

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, June 20, 2016 at 5:06 p.m. in Room CH-18 of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were John Autry, Ed Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, LaWana Mayfield, and Greg Phipps.

ABSENT: Councilmembers Al Austin, Vi Lyles, James Mitchell, and Kenny Smith

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CLOSED SESSION

Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield, and carried unanimously to go into Closed Session pursuant to NCGS 143-318.11 (a) (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.

The meeting recessed at 5:06 p.m. to go into closed session in CH-18. The closed session was recessed at 5:12 p.m. to move to CH-14 for the regularly scheduled Dinner Briefing. The meeting reconvened at 5:21 p.m.

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ITEM NO. 1: AGENDA REVIEW

Tammie Keplinger, Planning said on your agendas, first thing I want to tell you is about your Dinner Meeting agenda. We have a typo that someone just found. The first item says item number four; it should be item number six. The second item says item number five; it should be item number seven. The third item says six, it should be a four, and the fourth item is a seven and should be a five. So, I am going to read them in order, six, seven, four, and five.

Mayor Roberts said they are all still deferred until July 18, 2016.

Ms. Keplinger said yes, all of these cases they are requesting deferrals; it is just that the numbers of the items got mixed up in the toss-up today. Item number eight on the agenda, I just want to call it to attention, because the deferral is for one week, to your Business Meeting next week when the full Council can be present. Items number 24 and 27 were added today. Item 24 is a petition 2016-061 on Wilora Lake Road. They are requesting a withdrawal. The letter that they sent just said that they are planning to develop under the R-3 zoning. Item number 27, Petition 2016-074 from McKinney Holdings NC II, LLC, they are requesting a deferral until July 18, 2016.

I want to mention item number 14. This is for the FedEx Ground Package System, which was changed after the Zoning Committee vote. They increased their buffer from 100 feet to 150 feet and modified a couple of notes that are related to that. Staff doesn't feel like this is sufficient enough to go back to the Zoning Committee, so we are recommending that we move forward. You will need to do the special vote on that one, when you get to it.

Councilmember Mayfield said I send you an email, I think yesterday, on this same thing. What the petitioner has done is exactly what the community wanted. So, I do not see a need for us to send it back. We can move forward tonight.

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ITEM NO. 2: DEVELOPMENT ORDINANCE STATUS UPDATE

Interim Planning Director Ed McKinney said I will try to cram in a quick update for you on where we are with the ordinance, with a little bit of follow up. We have been having a lot of discussion with our Planning Commission. We have been having a regular discussion with Charlotte's Transportation Action Plan Committee, and are now gearing up towards the next figure phase of the ordinance. I want to get this ahead of you in anticipation of some action from Council this summer. I want to talk a little bit about approach, where we are in the process, and some of the key next steps. We have had lots of discussion with the TAP Committee really about the opportunity here to make an ordinance that and a tool that is a stronger connection that we are trying to create throughout the city. Some key things that I want to mention here on the

approach, you get some themes if you are on the TAP Committee. I want to talk a little bit about two of them tonight. One is Place-Based approach, and the other is Unified Development Ordinance. We can go back to the notion of the hybrid, but I want to hit on these other two because they are really [inaudible] to the basic approach we are heading in. The question about Place-Based, we talked a little bit about this length between our policies and the zoning ordinances itself. What has emerged for us is the notion that we need a stronger connection between our current policies. We have center, corridors and wedges; we have our general development policies, and we have all of our specific on the ground area plans, and what we have learned through this is that we really believe we need a stronger connection between those area plans and our city wide general policies. For us, that is a new policy document. It is a new tool. We are calling it a Community Character Manual that will essentially create a new set of terms and vocabulary for the kinds of places that were made. This notion that we have been talking about in terms of place type, what is a little bit different there, from what we do now, would be clear about the vision. We will be clear about the form and pattern of the places that we are making. Right now we are pretty clear about the use, the mix of use, the type of uses, but we really heavily rely on area plans to talk about the form patters. What we want to do is create a set of terminology that will be consistent to the city that will derive from the area plans, not replace them if you come to kind of a new policy structure that will be an important link, that I will show you in just a second, to the ordinance itself.

I want to do one more thing to emphasize why that is. It is sort of an abstract notion, and we struggle with how to communicate it right, and through some of the dialog that we have had with Commission it is clear to us that we need to really make it real for folks and the notion right now in our area plans is that we use future land use. We use color; sometimes we use colors to describe the uses we want to see as a recommendation out of the area plan. Here is an example where we want to create a place that has the opportunity for residential, office, or retail. What is interesting about that limited focus just based on land use is it can describe a lot of different places. As an example, in our area plan for Northlake, that color pattern, the range of uses it described Northlake mall; it is a very particular kind of place, but it also, in the Morehead Avenue plan, describes the character and use of Morehead Avenue. As you can see, those obviously I put those comparisons because they are dramatically different, but our tools and terminology that we are using treats them the same. Not to say that the area plans do not obviously layer into the details of that to describe the characteristic, but the area plans are forced to do that; whereas, we believe it would be stronger for us to have a set of terms and tools that we could use that could really strengthen the area plans, and we would have a better connection to the ordinance.

Again, it will be clearer about the vision. It will continue to use land use, but it will also get into things about form and patters, things like setback, height, density, parking, streetscape, open space, all the other things, a lot of which are again part of our area plans, but in this case we are elevating that terminology and that vocabulary in a way that we can use it for future area plans, but then it becomes a set of terminology that becomes the structure for the zoning ordinance. We have plans and policies, this notion of this new land use policy document that then becomes a direct link to our ordinance, and that is what we don't have right now. That will become a way for us to test if we have the right ordinance. Do we need to change our zoning districts to better reflect those places that we just talked about? Do we need new districts to really implement those places? It will be a way for us to really insure that the changes, the direction we would go in the ordinance, are really founded in the places we are trying to make. It is not that it doesn't cover you from nowhere, it is opposite. You go from the area plan, so it is terminology, but it will be a way to insure that there is a direct connection to the ordinance. The last emphasize I will make here is the notion then, the regulations and the ordinances are the way that we implement those policies. This other next step for us is insuring we have the direct connection to the zoning ordinance, because then making sure that all of the other ordinances are all talking to each other as well, which goes back to this connection that has Unified Development Ordinance, so putting all of those ordinances together, insuring that we clean up any inconsistencies and we make sure that they are all using and taking in the same way and tied to the same places that are making it. The emphasis here are two big things, this notion that is a pretty unique land use policy document, this character manual tied to this update to the ordinance and ultimately wrapped into a unified [inaudible] that insures that all of those things are working together.

I am going to talk with you about where we are going next. What we have been doing now with our consultant that we have hired, is sort of drafting the approach I described. Ultimately, leading

to what is the next step? What is the outline of work that we could do moving forward? This is a very high level, simplified version of it, but the notion is where we stand now. The next steps kind of break into finalizing our approach, ultimately developing the ordinance and going in for an adoption process, that approach would be highly intensive in terms of community engagement, stakeholder engagement, the notion of convening an advisory committee would be made up of members of the community to help us review and shape the ordinance itself. The end game of that first phase is an annotated outline, which generally refers to the skeleton of the ordinance. It describes the districts that will be in it, the new, revised ones. It will highlight the key issues that need to be changed. It is really just the framework. The real work then to go into the next phase and is putting flesh on that framework into a series of working drafts. Again, working closely with the technical and advisory committee, the community will be part of that. Ultimately through that process, we end up with a full blown draft that is what I call our adoption draft. That then goes onto the more formal adoption. I have given you a very simplified version of a pretty complicated process. There is an extensive time period and intense community engagement, but I want to outline that for you, because we will provide more detailed scope, and we will be teeing up the notion of get Council approval for us to engage our consultants to begin that next phase of work.

Last thing that I will just mention here is a quick sketch of that time frame. Part way into that approach phase, I have layered down that there are some general notions about time frame, as you can see, it takes us back a couple of years. I also want to mention how we are layering the community engagement part to this. The first layer of this is coordinated. We are using all of the existing community meetings that other departments are having to engage the community, and we have already done this in the spring. We have already touched over 400 just through using the meetings that are out there. We have set up the webpage; that is the platform from a virtual stand point where we provide the documents. It will ultimately be a very interactive tool as we get into drafts and the ability for the public comment and interact with it. We will not be reinventing the wheel. We are using existing neighborhood meetings and existing professional organizational meeting to give out to you in a very proactive way to kind of go to folks, kind of a direct dialog. I had mentioned the advisory committees that would be highly focused on the technical review. Ultimately to, we will be talking to folks geographically kind of focus more on neighborhood and districts of the city and throughout that whole process would be kind of a community wide events that will begin as we kick off the overall process. Again, I have given you a flood of high level information, and all of this kind of tees to this more detailed scope of work that we will prepare and get in front of you in Council, again with the notion that we want to go ahead and hopefully next month or so to go ahead and continue this work. We have been working with the Planning Commission and Planning Committee. I would be glad to give in part the summer schedule and the committee meetings. What I would like to do is follow up with the TAP Committee members individually to kind of go through a list and the can ask questions. We are certainly glad to do that. Again, we want to keep ourselves with the momentum that we have and the schedule that we want to keep. We really want to find a way that we can get this scope of work teed up. We have resources available to get into the next phase of work. You have the presentation, and I will certainly follow up with everyone and maybe start some one on one conversations and get answers to all of the questions.

Councilmember Mayfield said as we are pulling this together and we are looking at presenting to each of our committees, do you have a timeline yet on when you are going to be presenting this to the Neighborhood Development, since a lot of this conversation definitely is going to impact how we move forward with housing options and opportunities?

Mr. McKinney said right now I do not have the timeline. We have been again very intensively working with the Planning Commission and their committees and then most recently just focused on the discussions with the Transportation and Planning Committee. Absolutely, all of the other ones that touched on the aspects of this ordinance would be.

Mayor Roberts said is this idea the same thing as Form-Based?

Mr. McKinney said I skipped over this notion. The directions of this are using the term hybrid. Real quick story on that, essentially where we are with our ordinance is sort of de facto a hybrid. Over time, we have embedded our ordinances with aspects of Form-Based principals. Some of the things that are in our TOD District for example are really derived from kind of a form based approach. Our notion is that we have done that kind of incrementally over time. We want to

certainly be more intentional about that. That is the approach that we will take to the over all ordinance. So, where we have a district where those kinds of strategies make sense, like in a more urban district. In Uptown, we would use that approach. The simple answer is it is not going to be a one size fits all to the ordinance that applies to the notion in Form-Based.

Councilmember Fallon said what are we doing meanwhile with what we are approving?

Mr. McKinney said we continue relying heavily on our conditional rezoning process, where a lot of the ideas that are already our attempt to embedded in our ordinance are already being embedded month by month through our staff negotiations with petitioners, and in fact, a lot of the foundation of the work that we are doing district by district in some of those conditional rezoning will be some of the issues. The intent is to address that in the ordinance. We are very focused in the cases in front of us, applying the thinking that will evolve through this where we can on our case by case bases and move this as quickly as we can, but in a way given the magnitude of what we are doing, it is going to take the right amount of time.

Ms. Fallon said are you going to try to tailor it to what you intend to do?

Mr. McKinney said in terms of being immediate with the cases that we have now, absolutely, we are using everything that we are learning as we are going forward will be easily applied as we are going project by project.

Ms. Fallon said I would hate to get out of line with what is going to be now. I would hate to get out of line.

Mr. McKinney said absolutely, it will be an interim in that aspect. We are already in discussions with the Planning Commission about districts like TOD. So, we are already beginning to frame up, and that will be part of the discussion with the community about what are the things we want to fix in those districts. Those are things that we can then implement as we are doing it through some of the key projects as they come along.

Mayor Roberts said the only thing that I would ask, and maybe you are already going to do this, is when we start in those public meetings, anybody who has had a petition or who has spoken, we have those email addresses; we should make sure we get information out to all of those email addresses.

Mr. McKinney said absolutely.

The meeting was recessed at 5:39 p.m. to move to the Council Chamber for the regularly scheduled Zoning Meeting.

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ZONING MEETING

The Council reconvened at 5:45 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center for their regularly scheduled Zoning Meeting with Mayor Jennifer Roberts presiding. Councilmembers present were John Autry, Ed Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, LaWana Mayfield, Greg Phipps.

ABSENT: Councilmembers Vi Lyles, James Mitchell, and Kenny Smith

ABSENT UNTIL NOTED: Councilmember Al Austin

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INVOCATION AND PLEDGE

Councilmember Driggs gave the invocation followed by the pledge of Allegiance to the flag.

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EXPLANATION OF ZONING MEETING PROCESS

Mayor Robert explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF ZONING COMMITTEE

Tony Lathrop, Zoning Committee said introduced members of the Zoning Committee and said they will meet Wednesday, June 29, 2016 at 4:30 p.m. here 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 tonight. Before that meeting on the June 29, 2016, the public is welcome to contact the committee to provide input. Contact information and information on each of these petitions can be found at charlotteplanning.org.

Mayor Roberts said do I understand that there is someone on your committee who this is her last meeting after eight years of serving on the committee?

Mr. Lathrop said absolutely, I do not know if we are going to make it without her. It is Commissioner Tracy Dodson, who I think maybe has eight plus years on the Planning Commission and a huge chunk of that time on the Zoning Commission. We will miss her greatly.

Mayor Roberts said we appreciate your service and want to give you a big hand of thanks.

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DEFERRALS

Motion was made by Councilmember Phipps, seconded by Councilmember Mayfield, and carried unanimously to defer Item No. 8, Petition No. 2016-024 by Greystar GP II, LLC to June 27, 2016 and to defer the following items to July 18, 2016: a decision on Item No. 4, Petition No. 2015-093 by 1351 Woodlawn (Melrose), LLC; a decision on Item No. 5, Petition No. 2015-111 by North Wendover Partners, LLC; a decision on Item No. 6, Petition No. 2016-066 by JWM Family Enterprises, Inc.; a decision on Item No. 7 Petition No. 2016-070 by Woodfield Acquisitions, LLC; a hearing on Item No. 23, Petition No. 2016-016 by Clarke Allen, a hearing on Item No. 27, Petition No. 2016-074 by McKinney Holdings NC II, LLC.

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ITEM NO. 24: PETITION NO. 2016-061

Tammie Keplinger, Planning said this petition was for the consideration of a church with over 2,000 seats, and because it had over 2,000 seats, it had to be rezoned to an institutional district. The petitioner, in the letter submitted to us today and to City Council, said that they planned to proceed with building a smaller church on this site and the rezoning would not be requires. With that rezoning, some of the concerns that they neighborhood had, such as the reconnection of Wilora Lake Road and a trail that was to connect Verndale and Wilora Lake, would not be required, because it does not go through the rezoning process.

Mayor Roberts said we wanted to make sure that you understood that they can proceed but a much smaller church and much less traffic. If there is any concern going forward with that, they are allowed to do by the current zoning.

Councilmember Mayfield said we have seen in three, five years where churches have expanded and have grown. Worst case scenario, or another alternative, they move forward with the current development say in three to five years they are looking to expand the church. At that point, would they still need to come back to Council if they were to look to expand the church, or are we saying that with their withdrawal today, what they are agreeing to is only to build within the current rezoning, but that does or does not stop them from expanding at a later date?

Ms. Keplinger said that is a very good question. Thank you for asking it. Under the zoning ordinance and the R-3 district, they can have up to 400 seats in their main gathering place. If they exceed that, they would need to go through the rezoning process, even if it is a small expansion of the church.

Ms. Mayfield said so it would have to come back and the community has an opportunity to have a conversation.

Ms. Keplinger said yes ma'am.

Councilmember Fallon said what if they put in moveable pews or chairs? That happened before.

Ms. Keplinger said the number of seats in a church is regulated by building code, and it is based on a square footage basis. When they give them the measurements of the main sanctuary, they will calculate the number of seats that are in that room. It is based on square footage, not how many pews or how many chairs are in there.

Councilmember Phipps said if the ability to expand okay so long as it doesn't exceed 400 seats?

Ms. Keplinger said the ability to expand is okay as long as they do not exceed 400 seats.

Motion was made by Councilmember Autry, seconded by Councilmember Fallon, and carried unanimously to withdraw Petition No. 2016-061 by Ministerio Internacional Nueva Vida, Inc.

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ITEM NO. 3: PEITION NO. 2015-037

Tammie Keplinger, Planning said this petition came in originally as a straight up O-1, then it was converted I believe to an O-1CD, then a B1-CD. They have revised their site plan, and they are asking for a URCC district, and because of that they will have to go through a public hearing. We are working with them. They have amended their application, and we are working with them on their site plan and hope to bring that forward in September.

Motion was made by Councilmember Fallon, seconded by Councilmember Phipps, and carried unanimously to schedule a new public hearing for Petition No. 2015-037 by Dominick Ristaino on September 19, 2016.

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DECISIONS

ITEM NO. 9: ORDINANCE NO. 8049-Z PETITION NO. 2016-037 BY DR. MICHAEL BERGLASS, DDS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.44 ACRES LOCATED ON THE SOUTH SIDE OF CENTRAL AVENUE BETWEEN CRYSTAL ROAD AND CYRUS DRIVE FROM UR-C (CD) (URBAN RESIDENTIAL-COMMERCIAL, CONDITIONAL) TO NS (NEIGHBORHOOD SERVICES)

The Zoning Committee found this petition to be consistent with the Briar Creek/Woodland/Merry Oaks Small Area Plan, based on information from the staff analysis and the public hearing, and because the plan was updated by rezoning petition 2008-157, which approved the use of the site for dental office uses in the existing residential structure. 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 directly fronts Central Avenue and is currently used as a dental office; and Proposed building expansion and additional parking will be located behind the existing structure and will not change the character of the development as seen from Central Avenue; and Building expansion is designed to blend with architectural style and residential character of the existing structure; and The dental office will continue to serve the surrounding neighborhood; and Brick monument style sign will be compatible in scale and material with the surrounding residential structures. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

Site and Building Design

1. Amended Note A under Permitted Uses to reflect NS (neighborhood services) instead of UR- C (urban residential, commercial) district.

Motion was made by Councilmember Kinsey, seconded by Councilmember John Autry, and carried unanimously to approve Petition No. 2016-037 by Michael Berglass, DDS, as modified.

Motion was made by Councilmember Kinsey, seconded by Councilmember John Autry, and carried unanimously, that this petition is consistent with the Briar Creek/Woodland/Merry Oaks Small Area Plan, based on information from the staff analysis and the public hearing, and because the plan was updated by rezoning petition 2008-157, which approved the use of the site for dental office uses in the existing residential structure. 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 directly fronts Central Avenue and is currently used as a dental office; and Proposed building expansion and additional parking will be located behind the existing structure and will not change the character of the development as seen from Central Avenue; and Building expansion is designed to blend with architectural style and residential character of the existing structure; and The dental office will continue to serve the surrounding neighborhood; and Brick monument style sign will be compatible in scale and material with the surrounding residential structures.

The ordinance is recorded in full in Ordinance Book 60, Pages 97-98.

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ITEM NO. 10: ORDINANCE NO. 8050-Z PETITION NO. 2016-041 BY HORIZONS AT STEELE CREEK, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.22 ACRES LOCATED AT THE END OF CALAWOOD WAY NEAR THE INTERSECTION OF STEELE CREEK ROAD AND CALAWOOD WAY FROM R-3 (LLWPA) (SINGLE FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) AND R-17MF LLWPA (multi-family residential, Lower Lake Wylie Protected Area) TO R-17MF (CD) (LLWPA) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA).

The Zoning Committee found this petition to be inconsistent with the Steele Creek Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential at up to four dwelling units per acre; however, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject property is located directly west of the Horizons at Steele Creek multi-family project, which includes 288 units and is under construction; and this proposal is for a minor addition of 48 units to the existing multi-family development, resulting in a total of 336 units; and because the subject property abuts the Horizons at Steele Creek multi-family complex on one side, is bounded by streets on two other sides, and is only 3.22 acres, single family residential development on this site would be challenging and the proposed expansion of the Horizons at Steele Creek multi-family project is a reasonable use of this property; and the proposed R-17MF(CD) (multi-family residential, conditional) zoning will be consistent with the zoning of the existing Horizons at Steele Creek development; and the proposed expansion of the Horizons at Steele Creek complex will provide for an additional vehicular access point to the site via the extension of Calawood Way; and over 40% of the site will be preserved for tree save, and the tree save area will buffer the three existing single family parcels from the site. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

Technical Revisions

1. Proposed building has been removed from the required buffer.
2. Required buffer has been shown and labeled on the site plan.
3. Open space calculation has been removed from the plan.
4. Eight-foot sidewalk and planting strip has been labeled along Calawood Way.
5. Proposed sidewalks and pedestrian access have been shown to the public right-of-way for the proposed buildings.
6. Site Development data has been updated with the correct zoning districts.
7. Setbacks have been removed from the site development data table.
8. Notes V.1 and VI.1 have been removed from the site plan.
9. Building elevations and materials for the proposed structures have been provided.

