms. Smith said it sounds like an easy give; the last question and this is something I meant to say to Mr. Richter who left; can we get a note in there on when construction takes place and this is something in District 6, we are urbanizing and we had an issue on a project in SouthPark where there was some cement being poured at 2:00 a.m. and it was a huge headache and neighbors were out there at 2:00 a.m. trying to record sound and I think if we can place some mechanisms in the notes when construction takes place. I know we have certain ordinances but there tends to be some gaps that are missed with the existing noise ordinance so if we could put a note in there and then one on week-end construction. We did this for Abbey across the way that you don't begin before 8:30. I don't think you want to build on week-ends with the time and a-half, but I get it but just a simple note when the process would begin. I think those can go a long way in helping with the existing neighbors and your integration with what again I think is a use that seems to be pretty well accepted.

Councilmember Phipps said I would like to applaud the petitioners for their diligence in following the Park Road Small Area Plan; as a Planning Commissioner and some of colleagues can attest we worked hard on the Plan so it is refreshing to see the petitioners that would actually take the Plan and make sure that they are conforming with the Plan. So many times it is almost like a free for all, it is a plan but we are going to deviate here, deviate there and it is refreshing and I would hope that would serve to encourage others to do the same with our recently approved Small Area Plans.

Mayor Roberts said I had an office actually in the Ortho Carolina Building for almost a year and this area I think will be great for mixed use. There are quite a few people there; there is a restaurant one block away on Montford and I'm really glad to see a lot of the elements there. I did have one question about parking because those parking lots are pretty full. Is there going to be a deck underneath the building?

Ms. Russell said yes, that is actually one of the biggest strategies in this whole redevelopment that we are getting rid of all of the surface parking which I've never heard anyone say they like it so that is a good thing. We are getting rid of the surface parking and then building decks that will be wrapped with wood frame around it or we could build below grade. The ones we are looking at are going to be in the center and fit in behind the wood frame and we have a shared parking model that will share between residential and office so you don't have to build an extensive amount of parking, but you are building sufficient amount that will meet all the needs.

Mayor Roberts said the only thing I would add to the question about the light at Montford, having driven that intersection a lot I don't think a light there is going to help because you are going to get grid lock and back up because those cars back up past Montford. That is a DOT issue for later and the last thing I want to mention, and this presentation actually does have the school input and this is that big question about coordinating with our schools. Selwyn Elementary is at 180% capacity and this doesn't add that much but it goes to 187% so again this is a high growth developing area of our City and we just need to have that conversation with our schools about how we accommodate all these children. I'm a big supporter of density and having that mixed use and walking to a lot of different places and what a great area, Park Road Shopping Center but I just worry about our schools.

Mr. Smith said can you walk through the unit mix of this; I think sometimes we have some school issues Mayor that they may be artificially inflated but the unit count and the bedroom structure here may tell more accurate picture of what will be there.

Ms. Russell said our brand is called Link Apartments and they are studios or small one bedroom; they are not the traditional efficiency, so they have a separate bedroom and one bedroom and two
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bedrooms. They are smaller units, sometimes they are 150 square feet less than the market so we can get to the lower price point. I don't know how many of our existing Links have students; there might be students, I think there may be two children in all of our Links so it is not typically something that comes to our brand but you are right to consider it because there will be people that come.

Ms. Smith said sometimes the mix is higher and sometimes it is not but I thought it was worth mentioning.

Councilmember Eiselt said I appreciate that and I thought that about one of our earlier rezoning requests, but for three projects tonight we are reporting Selwyn going from 180% to 187% so that is just tonight for three or projects so what is real number and that is really more on us as a Council to have those discussions and thinking together. That is a big burden on the schools.

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

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ITEM NO. 28: HEARING ON PETITION NO. 2016-003 BY EASTERN HOSPITALITY NC, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.1 ACRES LOCATED ON THE EAST SIDE OF NATIONS FORD ROAD BETWEEN WEST TYVOLA ROAD AND STONEBROOK DRIVE FROM CC (COMMERCIAL CENTER) TO CC SPA (COMMERCIAL CENTER, SITE PLAN AMENDMENT).

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said this property should be familiar to Council because we had a decision earlier tonight which was actually denied for the 7 Eleven which is on the corner of Nations Ford Road and Tyvola. The site we are talking about now is still part of the original rezoning that was done in 1997; it is for this portion and this is the northern most part of that original 1997 rezoning. To orient you this is Nations Ford Road, Tyvola Road, I-77 and we have hotel in this location, three hotels, an office and a bank already existing on the CC (Commercial Center Site). The property we are talking about is approximately two lots and the request is to have a CC SPA. You can see the zoning around and we talked on the earlier rezoning about how at the four corners we have religious and residential uses. We see this development is CC which has developed with more of our traveling public; we have a little bit of institutional to the north. The primary area for commercial development is on the other side of I-77 around Tyvola Road.

The future land use is pretty consistent with what the zoning is in the area; CC commercial shows up as retail even though most of those properties did not develop for retail purposes. There is one area of single family residential before we get to the institutional, single family all surrounding and across I-77 we have office and commercial. This is an overlay of what the proposed site plan would look like on the map and again we are talking about these properties right here which are known as Parcel 1 and Parcel 2. The request is to take these two parcels; they are a little bit encumbered, there is a Duke Power right-of-way that is located here on those properties so no development can occur in that area so the development has to occur west of the property. The original zoning in 1997 showed a 31,000 square foot office building on Parcel 1 and an 83,000 square foot office building on Parcel 2, but the request tonight is to changed Parcel 1 to allow parking and then to allow the 83,000 square feet of office to an alternate use of a 120 hotel rooms. Basically we are eliminating 31,000 square feet of office on Parcel 1 and adding another use that they could possibly have so it will either be an office or hotel.

The 1997 zoning restricted the height to six stories and that is also being carried over into this rezoning. There is a 75-foot buffer along the northern property line; there is a church located on part of that property to the north. It retains the landscaping buffer along Nations Ford Road which is a 35-foot buffer and it retains specifications for building materials and design. That is the conceptual west side elevation of the hotel which is what would be facing Nations Ford Road. In terms of plan consistency the South West District Plan does recommend the mix of
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uses including office, hotel and other uses within the CC Commercial Center. The site is located at the I-77 interchange; it contains the three existing hotels, the office and a branch bank. The proposal for an office or hotel use is compatible with existing development, it is consistent with the area plan. The proposal includes the 35-foot landscape buffer along Nations Ford Road which will provide additional protection for the residential properties across the street. Staff is recommending approval of this petition upon the resolution of the outstanding issues and those issues related to transportation, the environmental issues and requested technical revisions. We feel like we will get all those issues addressed before this comes back to the Council for a decision.

Harry Singh, 190 South Equity Drive, Smithfield, NC said we are proposing a Site Plan Amendment from a 1997 office rezoning to allow for hotel/office use for 120 hotel rooms. We are planning to build a high end hotel a quality hotel that will provide positive contribution to the City and create jobs. There is a need for hotel rooms in Charlotte, especially over the past four years due to economy and growth of Charlotte and also the Airport growth, corporate business growth and to attract more larger events in the City. Prior to today we have had neighborhood meetings and City open house meetings and any issues that were brought up by the neighbors or Councilwoman, we were able to address all the issues and submitted our report to the City with all the issues addressed.