Motion was made by Councilmember Mayfield, seconded by Driggs, and carried unanimously to approve Petition No. 2016-041 by Horizons at Steele Creek, LLC, as modified.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously that this petition is inconsistent with the Steele Creek Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends residential at up to four dwelling units per acre; however, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject property is located directly west of the Horizons at Steele Creek multi-family project, which includes 288 units and is under construction; and This proposal is for a minor addition of 48 units to the existing multi-family development, resulting in a total of 336 units; and Because the subject property abuts the Horizons at Steele Creek multi-family complex on one side, is bounded by streets on two other sides, and is only 3.22 acres, single family residential development on this site would be challenging and the proposed expansion of the Horizons at Steele Creek multi-family project is a reasonable use of this property; and The proposed R-17MF(CD) (multi-family residential, conditional) zoning will be consistent with the zoning of the existing Horizons at Steele Creek development; and The proposed expansion of the Horizons at Steele Creek complex will provide for an additional vehicular access point to the site via the extension of Calawood Way; and Over 40% of the site will be preserved for tree save, and the tree save area will buffer the three existing single family parcels from the site.

The ordinance is recorded in full in Ordinance Book 60, Pages 99-100.

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ITEM NO. 11: ORDINANCE NO. 8051-Z PETITION NO. 2016-046 BY CENTRAL GROUP, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.24 ACRES LOCATED ON THE NORTH SIDE OF CENTRAL AVENUE BETWEEN HAWTHORNE LANE AND HEATH COURT FROM B-2 PED (GENERAL BUSINESS, PEDESTRIAN OVERLAY) TO MUDD-O PED 5-YEAR VESTED RIGHTS (MIXED USE DEVELOPMENT, OPTIONAL, PEDESTRIAN OVERLAY, FIVE-YEAR VESTED RIGHTS).

The Zoning Committee found the retail portion of the petition to be consistent with the Plaza Central Pedscape Plan; however, the proposed storage is inconsistent with the plan based on information from the staff analysis and the public hearing, and because the plan was amended by rezoning petition 2003-110 to allow retail uses with a Pedestrian Overlay District; and the plan recommends retail for the area proposed for storage; however, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject site is located in the Plaza Central commercial district; and the proposed site plan commits to ground floor pedestrian-oriented uses along Central Avenue and Hawthorne Lane, meeting the intent of the adopted plan to establish pedestrian friendly retail streets in the Plaza Central area; and the commitment to commercial uses along Hawthorne Lane will also complement the future streetcar alignment proposed along that street; and the proposed parking structure will be developed on an underutilized space internal to the site and will not affect the pedestrian environment; and the proposed indoor climate controlled storage units will be located above the structured parking deck. The storage will be designed to appear similar to an office building, and will have limited traffic and parking impacts; and the petition also supports the expansion of the area's street network by extending Heath Court to the north, setting this area up for future connectivity opportunities, the Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

1. Amended Note 3A under Optional Provisions as follows: "The Petition 2016-046 (Page 2 of 4) Zoning Committee Recommendation petitioner commits to exceed the minimum 50% retail requirement along the Hawthorne Lane building frontage and provide 100% of the frontage on Hawthorne Lane, with the exception of a stairwell and elevator lobby (which will not exceed 25% of the building length) as retail, personal services, and/or eating/drinking/ entertainment establishments. Petitioner shall provide approximately 47 linear feet of the building frontage on Heath Court as retail, personal services, and/or eating/drinking/entertainment establishments. The sales office for the self-storage shall be located on Heath Court within the retail space area, as generally indicated on the rezoning

- plan. Relabeled potential retail/office and retail located along Heath Court, with a reference to Note 3A for specific provisions.
2. Deleted the following from Note 3A under Optional Provisions: "Petitioner seeks to exceed the minimum requirements along the frontage on Hawthorne Street."
 3. Petitioner agreed to convey additional right-of-way along the future Gold Line Extension frontage on Hawthorne Lane and Central Avenue as requested by CATS/CDOT.
 4. Amended Note 3A under Optional Provisions to allow the minimum retail frontage requirement along Heath Court to be developed with personal services, retail and/or eating/drinking/entertainment establishments.
 5. Committed to amend Note 12B under "Lighting" to increase maximum height of detached lighting to 21 feet.
 6. Committed to amend Note 6B under Architectural Standards.
 7. Committed to amend Note 11A under Signage, as the note is not needed.
 8. Committed to delete Note 3B under Optional Provisions and placed under Architectural Standards.

Motion was made by Councilmember Kinsey and seconded by Councilmember Mayfield to approve Petition No. 2016-046 by Central Group, LLC, as modified.

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

YEAS: Councilmember Autry, Driggs, Eiselt, Fallon, Kinsey, and Mayfield

NAYS: Councilmember Phipps

Motion was made by Councilmember Kinsey, seconded by Councilmember Autry, and carried unanimously, that this petition is consistent with the Plaza Central Pedscape Plan; however, the proposed storage is inconsistent with the plan based on information from the staff analysis and the public hearing, and because the plan was amended by rezoning petition 2003-110 to allow retail uses with a Pedestrian Overlay District; and The plan recommends retail for the area proposed for storage; however, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject site is located in the Plaza Central commercial district; and The proposed site plan commits to ground floor pedestrian-oriented uses along Central Avenue and Hawthorne Lane, meeting the intent of the adopted plan to establish pedestrian friendly retail streets in the Plaza Central area; and The commitment to commercial uses along Hawthorne Lane will also complement the future streetcar alignment proposed along that street; and The proposed parking structure will be developed on an underutilized space internal to the site and will not affect the pedestrian environment; and The proposed indoor climate controlled storage units will be located above the structured parking deck. The storage will be designed to appear similar to an office building, and will have limited traffic and parking impacts; and the petition also supports the expansion of the area's street network by extending Heath Court to the north, setting this area up for future connectivity opportunities.

The ordinance is recorded in full in Ordinance Book 60, Pages 101-102.

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ITEM NO. 12: ORDINANCE NO. 8052-Z PETITION NO. 2016-049 BY LOVES TRAVEL STOP AND COUNTRY STORE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.22 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF SAM WILSON ROAD AND WEST POINTE DRIVE FROM B-2 LLWPA (GENERAL BUSINESS, LOWER LAKE WYLIE PROTECTED AREA) AND CC LLWPA (COMMERCIAL CENTER, LOWER LAKE WYLIE PROTECTED AREA) TO I-2(CD) LLWPA (GENERAL INDUSTRIAL, CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA).

The Zoning Committee found this petition to be consistent with the Catawba Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends retail land uses for this site. Therefore, this petition was found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because the

truck stop use, while only allowed in the I-2 (general industrial) zoning district, is in essence a retail use; and The site is in a Growth Corridor, and is surrounded by existing industrial uses, or areas recommended for office/industrial land uses in the adopted area plan; and The rezoning site sits at a major interchange (Interstate 85), making its location appropriate for a retail use as recommended by the area plan, the Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

Transportation

1. Revised the site plan to locate the future back of curb for the northbound approach of Sam Wilson Road at West Pointe.
2. Revised the site plan to dedicate additional right-of-way in fee simple along the site's Sam Wilson Road frontage and to depict a 70-foot by 70-foot SUE (sidewalk utility easement) on the southeast quadrant of Sam Wilson Road and West Pointe Drive to provide for possible future traffic signal hardware or a future roundabout.
3. Added a conditional note stating: "All transportation improvements must be completed and approved before the site's first building certificate of occupancy is issued."
4. Added a note indicating how the internal (inbound) storage for trucks waiting to fuel will be managed to prevent trucks queuing into the public street, which is a zoning violation.
5. Added a conditional note to the site plan that states the following: "The petitioner agrees to contribute \$85,000.00 (i.e. estimated costs of a wooden pole traffic signal) for the design and implementation of a future transportation improvement at the subject intersection when warranted by NCDOT and CDOT. If Sam Wilson Road/West Pointe Drive intersection transportation improvements are not determined necessary five (5) years after City Council approval, funding will be returned to the petitioner at his request."
6. Removed the note that calls out a future back of curb to be located 30.5 feet from Sam Wilson's centerline to back of curb. Land Use
7. Clarified that the uses will be limited to a convenience store with associated restaurant with drive-through service, tire service shop, and fuel sales. Technical Revisions
8. Indicated the percentage of impervious surface as the property is located in the Lower Lake Wylie Protected Area.
9. Under Development Data Table, specified existing zoning of Tract B is B-2 LLWPA.
10. Deleted the following language from General Provisions Note 2: "...regulate streets, sidewalks, trees, bicycle parking, and site development, may apply to the development of this site. These are not zoning regulations, are not administered by the zoning administrator."
11. Corrected typo to indicate rezoning petition 2016-049.
12. Included the following note on the plan sheet under "Environmental Features": "The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."

Motion was made by Councilmember Mayfield and seconded by Councilmember Driggs to approve Petition No. 2016-049 by Loves Travel Stop and Country Store, as modified.
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Councilmember Mayfield said Tammie we received information from the petitioners. One of the things that I have been looking at when we are looking at gas pumps, gas stations, and those types of businesses is long term impact. We see a lot of times in our communities where we have had tanks that are underground tanks, and sometimes you are able to develop on that land later, sometimes you are not, because of environmental issues. I want to actually thank not only the petitioners but also the representation for getting the information and working with the petitioner and the community, because they have committed to making sure that if something were to happen over the years and if this business were not successful, that they would not only remove the tanks but make sure that the area is environmentally sound for future generations and future growth. I just wanted to take a moment to thank all of those who helped to lead those conversations. I wish you success on your product.

Tammie Keplinger, Planning said I just wanted to add one thing. The information that Ms. Mayfield is discussing is not something that is on the conditional site plan. This is something where there will be a separate memorandum of understanding attached to the deed with this

property. This is not a land use issue. We have worked with our attorney and are continuing to work with our attorneys to make sure that Memorandum of Understanding goes on that deed when the property is purchased in a couple of months.

Ms. Mayfield said all the more reason for me to say thank you, because it was something that the petitioner did not have to do, but they also so a commitment to the community moving forward, and I appreciate that you are thinking about future generations and creating a Memorandum of Understanding for how development can go. Thank you for that.

A vote was taken on the motion and carried unanimously.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously that this petition is consistent with the Catawba Area Plan, based on information from the staff analysis and the public hearing, and because the plan recommends retail land uses for this site. Therefore, this petition was found to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because the truck stop use, while only allowed in the I-2 (general industrial) zoning district, is in essence a retail use; and the site is in a Growth Corridor, and is surrounded by existing industrial uses, or areas recommended for office/industrial land uses in the adopted area plan; and the rezoning site sits at a major interchange (Interstate 85), making its location appropriate for a retail use as recommended by the area plan.

The ordinance is recorded in full in Ordinance Book 60, Pages 103-104.

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ITEM NO. 13: ORDINANCE NO. 8053-Z PETITION NO. 2016-050 BY MARNICALY AT UNCC, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.59 ACRES LOCATED ON THE WEST SIDE OF OLD CONCORD ROAD BETWEEN SUTHER ROAD AND JOHN KIRK DRIVE IN THE UNIVERSITY CITY AREA FROM INST (INSTITUTIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee found this petition to be consistent with the Northeast District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends multi-family residential uses for this site; and the petition meets the General Development Policies locational criteria for consideration of up to 11 dwellings per acre. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject property is surrounded by multi-family housing on the west side of Old Concord Road; and the site is within close proximity to UNC Charlotte's main campus and the Carolina's Medical Center University Hospital and could offer a conveniently located housing choice for students and employees; and The design of the site respects the character of Old Concord Road, by providing generous setbacks; and the proposal also includes a 12-foot wide multi-use path along the Old Concord Road frontage intended for use by bicyclists and pedestrians; and The site plan proposes a new street off of Old Concord Road, setting up a future street network for an area, between Old Concord Road and University City Boulevard, that is generally lacking in connectivity. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

Transportation

1. Depicted a future back of curb location along Old Concord Road located 35.5 feet from the existing edge of pavement on the east side of Old Concord Road.
2. Revised site plan so that the proposed surface parking aisles and angled parking spaces conform to a two-way traffic flow throughout the site.
3. Removed head-in parking spaces within 25 feet of the future right-of-way line to avoid conflicts between parking maneuvers and the multi-use path or incoming (eastbound) vehicles. Additional adjustment to parking may be required during permitting.

Motion was made by Councilmember Phipps, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2016-050 by Marnicaly at UNCC, LLC, as modified.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously that this petition is consistent with the Northeast District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends multi-family residential uses for this site; and the petition meets the General Development Policies locational criteria for consideration of up to 11 dwellings per acre. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject property is surrounded by multi-family housing on the west side of Old Concord Road; and the site is within close proximity to UNC Charlotte's main campus and the Carolina's Medical Center University Hospital and could offer a conveniently located housing choice for students and employees; and the design of the site respects the character of Old Concord Road, by providing generous setbacks; and the proposal also includes a 12-foot wide multi-use path along the Old Concord Road frontage intended for use by bicyclists and pedestrians; and the site plan proposes a new street off of Old Concord Road, setting up a future street network for an area, between Old Concord Road and University City Boulevard, that is generally lacking in connectivity.

The ordinance is recorded in full in Ordinance Book 60, Pages 105-106.

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ITEM NO. 14: ORDINANCE NO. 8054-Z PETITION NO. 2016-057 BY FEDEX GROUND PACKAGE SYSTEM, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 16.5 ACRES LOCATED ON THE WEST SIDE OF TODDVILLE ROAD, NORTH OF FREEDOM DRIVE FROM R-17MF (LLWPA) (MULTI-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO I-2(CD) (LLWPA) (GENERAL INDUSTRIAL, CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA), WITH FIVE-YEAR VESTED RIGHTS.

The Zoning Committee found this petition to be inconsistent with the Northwest District Plan recommendation for single family residential uses up to four units per acre, based on information from the staff analysis and the public hearing, and because the plan recommends single family residential uses at up to four 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 proposed rezoning will allow a primarily vacant site to be used for employee and tractor trailer truck parking for the nearby FedEx facility; and the subject property is located adjacent to industrial uses and the Mount Holly Road /Highway 16 Industrial Activity Center on the north and east, and residential development on the south and west; and the site layout has been designed to minimize impacts on abutting residential development by locating the parking on the portion of the site furthest away from the nearby residential properties, and by providing significant natural buffers and screening between the parking and residential uses; and the proposal will support the expansion of the existing FedEx facility, which is growing in part due to the improved access to I-85 via the recently widened Freedom Drive; and the character of the area has changed since the plan was adopted in 1990, and the use is consistent and compatible with the existing development pattern which has a greater emphasis on industrial/warehouse uses in the area. The Zoning Committee voted 4-2 to recommend approval of this petition with the following modifications:

Land Use

1. Amended Note 3 Permitted Uses to allow only parking for employees, tractor trailer trucks and trailers.
2. Removed the list of prohibited uses from the site plan, as the only permitted uses are the proposed uses allowed in Note 3.
3. Added that the petitioner is requesting five-year vested rights under General Provision in order to match the rezoning application.

Transportation

4. Revised the site plan to indicate a future cross-connection between the tractor parking and future trailer parking. This resulted in a reconfiguration of the proposed parking lot.
5. Revised the site plan to provide approximately 70 feet of truck storage length between the proposed driveway security gates stop line and the building setback line, so vehicles waiting for the gate to open do not maneuver within the site's building setback, per the zoning ordinance (i.e. both proposed site driveways).
6. Removed Transportation Note 4d related to declining to construct a bike lane for various reasons.
7. Revised the site plan to add a conditional Transportation Note 4d stating: "All proposed transportation improvements shall be implemented before the Phase 1 Parking Lot is operational."
8. Provided Note 4e under Transportation stating that the petitioner will construct a bus stop waiting pad for the existing bus stop on Toddville Road, per image of standard detail (60.01E) for the requested bus stop pad. This site is located on an existing bus route.
9. Added Note 4f under Transportation stating that FedEx is considering the feasibility of an internal drive connection to the existing parking off CSX Way.

Environment

10. Showed most restrictive buffer requirements per Lower Lake Wylie Watershed Overlay (Charlotte Zoning Ordinance) and Post-Construction Stormwater Ordinance, and adjusted construction/disturbance limits accordingly. Perennial and intermittent streams delineated on the rezoning plan are subject to stream buffer requirements.
11. Added Note 6e related to stream buffers required in the Lower Lake Wylie Watershed Overlay District.

Other

12. Committed to amending the proposed zoning in both development data tables to reflect five-year vested rights as identified on the application and the general provisions.
13. Replaced Note 6d under Streetscape and Landscaping related to minimum tree save widths with a note stating that tree save areas are encompassed in the 100-foot residential buffer.
14. Committed to amending Note 4f under Transportation to state "FedEx will provide an internal drive connection from the proposed parking lot to the existing parking lot on the abutting parcel (PID 05714201) north of site on CSX Way provided the connection is determined to be feasible by FedEx and CDOT during the construction permitting process and with the agreement of the abutting parcel (PID 05714201) owner from which FedEx leases the land."
15. Committed to remove the words "(Pilot Report is attached)" from Note 7d as the report is not part of the rezoning site plan.

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

- Amended the site plan to increase the buffer along the western property line abutting single family use/zoning from 100 feet to 150 feet.
- Amended Development Data Table note 1i to increase the amount of open space from 3.7 acres to 4.4 acres.
- Amended Streetscape and Landscaping notes 6a and 6d to reflect the 150-foot buffer along the western property line.
- Amended Environmental Features note 7a to reflect the 150-foot buffer along western property line and increased area within proposed buffers from 22 percent to 26.7 percent.
- Amended Parks, Greenways, and Open Space note 8a to reflect the 150-foot buffer along western property line and increased the approximate area of open space from 3.7 acres to 4.4 acres.

Motion was made by Councilmember Mayfield, seconded by Councilmember Fallon, and carried unanimously not to send the petition back to the Zoning Committee.

Councilmember Mayfield said I am going to thank the petitioners, because when we are having these conversations, it is the community. The market leads a lot of conversations. You have an opportunity to hear the concerns of the community, not necessarily my personal, individual concerns but the concerns that came out of the community. One of those major concerns was around buffer and the potential impact on the nearest residential neighborhood. You worked closely with the community. You heard your concerns. The changes that we were mentioned

earlier were around the additional buffering on this project. As we continue to grow this city the best way that we possibly can, I really appreciate when our business community and our corporate community hear the concerns of the neighborhoods, which are there neighbors and are also forward thinking 20 plus years and beyond, so I appreciate you working with the community and also hearing the concerns that I had. I wish you much success on the continued growth and expansion of FedEx, which is one the products I use anyway.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2016-057 by FedEx Ground Package System, Inc., as modified.

Motion was made by Councilmember Mayfield, seconded by Councilmember Fallon, and carried unanimously that this petition is inconsistent with the Northwest District Plan recommendation for single family residential uses up to four units per acre, based on information from the staff analysis and the public hearing, and because the plan recommends single family residential uses at up to four 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 proposed rezoning will allow a primarily vacant site to be used for employee and tractor trailer truck parking for the nearby FedEx facility; and the subject property is located adjacent to industrial uses and the Mount Holly Road /Highway 16 Industrial Activity Center on the north and east, and residential development on the south and west; and the site layout has been designed to minimize impacts on abutting residential development by locating the parking on the portion of the site furthest away from the nearby residential properties, and by providing significant natural buffers and screening between the parking and residential uses; and the proposal will support the expansion of the existing FedEx facility, which is growing in part due to the improved access to I-85 via the recently widened Freedom Drive; and the character of the area has changed since the plan was adopted in 1990, and the use is consistent and compatible with the existing development pattern which has a greater emphasis on industrial/warehouse uses in the area.

The ordinance is recorded in full in Ordinance Book 60, Pages 107-108.

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ITEM NO. 15: ORDINANCE NO. 8055-Z PETITION NO. 2016-059 BY RENAISSANCE WEST COMMUNITY INITIATIVE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.25 ACRES LOCATED ON THE NORTH SIDE OF WEST BOULEVARD BETWEEN BILLY GRAHAM PARKWAY AND LEAKE STREET FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

The Zoning Committee found this petition to be consistent with the Central District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends a mix of multi-family residential, institutional, and office uses as amended by the previous rezoning 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 proposal is a minor site plan amendment to allow the proposed child development center in the Renaissance West development to increase from 17,500 square feet to 25,000 square feet; and The proposed square footage is compatible with surrounding institutional and residential land uses; and the larger child development center is consistent with the initial multi-use concept for the Renaissance West development and does not change the character of the project. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

Site and Building Design

1. An eight-foot planting strip and six-foot sidewalk have been listed on the site plan alone Renaissance Way and West Boulevard.
2. A bus pad has been shown on the site plan along New Renaissance Place.