City staff as well as Councilwoman Mayfield have been a great help to us in trying to get this rezoning done. They have been very supportive of this rezoning and I will be glad to answer any questions regarding this project.

Hy Nguyen, 420 Hawthorne Lane said I am with EPR Associates and we are the consultant engineer for Mr. Harry Singh. The staff analysis was very detail and the information is there on your report. I would like to point out that the site plan and the hotel that we are proposing are consistent with the Southeast District overall plan and with the original 1997 zoning plan as well. Another item that I would like to point out is for this Parcel 1 and 2 combine together for what we are proposing for hotel, the traffic generated by this proposed use would be a lot less compared to why original Parcel 1 and 2 would have allowed for office because for Parcel 1 and 2 combined yields for office it could have allowed up to 114,000 square feet of office space and that could yield up to 450 parking spaces and the parking space for the hotel is much less, therefore the traffic generate for this proposed development will be a lot less.

Donna Canup, 616 Knight Court said first of all on behalf of Yorkmont Park welcome Ms. Roberts as Mayor and the new Council people. I've lived in Yorkmont Park for 42 years; I've lived in Charlotte, NC my entire life which is 60 plus years so I've seen all the changes and I continue to do that. I want to thank Ms. Mayfield for working with me on your previous decision rezoning, we thank you very much for that. This comes to pass on us suddenly on the hotel and we still have the same concerns for our community, traffic. We are surrounded by hotels as a matter of fact. I rode around just within our little radius and we have, not only the Wingate Home II, Stay America which is extended stay, we have the Hyatt House, we have LaQuinta, we have the Embassy, we have the Sleep End, we have another extended stay America and that doesn't include City Park Building Two at this time, two in one, so we are kind of surrounded. Our biggest concern is safety and traffic; we are concerned about the safety of our children. We have a lot of children in our neighborhood and the last couple of years it has increased greatly. Sleepy Hollow Road is a cut-through for people; it is an easy cut-through. South Hampton off of Tryon is also a cut-through for folks so our concern is that we have a lot of school buses. Wilbrown Circle has only one way out of the neighborhood so we have to keep that in mind when it comes to traffic and we have a lot of it. Just keep us in mind, we appreciate you, keep us in mind and just know that we are for our community. We are an old established community, we are surrounded, a lot of land out in our area and we understand people want to sell their land and people want to buy, but as we go forth we have to continue to remember that we are an established community.

In rebuttal Mr. Nguyen said I would like to thank Ms. Canup for showing up tonight and speaking about the traffic concerns because we met with her and had a very good meeting at the neighborhood meeting. As I stated previously with the current approved plan for 114,000 square feet of office space the parking would have been around 450 spaces and the hotel that we are
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proposing would substantially reduce what the other would generate compared to the office use. I just want to point that out that the traffic for the hotel would be substantially less than office.

Councilmember Phipps said to follow up on the line of speaking points related to cut-through traffic are we saying that the less intensity of the site is that how we are going to mitigate concerns over cut-through traffic or is there any kind of plan to address cut-through traffic concerns?

Ms. Keplinger said I think based on the numbers that we have the traffic generation with the use of the hotel is going to decrease and I don't know how much cut-through traffic there would be through Sleepy Hollow. I think most of the traffic that is going to go to the site is going to be off of I-77 or Tyvola Road. I think it will be extremely limited cut-through traffic.

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

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ITEM NO. 29: HEARING ON PETITION NO. 2016-001 BY CITISCUPT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.65 ACRES LOCATED ON THE EAST SIDE OF BENFIELD ROAD BETWEEN JOHNSTON OEHLER ROAD AND PROSPERITY CHURCH ROAD FROM NS (NEIGHBORHOOD SERVICES) TO NS SPA (NEIGHBORHOOD SERVICES, SITE PLAN AMENDMENT).

Mayor Roberts declared the hearing open.

Assistant Planning Director Laura Harmon said this is a 3.65 acre parcel and this is a neighborhood services site plan amendment request for that parcel to add retail as a use in addition to office. This property is in the Prosperity Church Mixed Use Activity Center and you can see the southern part of that activity center. There is a building envelope called for a long Johnston Oehler Road and Prosperity Church Road and an additional building envelope here off of Benfield Road, not adding square footage but adding retail as an allowed use in addition to office, but it does prohibit automobile service stations, eating, drinking and entertainment establishments with drive-thru and adult establishments. The petition does provide some good building design standards; we have a few more that we would like to have them add. As you look at this we are very supportive of the way this building is placed in order to support this area becoming a more walkable environment so retaining that location was critical to us and that is the location of the building currently. The proposed retail in addition to the office is consistent with the Prosperity Hucks Area Plan that was recently adopted recommends that mix of uses in the area designed to be walkable. Our rationale is that this is located in that Mixed Use Activity Center, the Prosperity Hucks Area Plan calls for this to be a walkable place with a variety of commercial and residential uses and we think this case supports that. This will allow a bit wider mix of uses adding that retail to what is currently allowed which is office and it does retain, which is important for us, the site design with the buildings fronting on the street and parking to the rear. Staff is recommending approval upon the resolution of outstanding issues which are related to sidewalk situations and also making sure we nail down some of the standards related to building frontage and access to the buildings from the public sidewalk.

Charles Lindsey McAlpine, 1435 West Morehead Street said this was part of the original Prosperity Village Area Plan which later became the Prosperity Hucks Plan. That whole plan got somewhat delayed for the waiting on the outer belt in this area so this rezoning is simply addressing the new updates in the Prosperity Hucks Plan. I'll be glad to answer any questions.

Councilmember Phipps said I think I met with someone about this; it is a pretty straight forward request and it is consistent with the Plan and I know we have a group of people on the ground in that area that are dedicated to seeing that consistency with the Plan is going to be achieved; that is the Prosperity Village Area Association so I am comfortable that they are serious in their duties to make sure that this plan is implemented in a way that we want to see. It

is a recently approved plan so if there are no other questions I think we could close it and move on.

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

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ITEM NO. 30: HEARING ON PETITION NO. 2016-002 BY MOSAIC VILLAGE HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.75 ACRES LOCATED ON THE WEST SIDE OF WEST TRADE STREET BETWEEN NORTH BRUNS AVENUE AND MONTGOMERY STREET FROM B-1 (PED) (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY) AND R-8 (SINGLE FAMILY RESIDENTIAL) TO B-1 (PED-O) (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY – OPTIONAL) AND R-8(CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL).

Motion was made by Councilmember Mayfield, seconded by Councilmember Lyles, and carried unanimously to recuse Councilmember Austin from this agenda item.

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said the request is to rezone from B-1 (PED-O) neighborhood business overlay to R-8 single family residential and B-1(PED-O) neighborhood business pedestrian overlay, optional. The property is located on West Trade Street at South Bruns Avenue and you can see the site is highlighted in red and is just north of Westley Heights Way. In terms of the existing zoning, it is B-1 and a lot of the area along Trade Street is zoned for residential development. This is a picture of the development that is on the site now; the request that is before us tonight deals with a rooftop. There is a rooftop garden and the petitioner is wanting to enclose part of this garden for functions to be held. There is an optional request that is required because it is higher than the height in the PED District, 13 feet higher, it is to enclose part of the existing roof terrace. The building materials will all match the existing materials and we've asked the petitioner to enhance the buffer along this line of the property and I'll show you why on one of my next slides. It also includes a lot facing Duckworth Avenue which we discovered was needed for a tree save area for the entire site. If you watch the map you can see the area that is proposed to be enclosed pop-up on the site plan. When you are looking at it from the view along Duckworth Avenue and the residential properties you can see where we've asked to add some additional landscaping. The proposed addition is seen up here and then there is an elevation that just shows where that small enclosure will be. Again this is the area highlighted in red where the enclosure is.

It is consistent with our West End Land Use and PED scape plan recommendation for mixed use. I'm not going to go through all the rational, but just say the request will accommodate an existing use and allow an expansion. There are no outstanding issues and staff is recommending approval.

Michael Griffin, 310 Arlington Avenue #427 said I would like to thank the Council, the Zoning Committee and the Mayor for her dedication to the community. I'm the owner of Mosaic Village Holdings and it is my pleasure to be here as a stakeholder in the community for more than a century; I'm a third generation ... from the area. By in the day we used to call ourselves West Side Boys but it is technically northwest Charlotte. We are committed to the suggested changes they have suggested as far as better screening on the back and hoping that a picture is worth a thousand words, we've passed a couple additional pictures of what the event space would look like. We've branded this space Charlotte Skyline Terrace and this is just an enhancement to the existing terrace that we have. We have enjoyed having wonderful weddings there but they are very seasonal because it is out of doors and with this space we will now be able to accommodate year round events. I'll be glad to answer any questions.

Councilmember Mayfield said the question is for the developer; this space since this rooftop has been used for quite a few events, is this going to be an enclosed space or a glass space? One of the key factors of this rooftop is the amazing view that you have up there so I'm trying to get an idea of what type of materials where you will still be able to see enjoy the skyline or the view from the top of the building or would it be enclosed?

Mr. Griffin said all of the above; we've been working closely with Darryl Williams and Neighboring Concepts and the goal is to have the maximum amount of glass in order to retain the full view of the skyline. That is what we call a money maker; we want to have the maximum view but we do need climate control because the summer and winter, etc. we have those occasions where we need to have climate control so that was the main thought behind it.

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

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ITEM NO. 31: HEARING ON PETITION NO. 2016-004 BY SELWYN PROPERTY GROUP INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.23 ACRES LOCATED ON THE WEST SIDE OF PARK ROAD BETWEEN WYNDCROFTE PLACE AND HILLSIDE AVENUE FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said the property is located right along Park Road just south of Marsh Road and just north of Woodlawn. You can see from the aerial that the property is very linear, it is about 2.2 acres but it is extremely long with just a little bit of frontage along Park Road. In terms of the request that is before you tonight it is for 19 single family attached dwelling units at a density of 8.52 units per acre with a maximum height of 35-feet, three stories. It provides access via a new private street with a stub to adjacent properties to the north and south. It provides a Class C buffer adjoining the single family homes to the south and it provides 42 parking spaces. Most of those parking spaces are going to be within parking garages, but they also have 15 parking spaces that are along the public/private street as parallel parking.

This petition is consistent with the Park/Woodlawn Area Plan which recommends 17 dwelling units per acre so this is considerably less than what the plan recommends. I will not read all of the rationale because it is in your agenda for you, but staff is recommending approval. We have several outstanding issues but we feel confident we will have those addressed before this comes back to you for a decision.

John Carmichael, 101 North Tryon Street said I am here on behalf of the petitioner. With me tonight are Gray Poole of Selwyn Property Group, Jacob Bachman of Cole Jenest and Stone, the project engineer and Mr. Anderson Pierson, the architect. I will be brief with just a couple things to add. This is the site plan and I want to let you know this is the access from Park Road; there is a tree save area located along the western edge of the site as well as a 20-foot Class B buffer which will extend along this portion of the southern boundary line and then convert to a 15-foot Class B buffer with a 6-foot tall opeak fence. I want to point out the stub street to the north which is the Merrywood Community; that is in the event Merrywood were to redevelop they would want the connectivity as required under the subdivision ordinance and then there is a stub street to the south. Right now we show that stub street stopping right here and we are hopeful to stop it there and just dedicated right-of-way to the property line, but C-DOT has told us they want us to extend the stub street to the property line so that is an outstanding issue that we will address.

These are the elevations that will be part of the plan; these are cedar shake style siding; it is not vinyl siding, it would be wood or hardy. This is the elevation facing Park Road. There are two types of units, Type A and Type B and this is the front of the A units; front of the B units. This is the side and rear of the A units and the side and rear of the B units. I want to point out that we

miss counted our parking spaces and it is a good thing because it is more than 42, not significantly more, but it is 44, so we actually have 44 parking spaces. We understand that parking is a premium on these types of developments. We are happy that the Planning staff is recommending approval. We had three different meetings with the neighbors and we appreciate their input and we are happy to answer any questions.

Councilmember Kinsey said this is District 1 and I've met with Mr. Carmichael and others earlier. My only comment, just to be consistent; we are losing a single family home and this could be, here again the first domino to fall. I understand the way the property, the lineal size of the property and there is not a whole lot you can do with it except what you've done and I do think that the unit facing Park Road is very attractive. It looks like a front door so that makes me feel better about this whole thing, but I do think we have to be careful in the future.

Councilmember Fallon said that is a very nice looking unit, I wish everybody would do that instead of the barracks that we get.

Mr. Carmichael said I will say that kind of in the vain of discussion tonight; I don't know how they calculate these numbers but this is actually a reduction of the number of students so I'm just taking their numbers at face value.

Councilmember Mayfield said I'm looking at the design you have and I guess this is more of a general question, not necessarily a specific question to this one, how do you account for how many cars will be visiting. What I'm concerned about is Park Road is already a pretty busy street so if someone were to actually visit the home where are they going to be parking?

Mr. Carmichael said the B units have two parking spaces, the A units have one and then there is on-street parking along the northern edge of this site, then there are a couple of on-street parking spaces here, a total of 44 so there is about 2.5 spaces per unit in average so there will be a small amount of visitor parking.

Ms. Mayfield said so where does the overflow parking go? Here is the reality, the A units only has one parking space.

Mr. Carmichael said that is correct; the B units have two.

Ms. Mayfield said if they have a tailgate party where are those people going to park?

Mr. Carmichael said they've got to hope that there is some on-street parking available for them or work something out with their neighbors. This is not an inconsistent number with this type of product.