Councilmember Mayfield said this one is also, when you look at Renaissance West and all of the amazing growth that is happening out there, this was a project that received the last HOPE VI grant federal funding of half of the projects to be funded. This is an expansion of the proposed daycare center, which is amazing that they have such a great turn out, that they are looking to build bigger on the front end. This is going to be a great attribute, not only to the west side and the residence of Renaissance but also to all of the future residents that are coming into the area.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to approve Petition No. 2016-059 by Renaissance West Community Initiative, as modified.

Motion was made by Councilmember Mayfield, seconded by Councilmember Fallon, and carried unanimously that this petition is consistent with the Central District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends a mix of multi-family residential, institutional, and office uses as amended by the previous rezoning 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 proposal is a minor site plan amendment to allow the proposed child development center in the Renaissance West development to increase from 17,500 square feet to 25,000 square feet; and the proposed square footage is compatible with surrounding institutional and residential land uses; and The larger child development center is consistent with the initial multi-use concept for the Renaissance West development and does not change the character of the project.

The ordinance is recorded in full in Ordinance Book 60, Pages 109-110.

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ITEM NO. 16: ORDINANCE NO. 8056-Z PETITION NO. 2016-062 BY BENSON EJINDU AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.23 ACRES LOCATED ON THE NORTH SIDE OF THE PLAZA NEAR THE INTERSECTION OF EAST WT HARRIS BOULEVARD AND THE PLAZA FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO O-1 (CD) (OFFICE, CONDITIONAL).

The Zoning Committee found this petition to be inconsistent with the Northeast District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends multi-family residential for this site; however, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the plan identifies the intersection of The Plaza and East WT Harris Boulevard as a neighborhood center, which is a location for neighborhood-serving commercial uses; and the size of the neighborhood center was effectively expanded from the original area plan recommendation through rezoning 2001-029 which approved the self-storage facility abutting this property along its west and north property lines; and the site is directly across The Plaza from a shopping center zoned B-1(CD) (neighborhood business, conditional); and the proposed use would allow additional nonresidential uses complementary to the expanded neighborhood center; and the proposed office use will provide a buffer between the self-storage facility, which is located at the intersection of WT Harris and the Plaza, and potential future multi-family development located east of the site; and the site design for the proposed office respects the "Avenue" street classification and brings the building toward the street and places parking to the side and rear to facilitate pedestrian connectivity along the corridor. The Zoning Committee voted 6-0 to recommend approval of this petition.

Motion was made by Councilmember Phipps, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2016-062 by Benson Ejindu.

Motion was made by Councilmember Phipps, seconded by Councilmember Mayfield, and carried unanimously that this petition is inconsistent with the Northeast District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends multi-family residential for this site. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the plan identifies the intersection of The Plaza and East WT Harris Boulevard as a neighborhood center, which is a location for neighborhood-serving commercial uses; and The size of the neighborhood center was effectively expanded from the original area plan recommendation through rezoning 2001-029 which approved the self-storage facility abutting this property along its west and north property lines; and The site is directly across The Plaza from a shopping center zoned B-1(CD) (neighborhood business, conditional); and the proposed use would allow additional nonresidential uses complementary to the expanded neighborhood center; and the proposed office use will provide a buffer between the self-storage facility, which is located at the intersection of WT Harris and the Plaza, and potential future multi-family development located east of the site; and the site design for the proposed office respects the "Avenue" street classification and brings the building toward the street and places parking to the side and rear to facilitate pedestrian connectivity along the corridor.

The ordinance is recorded in full in Ordinance Book 60, Pages 111-112.

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ITEM NO. 17: ORDINANCE NO. 8057-Z PETITION NO. 2016-063 BY IMPRINT PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.18 ACRES LOCATED ON THE NORTH SIDE OF NORTH DAVIDSON STREET BETWEEN DONATELLO AVENUE AND ANDERSON STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED USED DEVELOPMENT, OPTIONAL).

The Zoning Committee found this petition to be consistent with the Blue Line Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because the Blue Line Transit Station Area Plan recommends transit supportive uses for the subject site; therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject property is located within the historic North Charlotte neighborhood and is also within a one-half mile walk distance of the Sugar Creek Transit Station on the LYNX Blue Line Extension; and the petition proposes to allow for the adaptive reuse of existing buildings located on the subject property; and Preservation of the existing buildings will maintain the character of this part of the North Charlotte neighborhood; and the proposed streetscape enhancements are consistent with the corridor construction plans for the Blue Line Extension project and the NCDOT Sugar Creek Grade Separation project which includes the streetscape project along North Davidson Street; and These enhancements, which include a wider sidewalk and planting strip, will improve the pedestrian environment along the frontage of this site. The Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

Transportation

1. Revised the site plan to provide additional hardscape pavement material between the back of the proposed eight-foot sidewalk and the building versus small intermittent grass strips and the internal sidewalks.
2. Revised the site plan to include a permanent 16-foot Sidewalk Utility Easement between d right-of-way line and back of the proposed eight-foot wide sidewalk along the site's North Davidson Street frontage.

Site and Building Design

3. Removed note related to the petitioner meeting the requirements of Section 12.544 of the ordinance for the arrangement of windows and doors on the building elevations for the building located at 3701 North Davidson Street as an optional request and placed it under the heading of Architectural Standards.

Other

4. Corrected "Craighead Street" to "Craighead Road" throughout the site plan.

5. Replaced existing Note 1(d) under General Provisions with the following: “Existing buildings to remain.”
6. Deleted the following verbiage under Note 2(f) under Optional Provisions and replaced as a new note under Permitted Uses: “Unless additional off-site parking is provided sufficient to meet ordinance requirements, the total square footage of all the Eating Drinking and Entertainment Type 2 uses shall not exceed the aggregate amount of 23,000 square feet.
7. Deleted all notes that stated “per ordinance requirements.”
8. Removed existing Note 2(g) under Optional Provisions and added it as a new note under Architectural Standards.

Motion was made by Councilmember Kinsey, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2016-063, as modified.

Motion was made by Councilmember Kinsey, seconded by Councilmember Autry, and carried unanimously that this petition to be consistent with the Blue Line Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because the Blue Line Transit Station Area Plan recommends transit supportive uses for the subject site; therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject property is located within the historic North Charlotte neighborhood and is also within a ½ mile walk distance of the Sugar Creek Transit Station on the LYNX Blue Line Extension; and the petition proposes to allow for the adaptive reuse of existing buildings located on the subject property; and Preservation of the existing buildings will maintain the character of this part of the North Charlotte neighborhood; and the proposed streetscape enhancements are consistent with the corridor construction plans for the Blue Line Extension project and the NCDOT Sugar Creek Grade Separation project which includes the streetscape project along North Davidson Street; and These enhancements, which include a wider sidewalk and planting strip, will improve the pedestrian environment along the frontage of this site.

The ordinance is recorded in full in Ordinance Book 60, Pages 113-114.

ITEM NO. 18: ORDINANCE NO. 8058-Z PETITION NO. 2016-068 BY YMCA OF GREATER CHARLOTTE, INC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.03 ACRES LOCATED ON THE EAST SIDE OF SOUTH CALDWELL STREET BETWEEN TEMPLETON AVENUE AND LEXINGTON AVENUE FROM O-2 (OFFICE) TO TOD-MO (TRANSIT ORIENTED DEVELOPMENT-MIXED USE, OPTIONAL).

The Zoning Committee found this petition to be consistent with the South End Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because the plans recommend mixed-use transit supportive development for the area in which it is located. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject site is located across South Caldwell Street from Pritchard Memorial Baptist Church and the Dowd YMCA; and the proposed deck will serve both of these institutional uses; and the subject site is also located within a ¼ mile walk of the Carson Boulevard Transit Station on the LYNX Blue Line; and the proposal allows a site being used for surface parking to convert to structured parking. Structured parking is a more appropriate form of parking in a transit station area; and the proposed parking structure will also include ground floor active uses along South Caldwell Street and Lexington Avenue. These uses will support the transition of the area into a more walkable urban environment; the Zoning Committee voted 5-0 to recommend approval of this petition with the following modifications:

Site and Building Design

1. Petitioner has added a note that ground floor active use space will provide a minimum 15-foot floor to ceiling height and 18-foot depth (distance from front street-facing facade to back of conditioned active use space for non-residential uses).

2. A note has been added that non-residential space will be fitted with electric service, water and sewer, and heating. The petitioner may also provide air conditioning service to some or all of the non-residential space.
3. A note has been added that structured parking will be screened generally as depicted in the elevations.
4. A note has been added that the non-residential space will be a minimum 5,500 square feet.
5. A floor plan has been provided showing the location of the active use space.
6. A note has been added that the walkway through the open space will be a minimum of six feet wide.
7. A note has been added that the walls along Templeton Avenue will comply with the TOD-M design standards.
8. Staff has rescinded the request for a pedestrian door on Templeton Avenue.
9. A note has been added that a minimum of two doors will be provided along Caldwell Street.

Motion was made by Councilmember Kinsey, seconded by Councilmember Fallon and carried unanimously to approve Petition No. 2016-068 by YMCA of Greater Charlotte, Inc., as modified.

Motion was made by Councilmember Kinsey, seconded by Councilmember Fallon 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 plans recommend mixed-use transit supportive development for the area in which it is located. therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject site is located across South Caldwell Street from Pritchard Memorial Baptist Church and the Dowd YMCA; and the proposed deck will serve both of these institutional uses; and the subject site is also located within a ¼ mile walk of the Carson Boulevard Transit Station on the LYNX Blue Line; and the proposal allows a site being used for surface parking to convert to structured parking. Structured parking is a more appropriate form of parking in a transit station area; and the proposed parking structure will also include ground floor active uses along South Caldwell Street and Lexington Avenue. These uses will support the transition of the area into a more walkable urban environment

The ordinance is recorded in full in Ordinance Book 60, Pages 115-116.

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ITEM NO. 19: ORDINANCE NO. 8059-Z PETITION NO. 2016-069 BY WHITE POINT PACES PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.83 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF BELMONT AVENUE AND NORTH CALDWELL STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT-MIXED USE).

The Zoning Committee found this petition to be consistent with the Blue Line Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because the Blue Line Extension Transit Station Area Plans recommends transit supportive uses for the subject site. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject site is within a ½ mile walk of the Parkwood Transit Station on the Blue Line Extension; and the proposed rezoning allows a vacant site zoned for industrial use to be developed with transit supportive uses; and Use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary; and TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances and screening; and the plan for the area does not have a specific height limit and the TOD-M standards will provide a height transition between nearby single family homes and taller buildings. The Zoning Committee voted 6-0 to recommend approval of this petition.

Motion was made by Councilmember Kinsey, seconded by Councilmember Fallon, and carried unanimously to approve Petition No. 2016-069 by White Point Paces Properties, LLC.

Motion was made by Councilmember Kinsey, seconded by Councilmember Fallon, and carried unanimously that this petition is consistent with the Blue Line Transit Station Area Plan, based on information from the staff analysis and the public hearing, and because the Blue Line Extension Transit Station Area Plans recommends transit supportive uses for the subject site. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject site is within a ½ mile walk of the Parkwood Transit Station on the Blue Line Extension; and the proposed rezoning allows a vacant site zoned for industrial use to be developed with transit supportive uses; and Use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary; and TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances and screening; and the plan for the area does not have a specific height limit and the TOD-M standards will provide a height transition between nearby single family homes and taller buildings.

The ordinance is recorded in full in Ordinance Book 60, Pages 117-118.

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ITEM NO. 20: ORDINANCE NO. 8060-Z PETITION NO. 2016-071 BY ASTON PROPERTIES, INC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.28 ACRES LOCATED ON THE NORTH SIDE OF WEST TYVOLA ROAD AND EAST OF CITY PARK DRIVE FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT), WITH FIVE-YEAR VESTED RIGHTS.

The Zoning Committee found this petition to be consistent with the Southwest District Plan recommendation for a mix of residential/office/retail uses for the overall City Park Development as amended by rezoning petition 2007-082 and inconsistent with the specific limitation on uses with associated drive-through service windows, and design standards for drive-through service window and vehicular maneuvering locations established under the previous rezoning, based on information from the staff analysis and the public hearing, and because the proposal allows commercial uses on the site; and the proposal allows drive-through service windows associated with one eating/drinking/entertainment establishment and one neighborhood food and beverage service use as specified in the optional provisions; and the location of one proposed drive-through service window and lanes will be between the building and public street. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject property is located on West Tyvola Road, a major thoroughfare, and City Park Drive, at the entrance to the City Park development; and the current zoning for the site allows commercial uses with drive-through accessory windows, but limits the specific types of uses with drive-through windows, and does not allow vehicular maneuvering between the uses and the streets; and the proposed site plan amendment does not increase the number of uses with drive-through windows but simply expands the type of uses allowed to have drive-thru windows to include two eating/drinking/entertainment establishments, one of which will have limited food preparation; and the proposed site plan amendment also allows maneuvering for the drive-through service lane on the parcel located on West Tyvola Road and Potomac River Parkway, consistent with the highway oriented environment on West Tyvola Road; and the pedestrian oriented design, with buildings along the street and parking to the side or rear, is maintained on City Park Drive and National Avenue, the priority pedestrian-oriented streets; and the site plan also includes a rain garden, outdoor seating and Petition 2016-071 (Page 2 of 4) Zoning Committee Recommendation multi-purpose path, located on City Park Drive and National Avenue within Parcel 4, that further support the pedestrian environment; the Zoning Committee voted 6-0 to recommend approval of this petition with the following modifications:

Land Use

1. Increased the maximum size of the proposed neighborhood food and beverage service from 2,060 square feet to 2,300 square feet.

Transportation

2. Removed "Full Access" label from Drive #1 and added "Limited access driveway. No left turn out allowed." Site and Building Design
3. Provided commitment for screen walls and landscaping along all streets where drive-through services lanes and/or parking about the street. Added a commitment that all walls will be constructed of materials generally compatible with the buildings to which they relate. Requested Technical Revisions
4. Amended the street names on Sheet RZ-2 legend map to reflect the correct names.
5. Staff rescinded the request to delete the note restricting on premise cooking of food limited to those food preparation methods that do not require a hood ventilation system because without the limitation full scale eating/drinking/entertainment establishments would be permitted.
6. Committed to, prior to approval of this petition, filing an Administrative Amendment for the previously approved rezoning petition 2007-082 to reduce the commercial square footage by 20,000 square feet, to reduce the total number of drive-through windows by two, and to remove the possibility of additional drive-through service windows on "Area B."

Motion was made by Councilmember Mayfield, seconded by Councilmember Kinsey and carried unanimously to approve Petition No. 2016-071 by DV XV, LLC, as modified.

Councilmember Mayfield said once you thank one, you have to thank everyone. I also want to thank the petitioners, because we had a really good conversation in the community meeting, and even though I cannot say who, I am crossing my fingers for one of the retailers. There is a good possibility, but I have no particular request in general, but I just threw it out in the universe one that I would like. I am really excited about this project and the continued growth that we are seeing at City Park after the economy gave us some financial challenges. It is good to see that dirt is moving consistently over there.

Motion was made by Councilmember Mayfield, seconded by Councilmember Fallon, and carried unanimously that this petition is consistent with the Southwest District Plan recommendation for a mix of residential/office/retail uses for the overall City Park Development as amended by rezoning petition 2007-082 and inconsistent with the specific limitation on uses with associated drive-through service windows, and design standards for drive-through service window and vehicular maneuvering locations established under the previous rezoning, based on information from the staff analysis and the public hearing, and because the proposal allows commercial uses on the site; and the proposal allows drive-through service windows associated with one eating/drinking/entertainment establishment and one neighborhood food and beverage service use as specified in the optional provisions; and the location of one proposed drive-through service window and lanes will be between the building and public street. However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject property is located on West Tyvola Road, a major thoroughfare, and City Park Drive, at the entrance to the City Park development; and the current zoning for the site allows commercial uses with drive-through accessory windows, but limits the specific types of uses with drive-through windows, and does not allow vehicular maneuvering between the uses and the streets; and the proposed site plan amendment does not increase the number of uses with drive-through windows but simply expands the type of uses allowed to have drive-thru windows to include two eating/drinking/entertainment establishments, one of which will have limited food preparation; and the proposed site plan amendment also allows maneuvering for the drive-through service lane on the parcel located on West Tyvola Road and Potomac River Parkway, consistent with the highway oriented environment on West Tyvola Road; and the pedestrian oriented design, with buildings along the street and parking to the side or rear, is maintained on City Park Drive and National Avenue, the priority pedestrian-oriented streets; and the site plan also includes a rain garden, outdoor seating and Petition 2016-071 (Page 2 of 4) Zoning Committee Recommendation multi-purpose path, located on City Park Drive and National Avenue within Parcel 4, that further support the pedestrian environment.

The ordinance is recorded in full in Ordinance Book 60, Pages 119-120.

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ITEM NO. 21: ORDINANCE 8061-Z PETITION NO. 2016-072 BY DV XV, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.43 ACRES LOCATED ON THE NORTH SIDE OF SOUTH COLONIAL AVENUE BETWEEN QUEENS ROAD AND PROVIDENCE ROAD FROM O-1 (OFFICE) TO O-2 (OFFICE).

The Zoning Committee found this petition to be consistent with the Central District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends a mix of residential and office uses for the subject area. therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject property is located within ¼ mile of Presbyterian Hospital and Mercy Hospital; and conventional zoning is appropriate as the eastern portion of the parcel is zoned O-2 (office). Rezoning the subject property will create consistent zoning across the entire parcel; and the proposed request is consistent with the office zoning of the surrounding properties; and the proposed increase in development intensity is appropriate for this urban site located within ¼ mile of two large hospitals; The Zoning Committee found this petition to be consistent with the Central District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends a mix of residential and office uses for the subject area. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject property is located within ¼ mile of Presbyterian Hospital and Mercy Hospital; and Conventional zoning is appropriate as the eastern portion of the parcel is zoned O-2 (office). Rezoning the subject property will create consistent zoning across the entire parcel; and the proposed request is consistent with the office zoning of the surrounding properties; and the proposed increase in development intensity is appropriate for this urban site located within ¼ mile of two large hospitals. The Zoning Committee voted 6-0 to recommend approval of this petition.

Motion was made by Councilmember Kinsey, seconded by Councilmember Mayfield, and carried unanimously to approve Petition No. 2016-072 by DV XV, LLC.

Motion was made by Councilmember Kinsey, seconded by Councilmember Mayfield, and carried unanimously that this petition is consistent with the Central District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends a mix of residential and office uses for the subject area. therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject property is located within ¼ mile of Presbyterian Hospital and Mercy Hospital; and conventional zoning is appropriate as the eastern portion of the parcel is zoned O-2 (office). Rezoning the subject property will create consistent zoning across the entire parcel; and the proposed request is consistent with the office zoning of the surrounding properties; and the proposed increase in development intensity is appropriate for this urban site located within ¼ mile of two large hospitals; The Zoning Committee found this petition to be consistent with the Central District Plan, based on information from the staff analysis and the public hearing, and because the plan recommends a mix of residential and office uses for the subject area. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject property is located within ¼ mile of Presbyterian Hospital and Mercy Hospital; and Conventional zoning is appropriate as the eastern portion of the parcel is zoned O-2 (office). Rezoning the subject property will create consistent zoning across the entire parcel; and the proposed request is consistent with the office zoning of the surrounding properties; and the proposed increase in development intensity is appropriate for this urban site located within ¼ mile of two large hospitals.

The ordinance is recorded in full in Ordinance Book 60, Pages 121-122.

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ITEM NO. 22: ORDINANCE NO. 8062-Z PETITION NO. 2016-078 BY SOUTH END GOLD, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.14 ACRES LOCATED ON THE NORTH SIDE OF WEST PALMER STREET BETWEEN SOUTH GRAHAM STREET AND SOUTH MINT STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-M (TRANSIT ORIENTED DEVELOPMENT-MIXED USE).

The Zoning Committee found this petition to be consistent with the South End Transit Station Area, based on information from the staff analysis and the public hearing, and because the plan recommends mixed-use transit supportive development for the area in which the site is located. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject site is within a 1/2 mile walk of the Carson Boulevard Transit Station on the LYNX Blue Line and the proposal allows a site being used for industrial/office use to convert to transit supportive land uses; and use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary; and TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening; The Zoning Committee voted 6-0 to recommend approval of this petition.

Motion was made by Councilmember Mayfield, seconded by Councilmember Kinsey, and carried unanimously to approve Petition No. 2016-078 by South End Gold, LLC.

Motion was made by Councilmember Mayfield, seconded by Councilmember Kinsey, and carried unanimously that this petition is consistent with the South End Transit Station Area, based on information from the staff analysis and the public hearing, and because the plan recommends mixed-use transit supportive development for the area in which the site is located. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject site is within a 1/2 mile walk of the Carson Boulevard Transit Station on the LYNX Blue Line and the proposal allows a site being used for industrial/office use to convert to transit supportive land uses; and use of conventional TOD-M (transit oriented development – mixed-use) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary; and TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening; The Zoning Committee voted 6-0 to recommend approval of this petition.