Ms. Mayfield said I just think we need to start thinking about that. You look at Bryant Park and with that development you have housing that is built right up on the street with a very short drive-way. The houses are even built that far enough for you to be able to really pull in and out without the possibility of major accidents. I just think we need think about the fact that even though we are accounting for one vehicle or maybe two vehicles for the people that live there, a crazy thought someone might actually come over and visit and if four or five other residents have visitors over around the same time we need to at least put some effort into saying well we thought about the potential impact of that and whether or not they are probably going to be going into the neighborhood and parking and if we've got no parking signs in the neighborhood what that impact is going to be. At some point I just think we should just at least think about what the potential of this development could mean if we are saying that for the amount of square footage they are using it should be a one car or a two car, we are not really taking into consideration the fact that people might actually have family or friends that might want to come either from in town or out of town.

Ms. Keplinger said if I may address Ms. Mayfield's concerns; the UR District does require one parking space per unit so we already are getting additional and that is one of the things we have been looking at and Ms. Harmon often says where are their friends going to park, this is a no

friend zone correct, so it is something that we do look for with our apartment units to make sure that we do have some extra provisions for parking.

Ms. Mayfield said and you are comfortable with what they have allotted?

Ms. Keplinger said yes mame.

Councilmember Smith said did staff recommend UR?

Ms. Keplinger said because of the linear nature of the site you cannot get a street in here to serve all of this with one of our urban districts so the UR District was the one that they chose.

Mr. Smith said I know we have a couple of these in District 6 and the Zoning Ordinance may end up addressing some of these issues with some outdated zoning because UR allows for the setbacks to take you a little bit further from some of the rear side lots so I didn't know if this was a setback issue.

Ms. Keplinger said this one was actually due to getting the street in and having the units; the petitioner has provided a large setback from Park Road which is consistent with the other districts in the area so they did accommodate for that.

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

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ITEM NO. 32: HEARING ON PETITION NO. 2016-005 BY WP EAST ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.3 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF NORTH BREVARD STREET AND EAST 25TH STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-M(CD) (TRANSIT ORIENTED DEVELOPMENT MIXED USE, CONDITIONAL).

Mayor Roberts declared the hearing open.

Assistant Planning Director Laura Harmon said this is a 2.75 acre parcel on North Brevard Street in the Villa Heights Neighborhood.

Councilmember Kinsey said it is in Optimist Park.

Ms. Harmon said I apologize for that; incorrect information. This is in the Station Area for the 25th Street Station and it is across North Brevard Street from that station so it is very close to the station. The site abuts Little Sugar Creek and this is the general alignment for the 26-mile Across Charlotte Trail. This is currently used for truck trailers but there are no structures on the site and it is proposed for a single building with 280 multifamily units in it. The zoning for the area is predominately industrial in the immediate area; the Optimist Park Neighborhood is R-5 zoning largely and you can see there are some rezonings to MUDD and TOD starting to see the transition of this area along North Davidson Street and between North Davidson Street and Brevard approximate to the LINKS Blue Line Extension Transit Stations.

The proposed land use for this site is transit oriented or transit supported development for this parcel as well as the surrounding parcels in this area. Specifically this proposal is for 280 multifamily units in a building fronting on North Brevard. As you can see this is a deck with wrapped building around it and the proposal does provide building materials and increased architectural standards for the facades facing the Cross Charlotte Trail, dedication of the SWIM buffer to Mecklenburg County Park and Recreation for future greenway use. Currently the specific alignment for the Trail would have the Trail on the other side of the creek but I do want to leave that option open and allow for potentially a supplemental Trail on this side of the creek. Again this is a property very close to the proposed or probably under construction 25th Street Station. The Plan is consistent with the Blue Line Extension Transit Station Area Plan

recommendation for transit supportive development. The location is one of the reasons we are supporting this because of its proximity, the TOD-M is certainly consistent with the vision for the area whereas the current general industrial zoning is not. The design of this will be transit supported in nature with a pretty high density as called for in these areas when they aren't abutting or close to single family and in this case they are more distant from single family. The site is designed to be pedestrian friendly; it abuts Little Sugar Creek including that dedication and it is also providing open space along the creek that will complement the Cross Charlotte Trail. Staff is recommending approval upon resolution of the one outstanding issue related to on-street accessible parking.

Ron Perera, 1001 Morehead Square Drive #250 said I'm the Director of Development for the Carolinas Region with Wood Partners; we are a national multifamily development company with offices in all of the major metro areas across the US. Since our company was founded in 1998 our local Charlotte Office has successfully completed development of ten multifamily projects totaling close to 2,500 units and that is in the City of Charlotte. I would like to introduce our project team here today; Ray Smith who is our VP of Development for the Charlotte Office and our consultant team Jim Guyton with Design Resource Group, Matt Majors with ... Architecture and Keith MacVean with Moore and Van Allen. Ray will be doing the balance of our presentation but I just wanted to say we are very excited to be hopefully contributing to the development along the City's important northern extension of the light rail line at the 25th Street Station.

Ray Smith, 1001 Morehead Square Drive #250 said as Ron mentioned we are very excited about the change from the current use which is a truck storage facility to a TOD luxury apartment community for approximate 280 units directly across the street from the light rail station. As you see on the screen this is the existing condition of the site with three existing site photos at the bottom. Once again we have the light rail station directly across the street; we have the fly-over bridge on 25th Street that the City is in the process of finalizing plans and will be building next year. We are going to be contributing to the parking and curbs and sidewalks on 25th and Brevard Streets; we are also going to be building an access point road on 24th Street where just today it has trucks on it, that will provide access to our parking garage and help keep our residents from spilling out onto Brevard as Brevard continues to have more traffic in the future with the light rail opening.

Here is the rendering of our site plan; one of the biggest features I think was mentioned a little earlier is the urban park we are going to put behind the building that runs along the greenway. We envision this as an urban park that the whole neighborhood can use, including Optimist Park and Villa Heights. We envision public performances and just being a great community event space. The other key notes on the site plan are the parking deck as I mentioned is fully enclosed by residential units so you won't see that. We have our leasing office that sits on 25th and Brevard Street and then we've agreed based on comments from Villa Heights Community to put flex space running along 25th Street that originally will be for our residents but as 25th Street develops and all of the other communities come in and there is demand for retail that space can be converted; it will have direct access to the street for future conversion.

This is our elevation; this is a view from the light rail station at the primary corner which has a mix of store front glass, brick, cementitious fiber panel and then also brick and stone as you run down the façade. We are real excited about this plan; we think the plan is consistent with the area plan and we are thankful for City Planning's recommendation of support and we are very focused on getting this open in line with the light rail opening in 2017.

Gordon Wikle, 2115 Pinkney Avenue said I'm the Vice President of the Villa Heights Community Organization and we are in opposition but for a limited reason and it is kind of unfortunate. As was noted we are the community across Davidson Street from where this going to be located, Optimist Park is where this is technically going to be. We see it as it is going to be the gateway to Villa Heights; it is where our residents are going to be getting off the light rail to come in, it is where the visitors come to frequent our businesses are also going to be getting off so we do feel this is important to our community. The petitioner has been great about coming to talk to us about this; they've been to a number of neighborhood meetings and even revised the site plan that they provided in December and it has already incorporated a lot of things that we

were looking for. At our community meeting this past Monday, they brought that site plan, we took a look at it and talked about it and went back and looked at the actual zoning petition. Really what our problem is is that the petition we saw didn't reflect what was in the site plan. What we are really looking for is to incorporate these things that are important to our community such as that performance pavilion facing the greenway, retail on the first floor facing 25th Street and essentially that sort of thing to have that incorporated to have a part of the zoning so they would be required to follow through once construction actually begins.