The ordinance is recorded in full in Ordinance Book 60, Pages 123-124.

HEARINGS

ITEM NO. 25: HEARING ON PETITION NO. 2016-015 BY FCD-DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.68 ACRES LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF EAST SEVENTH STREET AND NORTH CASWELL ROAD FORM NS (NEIGHBORHOOD SERVICES) TO MUDD (O) (MIXED USE DEVELOPMENT, OPTIONAL) WITH FIVE-YEAR VESTED RIGHTS.

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said this petition should be a little bit familiar to you and I will go over the history in just a minute. It is at the intersection of Seventh and North Caswell. It is located in the Elizabeth Neighborhood. You can see from the existing zoning, the property is currently zones NS. There is a lot of residential property out away from the Seventh Street corridor. We have some office along North Caswell and a variety of zoning districts along Seventh Street. The request is to rezone the property from NS (Neighborhood Services) to MUDD-O (Mixed Use Development Optional). You can see by the future land use map that residential, office and retail uses are recommended for the site. We had a public hearing on this

petition back on March 21, 2016, and at that public hearing, we heard concerns about the parking, site access, and the massing of the building. Since that time the petitioner, in preparation for the Zoning Committee, submitted a new site plan and staff felt like that site plan had significant changes and that City Council and the neighbors should have an opportunity to speak to that site plan. We talked with the petitioner and agreed to hold a new Public Hearing, and that is why it is back before you tonight.

I want to review the proposal as it stands today. The development proposes up to 100 multifamily units with 30,000 square feet of non-residential uses, which can include office retail and eating and drinking and entertaining establishments; it is within two buildings now. There is a maximum building height of 58 and 48 feet for the two buildings along Seventh and along the proposed alley. The proposed open space area with public art is at the intersection of Caswell and Seventh Street. There is one parking space for every 250 square feet of retail uses, one for every 330 square feet of office uses, and one for every 100 square feet of eating, drinking, entertainment establishments, and one space per bedroom. The reason I went into detail about that is because in the MUDD District, all of those uses could have one space per every 600 square feet. So, the petitioner is increasing the parking so that they would not have overflow parking onto adjacent properties.

The ED's that are proposed will not be allowed to have music after 11:00 p.m. There is a note on the site plan that allows the Elizabeth Community Association to review the proposed site planning building elevations during our urban review process that goes through the city and provide comments to planning staff. There is also three optional requests associated with this petition to allow the upper level balconies to encroach up to five feet into the setbacks along public streets, to allow the open space plaza area to encroach into the setbacks, and then finally, a deviation from the adopted streetscape along North Caswell to allow an eight foot planting strip and a six foot side walk. This final optional is one that staff does not agree with, and it is an outstanding issue. We are asking them to provide the normal eight-foot planting strip and eight-foot side walk. The petitioner has shown the new elevations associated with this rezoning. You can see this is the view from East Seventh Street and from North Caswell and then additional elevations.

The proposed mixed use associated with this rezoning is consistent with the Elizabeth Area Plan. What is not consistent is the building heights of 58 feet and 48 feet, because the area plan recommends building heights of around 40 feet, except at the corner where it allows for a 60 foot height at Seventh Street and Caldwell Street for an embellishment. When looking at this petition, staff found that the mix of uses will strengthen the Seventh Street as Elizabeth primary retail corridor. The mix of uses on the ground floor, they are oriented towards the sidewalks, which creates a pedestrian activity and helps with the pedestrian environment. They provide architectural design that encourages pedestrian activity and complements the pedestrian environment. The increase in the height will allow the accommodation of usable ground floor, non-retail uses. The development, as I mentioned earlier, is divided into two buildings as a result the mass of the building has been decreased from the originally submitted rezoning site plan. The development finally provides additional parking, as I mentioned before. So, for those reasons, staff is recommending approval of this petition upon the resolution of outstanding issues that are related to site and building design. I would be happy to answer any questions.

John Carmichael, 101 North Tryon Street said at the prior Public Hearing, we think that we heard four primary concerns: the amount of parking on the site, the building is too long and presents too much mass along East Seventh Street, the height of the building along East Seventh Street, and the building looked like a factory, so changes were made to address those concerns. First, petitioners increased the parking ratio, as described by Ms. Keplinger, to meet the parking ratio requested by the Elizabeth Community Association. Second, the building has been divided into two buildings, one here and one on the corner. As you recall the prior plan, the building took up the entire site, now it does not take up the entire site. There are two levels of structured parking. The parking is on grade here and peaks above grade down here. We have addressed the parking concerns; the design team broke up the mass along East Seventh Street. This is another version of the site plan. I will not go through the elevations. I will show the perspectives. This is the perspective of the project as seen from the intersection of Caswell and East Seventh Street. The design team retained that the building at the corner is the same as the prior building, and they retained the design features that were well received at the corner. You can see the pedestrian plaza outside. You can see the nice architectural detail at the corner. This is the streetscape along

East Seventh Street. This is the building located primarily at the corner, and this is the second building further down East Seventh Street. You can see how the height is stepped down. We think this creates a nice pedestrian environment as you can see here. This is a perspective from East Seventh Street looking basically near Starbucks or so. This is the building at the corner. It is a brick building. This is a craftsman style building that is more residential in style. Once again, breaks up the mass of the building and creates a development that does not look like a factory is what we were going for here. This is another perspective looking up Seventh Street and this is a perspective from the alley.

Jim Belvin, 624 Lamar Avenue said I am the Chairman for the Zoning Committee of the Elizabeth Neighborhood Association. After a couple of meetings where we showed this to the neighborhood and also took a poll of the Elizabeth Community Association, the Elizabeth Community Association has decided to support the rezoning to this piece of property.

Mr. Carmichael said I want to thank Jim and Melony Sizemore for all of the time and effort that they have given to us. We appreciate it.

Councilmember Eiselt said in this particular area and last time when we heard this hearing, we were talking about density and traffic and whatnot. Isn't this an opportunity to put bike lanes in there? We talk about pedestrians; we talk about cars, but do we need an eight-foot buffer? Can we make it a five-foot buffer and extend the sidewalk for multi-purpose or a bike lane in there? If we are trying to encourage density closer to uptown, Seventh Street should have a bike lane right into uptown.

Ms. Keplinger said I am going to ask Mike Davis with CDOT to help with an explanation of what is going on with the bike lane program in this area.

Mike Davis, Transportation said absolutely one of the key goals that we have, not just for this area but city wide, is to make facilities better for bicycling, and every geography has its challenges. One of the things that was a real driving factor on how we handle this petition was to be consistent with the adopted area plan. There are a lot of things that are sort of competing tradeoffs for how we design Seventh Street. There are things with the intersection that we do not like, that we hope to make incrementally better overtime. I will have to go back to look at the area plan to sort of give you some better detailed information, but my recollection of it is that a lot of the expected network that we hope to serve for bicycling happens through the sort of gridded network of streets in those locations, but let me go back to look to see what other recommendations came out of that plan.

Ms. Eiselt said we have the opportunity now, when you are talking about an eight-foot buffer.

Mr. Davis said typically, if we want to do something in the street, it requires that we not just do something along a given frontage, and that we would need to look at it as a system for enough of a length that we feel like we can achieve something, both length wise and on the other side of the street. Sometimes we encounter situations that are constrained enough or we do not think that is something we can achieve, and other places we can. I am sure that was considered as part of the area plan. Our advice on a curb line and set back would have been to implement the area plan recommendation, but let me see how it arrived at that for a bicycle stand point.

Ms. Eiselt said as this area continues to develop, we miss the opportunities when one has already been developed and the buffers are built and the sidewalks are built.

Councilmember Kinsey said we would need bicycle lanes on both sides. One would not do us much good, unless we could take from the other side.

Ms. Eiselt said that is how East Boulevard is now. There is a bike lane and then it stops, and you have to hop on the sidewalk to pick up.

Ms. Kinsey said I mean both sides of Seventh Street.

Ms. Eiselt said if you look at the picture, that has not developed yet and when it does, then we piece by piece if we have to.

Ms. Kinsey said it is in the process of developing. This is good. Don't misunderstand; I was just thinking. I do want to say that although everybody says that it meets the area plan, it does not

really meet the area plan in height. It is still too height for the area plan. Although the two buildings are broken up, and I appreciate that, they do not relate to each other at all. I would almost rather they look like a warehouse then the way they are. I am hoping that perhaps we can work on that. I am looking forward to meeting with the petitioner soon.

Councilmember Phipps said Ms. Keplinger, you indicated in your opening remarks about some technical revisions related to some notes on a site plan. I have some questions about number five and six under the request of technical revisions. As far as number five goes, it says its petitioner will provide a signed letter from the Elizabeth Community Association stating the funds for community art had been received by the Elizabeth Community Association and that the letter will be provided to the Planning Department before the first certificate of occupancy. Since when did we start enforcing signed agreements between the developers and neighborhood association? I thought that was something that was not something that we did.

Ms. Keplinger said I do not believe that this is a signed agreement. This is actually a condition of the rezoning that the petitioner agreed to.

Ms. Phipps said so, the petitioner agreed to do it already but was still putting it in the notes in case he doesn't follow through? Is that it?

Ms. Keplinger said the request is when they shall provide the letter from the Elizabeth Community Association, I believe.

Mr. Carmichael said the commitment to provide the 25,000 is already in the notes. This is just a follow up note so that there be a letter from the ECA, acknowledging that it had been done, so they know that it has been performed. This is that request Mr. Phipps.

Mr. Phipps said as far as note number six, a modification to note 10a says that a signed letter from the Elizabeth Community Association stating that they have reviewed and approved the elevation will be submitted to the planning department prior to initiation of the urban review process. I am trying to figure out what is the purpose of that? If the Elizabeth Community Association does not provide that letter, what would happen then?

Ms. Keplinger said the letter would have to be provided in order for the development to move forward. This is one of the conditions that the petitioner agreed to with the ECA. As a part of it, the question came up; well what is the roll of the ECA? Are they supposed to approve this, or how do we enforce this? This note is to clarify that the ECA is to provide their comments to the staff to tell us that they have approved it, so that we will know that we can move forward with the urban review process.

Mr. Phipps said so if they go back to say, well they reviewed it, but they do not approve it, that puts the breaks on it?

Ms. Keplinger said their approval will be based on what is shown on the site plan, and if they have concerns that are bases on what are shown with the site plan, then our staff will work with them on that and work with the petitioner. The petitioner may be able to add more information on that.

Mr. Phipps said tell me why this is not a variation of a back door protest petition? That is what I am trying to figure out. It seems like it is an awful lot of power that they could stop something in its tracts based on this note.

Mr. Carmichael said I just want to clarify that note. One thing that was important, the note is not quite as described. Throughout this process, it was important to the ECA that the petitioner build what was shown on the plan and in the elevations. That is always important, and that is what is enforced by the city. The note that is on the plan currently says that prior to submitting the elevations to the city; we would submit it to the ECA to review it. It does not give them approval rights, because we couldn't do that, but what it says is that we are going to submit the plans to the city and the ECA, during the urban review process, and if they have any comments, they being the ECA, they can share them with the city. If they do not feel that they meet the conditions of the zoning, but it is the city's decision. We could not give that power to the neighborhood. We have to comply with their zoning plan, and we will, but that was just sharing information with them. There is also a commitment to meet with them prior to the construction process to talk about scheduling and things that could impact the community.

I want to be clear; there is no commitment that the ECA has approval rights on the elevations. Now, I did follow up with Mr. Fortune of the Planning Department when I got that comment on Friday, and I said we cannot agree to that, but what we can do is clarify the note. I think he just wants it simplified. I just want to make sure that is clear.

Mr. Belvin said the requirement to review that came from the committee, in way of building trust; we wanted to make sure that when we were approving the initial rezoning documents, that they stay consistent. Me as an architect, I know that the process of design taken from concept to the working drawings, that sometimes a few things that you have to change here or there, but we wanted to make sure that the plans that are submitted and built are very close to what we have approved as a neighborhood. We did not ask for the whole process to be halted through the normal way of going through for permits, but if we do find that there are changes and we felt that they are too drastic, we would make it very well known how unhappy we are about it. I feel like the processes we are own will work out just fine. It is really a notice provision, because typically when you get a rezoning approved, the neighborhood is aware of it and then it could be six months before they go through the plan submittal process, and they just want to be made aware of it and see what is being submitted. The developer is happy to do 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. 26: HEARING ON PETITION NO. 2016-082 BY TAYLOR/THEUS HOLDINGS, INC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.67 ACRES LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF ARDREY KELL ROAD AND COMMUNITY HOUSE ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL).

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said this petition is another petition that should look rather familiar to Council and Zoning Committee. This property is located on Ardrey Kell Road at Community House. This is Ardrey Kell High School. We had a rezoning for this property that was denied on December 14, 2015. One of the first questions that you are probably wonder is why is this property back in front of you so soon after having just been denied in December. The zoning ordinance says that a petitioner may seek a lower zoning classification in the hierarchy of zoning districts that are established in the ordinance, than any that have been previously requested. They are currently asking for an I-2 CD. The previous request was for a BD(CD), and the I-1 is actually a little lower zoning classification, so they could ask for this without waiting for the two year rule to apply. In terms of the existing zoning, everything in this area is R-3. You can see a little Neighborhood Service that is up in the top right corner of the screen. The request is to rezone from R-3 single-family residential, to I-1 light industrial conditional. The adopted future land use plan does call for single-family residential at three dwelling units per acre for this site and the surrounding properties.

We will spend a little bit of time talking about the actual site plan that is associated with this. This is for a climate controlled self-storage facility, located within a single building, with up to 135,000 square feet. They are prohibiting outdoor storage and truck rentals as a part of this development. They have restricted the maximum height to three stories, not to exceed 40 feet in height, which is consistent with the base height in an R-3 single-family district. Provides access to the site from a single driveway off of Autry Kell Road, they have increased setbacks along Ardrey Kell and along Community House. They have tree save areas, limited parking and maneuvering, water quality features, and signs that may be located within those extra setbacks. They have transportation and side walk improvements on Ardrey Kell Road. They provide a number of architectural design standards. They have extensive landscaping in terms of buffers, tree save, and supplemental landscaping as noted on the site plan, and they commit to a number of conditions for signage, including limiting the size of the wall signage and the ground mounted signs.

So, in looking at this petition, you can see that the building is located away from the intersection; the storm water detention is more to the corner. This area in green shows where they are going to

be leaving landscaping and existing trees. The access again is off of Ardrey Kell, building is located here with the building front in this area. Audrey Kell High School is back here. As you can see from this request, the petitioner is showing three views; the first view is from Audrey Kell, View one, the second view is here, and the corner of the building. The third view is where the street comes in and it would be all trees at that point and you wouldn't be able to see the building. This is the an elevation of the building inside the site. The petition is inconsistent with the South District Plan, which calls for single-family residential, as we talked about earlier. In terms of this request, it provides appropriate transition between the residential and the institutional uses, due to its location between the major intersection of Ardrey Kell and Community House and the athletic fields associated with Ardrey Kell High School. It provides larger setbacks, the building design commitments, the extensive landscaping and tree save areas and enhanced landscaping areas that minimize the overall impacts of this rezoning on the residential uses in the area. In addition, the self-storage facilities have relatively low traffic volumes, and that is also another reason for low impact. Staff is recommending approval of this petition upon the resolution of outstanding issue. We have several technical issues related to design, transportation, and a couple other minor outstanding issues.

Jeff Brown 100 North Tryon Street said I know to a lot of you, this is familiar. It is not often that we are back in front of you in this period of time. The Taylor/Theus folks looked at the site, talked about it, thought it through further, were able to incorporate the indoor climate control storage facility, without the office uses that you saw months ago. We have worked extensively. We really appreciate Councilmember Driggs and his efforts to help us try to meet with the community. I think, as evidenced by yes, there is an opposition speaker and maybe some others but I think quite a bit less turmoil regarding this petition then before. We think that is reflective of the fact of the changes that we have made. A number of significant changes that we have thought about, I know there is a lot of commentary these days about storage and storage facilities. I will tell you that there is a great deal of demand. Part of this is the changing nature of how people live. The downsizing, small sizing, recreational equipment, things that would not be stored as much, and this is a great location next to the high school.

I want to mention to you again on the map, as you can see in this location, this is a small site, less than six acres. It is a heavily wooded site because it is all pine trees and was that way for many years. It is very difficult to think of three units to the acre being located on this site. What we have been able to do in working with the plan, we have come back with a rezoning that eliminates the office uses. That is significant not, only for numerous perspectives. One, it also makes for a much smaller parking field. It makes the traffic substantially less. We have also been able to eliminate the access off of Community House across from the Highgrove community. That's was a very significant feature as well. Now, that also allows us to preserve, frankly for a commercial development because the nature of it is not very intense and very little parking field. We have a situation in which we have a substantial amount of trees being saved. I know this is old school here, but I will show you this. These are the trees; this is the site at night when the football game is going on. The opportunity to present it by being able to eliminate the office is to have the substation tree save areas that we have talked about. Some are asking if it will really happen. These are actually the photographs of the locations, and we had that the architect and the renderer present our building in scale fashion to give you a sense of that. I believe that is a reason why in our meetings we have had a different reaction from not a lot of individuals, because of this. There are some questions that may have been raised by a few Councilmembers, well with the trees; maybe the security challenges might be there. The reality of this is that the site will be well lit in a traditional down-lit fashion that will insure positive security. Charlotte-Mecklenburg Police has not indicated any challenges with the indoor climate control storage, emphasizing this point. This is for the residence in the broader area, in order for them to store a lot of things that they would not be storing in their attics or in their homes. This gives you a sense of the site, and again the staff has already shown you this, but I want to emphasize that this is an accurate depiction of what is being proposed. We have eliminated the office; now there are very limited views of the building from the corner and from Ardrey Kell. You will not be able to see this building from Community House when you come out of the Highgrove community now. Quality construction: the rendering that we showed you earlier from the interior of the site will have the appearance of an office building. It is all indoor access and secured access. As I mentioned, the traffic associated with storage is comparable to the single family use, R-3 only modestly more on a total daily trips level. By eliminating the office, we are now four times less traffic than what we had when we were here before. That actually was a lot less than what we think might have been

there if retail happened to be small retail at this location. Schools impact: this site is a very low impact site right next to the school, and we think for that reason, it provides for appropriate transition. We do appreciate the fact that we are here in relatively short order. The ordinance expressly allows us to come back with this classification. I want to emphasize in doing so, these are the changes we talked about. We are locking in these commitments through the conditional zoning process; specifically the only permitted use will be the indoor climate controlled storage. There will be no other use permitted on this site. We are setting specific parameters for site design, as you saw from the renderings in the material provided, we have substantial tree preservation; 30% undisturbed in the location shown earlier. When we add our plantings after some of the modest grading around the parking field 40% of the site will be in a treed fashion. That is pretty remarkable. There are high level commitments to architecture, things that will be locked into the zoning plan as if they were in the ordinance. We have also provided for those protections. As many of you may remember, we do believe this is a challenged site from residential, and we think this limited impact use; people do not go to their storage units very often. The traffic numbers are far less, and we believe that we have also been able to save trees and frankly that is always a nice thing to be able to do when you stand up here in front of Council. With that in mind, we also had a good bit of outreach. We appreciate Councilmember Driggs' efforts in which he was able to utilize some of the information from the prior rezoning. We had a Preliminary Leader's Meetings on April 5, 2016. We had our required community that added notices out. We had a meeting specifically with the Highgrove Community, which is across the street. We have had an additional site visit, emails, and phone outreach, and again, we feel like we have made a lot of progress. I believe it is reflective of the fact that we do not have the type of community concerns that there were before.

Patrick Sullivan said I am happy to have the opportunity to express my opposition to this project; this has been a long fight for myself and my community members. Just because they have removed the office buildings, the primary use of this land being self-storage is still a concern for the safety of our neighborhood. The way that I equate what they have done with this plan, which they brought back in front of you in such short time because they think their judgment is better than yours when you just decided on this petition not too long ago in December 2015. They essentially have put lipstick on a pig, but you know what, that is still a pig. What I want to leave you with is a quote from Councilmember Lyles when you all decided to deny the previous petition. "The most important thing is the character of the community is residential and it ought to maintain that way."

Mr. Brown said we appreciate Mr. Sullivan and the engagement we've been able to have with him both before and also this time. Respectfully, I just do not think the comment about the characterization of this is accurate. This is a tremendous, unprecedented amount of trees that are being saved that we do think provides for a very positive visual treatment along Community House and Ardrey Kell. It does provide for a use that is used by the residents in the area but in a way that people are being concerned about traffic. The concerns before were traffic, safety, and the visual. We do not believe that there is any safety concern at all, and the traffic is demonstrably lower, and the visual is tremendously positive.

Councilmember Driggs said for the petitioner, this particular landscape is a strong selling feature. What commitment do you have to maintain those trees on a going forward basis?

Mr. Brown said in the development standard, as part of the petition, we actually have a requirement that we have a 30% undisturbed tree save requirement. We also have requirements that if we do any grading along the parking area to install the parking, we will replant those areas along the parking field in order to insure that we get to 40% of the site being in a treed fashion. Going forward, we do have commitments that we have to maintain that tree area, and we will also engage periodically with arborist to make sure that where trees have challenges, we will insure that they are treated and then we would end up talking about the replacement of those trees long term.

Mr. Driggs said the other comment was related to peak hour traffic. How does the peak hour number compare? You have an increase from 210 to 340 in the daily, but specifically during those peak periods, what do those comparisons look like?

Mr. Brown said the current zoning as the CDOT memo indicated is about roughly 100 trips more with the storage than the 17 homes to the acre. That is on a 24 hour basis. If you are looking at

the peak hours, that is roughly a 10 to 15 percent during the peak. Frankly, the storage use has less percentage wise peak hour trips as you might imagine, than people coming to and from their home. The differential, which we have between the current zoning plan and the proposed, would actually be a fairly modest increase during the p.m. and a.m. peak hours. Once again, this is four times less traffic in the a.m. and p.m. peak hours than what our plan had earlier when the office was involved. That was actually far less than what the CDOT traffic studied requirements would have required us to do a study with.

Mr. Driggs said I remain available as before to meet with any member of the neighborhoods surrounding the area to talk about concerns that they have. A number of the concerns that they have are ameliorated. A couple of them remain, like the basic fact that this is a commercial use and when we looked at it last time, it felt that this was not suitable for residential, because it is kind of an infield situation. All I can say is that we have a month until the vote, and if anybody watching wants to discuss it further, I am available.

Councilmember Kinsey said the pictures of the trees are beautiful. I am very glad you are able to save some; they are all evergreens, correct.

Mr. Brown said that is correct.

Ms. Kinsey said evergreens tend to grow and their branches are high; are you doing any kind of infield there to keep the area hidden?

Mr. Brown said we actually have them along Community House side, we have actually provided for some commitments for supplements more along the ground level. We also understand your concerns about the evergreen trees. It is a remarkably thick strand of trees, so in various places, we think we are going to have an incredibly straight forward tree canopy there. The other aspect that you mentioned is they are evergreens, which allow for the avoidance of the three or four months of the year where the leaves may be off of the trees.

Ms. Kinsey said if there is no infield there at the trunk, they do grow up and you can see through them.

Councilmember Eiselt said what is across the street? Is that just old residential; across from the high school on Ardrey Kell?

Mr. Brown said that is actually the Ballanmoor Community. Across Ardrey Kell is a residential community, Ballanmoor. Along Ardrey Kell is a fairly extensive area from the Ardrey Kell right of way until you get to the residences along that edge.

Ms. Eiselt said so this area here is a community?

Mr. Brown said where our site is opposite Ardrey Kell, it is a develop community, but with a significant separation between the road. If you move further down Ardrey Kell to the west, there is a location there of some undeveloped land in that location.

Ms. Eiselt said the grey building homes on here, those are-

Mr. Brown said those are developed homes.

Councilmember Autry said Mr. Sullivan; I was struck by the beginning of your comment about the concern for your community safety. Can you give me some examples of what those concerns are?

Mr. Sullivan said Mr. Brown and the developers will tell you that they have security in place for this storage facility; however, all of the measures that they imploring are passive measures, a passcode to get into the building, a camera that is not actively monitored. Say some individual with what we see going on in our world today where there is someone with mental issues decides that they are going to put something in this storage facility that we wouldn't want to see on Ardrey Kell High School Property, is the person in the manager's position at that storage facility going to know any different if that person can enter a code and get into the building? No. Are they going to monitor that individual as they pull things out of their locker? No.

Mr. Autry said do you have any data that supports that assertion?

Mr. Sullivan said have you looked at the FBI website, sir? Self-storage is a development in which the FBI will look into when they are being developed. I do not have the numbers right off the top of my head, no I do not. I can get them to you via email if you would like.

Councilmember Phipps said is this facility a 24 hour facility?

Mr. Brown said the facility has office hours with individual staff there throughout the daytime hours. The vast majority of individuals do not come to the site after 10:00 p.m. In fact, there's one or two customers that may, but it is highly unlikely. It is usually during the weekends and during the day. We are happy to talk to you further about the security aspects in terms of hours of operation if that's a concern that Mr. Sullivan does have.

Mr. Phipps said I do not know if it is a concern, but if somebody did want to come after 10:00 p.m. or 11:00 p.m., there is nothing precluding them from doing so, right?

Mr. Brown said there is a key pad entry that would allow an individual to do that. We are happy if that is a material concern. The company is willing to talk about that because it is so highly unusual that people do come after hours.

Mr. Phipps said I do applaud the fact that substantial tree preservation is on the site. We have a policy that we are trying to get a tree canopy at a certain level by 2050. I like that, but I do feel the site appears to be secluded, and that gives me pause from a security stand point, because I think that from the street views, it is well protected and cannot see through it. I also think that may even inhibit law enforcement from seeing what is going on in the site as well. When you showed the pictures that showed the street view, there was one instance where it just showed an expanse of trees. How is it someone even like law enforcement, just doing passive traveling on Ardrey Kell, would even be able to see what is going on? You mentioned that CMPD did not have any problems with it, but was there an informative ask of CMPD to do any kind of security analysis or anything like that?

Mr. Brown said I know that CMPD, in the last petition, did weight in and did not record for storage facilities indoor climate control facilities of any unusual or irregular activity in that regard. As it relates to the security and the times of operation, we certainly can come back and have a comment about how to deal with that. I would also mention that while the site will have down cast lighting, it will be lit. There is in entrance off of Ardrey Kill, where I believe there will be enough opportunity for signage there. We are really trying to balance the opportunity for people to feel even more comfortable with the residential feeling of the neighborhood. I am very convicted that the security aspects can be dealt with, but we are maintaining the residential character largely, because we will end up having 40% of the site in a tree fashion. We also can continue to have the fence along the school side that is there now.

Mr. Phipps said I would imagine it is normal practice that it will be well lit, but if you cannot see it from the street, I have to wonder how that is. Has there been any thought to amenitising the site with a park bench or two? The site is a little larger than the size of Marshal Park right now.

Mr. Brown said I could talk about the client about that. I would be happy to amenities it. What we have been trying to make sure of, is to provide for as much tree save area as possible. There have been some discussions at the corner where there may be an opportunity. We are going to be providing additional landscaping and floral commitments there. There may be opportunities for benches and things of that nature.

Bill Theus said I am one of the developers. We have been in this business now eight or nine years. We have facilities in numerous cities, including others in Charlotte. We have not had one security issue at any of these facilities. I would say further, that based on our walk through of the property as it exists today; there is activity that takes place in there that is not safe. You cannot see in there at all now, and there is evidence of activity in there. We do not understand the security concern. It is a very passive, quiet business, and if something develops, we will deal with it.

Ms. Eiselt said can you not put hours?

Mr. Theus said we are happy limiting the access from 6:30 a.m. to 10:00 p.m. period.

Ms. Eiselt said and gated at the entrance?

Mr. Theus said we cannot where no one can get into the building at those times. We can look at putting a gate to where no one can drive in there between 10:00 p.m. and 6:30 a.m. We may run into some issues with your fire marshal; I do not know.

Ms. Eiselt said we are in one right now, and it opens at 1:00 p.m. on Sunday and closes at 4:30 p.m., and you cannot get in there after 5:00 p.m.

Mr. Theus said we will be happy to look into that; we just talked about that.

Councilmember Fallon said what about a monitored security camera? It is not the building that you are worried about getting into; it is the surrounding area which is so isolated.

Mr. Theus said we have not done that; we can certainly look into it. We are fighting a ghost here. We do not have problems.

Ms. Fallon said you are next to a school. That is a very nice place for someone to go and walk into.

Mr. Theus said it is fenced now, and we are going to leave it fenced, and they are getting in there now. It will be less attractive as a lit building than it is as a stand of woods for those types of activities.

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

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ITEM NO. 28: HEARING ON PETITION NO. 2016-075 BY THE DRAKEFORD COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.55 ACRES LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF CENTRAL AVENUE AND CHATHAM AVENUE FROM B-1 (NEIGHBORHOOD BUSINESS) & O-2 (OFFICE) TO MUDD (CD) (MIXED USE DEVELOPMENT, CONDITIONAL).

Mayor Roberts declared the hearing open.

Assistant Planning Director Laura Harmon said this is a property in the Plaza-Midwood neighborhood on Central Avenue at Chatham Avenue, kind of at the edge of the neighborhood. It is currently developed, as you see on the screen, with a pool hall and some other commercial uses at this site. As we look at the request, it is to go from B-1 Neighborhood Business and O-2 Office Districts, to MUDD Mixed Use Development Conditional for the two properties. The B-1 currently exists on the Central Avenue Frontage and the O-2 on the rear. If you look at the zoning in the area, you will see that you have the historic B-1 zoning along the corridor, with a lot of strict commercial uses with occasionally some O-1 to the rear near the neighborhoods. In yellow, you have mostly R-4 and R-5 zoning for the Plaza-Midwood neighborhood and the Commonwealth/Morningside neighborhood, as well as Veterans Park over in this area. There is a little bit of MUDD zoning and as you move further towards town, you really cannot see it off of the page, but moving towards town on Central, as well as the Morningside Village redevelopment that is currently underway in the area.

As we look at the adopted future land use for this site, it is retail as evidenced by the use, and this comes from the Central District Plan that gave us that recommendation, which really reflected the uses that existed along the corridor and then again as you get off of the corridor calling for the primarily residential uses to the north, to the south, park and open space, and what is called office is actually an institutional use with I believe the army reserve. Specifically, for this site, as you look at it, it is 12 single-family attached or townhome dwelling units, six of them on the front on Central Avenue, and six of them to the rear. They will be served by a drive way that comes off of Chatham and the parking would be to the rear. They are also requesting, in response to some comments that we had had, one unit to accommodate a live, work, or ground floor office or retail with residential above. The site plan is also limiting the development to four stories and 45 feet in height. There are some lower limitations on portions of the development as well, enhanced streetscape with decorative pavement at the corner of Central and Chatham as well as

our typical planting strip and enhanced sidewalk along Central and Chatham from what we have now and a few on street parking spaces along Central Avenue.

These are renderings of the proposed development. You can see up on the upper left hand side, that is from the corner of Central and Chatham and then you have elevations along Central. The rear will be separated from the abutting single-family home by a buffer and screening. This is technically inconsistent with the Central District Plan, which does recommend retail. We see from a staff perspective that a residential use is being compatible in this area with a surrounding context of the neighborhood as well as the evolving character of this portion of Central Avenue as it moves out from the Plaza. We think that the residential use provides a transition from Central to the established neighborhood. The live/work unit provides employment and/or service opportunities, and we also are looking at the evolution of this part of Central and are looking for it as the LYNX Gold Line is scheduled to eventually come out this way to become more pedestrian oriented thinking that the more traditional commercial uses do not have the large demand or appropriate up and down the corridor in the form of strip commercial, which is what you see now.

So, with the site being on the Lynx Gold Line street car alignment and being within a half mile walk of the Central Avenue/Plaza-Midwood business district, we think there are good opportunities to connect to that area and to reinforce the type of development that we would like to see along the Lynx Blue Line. Also, we did run the general development policies, the residential criteria of looking at higher density, and we do think being on the proposed street car line as well as the distance to the half mile walk distance to the business district makes this appropriate for something higher than what is called for by the general development policies, which we do think are a good starting point but not necessarily the ending point for looking at residential density. We do think that it is appropriate to increase the density from 17 units an acre to 25 units an acre in light of the site design and location. We are recommending approval upon the resolution of outstanding issues related to site and building design and transportation. We have some clean up to do on this case and continue to work with the petitioner on that.

Mac McCarley, 401 S. Tryon St said I am with Parker Poe representing the applicant in this case. First off, we want to tell you that we have had a very good working relationship with the Plaza-Midwood Neighborhood Association, and we believe that we have their support for the proposal that is before you now. We also believe that we can resolve all of the outstanding site plan issues that the staff has identified. We really appreciate the fact that the staff has recognized the outdated status of the Central District Plan and that this will be an acceptable improvement in that area. Frankly, we are proud of the fact that we will be a better neighbor than the pool hall is. I have the architects here and the applicant Bobby Drakeford is happy to answer any questions.

Councilmember Kinsey said some of the units are fronting Central. The other units, the entry would be off of the alley? There is only one work/live unit? I like that idea. I wish we had more.

Ms. Harmon said yes, at the corner.

Motion was made by Councilmember Autry, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.
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ITEM NO. 29: HEARING ON PETITION NO. 2016-073 BY NODA 3215, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.151 ACRES LOCATED ON THE WEST SIDE OF NORTH DAVIDSON STREET BETWEEN EAST 35TH STREET AND EAST 36TH STREET FROM B-1 (NEIGHBORHOOD BUSINESS) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

Mayor Roberts declared the hearing open.

Assistant Planning Director Laura Harmon said this is the really relatively small parcel here on North Davidson Street. It was formally used for an eating, drinking, entertainment establishment, and it is within a quarter mile walking distance of the 36th Street Transit Station, so you can come down Davidson and 36th Street and you would be at the LYNX Blue Line Station at 36th Street. This is Salvador Deli was previously located here; this is the site from North Davidson. With respect to zoning, they are requesting going from B-1 Neighborhood

Business to MUDD Optional Mixed Use Development Optional. As you have seen and will continue to see tonight, the NoDa area, North Davidson Street, particularly the business district, we are seeing an evolution of the zoning from more traditional business districts, primarily B-1 to a range of more urban districts in light of the obviously strong market demand in that area as well as the evolving nature of the district really building upon that main street character that existed there for years. Here is the site, B-1. It is between two properties zoned MUDD Optional. You will see the property back in the rear also coming in for rezoning tonight, so we have a lot of MUDD zoning in the area. We have some Neighborhood Service zoning and some transit oriented development zoning and a little industrial still remaining in the area. Much of that has actually changed over to the more urban districts. Then you look at the neighborhood showing up in yellow as being R-5, R-8 urban residential districts, so a range of residential districts surrounding the business area.

The future land use for this site and the surrounding sites is pretty straightforward. It is transit oriented development and mixed use. Again, that is reflecting the 36th Street Station, this being located within an easy walk of the 36th Street Station. With respect to the petition, they are requesting to reuse the 2,000 square foot building with the addition of a potential 500 square foot roof deck and much of the remainder of this site being used for exterior patio seating space. They are requesting all uses in the MUDD district be allowed, which is primarily retail, office, residential. The existing building will remain and will remain at its current height, with the exception of the potential for that roof patio on top in this area. The maximum height is 50 feet that reflects the plan recommendation, which we will get to in a minute of a maximum height along North Davidson of 50 feet. They have added some design elements, including pedestrian oriented entrances, covered and uncovered patios, maintenance, and addition of art work, and maintenance of existing windows on North Davidson. What is a little bit unique about this case is that they are requesting parking requirements be reduced to zero, because it is a tight site infield close to the transit station and that no parking be required for the proposed expansion. In a minute, I will talk about why we think that fits in this context in particular. Other optional provisions related to the existing building façades, being preserved in the potential for additional doorways, including roll up doors, existing sidewalk foot print to remain, and planting areas to replace the requirement for a more traditional planting strip along North Davidson. Instead of doing the traditional planting strip, they would add planting areas in the frontage of the site.

The petition is consistent with the Blue Line Extension Transit Station Area Plan, which recommends transit oriented development mixed-use. Again, it is located in the NoDa business district. They are reusing an existing structure and helping to maintain the unique character of the business district. They are within that quarter-mile walk of the 36th Street Station that will soon be open. They are maintaining the proposed maximum height per the plan. The thing that we always struggle with in some of these older business districts is how to deal with parking. We recognize that that is a challenge, but that is also many times also largely market driven. What we are particularly concerned about is whether or not parking on site would cause a neighborhood issue, and in this case, they are further from the single-family neighborhood. They will have to see how they can, from a market perspective, make zero parking work. We think it is worth the risk, to be able to obtain that building and to keep that part of the character of the NoDa business district. Being that they are not adjacent or near residential, single-family dwellings really helps from our perspectives to mitigate the concern about spill-over parking into the lower density portion of the NODA neighborhood. Staff is recommending approval upon the resolution of outstanding issues, and as we do with most cases, have a little clean up and work to do with the petitioner, but we think we will be able to get there and we are recommending approval.

Russell Ferguson, 1208 The Plaza said I represent the petitioner with this one. This is the former Salvador Deli building. It is really the heart of NoDa, pedestrian, bike friendly district. I think as mentioned sort of capital forces have allowed some many uses to exist without actual parking. This establishment, when it originally started, and I saw its lease when my client acquired the existing business and lease, paid for their parking from the YMCA by bringing sandwiches to the monthly pot luck dinner to the Y there. Times have changed a whole lot since then, that parking lot is now limited in access to the Y, which is good for the Y, because they are that popular. The places where we use to be able to obtain offsite parking, probably a few of them are on the agenda tonight for rezoning to be multi-family developments. There are thousands and thousands of apartments either there or coming to the immediate vicinity in walking distance of this spot. As mentioned, the Blue Line Station at 36th Street will be there. I

would also like to point out the small size of this building that there is probably a little wiggle room here, but I think we are talking about 10 parking spaces in MUDD conditions that will be waived by this. The reason for them just putting it zero is it just makes it easier going forward, so there is not a square footage confusion. There is no accessibility for on-street parking right there because the fire station is immediately across the street, and we have some limitations on there in and out from the fire station, and currently existing and part of the neighborhood's concern is non-conforming parking in the old school, pull-in, drive over curve type situation for several spaces that are there now. There acknowledged by everyone to be pretty unsafe with the sidewalk right there and one of the buildings adjacent to this property is immediately on the sidewalk, so the cars are kind of in a blind spot. This will bring the streetscape right forward to the sidewalk and bring it in line with the neighboring properties. As I emailed you guys and NoDa Neighborhood Business Association have emailed you, there was unanimous approval from the Neighborhood and Business Association regarding this. The operator is a resident and longtime operator next door, and I think, as of this afternoon we have cleaned up and resolved all of the issues. We will be submitting a few small revisions at 4:40 p.m. today.

Councilmember Austin arrived at 7:25 p.m.

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

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ITEM NO. 30: HEARING ON PETITION NO. 2016-079 BY NODA GREENWAY ONE, LLC AND NODA GREENWAY TWO, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 18.3 ACRES LOCATED ON THE WEST SIDE OF EAST CRAIGHEAD ROAD BETWEEN NORTH DAVIDSON STREET AND NORTH TRYON STREET FROM I-1 (LIGHT INDUSTRIAL), I-2 (GENERAL INDUSTRIAL) & I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO TOD-M (CD) (TRANSIT ORIENTED DEVELOPMENT-MIXED USE, CONDITIONAL) WITH FIVE-YEAR VESTED RIGHTS.

Mayor Roberts declared the hearing open.

Assistant Planning Director Laura Harmon said this is the subject property here; here is Craighead Road, here is the LYNX Blue Line Extension in blue and the Cross Charlotte Trail in green on the northerly side of this property. The site is either primarily vacant or there is some tractor trailer storage on the site, very limited amount of permanent building structure. As you look at the proposed zoning, they are pretty close to the other one that we just looked at. This is a request to go to Transit-Oriented Development-Mixed Use, Conditional and it is going from I-1 and I-2 Conditional. As you look at the zoning there and you get a little further from the 36th Street station and more between the 36th Street station and the Sugar Creek Station on the Blue Line Extension, there is a little more of a mixture of zoning districts and a lot of industrial still remaining in place. This area has not transitioned quite as quickly as the area in NoDa closer to the 36th Street Station, but we are seeing some transition, when you look specifically at the site, just to the south, is Urban Residential Conditional. So, you can see that is moved to a more urban district, and a smattering of other urban residential sites, Transit Oriented Development sites in this area.

From a future land use perspective the plan for the area does recommend Transit Oriented Development mixed use. So, this, from a land use perspective, certainly is in line with that. As you look specifically at the site plan, they are proposing all uses in the TOD-M district. They have included, which we really like, a number of design standards for how buildings along the Cross Charlotte Trail, which is going to run on the northern side of the property, how buildings will transition from the trail to the buildings. They will have entrances along the trail, along Philemon Avenue, which is a street that is going to be improved and eventually connecting from Craighead to 36th Street. They will have leasable and useable space. They have designed standards on how townhomes will orient towards the street, particularly with useable front porches. They have talked about ground floor parking structures viewable from public streets to have active uses, which I think you all probably know has been a bit of an issue in some areas where we are not getting active uses along the streets for the parking structures. No parking structure entrances along Philemon Avenue, so that that really can be a main street for this

immediate area and differentiation of ground floor from the upper stories went along streets so that the ground floor looks very different and functions differently from the upper stories of the buildings along public streets. They are also calling for an eight-foot planting strip and eight foot side walk along Craighead and reservation of a minimum of 35 feet along the Cross Charlotte Trail.