One of the other values we have in our community and something that we really looked at as we addressed this petition and as we addressed a lot of petitions I'm sure you will be hearing from us about as all of Davidson Street gets rezone is dealing with affordable housing. While we did speak to the petition about trying to incorporate some sort of requirement for setting aside a certain number of units for affordable housing or workforce housing in this building, even if that is not available we are looking for diversity of housing which means not just one bedrooms and studios but also having two-bedrooms and even three-bedrooms so a family could live right by the light rail, be a part of our community and be able to have that other housing option. Again at our community meeting the petitioner suggested that there is a mix of approximately 40% two-bedrooms, 10% three-bedrooms and 50% studios or one-bedrooms that they are proposing. Again, some sort of a guarantee that we would have that mix or a similar mix of units within the actual construction would be something we would be looking for. I do think we are very close. Obviously what you saw there and what they have proposed will be a vast improvement and I think we can get to that and get to a point where our neighborhood can get behind what they are doing. What we were actually hoping for is just another month to get a revised proposal that includes all these things so we could come before you and say yes, we are 100% behind them, but we are not there yet and that is why we are standing in opposition at this point.

In rebuttal Mr. Smith said thank you, I appreciate the feedback. We met with Villa Heights, had two meetings and also we were at the required community meeting. Obviously the site is in Optimist Park but right now we are in a four-week lockout period of being able to file the revised site plan. I believe the regulations allow us to file a revised site plan on Thursday which will have several notes that Mr. Wikle was concerned about and that you saw on our plan today. One, we are going to have on that plan a donation to Cordelia Park; two a monetary commitment to public art on the property by the performance area 3, a donation to the B-cycle station at 25th 4, it will have specific notes to converted frontage on 25th Street that I showed on the plan today for flex commercial space and five, we mentioned earlier we would have direct access units to activate the streets on 25th and Brevard Streets and also back behind for the greenway. As far as the affordable housing issues we've had numerous conversations and we are looking into at this point. I've got some concerns that I'm working through on compliance regulation, monitoring and the financial gap that that imposes on the development. The other thing we have proposed and have Villa Heights looking at was a potential donation to affordable housing organization like Habitat or the City Housing Trust Fund. Wood Partners is very supportive of affordable housing, I used to be in all of affordable housing developments; we've done two in Charlotte and I've done ten across the country.

Councilmember Autry said are we really going to be building in a FEMA Flood Plain?

Ms. Harmon said the building will not be in the FEMA Flood Plain and that may be something that is misleading in here. They are actually dedicating land as I understand it, and I may need help from the petitioner, within the FEMA Flood Plain and are putting green space within the FEMA Flood Plain, but not the building.

Mr. Smith said that is correct; we are donating the restricted development area so it can be used for the greenway if the Trail ends up on our side of the creek and there is a small section of Zone EE which we will build up out of so it doesn't require flood insurance. That is just a small section of the site and I have my Civil Engineer here that could probably give a better explanation of that if you need further information.

Mr. Autry said I can only assume that I am looking at the site plan correctly; at Brevard and 25th it does appear to me like you are building in the Flood Plain. Maybe this scale is throwing me a

curve, the difference between the map and the site plan but maybe I don't understand what all this dark green space means.

Ms. Harmon said can get you additional information on that in advance of the follow-up report.

Mr. Smith said the dark green space is the urban park I think that we were talking about.

Mr. Autry said not according to the key here.

Councilmember Kinsey said Mr. Smith thank you for meeting with me last week. I'm pleased that you are at least thinking about affordable housing because I always ask developers if there is any chance that they can do something like this and thank you for at least thinking about it and seeing if there is anything you can do. I hope what we are going to see next incorporates everything that Villa Heights and Belmont, and I think NoDa is in on it too, and Optimist Park wants because they are the neighborhoods that are really affected and they are neighborhoods that I will be listening to. I'm hoping when see that next iteration it is going to include and that those neighborhood can support it. I appreciate Villa Heights taking the lead on this. Also I would like to see elevations; what I've seen there is remarkable, but I would like to see them and be able to hold them in my hand and look at them. Usually my colleagues like that too.

Mr. Smith said I'm going back to the February 8th community meeting for Villa Heights and we will have another opportunity also Thursday to submit the revised site plan with a lot of these notes added.

Councilmember Phipps said are there any contamination concerns related to the site?

Ms. Harmon said we are not aware of contamination concerns; I think that would be something that we don't necessarily have easy access to because of the testing that needs to be done. Again it may be something you would want to ask the petitioner as well.

Mr. Smith said did perform a Phase I Environmental and actually we just got our Phase 2 Environmental report back today. The preliminary executive summary there are pretty minor impacts at this point that we are going to have to follow-up on. I could certainly follow-up as we get a full review from our Environmental Attorney. It does look promising from what I've seen on the Phase 2 report.

Mr. Phipps said I don't know if the rest of the Council would be interested in a follow-up.

Councilmember Mayfield said for clarification right now you are looking at this being a market rate development?

Mr. Smith said that is right; the unit mix percentages are approximate at this point but are consistent with what Mr. Wikle had mentioned and what he has in a letter he write to everybody. Ms. Mayfield said I will admit that I have concerns with redeveloping this land based on what it has been used for for however many years. Do we know how long this has been basically a graveyard for trucks?

Ms. Harmon said I do not know; that would be something we would have to research through the aerial and any other information we might have.

Ms. Mayfield said one of the things we would hate is 25 to 30 years from now whether we are here or not that the decision we make you start finding that the environmental impact and the quality of life and health based on what currently is here. This to me is no different than how communities we have now that are built on the back side of rock quarries where the communities were never advised that this is what used to be here or you have a rock quarry on the back side of you that is going to be growing over the next 30-years. The reality is if it moves forward once it is developed, once it is built no-one is going to disclose what was there previously. People might not even remember what was there previously so I personally would have a concern with using this particular land for redevelopment for housing if it is going to market rate. Not to be funny I personal feel better about it than it being workforce or affordable because the reality is before
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you make that type of investment you are going to take additional steps to make that this land is environmentally safe and not necessarily taking the shortcuts. Not to say that you would take a shortcut anyway but I feel more comfortable than if they had the higher rent on it; you are going to put a little more work into making sure that the land is environmentally sound.

Mr. Smith said we are a national company; we are 51% owned by CBRI which is a national firm and we take environmental safety very seriously. I've got environmental attorneys, I've got environmental consultants and we will not move forward with this development if we cannot fully mitigate any environmental concern that is on site.

Councilmember Smith said you won't qualify for a loan if it is not remediated correct; I assume your lender is going to require if there is any contaminants and you will have to remediate it.