So this is consistent from a land use perspective, with the Blue Line Extension Transit Station Area Plan recommendation. We do have some concerns about commitments related to the transportation facilities occurring in conjunction with this site. It is really important to have an interconnected street network and improved street network that will support pedestrians, bicyclists, as well as vehicles for this and the surrounding properties. While we like the use and the design standards, we do think that the petition currently lacks the commitments related to the street network to insure that we are going to get what we are looking for with respect to walkability and connection to surrounding development. We have listed some of those items here, particularly the final design and alignment and full cross section improvements on Philemon Avenue, on the south side of the property, installation of the back of curb on Craighead Road, with additional facilities being a bike lane on street parallel parking, planting strip and sidewalk. We think that is important that that come with this development and commitment to the construction of the Cross Charlotte Trail abutting this property. While we like the land use and have been continuing to work with the petitioner and we like the design standards, we are not recommending this in its current form, because we would like to see additional transportation commitments for this site so that we can all be clear about what is going to be provided and make sure we are going to get the facilities that we need to support the walkable urban environment for this property and nearby properties.

Tony Kuhn, 427 Shasta Lane said I wanted to start off by saying that this petition and this process is a part of an extension of about five years we have been working on with this NoDa Greenway Project. Last year, Council approved rezoning of a complementary piece about a mile away on Matheson, which is a 16 acre piece on Little Sugar Creek Greenway. This would be almost a book end to that project as well. We are asking for the recommended land use in the station area plan with zero optional provisions. I will say that the only reason that we have not already sorted everything out prior to this meeting and even as we speak, we have actually had further discussion with CDOT and have committed to those transportation commitments that were lacking, by the time they had the chance to review this. So, as of Thursday or Friday, we have made commitments to all of those transportation issues that were listed by staff, Philemon Avenue, Craighead, and the Cross Charlotte Train. We gave committed to the largest cross section of each one of those facilities with bike lanes on every one of those facilities as well. The reason that it took a while to get there is, this project is actually ahead of the design and the implementation of Philemon Avenue, the Cross Charlotte Trail, and Craighead. As we are trying to do projects in this section, which is challenging and has always been the wrong side of the tracks for NODA, we want to make sure that we are not over burdening this development with massive infrastructure requirements that would then be the developer's responsibility and not the city's. As we started working on this project a long time ago, on the station area plan, the Philemon Road extension was listed as the top priority of this station area plan to connect this district to the station. That project, which was also the top priority has been funded and has seen its challenges over the last couple of years, has become less clear of how and when that is going to be executed by the city project, which then leaves the responsibility on the developer to figure that out. We are trying to work diligently with planning and CDOT and all of the other parties, in order to deliver this facility, but also not over burden a developer, where it becomes the entire private responsibility to build, deliver, grant the right-of-way for Philemon Avenue, Craighead, and the Cross Charlotte Trail; however, as of last week, we have committed to all of those things. We are ready to move forward.

I will go over a few things through here that I wanted to mention in front of everyone. One of the most important things for the success of this plan that we have been working on is to execute an ability for anything that happens here or above Craighead to connect reasonably to the station. That is what we are asking for, as we move forward and working with CDOT, and Planning and the city, is that these projects, which I obviously wholeheartedly believe in the Philemon Extension and Cross Charlotte Train, are worked in a manner that is public and private, not just entirely private. That was not the understanding in the community as we started this deal. We wanted to work with everyone to deliver those things and make great projects. Throughout this project, as we mentioned, we have full public support. We are going with the exact

recommended land use in the station area plan, TOD-M with zero optional provisions. It is also consistent with the NoDa 2030 vision plan, which we made sure that we read and understood and have taken a lot of time to meet with NoDa on multiple occasions to make sure that this is the type of thing that they want here. They have written a full letter of support, as has North End Partners, as has the Lockwood Community, which Chris is here representing tonight, so we have had a lot of public engagement and everyone wants to see form tractor trailer storage and junkyards, which are directly across the street and adjacent, they want to see these uses changed to more Transit Oriented Developments. We have committed to a lot of those design guidelines; we have committed to the largest cross-section. We have committed to the Cross Charlotte Trail here. We have committed to be one of the first projects to use the newly implemented Greenway Design Guidelines as part of the process. I will read you a couple of highlights from the NoDa neighborhood letter of support, then I will let Chris tell you why he is supporting us.

From the NoDa letter of support, it says: this project develops and important underutilized site on Craighead Road for the future Little Sugar Creek Greenway, and future critical extension of Philemon Avenue. The proposal provides needed residential density between two light rail stops. The project oriented toward the greenway provides space to the county to assist with development of the greenway. As part of the condition of the rezoning, we donate four acres to the county and city as part of the Cross Charlotte Trail. The petitioners agreed to a public art budget of \$20,000 on this also. They just reiterate the point that, we would encourage the city to expedite the connection to Philemon Avenue to 36th Street, with the closure of Craighead Road, which I did not mention prior, but starting in the summer of 2018, Craighead Road will close permanently to Davidson. So, the only access to this site will be North Tryon, until Philemon Road gets finished. With the closure of Craighead Road, this connection is critical to maintaining connectivity to this part of NoDa to NoDa's historic center. We thank the petitioner for the cooperation during our approval process and look forward to looking together as this project proceeds.

Chris Dennis, 427 Shasta Lane said I am a representative of the Lockwood Community, but also in conjunction with other community leaders around the area. On May 9, 2016, the Lockwood Community had a review, and based on the information that Tony presented, we actually presented it to our community and worked with other community leaders to get feedback. The Lockwood Community does support this initiative. We support it for one of the main reasons, is the donation of the land space and looking at the opportunity to continue to enhance the developments in the area. The key thing that I drive when I look at any developments that are happening in our area is the collaboration between businesses and developers and communities working together. I think the information that Tony shared without community has been very transparent, and it helps us understand that this development is needed in our area and we are going to continue to drive avenues and things that we need to continue to grow. So, from a community standpoint, we support this initiative, and we look forward to hearing more and seeing how we can be more of an impact and involvement in this project.

Motion was made by Councilmember Kinsey, seconded by Councilmember Autry, and carried unanimously to close the Public Hearing.
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ITEM NO. 31: HEARING ON PETITION NO. 2016-086 BY ECP NODA, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.123 ACRES LOCATED SOUTH OF THE NORFOLK SOUTHERN RAILROAD AND NORTH OF NORTH DAVIDSON STREET, OFF OF NORTH DAVIDSON STREET BETWEEN EAST 33RD STREET AND EAST 36TH STREET FROM B-1 (NEIGHBORHOOD BUSINESS) I-2 (GENERAL INDUSTRIAL), AND MUDD (MIXED USE DEVELOPMENT) TO TOD-M (O) (TRANSIT ORIENTED DEVELOPMENT-MIXED USE, OPTIONAL).

Mayor Roberts declared the hearing open.

Assistant Planning Director Laura Harmon said this is very close to another site that you saw fronting on North Davidson this evening. It is between 35th Street and 36th Street and abuts a secondary alignment of the Cross Charlotte Trail. It is also within a very close walk of the 36th Street station. The request is to go from B-1 Neighborhood Business, I-2 General Business, and MUDD- Mixed Use Development Zoning, to Transit Oriented Development Mixed Use

Optional. As we talked about a little bit earlier, you can see that much of the area has already transitioned to a more urban form of development and away from the industrial, that much of the area was previously zoned. Adopted future land use for this site is Transit Oriented Development Mixed, in light of the proximity to the 36th Street station, and looking specifically at the petition, the request is for all uses permitted in TOD-M, with a minimum 5,000 square feet of non-residential uses, and ground floor at East 35th Street to be developed with leasable non-residential uses and the potential for non-residential also on 36th Street and also an alley located along the southern property that could potentially be opened in the future and used. Vehicular access to the site would be where this arrow is off of 35th Street. They are requesting a maximum building height of 79 feet, which would be an optional provision; a 16 foot setback provided along East 35th Street for the first 25 feet in height, and the rest of the building would have a greater 29 foot setback. It would be a stepped back building, instead of a building that went vertical the entire way. Also, they are proposing a 40 foot setback along East 36th Street, with an open space between the building and 36th Street. Along this secondary alignment of the Cross Charlotte Trail and future Cross Charlotte Trail, they have added some design guidelines, with respect to the ground floor portion to be designed to create an interesting building façade, also talking about how it would be managed for the portion that could be parking deck. In addition for the proposal, they are proposing a minimum \$20,000 contribution to an arts and science fund that would be established by the petitioner. They are including above and beyond TOD design standards for building, entrance locations, trail frontage, and ground floor building design.

There are two optional provisions coming with this request; one is to allow parking for the eating, drinking, entertainment establishment at one space per 300 square feet, instead of one space per 150 and that maximum building height of 79 feet. The plan is consistent with the recommended land use in the Blue Line Extension Transit Station Area Plan; however, the petition is technically inconsistent with the 50 foot recommended height limit for this area. As we looked at the site, the basis for our recommendation, which is support, is that the site is located within a very short one-quarter mile or less walk distance from the 36th Street Station allows the site used previously for warehouse purposes to be rezoned and developed with a range of transit supported uses. It will provide a transition from the established business district that fronts North Davidson, to the multi-family development across the AC&W Railroad, and that has already been rezoned to TOD. It meets the area plans goal for activating the frontage on 36th Street, with that open space plaza area and providing for potential non-residential uses along that street. It is 29 feet above the height recommendation, and that is something that we take seriously so as we have talked to folks about height maximum, it was really geared towards making sure we didn't get a canyon affect along North Davidson and didn't overpower the lower scale buildings that already exist there. Being that this is off of North Davidson, it is closer to the transit station, does have that step back along 35th Street building step back, as well as a large set back along 36th Street. We do feel comfortable with that additional height. We also like that this petition, as a number of the others that you have seen tonight, does have supplemental standards above the base ordinance standards for TOD-M. We are recommending approval upon resolution of outstanding issues and with most of our other conditional cases; we have a few clean up items. In this case, they are related to some transportation elements and site and building design.

Keith MacVean, 100 N. Tryon Street said I am with Moore Van Allen; Jeff Brown and I, of our firm, are representing ECP NoDa LLC, the petitioner. With me tonight, representing the petitioner, is Elam Hall and Brad Bartholomew with Odell and Associates, the architect for the site. I do want to thank the staff for their help with the petition, as well as the NoDa Neighborhood and Business Association. We met with them several times; they have also sent us a letter of support. They are recommended approval of this petition. I will quickly run through it. Laura has given you a lot of detail on this site and provided most of the information on what is being proposed, as she mentioned, it is about a one acre site, currently zoned Industrial Business and a little MUDD. The request is to allow Transit Oriented Development Optional to allow TOD uses primarily with retail and non-residential uses on the two street frontages and then potentially residential above. As you see here, this is retail active uses on both 35th and 36th Street. On the 36th Street side, it could be amenity space associated with the building if it is a residential building and create a link to a future or the current under construction station at East 35th this is less than a quarter-mile away, creates a strong connection to the business district of NoDa. Public open space on 36th, as Laura mentioned, the site pinches in little. There wasn't a way to get the building all the way to the street, but there will be a public open space there, and

then there will be additional non-residential uses fronting that open space as part of the building design. We are also providing some commitments regarding the Cross Charlotte Trail or this alternative location for the trail and additional building design enhancement. ECP NoDa does use green building techniques as part of the development of the site, and they will be utilized here. One of the things, in meeting with NoDa and holding an idea session with the neighborhood came up with trying to enhance the alley along that runs between this site and the businesses on North Davidson Street. The idea is to try to create something special with that space. We have added some notes in terms of adding small niches in the building that could be used for temporary artist space or sales of certain goods during special events again trying to activate that space and make it a little different. We do have parking within the building for the retail uses as well as other potential uses on the site including residential uses. Again, this is currently a warehouse site. The redevelopment of this site will contribute to the NoDa business district.

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

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ITEM NO. 32: HEARING ON PETITION NO. 2016-067 BY POLLACK SHORES REAL ESTATE GROUP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.36 ACRES LOCATED ON THE SOUTH SIDE OF WEST TREMONT AVENUE BETWEEN SOUTH TRYON STREET AND HAWKINS STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-M (O) (TRANSIT ORIENTED DEVELOPMENT-MIXED USE, OPTIONAL).

Mayor Roberts declared the hearing open.

Assistant Planning Director Laura Harmon said this is another Transit Oriented Development zoning request, though in a different part of town. We are on the original LYNX Blue Line, near the East, West Boulevard Station, and the site fronts West Tremont. Rampart runs somewhat parallel to Tremont. The site does not make it all the way there. They are just off of South Tryon Street. The request again is from I-2 General Industrial to TOD-M, with some optional provisions. This is another area where you can see that a lot of zoning has changed to the more urban districts, TOD and MUDD; there is some Uptown Mixed Use District in the area. This is one of probably the largest remaining contiguous industrial properties in the area. As we look at the adopted future land use from the South End Transit Station area plan, it does call for Transit Oriented Development Mixed for this site and those sites surrounding the East West Boulevard Station. So, this entire area, then obviously as you move away, you have the residential area of Dilworth here and Wilmore up on the other side and then the large complex that exists on South Tryon at Remount Road, which is a bit higher density residential. The specific proposal divides the site into three sub areas. The primary area, the largest area is Area A, and this is Area B and Area C. In Area A, the request is 402 multi-family units and 25,000 square feet of non-residential. For B and C, there is a typo on the screen. It is for all Transit Oriented Development Mixed Uses.

We spend a lot of time working with this petitioner on street network, because South End Station Area Plan does call for crossing streets on the property, one is the future public street, or also known as public street A. The plan also called for a future street crossing here and through the site. We have an alternative that I will get to in a minute to that future public street towards South Tryon for a couple of reasons. So, what they are doing, instead of providing a street to South Tryon, its putting in a 12 foot wide, pedestrian trail, but eventually we would like to see connected to South Tryon and an eight foot pathway in the near terms, so that you do not walk down this trail and get to the end and not have a way to get back to the public street system. They have a number of design standards that they have provided for ground floor treatment for non-residential uses, buildings over 150 feet, and a few optional request: one is to construct only a portion of the full cross section for this street with the development of Area A to eliminate the public open space requirement for non-residential uses in Area A if it is less than 5,000 square feet. Some allowances do not meet all of their requirements for reuse of buildings and development Areas B and C, these are perspectives of the development. This is an elevation and what I think is deceiving about these elevations is that looks fairly flat, but if you go back and look at the perspectives, you see there is a lot of in and out of those buildings. The plan is consistent with the South End Transit Station Area Plan. The proposal is consistent with the

recommendation for a new north/south street between Tremont and Rampart. It is technically inconsistent with the recommendation for an east/west street between South Tryon and Hawkins. As they are providing only a portion of that, but as we looked more closely at this, we found that if that street went all of the way to South Tryon, it would end up with two very short blocks of 250 feet in length. We really thought that was well below what we call for in the way of block length in that area, and ending that street where it does and providing the pedestrian connection does provide the connectivity. Staff is recommending approval upon the resolution of outstanding issues.

Jeff Brown, 100 N. Tryon Street said It is a pleasure to be assisting Pollock Shores, a very well regarded residential developer, and Carolina investment Partners is a real estate company based here in Charlotte. I appreciate staff's presentation and we have a few tweaks and comments for the completion of the staff analysis, and we appreciate the staffs support on this project. We also had positive discussions with the representatives of Historic South End and Center City Partners, who have provided support for us as well. We have had a lot of outreach with the South End Neighborhood Association, and we are pleased that no one is here speaking in opposition. In fact, we think that there is a lot of positive energy for the petition. This is the existing current use of the site. These are some of the project details. This is really where a lot of the action is, and Laura highlighted this. This site allows us, because of the combined ownership of Carolina Investment Partners, who owns each of these parcels here, were able to not only provide for the immediate phase one use, but also provide for the connectivity that is called for in the community plan. The community plan often times, as you know, will put desires for connectivity's on an overlaying in an area, but those do not always recognize, obviously, the fact that numerous times there are parcels that break up the ownership, and we are very fortunate in this instance where we are able to provide for an important north/south street connection that will also be pedestrian connections here and ultimately set the foundation block with commitments to have a long term when this property redevelops a connection to the east. In addition, ultimately the connection out to Rampart, so there is a lot of positive efforts going on in this quadrant. I will not go through all of the different elements, but again, active uses on the Tremont, live/work units, some ground floor active uses, and not the workout facility; I know some Councilmembers prefer that it not be in that type of format. As you can see here, breaks in the building with courtyard that will be active there. The units that will be built along the new street that will be ultimately constructed will provide stoops so you will walk out those units. I think there are a lot of things that we are really appreciative of the developer, Pollack Shores in this instance, but learning from other projects over the past number of years to create a lot of positive architectural treatment, and we appreciate the input as well of Center City Partners.

Councilmember Mayfield said how many multi-family units have we approved in the South End since we changed the Transit Oriented Development?

Ms. Harmon said we would have to provide you that as follow up.

Ms. Mayfield said that would be helpful to know. Mr. Brown, I received some correspondence from the community. Has there been any conversation regarding this product being a mixed-income development? I am quite sure your clients have seen what is happening in South End and have read the paper just like I have read the local paper regarding the fact of who is moving into South End; who is utilizing the light rail and who is not. More often, we have more than 60% of the residents that is in South End currently that still drive their vehicles. Were there any real conversations regarding a mixed-income property?

Mr. Brown said there have not been conversations in terms of moving toward commitments as it relates to providing for a workforce housing commitment on this rezoning. I appreciate the feedback; we certainly know that this is an important issue facing the community. We do reflect the fact that this project and the site location is industrial zoned property now that is not available for residential. I do know that there will be live/work units involved in this and there will also be a number of some of the two bedrooms. To answer your question, there is not contemplation of work force housing commitment. I believe some of the business transactions as projects started, not that many months ago, moved in the direction of not having that type of a commitment.

Ms. Mayfield said has there been any kind of conversations regarding actually having the opportunity for homeownership with these being condos and townhomes, oppose to yet another multi-family project?

Mr. Brown said this project is being developed as a multi-family apartment community. That does not prevent the possibility of a conversion of that ownership potentially in the future, but it is not being set up currently as a condominium, homeownership project.

Ms. Mayfield said Mayor; I would like to send a request to the Housing and Neighborhood Development Committee. We really need to look at, what is the impact of this multifamily? A lot of people are afraid of the "M word," a moratorium. We have to look at how we are growing our city. If you notice where this project is located, it is almost diagonal from Brookhill, so you have a community that has been predominately lower-income, unemployed/underemployed, minority community, where they are completely being displaced out of the neighborhood. We also know that the city does not have the funding to accommodate our public transportation system as we are pushing people out of communities because they just cannot afford it. We have opened the discussion and have created Transit Oriented Development and we have seen this growth in South End, but that growth is not sustainable as a community with the number of multi-families. We really need to have a real conversation where staff brings some real options to the table, because if not, we are spinning our wheels on housing and neighborhood development, because we cannot just create opportunities when opportunities are right in front of us, and they are not being utilized. Staff really needs to share some ideas on how you plan to incorporate TOD to work for the masses of our community. This is not an assault on the development, but Mr. Brown, I am just trying to understand if there is any opportunity to speak with your clients regarding some options on this project as we move forward. It would be very difficult to see yet another multi-family project that comes in that does not meet the great or good of the community.

Mr. Brown said I do want to point out that a good bit of the property is not necessarily contemplated for residential. We will have another project on Parcel C that is going to be used for commercial uses and we think the types that will be really exciting for South End. We will take it back to the developer and discuss it.

Mayor Roberts said I think it is appropriate that the Housing and Neighborhood Development Committee looks at accumulative impact of the new developments we have been approving, the mix of those developments, where they are, and their impact, especially in the TOD ones, on transportation.

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

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ITEM NO. 33: HEARING ON PETITION NO. 2016-081 BY MICHAEL ADAMS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.79 ACRES LOCATED ON THE NORTHEAST CORNER AT THE INTERSECTION OF NATIONS FORD ROAD AND TYVOLA ROAD FROM CC (COMMERCIAL CENTER) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) WITH FIVE-YEAR VESTED RIGHTS.

Mayor Roberts declared the hearing open.

Assistant Planning Director Laura Harmon said the property is at the intersection of Tyvola Road and Nations Ford. This is Tyvola and I-77 to get your bearings. If this looks familiar to you, it is because there was a previous rezoning request on this site that actually was denied by Council earlier this year. That was for a convenient store with associated gas sales, as well as another commercial building. That was a request to Commercial Center Site Plan amendment. As Tammie talked about earlier, the zoning ordinance does allow you to request a lower classification in the zoning ordinance, which is maybe a little counterintuitive as to what is considered lower, but in this case, the request to MUDD is a lower classification than CC, and that is why there is not a two year wait on bringing the site back in. As you look again at the property, this is part of a larger CC development with a number of hotels, bank facility, and really right off of the I-77.

The existing zoning, again CC, surrounding R-4 residential, some multi-family residential zoning, and the plan calls for the site to be retail, and it is largely built out that way and surrounding areas to be single-family residential primarily. Looking at the specific proposal, it is

a request to allow 10,000 square feet of retail, and/or eating, drinking, entertainment establishments, 1,000 square feet of office, and 80,000 square feet of climate control storage for a total of a 91,000 square foot building. They are proposing a maximum building height of 60 feet, and the building envelope being here and parking supporting the building, in this location. Access would be off of Tyvola Glenn Drive, which is a private street. They are also proposing to provide a number of pedestrian facilities, including an eight foot planting strip and six foot sidewalk along Tyvola Road, as well as this private street or drive, Tyvola Glenn. They are also providing intersection improvements at Tyvola and Nations Ford, and as they come in, they will also be providing sidewalk and planting strip along Nation Ford and Tyvola with the MUDD. Loading for the buildings will be off of the side private drive. They are requesting an optional provision to allow parking and maneuvering between the permitted use for the building here and Tyvola Road, which is located here. The petitioner is committing to a combination of tree save and supplemental planting between that parking area here and the public right away along Tyvola Road.

These are the elevations that they are proposing along the private drive entrance from Tyvola Road, the Tyvola Road view, and you can see that you get ground floor activity with the climate control storage on upper levels of the building. This is per the relatively recent MUDD text amendment that is allowing a more urban form of climate control storage with ground floor commercial uses. A limitation on the amount of which can be related to the self-storage, so that we are bringing these ground floor commercial activities closer to some of our neighborhoods that may not see this kind of commercial otherwise.

The retail and eating, drinking, and entertainment establishment uses are consistent with the retail land use recommended for the site, per the Southwest District Plan. The climate control storage and office is inconsistent with the adopted plan recommendation. The basis for staff support of this is that this is part of a larger multi-use development located off of 77 and Tyvola Road that already includes a range of commercial uses including three hotels, an office and a financial institution. The prior rezoning prohibited automobile oriented uses, such as the requested convenient store with gas sales, and this proposal is not asking for the auto oriented uses that we have seen come in on that site multiple times now, but they are designing to support a more pedestrian oriented form of development. While technically, this is inconsistent with the Southwest District Plan, we think the proposal to design this to resemble an office building and to include the ground floor commercial, is visually compatible with what is going on in that larger CC development. Self-storage has low traffic volumes, and the proposed eating, drinking, entertainment potential would not include the auto oriented drive through window. We think that is a plus; we are getting that pedestrian activity along Nations Ford Road and Tyvola Glen. This proposal is bringing a number of improvements to the pedestrian environment around Tyvola and Nations Ford Road. Staff is recommending approval upon the resolution of the outstanding issues: the cleanup that needs to be done related to site and building design, and some requested technical revisions.

Babak Emadi, 1307 W. Morehead Street said I am here with David Steward; we represent the petitioner, Michael Adams. Michael Adams is also the owner and operator of Hawthorne Restaurant. Our mixed use proposal is really the Hawthorne's Restaurant locating in that location, which is right next to the interstate and the Tyvola Road that you know is a seven lane road where the corner, at the very tip of all of the other hotels and businesses, our proposal is a mix use of again restaurant, coffee shop, other retails, an office, and storage above. We believe we had a very good positive community meeting. We have had complements. We believe we have the support of the businesses and the neighborhood. They are here to speak I believe. I will be glad to ration my time to have a conversation about some of the minor outstanding issues and concerns that the neighborhood has regarding hours of operation, traffic, and for both storage and the restaurants and retails. If you wish, I will submit my time to have a conversation after we hear their concerns. Laura did a great job of explaining our proposal, our design. We have received complements that it is to scale. It is up to you. I can speak to the fact that we have met and exceeded the standards for the ground level retail active uses of the project. We have had good conversation with the neighbors and the businesses.

David Stewart, P. O. Box 1017, Davidson said we feel like we are creating a destination, a great amenity for the hotel clients that are there now and the neighborhood and can also make it pedestrian accessible for the neighborhoods.

Mr. Emadi said let me just mention the hours of operation. We have talked about it, and Hawthorne's is 11:00 a.m. to 11:00 p.m., Sundays 11:00 a.m. to 10:00 p.m. We thought that we could have a 24 hours seven days a week access, secured monitor, just like an office building, but if that is an issue, we would be glad to look at it and limit the hours.

Donna Canup, 616 Knight Circle said I am here to represent Yorkmont Park Community. Once again, we are down here. You recently approved a hotel, which I understand is part of the land or business park that this project will go in. That brings on more traffic; traffic is a major concern for us on Nations Ford Road. It continues to grow in our area. We have our school buses and so forth. Let me get down to the main issues that the community has come up with on this rezoning. On the storage facility, there is a concern on the operation of hours. They want 24 hours a day. I talked to Public Storage on the next corner, which is South Tryon and Tyvola Road; their hours are 6:30 a.m. to 9:00 p.m. That is not negotiable with them, because they fear that people might sleep in their units if they allow a 24 hour service. On this pizza and bar, in the first meeting, we did not really understand that it was Hawthorne's Pizza and Bar. What concerns the community is that you can go into the restaurant and you can drink without eating. That is a concern to this community. It may be beneficial to the hotels, but it is not going to be beneficial to the community. We have five churches in that stretch of Nations Ford Road. We feel that we need to hold some respect for them, especially on Sundays, and this will be operational from about 11:00 a.m. to 11:00 p.m. That is our concerns.

William Irick, 415 Gleneagles Drive Summerville, South Carolina said we have owned and operated a Wingate by Windham Hotel for over 17 years. Over the years, we have had struggled with very poor economic conditions that have happened to the city, very high crime rates, but importantly, poor visibility for potential customers. We actually spend money needed to clear the lot that is in discussion and keep it maintained; we spent close to over \$9,000 cutting trees and keeping the lot cleared for a onetime fee, then several thousand every year after that. We are wanting to make the community better. We are not here to try to stop business and development and growth. We want to see the community succeed and we do not have any personal grudge against anyone whatsoever. The proposed project is over five stories height, 61 feet. We fear this will block the hotels visibility for potential customers and could be detrimental to our business. The hotel's visibility to street traffic insures guest with reservations can find us, potential clients knowing where the hotel is located, and make sure that everyone is aware that we are available for business. The hotel's signage is an invaluable part of our marketing program, without it, the public doesn't know what we are and who we are. We fear that the building will block a significant amount of our buildings signage. We have employed an outside sales manager ever since the hotel was opened and marketed to the public. The outside sales effort requires the clients to know what and where our hotels are located. The signage drives business for the clients driving by. Without the business coming in, it could be very impactful negatively to our bottom line. In addition, we have concerns that blocking our visibility may inadvertently create an opportunity for a criminal element to prey on our guests who are visiting Charlotte and to our employees. Through the years, we have invested a significant amount of money to increase the security. We spend \$40,000 annually on the security guard, \$45,000 on fence and gates, \$8,000 on a panic alarm and security system, and \$ 17,000 for more lighting. Now, we are putting something up that could block all of that. It could really have a negative impact on our business; 20% of this project, the first floor portion of it, we are excited about. A restaurant and retail space sounds good, but that is only 20% of the total project. The rest of it is four stories of storage that is going to block everything from us.

Mr. Stewart said we have talked about it internally to Ms. Canup's concerns. We are willing to limit hours from 6:30 a.m. to 10:00 p.m. We have some competitors around that are open 24/7. We understand if that is a neighborhood concern; that is something we can work with. The Hawthorns reputation, there are plenty of those stores around for people to see that it is not a bar. It is truly a restaurant. There are bar seats in there; there are 125 seats, 15 of which are bar. It is a very small percentage of it. We feel like it is a family restaurant. It is going to create a very active area to Mr. Irick's concerns. It will be well lighted and active with families that want to be there. I do think it will help cut down on the criminal element. When it is active and positive like that, I think it is a good thing. All the buildings are four stories. We are 50 feet; we say 60 on the petition in case we have mechanical or something on top. We are in a park that has four story buildings, and height wise we are very similar to that. We do not think we are towering over anyone that we may be blocking views by being the same height as the other buildings.

Councilmember Mayfield said Mr. Irick; will you come back down to the podium please? Do you by any chance know, what is the height of your Wingate building?

Mr. Irick said supposedly it is around 46 feet.

Mr. Mayfield said you are around 46 feet, and Laura let me ask you a question. If the current building is 46 feet and what is being proposed, and I know they have worked with staff, but I am trying to understand the difference between 46 and 60 feet, and why we would even consider 60 feet in front of current businesses, because it is not just this business that is right next door. There are several businesses in this park, including another development that we approved on the backside. If it is 60, that is going to block a couple of different buildings, and so I am trying to get an idea.

Ms. Harmon said as you look at site lines, you do have a site line off of Tyvola as well as Nations Ford. So, we do see that as being compatible with what is in that area.

Ms. Mayfield said this is what I am trying to understand. If you are driving off of I-77 south, and you exit on Tyvola, the physical difference from 60 feet to 46 feet, will you be able to see the other buildings that will be behind this if this building were to be approved and built? We have a signage ordinance that says that you cannot have a sign but so high and so wide near a residential area, but we are considering putting a building in front of a building that you will not be able to see, so I am really trying to get an idea of what we are considering here.

Tammie Keplinger, Planning said when you are going west on Tyvola Road –

Ms. Mayfield said exiting off of I-77 south and you make a right on Tyvola and it is going to bring you up to where; the first thing you are going to see is the Truliant Credit Union which is that building to the right, but as you are coming up, will you have site view of the other business? You have office space and businesses in there as well, not just this hotel. Will you be able to see them?

Ms. Keplinger said when you come up Tyvola Road, you still will have a line of sight because here is where the building is going to be located, and so when you are coming up you are still going to have the line of sight through here. It is going to be a little more limited, but you will still have a line of sight when you get to this angle coming up Nations Ford, of course you would see those buildings first.

Ms. Mayfield said so, the blind spot will be created if I am coming from north heading south on Tyvola, that is where I may not be able to see that there is a hotel there? We have to think about navigation, so I'm going to ask this question of Mr. Irick; your customers at this point, are they in town or out of town? Do you have a lot from out of town customers at your establishment?

Mr. Irick said yes ma'am.

Ms. Mayfield said I am thinking about those that use navigation and based on how navigation gives directions. Say if they are coming off of Billy Graham and coming up, as well as if they were on I-77, and navigation was trying to direct them. I am really trying to get a visual of this 60 and 46 feet.

Ms. Keplinger said I think with navigational equipment that we have today; it is going to tell you to come down Tyvola Road and take a right into this park. The height of this building may impact the visual from this direction, but I think a lot of people are going to be coming from I-77 and directed in this access and be able to find the hotels, the new one going here and the existing one. I think that anytime you are located within a park setting, which is what this is, that your GPS is going to tell you to go into that park.

Ms. Mayfield said Tammie, what, if any, precedent will be set by us going to a 60 foot when that will be the tallest building that is over in that area, in comparison to all of the other buildings which are four stories. What would five, five and a half stories possibly do with setting any new precedent in that area?

Ms. Keplinger said with any of our zoning districts, we have the height regulations, and just because we allow a height that is 10 or 15 feet taller in one area, does not mean that we set precedence for future development. We look at it on a case by case. In this case, we can go back

and work with the developer and see if they would consider lowering the height of that building. I think that they have heard your concern tonight, and we will be willing to do that if they are willing to do so.

Ms. Mayfield said I heard from the two of you that you would consider the hours of operation because that is a concern, that this not be a 24 hour accessible building. I appreciate the fact that we have had a lot of communication via email and in person and that you have had a lot of communication with Mr. Irick as well with discussing the concerns. Why do you feel like you need the additional 10 to 15 feet to be successful when the standard in that area is 46 to 48?

Mr. Emadi said I do not believe the standard is 46 or 48 feet. We are assuming that the Wingate four story building is 46 or 48. We believe it is 50 or 55 feet by the time you add the parapet, arch and signage to it, it may be very well 55 feet or so. Our building, the way we have designed it, is to meet the standards of the ordinance, which calls for higher retail level proportionally and traditionally you want that look. Because of that, we have 12 feet. After that, we have 11 feet floor to floor. If you add that up with a little bit of parapet, we end up with 56 or so. By the time you do that, we simply rounded it to 60 feet. We are not going to be 60 feet. We rounded it to 60 feet just for noting purposes. We would be glad to come up with an exact height, which we being if is 55 feet. We believe if you look at the scale of all of the other hotels, Wingate and RoomsToGo, they are essentially the same thing as we are. We are not blocking anybody; we have our site plan very nicely tucked in the building in the corner to really accommodate the visibility that Mr. Irick is looking for. That line of sight is accommodated through the site plan and the building is five stories. If you look at the renderings, we have received complements that it looks like a three story office retail building. We have had lots of positive feedback on that. We do acknowledge that from one direction, it does block the visibility of Wingate, but I think as great of a hotel as they are, they are not really a drive by hotel. People make reservations and look at their GIS to find your good hotel.

Ms. Mayfield said would there be any restrictions on signage? Let's just say, hypothetically, if this were to move forward and if we saw once this development was completed that it created a greater obstruction coming from the north, because I think that is where we are going to see the biggest impact is if you are coming from the north up Tyvola and needing to make that left onto Nation's Ford Road to access. Do we have any restrictions in that area regarding signage if Wingate would have to identify additional signage?

Ms. Harmon said we can look at the rezoning case to see if there are restrictions.

Ms. Mayfield said I would be very concerned if we move forward and then we find out that if they chose or needed to erect additional signage that they would run into any challenges with that.

Ms. Keplinger said I think that is something we can provide you in the follow up report, because this is a park setting, we will need to go back and look at the overall site plan that was approved seven years ago and see if that is an option. That is a great idea for something we can look to.

Councilmember Eiselt said I do not have a problem with that so much. Usually, if someone is going to a hotel off of Tyvola and 77, they know where they are headed to. Can't you put a sign on the corner saying Wingate Hotel? I think it is a plus for the area really. I think the product Hawthorne's Pizza is great. I think it will be a nice addition to the area as long as you do not keep the storage open 24 hours. I do not see why people need to go in at 2:00 a.m. into a storage facility.

Mr. Emani said we will be more than happy to look at that and limit it to the hours we just described. I happen to look for my tax returns and that sort of thing late, but we will leave that alone. Regarding signage, we have offered to work with Wingate. We will be more than happy to work with them, but truthfully, the ordinance has very strict signage requirements for MUDD. Since Laura and Tammie are here, I do want to ask, if you want to work with us and help us out, we would be more than happy to accommodate the signage. We have mentioned to them that their signage is grandfathered in. We will do anything to keep that, improve on it with their help, because the ordinance is very strict.

Councilmember Driggs said I do not necessarily need to hear all of this right now, but do we have any specific rules that dictate what lines of sight have to be protected or what visibility is

guaranteed to a neighbor when you propose to put a building in. It just feels to me like a very small building on this location would already obstruct the visibility of the hotel for most people sitting in a car.

Ms. Keplinger said you know, we don't have any provisions in the ordinance that deal with that except for in the uptown area I think we use to. We have had some discussions about that in the past along the south transit corridor when taller buildings were proposed and neighbors were complaining, because their view of the city was going to be blocked. The ordinance does not guarantee a view field for anyone.

Mayor Roberts said I am just looking at satellite. There is a Home2 Suites by Hilton. There is an Office Suites Plus. There is an Extended Stay Hotel, Wingate by Windham, and Truliant Federal Credit Union all in that same area. Don't hotels operate 24/7; do you let people come in at 2:00 a.m.?

Mr. Irick said we do. We have key cards that allow access; we are also manned 24 hours a day. We provide security as well, because of the high crime area.

Mayor Roberts said that is quite a few buildings that are probably four or five stories, correct?

Ms. Harmon said it is a concentration of multistory buildings, which is why we were comfortable with this.

Mr. Irick said again, we are more discussing our signage field view, line of sight, you are right by making sure the public is constantly aware that you are in business and you are back there. You cannot be the best kept secret. You do not want to be around the corner. Yes, people do find you, but in this competitive market in this day and age with hotels and access to every hotel that is available through Trivago, Expedia, whatever, we have to do everything in our power to stay competitive. It is a very challenging market.

Mayor Roberts said I do not get to vote unless there is a tie. I think it makes sense in the area, and your security is actually terrific. There will be more people for a restaurant that will be visiting that area, and I think that will help with the security, and I have to get my taxes at 2:00 a.m. in the morning too. They hours are up to you, but thanks for those answers.

Councilmember Phipps said how many square feet will the Hawthorne's Pizza take up on this site?

Mr. Emadi said about 5,000 square feet plus or minus the 500; 5,500 or maybe 6,000.

Mr. Phipps said it is almost 50% of the 11,000 retail square footage then.

Mr. Emadi said at least half.

Ms. Mayfield said I want to clarify. The community had an idea and a plan. We know plans and the economy change. Now, we are looking at something very different compared to recent conversations appear in more than 17 plus years, where there was no discussion of development in this area and as was mentioned at the very beginning by Laura, the reason we are coming back to this particular lot so quickly is because they are seeing the opportunities for development. I think the biggest concern is the fact that right on the other side of Tyvola, once you cross the highway, there is a lot of foot traffic. You have a number of retail establishments that are 24 hours, and those establishments unfortunately we have had a lot of CMPD contact. So, when we are talking about getting closer to residential, closer to an older community where we tell the community that we want you to be able to age in place, and when we are going back to that previous decision. When we are looking at how we create opportunities in the community, we have to be able to think about the decisions that we are making today, and the impact 15, 20 years from now potentially. We cannot have a crystal ball, but if there is anything that we can do on our end to try to mitigate the process, I think it is our responsibility to do just that. Having this conversation making sure that the three of you are in contact and still working closely with staff to try to come up with a potential project that could benefit the community, that could benefit you as well, I think is the ultimate goal. That is something that we would all want. I will be completely honest and transparent to say that I will also have a concern with the 24 hour just because of the proximity to the residential, and the area is transitioning. It has not transitioned.

Later on, there may be an opportunity, but I would like for you to continue the conversations regarding set hours for consistency.

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

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ITEM NO. 34: HEARING ON PETITION NO. 2016-020 BY RIDGELAND RECREATION VEHICLES, INC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.93 ACRES LOCATED SOUTH OF I-85 AND NORTH OF LAKEBROOK ROAD, WEST OF SAM WILSON ROAD FROM I-2(CD) LWPA (GENERAL INDUSTRIAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA) TO I-1(CD) LWPA (LIGHT INDUSTRIAL, CONDITIONAL, LAKE WYLIE PROTECTED AREA).

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said this property is located off of I-85 as you are heading west into Gaston County. The rezoning that we approved earlier tonight for the Love's is located right here on this site. This property is across the street, across I-85 on a little road called Lakebrook. The existing zoning is I-2(CD). You can see around it that there is single family residential, another little pocket of I-2(CD) immediately to the west. The request is to rezone from I-2(CD) to I-1(CD). The property is located in the Lake Wylie protected area. The future land use plan actually calls for this property to transition to single family residential. The request that we have tonight basically allows the reuse of an existing building. This building was a forklift manufacturer for a number of years. The request now is to have boat and recreational vehicle sales and showrooms on the site. The building is about 2,400 square feet; 90% of it will be used for showroom, 10% for office. The existing parking area will be restriped to eliminate the one way directional isles in the parking spaces, but all of the existing parking area will be reused along with the existing building. There are no changes, no proposed expansions of the building or the parking. They are existing legally non-conforming as they are, so as long as there are no expansions, this will fit fine in the I-1(CD) district. The nearest residential uses is that there is a structure here that appears to maybe be a residential use, and there are other residential uses over here. From the building itself, it is about 400 feet to this site. There is a landscape hedge here. A buffer will also be required. The petition is inconsistent with the Dixie Berryhill Strategic Plan, which recommends single-family for the residential for the uses for this property, and it recommends that it transitions to residential. This will allow the reuse of an existing building for less intense use than what was previously approved. We believe that this use is compatible with the adjacent warehousing use that is located to the west of the site. There are no expansions of the building or the parking area; as I pointed out; therefore, staff is recommending approval. We do have a couple of outstanding issues related to the square footage buffers and signage that we need to have addressed, but we feel that we will be able to address those before the zoning committee next week.