Mr. Smith said our company policy is a lot more stringent than any lenders.

Councilmember Smith said my lawyer point is an environment concern is a real one but I think there are mechanisms in place that is usually involved with a lender who is not going to want to finance this and then half way through the life span come back and get hit with unforeseen environmental issue that would taint this.

Mayor Roberts said it would be a great idea to include a copy of environmental report.

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

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ITEM NO. 33 HEARING ON PETITION NO. 2016-006 BY AIR WEST COMMERCE CENTER II, LLC & EWN HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.04 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF BILLY GRAHAM PARKWAY AND WILKINSON BOULEVARD FROM I-2 (GENERAL INDUSTRIAL) TO I-1 (LIGHT INDUSTRIAL).

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said this petition is for a rezoning from I-2 to I-1 which is general industrial to light industrial. If you recall at the Dinner Meeting I gave you a sheet that told the differences between the two districts and it was for this case so you will have that information in front of you. The property is located off of Wilkinson Boulevard at Boyer, close to Dowd Road which leads to the Airport and right to the west of Billy Graham Parkway. In terms of the request, it is a conventional request from general industrial I-2 to I-1 light industrial. The Southwest District Plan which was adopted in 1991 recommends office industrial land uses for these properties as well as others in the surrounding area. The property is located just to the north of Charlotte Douglas International Airport and it is close to the Intermodal facility. I'm not going to read all the rational that is in your agenda but staff is recommending approval of this petition. It is conventional and there are no outstanding issues.

Walter Fields, 1919 South Boulevard said I need to apologize to Ms. Mayfield for she and I were speaking at dinner about a letter from one of our neighbors about this petition and I thought it had been sent to her and apparently it wasn't so my bad. I'm working with these owners who are excited about this area. If you look on that photo you see not only development that has occurred 10 to 15 years ago you also see a lot of new development in the Wilkinson Boulevard and Billy Graham Parkway area as the Airport expands and more jobs are created more people want to be close to the Airport. Everybody is aware that Goodwill is building directly across Boyer Street from this site there are beautiful new huge mixed use facility that has everything from a medical clinic to the credit union in it. This letter is from the Director of that facility supporting this and I will send this out to everybody because I thought that had occurred and that is my fault. We also spoke to Rev. David Carl who is the Pastor of the Big Spring United Methodist Church which is just down the road a little way back off of Boyer Street who have

both a facility there as well as some additional land and they have also indicated in an e-mail to us that they are in support of and understand what we are doing. We spoke to other neighbors in the area because this was a straight up petition and did not require a community meeting, but we did make contact with folks in the immediate area and we got a few calls asking what was going on. Everybody thinks it is a good idea and are looking forward to seeing this little isolated corner be developed. If you've been out there and are familiar with where it is, it has streets on three sides but it is very well located to serve the surrounding community with a wide variety of activities, some of which are not permitted in the I-2. The sole purpose of this petition is to change it from one industrial classification to another so we open some more opportunities for this property to develop in a way that it fits in with the trend in the area.

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

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ITEM NO. 34: HEARING ON PETITION NO. 2016-009 BY EASTGROUP PROPERTIES, LP FOR A CHANGE IN ZONING FOR APPROXIMATELY 48.80 ACRES LOCATED ON THE WEST SIDE OF SANDY PORTER ROAD BETWEEN SHOPTON ROAD AND I-485 FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL) 5-YEAR VESTED RIGHTS.

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said this property is a rezoning from R-3 single family residential to I-1(CD) light industrial, conditional. This is I-485 and this is the new Premier Outlets on I-485, Steele Creek Road and Sandy Porter. Our site is located between Gable Road and Sandy Porter and you can see that it is in two portions. There is an existing church that is located in between. In recent years we have seen several rezonings for the property just to the west of this site and that area is the Steele Creek Commerce Park Phase I and Phase II. The proposal is to allow the rezoning from R-3 to industrial to continue with the Steele Creek Commerce Park in Phase III and Phase IV. The development will allow 525,000 square feet of light industrial uses with 10% of that being for office uses; it provides multiple transportation improvements including the extension of Shutter Fly Road through the property, it provides buffers for the adjacent residential properties and across public rights-of-way from single family uses. It commits to building designs that are compatible with the Phase I and II of the Steele Creek Commerce Park and it limits construction hours and access.

In terms of plan consistency it is consistent with the Steele Creek Area Plan recommendation for offices, industrial warehouse distribution land uses. Staff is recommending approval and we have several outstanding issues related to transportation and a couple request to technical revisions, but we feel we will work through those before it comes back to Council for decision.

John Carmichael, 101 North Tryon Street said I am here on behalf of Eastgroup Properties and with me is Mr. John Coleman of Eastgroup. Phases I and II of Steele Creek Commerce Park are located on the eastside of Steele Creek Road between I-485 and Shopton Road; Eastgroup is the owner and developer of Steele Creek Commerce Park, it is a long-term holder that develops and owns its projects for a long time. Phase I and II have been very successful because of the quality of the product and its proximity to I-485, the Airport and the Intermodal Facility and it attracts quality national tenants. As Ms. Keplinger said if this petition were approved the additional phase would be composed of four additional buildings containing up to 525,000 square feet of which a maximum of 10% could be devoted to office space. There is a note on the plan that requires the buildings in this additional phase to be consistent and compatible with the buildings in Phase I and II in terms of architectural style and character, heights and colors of exterior building materials and fenestration. I want to show you the product that is currently in Phases I and II; this is on Steele Creek Road, this the main entrance into the existing phases; Steele Creek Commerce Park is the name of the park and this is the same look just a little further out. You can see it is a very attractive high quality building as they all are in the park. This is another building located in the park along Steele Creek Road and you can see it is a similar

theme throughout the park. This would be the back of one of the buildings where they have the trucks and the distribution facilities, but it is well maintained, it is clean and I think they do a really fine job. Once again I think the product serves a need in the area. There were some outstanding transportation issues and I talked to Mike Davis at the Dinner Meeting and we are going to do exactly what C-DOT asked us to do so I don't believe there will be any outstanding transportation issues and with respect to the site plan issues they are relatively minor and those will be addressed as well.

Councilmember Mayfield said is the Steele Creek Commons Park now leased to capacity?

Mr. Carmichael said Mr. Coleman says yes.

Ms. Mayfield said currently this area is zoned residential and you and I had a conversation but I would like for you to share with my colleagues and also those in attendance to understand where we are constantly having a conversation about the lack of residential property throughout the City and the need for residential, why would we even be considering a rezoning request from single family residential to I-1 conditional. With everything you shared with me and with everything we know is happening at the Airport it makes perfect sense but I would like for you to share that for my colleagues as well.

Ms. Keplinger said thank you for bringing that up. The property is located adjacent to I-485 and the entire site is approximately 1.5 miles from the Airport. It is in the flight pattern and it is also 1.5 miles from the Intermodal Facility. It is not a property that we would recommend for future residential development and those are the reason that the Steele Creek Area Plan is recommending industrial uses or non-residential uses for the site.

Ms. Mayfield said just a little clarification, right on the back side of this same area of course is the Charlotte Premier Outlet but you also have the Barwick Community. Since November the Barwick Community has seen a tremendous increase of air traffic mainly because of a possible human error more so than changes with the Aviation Administration so we are in the process of fixing that, but as we are looking at the growth I wanted to make sure that as we are looking to develop more warehouse space that the warehouse space that is currently there is being utilized because unfortunately many years ago in 2012 a development was approved closer to the outlet that is still empty. It is a brand new mixed use space that has been empty now for three years so at the time it seemed like a good idea, but trying to learn from the lessons as we move along which is why I wanted to know if Steele Creek Commons is leased out. You say it is so I have confidence that if you move forward the next development will also be built to suit. I got that nod of a yes so thank you.

Mr. Carmichael said do you need to know anything about like his build-out schedule or anything like that Ms. Mayfield?

Ms. Mayfield said we can have a sidebar on that.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2016-10 BY FOURSTORE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.3 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF WEST MALLARD CREEK CHURCH ROAD AND LEGRANGER ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO BD(CD) (DISTRIBUTIVE BUSINESS, CONDITIONAL).

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said this petition is to rezone from R-4 single family residential to BD distributive business, conditional. The property is located up I-85 North at Mallard Creek

Church Road; it is right close to the Research Park, Senator Royall Drive. There is a water tower that is located across the street, part of the church cemetery, the church is located across Mallard Creek and part of the cemetery is here and there is a sub-station that is located on the site so this property is a little bit isolated from other properties within the area. In terms of this request it will allow 107,000 square feet of self-storage, a maximum of two buildings will be allowed and this is Building A and Building B. The limit of height is 45-feet or three stories; it prohibits outdoor storage of any kind including moving vans, vehicles and boats and it restricts access off of Mallard Creek Church Road to right in and right out only. They have also provided building elevations proposed perspective for the buildings and this is one that is not up against the street; it is the rear of the building which would be back here.

In terms of this request it actually is inconsistent with the Northeast District Plan recommendation for research. The subject site is adjacent to the ramp on I-85 as well as the Duke Power Sub-station and although the plan recommends research for the property, the property is actually not in the Research Park and it is isolated from other properties that are zoned research so the updated concept for the Research Park, part of the University Research Park Area Plan is to include a diversity of uses that contribute to the creation of a more vibrant place. For those reasons staff is recommending approval of this petition upon the resolution of outstanding issues and those issues are related to transportation, environment, site and building design and a couple of requested revisions.

John Carmichael, 101 North Tryon Street said I will be brief as Ms. Keplinger did an excellent job. It is an unusual site; you've got the sub-station to the south, a water tower to the west, a cemetery to the west, I-85 to the east and then there is undeveloped property across West Mallard Creek Church Road and that is shown in this aerial. These are the elevations that Ms. Keplinger shared with you. I want to make you aware of a little development that happened today in this matter; first of all we are very pleased that University City Partners is supportive of the project and I have a letter to that effect which I will give to the Clerk. Either late yesterday or maybe today we became aware; we've always know that LaGranger Road here to the west of the site is going to be relocated and is going to shift to the west. That is an important development for that area and it is important to University City Partners, but what we didn't realize until this afternoon was that they are going to need some right-of-way from this site to accommodate that realignment of LaGranger Road and the client is happy to do that but that is going to require a little shift in some things because the right-of-way line would go through this building. It is very important to University City Partners that that realignment occurs so I told them I would make Council aware of their support but I will make it abundantly clear that it is conditioned on our working with them and providing the right-of-way that is necessary for the realignment of that road. They were comfortable with that so we are going to work with them. I can't tell you what it is going to look like now so we are going to have to request a deferral of the Zoning Committee's recommendation on this because there is just not time to work on that important issue and get it resolved before Thursday at noon so we will be requesting a deferral of the Zoning Committee meeting but I wanted you to be aware of that development and that we are going to jump on it as quickly as we can and we hope to be back here in March for a decision. I wanted to make you aware of that delay and the reason for it.

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

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ITEM NO. 36: HEARING ON PETITION NO. 2016-011 BY MECK CITY SOCIAL PARENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.18 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF YANCEY ROAD AND SOUTHSIDE DRIVE FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said the request is to rezone from I-2 General Industrial to MUDD-O Mixed Use Development, Optional. The property is located just off of Old Pineville Road on Yancey Street, just south of Scaleybark Road. I want to point out the Old Mecklenburg Brewery is right across the street from this site; I know that is a place a lot of people are familiar with. The proposed request is to repurpose and reuse the existing industrial building that is located on the site. It is a little more than 17,000 square feet; it will allow all uses in the MUDD District; it identifies about 4,600 square feet for outdoor seating located on either side of the building in covered exterior space. It improves the pedestrian experience along Yancey Road and Southside Drive with planting strips and sidewalk and screen walls and there is an optional request that is associated with this petition and that is to accommodate the existing parking and sight layout because that would not be permitted under the MUDD District without the optional request. The petition is inconsistent with the Scaleybark Transit Area Plan which recommends low to modern intensity office, industrial and warehouse distribution uses for this property, but when the Scaleybark Transit Station Area Plan was done it did not identify the site for retail, office and retail uses in an urban form called for by the MUDD District and those that are typically found in our Transit Station Area Plans. The site is located within a half mile of the Scaleybark Transit Station and at the time the plan was written it was not expected to transform into a more urban district and an urban area, but we've had some recent changes in the area where the existing structures such as the old Meck Brewery have converted from industrial and warehouse uses. The proposal before you tonight will allow the building previously used for warehouse and distribution to be used for a wide range of non-industrial uses that are transit supportive. Staff is recommending approval of this petition upon the resolution of the issues which relate to site and building design and transportation.

Walter Fields, 1919 South Boulevard said let me introduce Joel Laricy, who is my client in this matter and Chip Cannon is our site planner. I appreciate the staff's support of this and I've already sent them an e-mail that we will address all of their technical concerns; they were fairly minor in nature. I really want to talk about something that is a lot more exciting. Mr. Laricy and his partners in this venture actually entered a contest with Historic Charlotte who we found out was in possession of the old Queens Park Sign that used to be where the Scaleybark Station is now. Does this look familiar? Well a couple of days after the site plan deadline so we couldn't get it on, Mr. Laricy has been awarded the Queens Park Sign and we propose to actually install it on this site sort of at the corner of the building. We are very excited about this and we talked about this at the Community Meeting with the folks who were there and it was still a big secret then, and we hadn't had the confirmation, but now we know. I've already sort of tipped Tammie off to this that we are actually going to be having to go back and amend and add another optional provision to our request. The door is open for that I think because it was optional from the outset but it would be for us to allow to build – this is what the sign looked like, sort of a tall version is what it looked like in its original location and the miniature version is what we would propose to build on the corner of this site. It will create an enormous landmark for this Yancey area which is hopping; if you haven't been down there you really need to go check it out. Secondly it brings a sign back that has been important to this community for decades, long before I came here, so we are very excited about that and I wanted to let you know we will amend the application to include that request for the height and the sign's height and we will include these drawings as part of that. I've never dealt with a project where we had a unique artifact be awarded to the project to preserve it for the entire community. We are really, really thrilled about that and we hope you all are too.

Councilmember Mayfield said what we are looking at is the Harvest Discount Foods Building?

Mr. Fields said yes ma'am.

Ms. Mayfield said do we have an idea what we are proposing to go there?

Mr. Fields said what Mr. Laricy wants to put there as Ms. Harmon would tell me is to repurpose this building for really sort of an entertainment facility that would include food and beverage; no breweries or anything like that, something the size of the facility that would have recreational amenities indoors like several bowling lanes and shuffle board courts; outdoor seating in the front and in the back where outdoor activities could occur. We actually think that the building walls are going to be opened up in some places so there is an interaction between what is going
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on inside and what is going on outside and be able to have seating right on the front of the property directly across from Old Mecklenburg Brewery. If there was a definition for synergy that would be it in terms of all the folks that are already coming there. I didn't realize it until our Community Meeting there is a brand new distillery on Southside Drive that just opened recently so this area has arrived.

Ms. Mayfield said this would be more of a family entertainment environment and not necessarily adult.

Mr. Field said I don't know that it would be designed for children per se, but children of my age would be the sort of tenant or customer or any of you might be the folks that would show up there for an evening of recreation and something to eat and drink.

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

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ITEM NO. 37: HEARING ON PETITION NO. 2016-012 BY CHRISTOPHER BYERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.59 ACRES LOCATED ON THE NORTHEAST CORNER AT THE INTERSECTION OF WINNIFERD STREET AND WEST BLAND STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT, MIXED USE).

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said this property is located on Winnifred and Bland Streets; it actually doesn't take the corner but it goes around the property of the corner. The request before you tonight is for I-2 General Industrial to TOD-M Transit Oriented Mixed Use District. You can see in looking at the area around this property there has been a lot of conversions and rezonings to TOD, TOD-M and TOD-MO. There is one area south of Bland Street that is still industrial. In terms of the future land use map it does recommend residential, office and transit oriented mix use development within this area and for this particular site. This is a conventional plan; it does not have a site plan that goes with it, it is consistent with the South End Transit Station Area Plan recommendation for mixed use transit supportive development. The site falls within one-half mile walk of the Bland Street Transit Station on the LYNX Blue Line. The proposal allows a site that is previously used for industrial and office uses to convert to transit supportive land use, use of the conventional TOD District TOD-M applies the zoning standards and regulations to create the desired form and intensity of development that is transit supportive and a conditional rezoning is not necessary for that reason. The transit oriented development standards include requirements for appropriate streetscape treatments, building setbacks, street frontages, building walls, entrances and screening. Staff is recommending approval of this petition and there are no outstanding issues.

Paul Podgorski, 607 Penn Street said I am President of the Community Association of Townhouses that are directly adjacent to this property; 59 townhouses, three story right across the street and my house is basically two in from this. I attended the December hearing and the petitioner didn't show up so frankly we don't know what is going in here. Like everybody else we are concerned about parking and noise; at the opposite end of our townhouse is a bar and people are cranking music and our homeowners are upset. We just don't have enough information; we don't know what is going in here and we oppose it because frankly we don't know what is there. We have two private streets on there that we own and right now it is a very chronic problem with people on the street, parking especially that they are towing out of there so without any knowledge of what is going on we oppose it until we know what is different.

Mayor Roberts said is there a requirement to have more detail?

Ms. Keplinger said not with a conventional request; they are not required to submit a site plan.

Mayor Roberts said they are not required to have a community meeting or any of that?

Ms. Keplinger said no mame. In looking at this petition the adjacent property owners would need to look at all the uses that are allowed in the TOD Mixed Use District to see if any of those would be permitted if it were rezoned. It would have to meet all the standards that are supplemental to that district.

Mayor Roberts said so it is within the guidelines?

Ms. Keplinger said yes mame; it is actually within a half-mile walk of the station and it is in the area that we recommend for transit oriented development.

Councilmember Lyles said even though this is not required I would suggest that the information on the petitioner and the address is available and there might be some opportunity for you to contact him and have a discussion.

Mayor Roberts said hopefully the petitioner is watching and knows that the neighborhood is very interested in hearing more detail and working with them to make it a great project.

Ms. Keplinger said just a word of caution since it is a conventional case anything that the petitioner would say about future plans we could not hold them to that because there is not a site plan.

Councilmember Mayfield said staff and I have had a couple of conversations regarding TOD and how we continue to move forward especially in South End because it is kind of broad what can go in the area without having a site plan and looking at what the potential impact can be. If you drive anywhere through South End from Camden and just loop through all the streets, go up South Boulevard, come back up all the way down to Tryon you would see that there is so many new multifamily units that have been built almost it seems overnight and it is affecting the quality of life because at the same time we have breweries that are also popping up it seems overnight, those you don't have to do a rezoning so when you have a TOD-M I really think we need to have some real conversation. I don't think we are going to be able to get to it during the Retreat because it is a short Retreat and we are already plying up all the conversations we need to have, but we really need to step back and look at what was the intent of TOD when the light rail was first, the tracks were laid and where is the impact of TOD-M within just the last three years. Look at the intent and the impact because we really need to consider having a conversation of tightening up and creating some restrictions of what is going to TOD or TOD-M. That is more of a statement and I can't request any designs but it would be nice for the petitioner to reach out into the idea of what they are considering since this is going to need to come back before Council for a vote.

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

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MAYOR AND COUNCIL TOPICS

Councilmember Phipps said I wanted to remind the residents of District 4 a week from tonight we are going to be having the Northeast Corridor Transportation Update public meeting at Newell Presbyterian Church at 1500 Rocky River Road West. There will be discussion of a lot of ongoing projects in and around that Old Concord, Newell, Rocky River, and Tryon Corridor.

Councilmember Smith said we are in the early stages of putting together my spring Town Hall in April. The subject matter will be sort of an update on the ULI event in March so citizens in District 6 around SouthPark will be probably the first week of April. The venue to be determined but we will have a debrief on the ULI so everybody who did not participate can know what happened.

Councilmember Lyles said I would like to congratulate Councilmember LaWana Mayfield on our work over the MLK week-end; the events were wonderful and I especially thank Malcolm Graham, former Councilmember and State Senator for taking that time to share with us the ideas around understanding and forgiveness and I thought his presentation was very moving and I appreciate that.

Mayor Roberts said that was a terrific week-end and a lot of great events. I just want to let Council know I will be heading off tomorrow to the US Conference of Mayors. One of the Mayors who will be there is Mayor Ed Murray of Seattle. If you have anything you want to pass on to other Mayors just let me know.

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ADJOURNMENT

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| Motion was made by Councilmember Smith, seconded by Councilmember Mayfield, and carried unanimously to adjourn the meeting. |
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The meeting was adjourned at 9:58 p.m.



Stephanie C. Kelly, City Clerk MMC, NCCMC

Length of Meeting: 4 Hours and 41 Minutes
Minutes Completed: February 4, 2016