Thomas Shields, 2475 Westel Road Rockwood, Tennessee said I would like to let you know that I drove four hours to be here, so I am really glad that we were able to finally get to me. We are really excited about this particular building. The only thing that I can really improve on is correct. This is approximately a 24,000 square foot building, which is probably obvious to everyone that it was just a misstatement when it was described as a 24,000 square foot building. I do not believe that this building and this site has been used for anything for the last at least three years. I do not see any activity on Google Maps or Google Earth until you get back in into the 2010 time frame. It was originally developed as a forklift distribution site, and the parcel to the immediate west, I believe they fabricate air conditioners and things like that. One of the nice things about the current age that we have is that when you operate a recreational vehicle or boat dealership, you do not need to have a giant lot and a giant space anymore. The internet makes things so much better, even places like recreational vehicles and boats are becoming more of a just in time inventory type business as appose to just ordering a bunch of things and just having it sit on your lot. As a result, this building fits in perfectly to our internet marketing scheme. We are excited about the ability to keep inventory in this facility as great view from interstate 85, and the other places where we operate, we are good neighbors; we boarder residential property in two of the seven states that we currently operate in, and we generally do not have any trouble with

the neighbors. The housing structure that is to the immediate east of this building, it is a housing unit since I first went to this property in January of 2015, I do not believe that it has been occupied that entire time. In addition, there are several which appear to be abandon structures across the street as well. I think we will do a good job at this site. I think we will do good business at this site and generate lots of revenue for the city. I am happy to answer any questions that anyone has.

Councilmember Mayfield said unfortunately, Charlotte doesn't always have the most updated information in trying to look at this area. Do we know definitely if that structure on the side is residential, and if it is, why would we not have our usual buffer standards in place?

Ms. Keplinger said it is zoned residential, so a buffer will be required. Like I said, the property does have some trees and some growth on it right there. Part of that could possibly be used for the buffer. It is whether it is a use or a residential district, so a buffer will be required. I agree with Mr. Shields. It is very difficult to tell whether that house has been occupied for some time.

Mr. Shields said the owner of the structure came to the neighborhood meeting, and he had indicated that it was not being lived in at that time. I have not been to the site in several months, so I cannot say if there has been any type of change there. The person who owns that parcel, which I think also has maybe an interstate advertising sign on it, I think that is frankly what he uses the property for, and it also happens to be improved with the house.

Ms. Keplinger said as you can see from the zoning map, it is zoned residential. That buffer will be a required buffer.

Ms. Mayfield said Tammie, how do you access this?

Ms. Keplinger said you come down Lakebrook Road and because this is a legal non-conforming situation, there is not a curb and gutter along this street. The driveway is accessed straight from the road. As long as they do not expand the building or change this parking lot, they can continue to exist in that form and fashion.

Ms. Mayfield said even with the delivery trucks? There is going to be an impact with the delivery trucks coming in and out. Is that not going to impact the need for?

Ms. Keplinger said what makes the requirement come into play for curb and gutter along this road will be if and when they add to the site or would develop it. Right now, it is legal non-conforming and they can continue to use it.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2016-043 BY ESSEX HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.67 ACRES LOCATED ON THE SOUTH SIDE OF WEST SUMMIT AVENUE BETWEEN MERRIMAN AVENUE AND WILMORE DRIVE FROM I-2 (GENERAL INDUSTRIAL) TO UR-1(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Roberts declared the hearing open.

Tammie Keplinger said the request is to zone from I-2 general industrial to UR-1 CD which is an urban residential conditional district. Again, you can see the site located here. This shows the existing zoning. You can see the Wilmore neighborhood. You see some of the TOD and business areas along Mint Street. You can see the industrial area around Charlotte Pipe and Foundry, and some of these areas have actually gone to TOD as we move a little bit closer to the rail line. The adopted future land use map shows the single-family residential in the Wilmore area. It goes back and shows that the brown area, which is industrial, that this site is proposed for industrial development. That is a better picture of where the Wilmore neighborhood is. This site is just adjacent to it and was likely not included in the historic overlay because of the fact that there are no structures on it. The request tonight is to rezone the property to allow four single family attached dwelling units at a maximum density of six units per acre. It includes a 20 foot Class A

buffer along the southern edge of the site adjacent to the property, which is developed with an industrial structure. It limits the height to 40 feet. It dedicates 30 feet of right away along Summit and Merriman Avenue, and the site plan indicates that an eight foot planting strip and a six foot site walk will be installed along both Merriman and Summit. In looking at this petition, the staff had a challenge because of the adjacent industrial properties and because the area plan does recommend industrial uses for this site. In looking at it, we found that the single-family homes fronting on Merriman and are located within the Wilmore Historic District, this will add four additional homes to Merriman Avenue. The six dwelling units per acre is compatible with the adjacent residential properties density, which is about five units per acre for the Wilmore area. The request for this urban district, although it is somewhat inconsistent with the R-5 suburban district that the rest of the Wilmore neighborhood was developed in, it provides for setbacks along Merriman Avenue. It provides wide side yards; it provides the buffer to the existing industrial property to the south. It is sensitive to and compatible with the existing residential and industrial context of the area. The proposed 20 foot wide buffer will screen the development from the existing industrial use, and also the 10 foot buffer along Summit Avenue that staff has requested the petitioner add. Staff is recommending approval of this petition upon the resolution of the outstanding issues, which relate to the buffers, screening and some minor technical notes.

Jeremy Smith, 13000 S. Tryon Street said I wanted to clarify something, contrary to the allowed rezoning, we intend to build four single-family detached homes. At the community meeting that we held, we walked away with very positive feedback from a few residents that were in attendance. As it pertains to not only approval to our homes, but how we can improve them to complement the character of the Wilmore neighborhood and kind of complete the streetscape of that community and that street right there. That is all I have unless I can answer some questions.

Councilmember Phipps said we received a letter I guess, from NCDOT about this project, and it was not a part of the notes and the staff analysis. I guess CDOT didn't have any real concerns with it, but I am wondering how this would impact this project, and what is the protocol? When I saw in our staff analysis the place for transportation, does that not include an obligation that CDOT corresponds with NCDOT to be sure that the transportation issues are addressed appropriately, or is this just CDOT? We have a lot of projects that NCDOT, CDOT in our community, so I was wondering how those communication protocols are. Do we need to strengthen those somehow?

Mike Davis, Transportation said we review every single rezoning petition with NCDOT staff on a monthly basis. Typically, what we are doing coordinating with NCDOT is looking at technical issues, for example rezoning on a state road, like a South Tryon Street or something, where we are talking about access, congestion, or traffic impacts. This one is a little different, and that is a property interest that NCDOT has in this facility that they perceive has some impacted by the zoning. I haven't seen the letter that you all received, but I was aware that they had some concerns about some impact, and I think that we have connected them with the Planning staff again more as a property owner I would say.

Mayor Roberts said we all had a copy of this, locomotive and rail car maintenance facility to be constructed across west Summit Avenue for these parcels. It says that current zoning requires no buffer between the I-2 zoned parcels, but NCDOT needs insurance that the rezoning, if approved, would not trigger a buffer requirement that does not now exist, unless assurance can be provided, NCDOT must oppose this rezoning request.

Ms. Keplinger said if we can get a letter to staff, we will certainly make sure that issue is addressed in our follow up report. I think like Mike said, we have not seen the letter. We knew it existed, but we had not seen it.

Mr. Phipps said it was addressed to Mr. Solomon Fortune back May 5, 2016.

Ms. Keplinger said may I rephrase; I have not seen the letter. I apologize, and we will follow up with it.

Mayor Roberts said and certainly the petition says that upon resolution of outstanding issues related to buffers and technical issues, so this can be part of how we get our questions answered in your discussion of that coming up.

Mr. Phipps said with .67 acres, how can you sufficiently buffer something from a locomotive rail yard? It is like a postage stamp site there that we are talking about.

Ms. Keplinger said this will be a challenge for the petitioner. One of the things we have requested is additional buffers along West Summit. I think that has been a challenge, so I think that it is staff working with the petitioner to see where we go with this.

Councilmember Eiselt said I am struggling with that little piece there, because even though it does abut to Wilmore district, they seem to be segregated from the general industrial area there, and then you are going to put homes on that little peninsula. You are extending the residential out, but they are going to have a locomotive and railcar maintenance facility across the street from it. It seems like the way it is established now; there is more of a natural break between the industrial area and the residential area.

Ms. Keplinger said when you look at the zoning map for this area, there is this I-1 and I-2 back here and this is the area that I believe of the locomotive rail yard. We do have other single-family homes in the Wilmore area that will be backing directly up to that. This one is unique because it appears the property may come right out to Merriman Avenue, which makes the circumstance a little different. There is some O-2. I think from a staff perspective, it is something that when we looked at this, we struggle with whether it should be actually industrial development or whether it should be residential. It is a unique little site of .67 acres. You know what kind of industrial development would be adequate for that site. We were challenged with this as well when we looked at it, and we felt like the proposal that the petitioner was putting forth was something that had merit.

Ms. Eiselt said it almost seems like there could be something a little more transitional there.

Councilmember Driggs said I am just wondering in practice, is this 20 foot buffer requirement triggered? Does that situation exist?

Ms. Keplinger said the 20 foot buffer requirement on the backside of this property; this is a UR-1 CD. I am not sure that the buffer requirement is triggered here.

Mr. Driggs said because they are talking about the possibility that a new buffer could be imposed on their location because there are no longer adjacent to and I-2.

Ms. Keplinger said right. The zoning ordinance actually does say that if you have an industrial site across the street from residential, that you have to provide half of the buffer along this street frontage. There is an acceptance for the UR-1 district, so that they do not have to provide half of the buffer for them, because that was the way that the ordinance was designed. We will have to go back and check and see what this relationship is to the UR-1 CD and see if they will be required to buffer it. My inclination is that it is a buffer that they will have to provide across the street if this is rezoned.

Councilmember Mayfield said Tammie; I have a couple of questions for you. We have already identified that if this were to move forward, it could trigger the buffer for the future development. Some of the concerns that I have is that we have been having this conversation about this rail station; basically what it is is a car wash version for the trains, where you will be able to run the train through. It will be able to get washed and then it turns around. That is going to have an impact on the neighborhood. We cannot do anything regarding houses that were approved many years ago that is going to be directly negatively impacted by environmental, sound, quality of life, because we are not getting enough head way with our partners in rail regarding the horns, creating quiet zones, which all of us received because of the emails from residents that are impacted that live close to train tracks. I have a concern with staff entertaining a conversation with moving this from industrial to have residential added into this area, when we know what is coming. We know along with the rail, when you zoom in around that area, the office that is around there, there are a number of auto detail, either for sale vehicles, it is very industrial, then you go into the residential. I am trying to understand why staff would support, outside of some minor notes, moving forward with putting someone in a home that, in less than 10 years, they are going to be negatively impacted.

Ms. Keplinger said like I said, when I went through the rational for the case, I think that we struggled with this petition to some degree. It does abut the single-family homes. It finishes out

the street with residential on that one side. The density is consistent with that which we find in that area for the Wilmore neighborhood. With the buffers and the screening that the petitioner has shown and with the ones that we have asked for, we felt like this could be a use that could coincide in this area. Laura just pointed out to me that the NCDOT note was not talking about the site across Merriman, but they are actually talking about the site across West Summit Avenue and whether there would be a buffer required on that site. So, we are going to really need to go back and look at this letter and see what that impact is and follow up with Council on that.

Ms. Mayfield said Mr. Smith, were you aware that a train washing station has been in discussions for a couple of years now that basically would be next door neighbors with this potential housing?

Mr. Smith said yes ma'am.

Ms. Mayfield said have you had any conversations regarding potential environmental impact of housing being that close to that type of a facility?

Mr. Smith said no, we have not.

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

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ITEM NO. 36: HEARING ON PETITION NO. 2016-084 BY QUIKTRIP CORPORATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.85 ACRES LOCATED ON THE NORTHEAST CORNER AT THE INTERSECTION OF BROOKSHIRE BOULEVARD AND NORTH HOSKINS FROM R-5 (SINGLE FAMILY RESIDENTIAL) & B-2(CD) (GENERAL BUSINESS, CONDITIONAL) TO B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL).

Mayor Roberts declared the hearing open.

Tammie Keplinger, Planning said staff is not recommending approval, so the petitioner should get 10 minutes. This petition is located on Brookshire Boulevard at North Hoskins Road. I-85 is down in the far right corner of the screen and goes further south. Rozzelles Ferry Road and the railroad track is located to the left of your screen. This is Brookshire and North Hoskins and this is our site. As you can see from the existing zoning map, the area back behind this site and a portion of the site is actually zoned for single-family residential R-5. The property in question tonight is zones R-5 and B-2 CD, which is general business conditional. Along the Brookshire Boulevard, we have a lot of different retail type uses in several different zoning districts from B-1 to B-2, and those pretty much go from the intersection of the interstate along Brookshire, all the way up to a little north of Hoskins. The future land map is fairly consistent with the zoning in the area and with the land uses, retail type uses along Brookshire, residential along the outside area. Again, the site that we are talking about tonight shows retail for a portion of the site, single family residential for the remaining portion. To talk a little about the actual request; this is a request for a 6,000 square foot convenient store with gasoline sales with 16 fueling stations. I want to point out, there is an alley that runs through the center of this property, goes through the building, and that alley way will have to be closed, and the petitioner is in the process of working through CDOT to accomplish that.

The site plan that is associated with this request will not allow any drive through windows, but it will allow accessory uses such as an eating drinking and entertainment establishment. The maximum building height is 25 feet. It provides a 33 foot buffer along the eastern property line and prohibits the production of that buffer through the use of a fence or a berm or a wall as our zoning ordinance allows. As I mentioned, it proposes the abandonment of the alleyway so it can be incorporated into the site and installs new sidewalks along Brookshire, North Hoskins, and North Cloudman, and it provides detailed landscaping plan with the schedule of trees and shrubs that are to be internal to the site and around the perimeter. These are the elevations that are associated with the rezoning. You can see it is a QuikTrip from the signage. There is a view of the fueling stations. While a portion of this site includes an existing gas station and again is consistent with the recommendations for retail and land use per the Thomasboro-Hoskins Area Plan. The remaining portion of the site, which is currently zoned residential, the request is

inconsistent with the adopted land use plan for that area, which recommends up to six single-family dwelling units per acre. That is by the Northwest District plan, so we do have two plans that we are working with on this petition.

In terms of why staff felt that we could not support this petition, we felt that although it incorporates commercial property fronting along Brookshire Boulevard, it also includes parcels within the established neighborhood. The Northwest District Plan recommends continued single-family residential for the properties that are currently zoned R-5. The proposed request would eliminate the existing homes, which would result in commercial encroachment into that neighborhood and would allow the proposed convenient store and gas station to be located along Cloudman Street and North Hoskins, directly impacting single-family homes. In addition, the driveway location on Brookshire Boulevard and short driveway length creates concerns about the potential vehicles stacking within the public right of way. Staff does not recommend approval of this petition because of the proposed expansion in the residential area and because of the significant transportation issues that are also noted in your agenda. I will be happy to answer any questions.

John Carmichael 101 N. Tryon Street said I am working with the petitioner, QuikTrip. As Ms. Keplinger said, the site contains about 1.85 acres that is located on the east side of Brookshire Boulevard, between Hoskins and Cloudman. The front portion of the site is currently zoned B-2 CD. There is an existing convenient store with gasoline sale on the front portion of the site. At the rear of the site, it is currently zoned R-5, and it is comprised of a vacant lot with a boarded up home here, then a single-family home here, and then a portion of a single-family lot right there. QuikTrip is requesting that the site be rezoned to the B-1 CD zoning district to accommodate the development operation of a QuikTrip Convenience Store with gasoline sales, and when Ms. Keplinger was talking about the accessory uses, she mentioned eating, drinking, and entertaining establishment. All that means is that they serve, when I do the notes I want to make sure that everything is covered. In case you have not been in a QuikTrip, they serve hot food, pizzas, burgers, sandwiches, and that sort of thing. It is not like a different use would be in the building. You can see that it is an aged facility, in need of some work. This is looking up Brookshire Boulevard from Hoskins towards Cloudman. The station is on the right. I would want to put out that a carwash would not be allowed on this site. This is the vacant lot along Hoskins to the rear of the site that is a part of the rezoning. This is the boarded up house that I mentioned. This is a portion of the site that would be rezoned behind the existing convenience store.

This is the proposed site plan. There are proposed three access points, one from Brookshire, one from Cloudman, and one from Hoskins. There would be a 33 foot wide buffer to the rear, in addition to a tree save area, so the total width of the green area would be 40 feet. There would also be an opaque wooden fence installed along the rear property line, then there would be eight foot planting strips and six foot sidewalks along the perimeter of the site, some enhanced landscaping here, then an opaque wooden fence would be installed along Cloudman. There is a separate detailed landscaping plan that is part of the rezoning plan, and that was requested by the Planning Department, as I recall, to show additional screening as far as Ms. Keplinger said there is a single-family home over here and a single-family home over here. The building would be a maximum of 25 feet in height and would contain a maximum of 6,000 square feet. This driveway would be limited to a ride in ride out driveway.

Elevations are a part of the rezoning plan, as is typical for QuikTrip. The elevations of the building, as well as the canopy that would go over the fueling stations, as you can see the building is primarily brick, and I think there are some stone elements as well. This is the canopy that would go over the fuel pumps. We have some perspectives; this is from Brookshire Boulevard, this is from Cloudman. I will note that the fence is not shown on the perspective this perspective was done before QuikTrip decided to install that fence. That is the perspective looking towards Brookshire from Hoskins. This would be approximately where the vacant lot would be that I showed you previously. We think it is a vast improvement over the current condition. We certainly understand why the Planning staff isn't recommending approval, because the rear portion of the site is not consistent with the land use plan, so we certainly understand; that there are some outstanding issues that Ms. Keplinger mentioned. There are four C-DOT issues, and we have agreed to resolve four of them. The driveway on Brookshire, we are going to be meeting with Mr. Davis and Mr. Hosky of C-DOT to talk about that. If you have specific questions about that, Mr. Goddard is here, a Traffic Engineer, from the Design Resource group. There are several outstanding site plan issues, not requirements, but requests from the

Planning Department. They would like the setback increase along Brookshire from the acquired 10 feet to 20 feet. Right now we have 15 feet, so we are five feet more than what is required, but it is not the 20 feet that has been asked. They have also asked for a 27 foot Class C buffer along these portions of the site to provide additional screening towards these residences. To be honest with you, those requests are a challenge because it is a tight site, and it would pinch everything, and Mr. Eddie can certainly speak to this. He is the engineer. I do not know if the use would even fit here. It squeezes everything in, so it makes the internal circulation a little more hazardous. We understand the request, but to be frank about it, I do not think that we are going to be able to comply with the request for the 27 foot buffers along the relevant portions of Hoskins and Cloudman. We did have a neighborhood meeting back May 10, 2016, and Councilmember Austin attended. The project was well received by the community. I think the neighbors felt like this was a good addition. There were some concerns with crime and loitering and panhandling on the site and in the area in general, and the hope would be that if this came in, QuikTrip is such a good operator and have such good security measures, that it could help some of those problems and even maybe bring in some additional quality development.

Jason Banks, 12501 Susanna Drive said I am here to speak for the QuikTrip. To give you a little background, I grew up in the neighborhood, and my mother grew up in the neighborhood. My grandfather was born in the neighborhood, built most of the houses in the neighborhood. My grandmother still lives there. We still own almost 20 houses in the neighborhood, some of them directly adjacent to the property. I am very familiar with many of the other residents of the neighborhood. No one is opposed to it. We are all very much in favor of it. We are in favor of it; everyone else is and that is it.

Mr. Carmichael said if there needs to be more detail on this, the residential lots to the rear were deed restricted and so they had to get waivers from the folks that own lots along those streets. I am not saying that there is not someone out there that isn't in favor of it, but we are not aware of it.

Councilmember Austin said I would like to say that I actually initiated this project. We have had significant issues with this particular site for quite some time. If you saw some of the pictures, there is another narrative going on there of people hanging out in the back of it, drinking and people staying in some of the houses, so the community itself is actually reaching out and saying that they want something different. I thought this was a good opportunity with the partners at QuikTrip to go ahead and do something and bring it up to a better standard for my district. I saw the rationale for staffs denial, and I just want to point out they are referring to the North District Plan that is 1990. That community has had a lot of change since that time. The project pushing back into the neighborhood, that has changed somewhat. I think this is a good project. I am confused. I do see where we are talking about existing uses of traffic trips per day. We have it at about 1870, and then all of a sudden with this particular project, we are at 8,700. It is because we have four more fueling stations. That doesn't make sense to me. Is that a mistake?

Mike Davis, Transportation said we will go back and double check it. I was looking at that too. I think actually what happens is when you become a use that is primarily features the type of convenience of restaurant facilities that are found in QuikTrips, it does move it into a different category that tends to have higher trips associated per fueling station. We will go back and verify that.

Mr. Austin said the other piece are these buffers, you are requiring a 20 foot buffer at the front of it and a 27 foot on the side. Is that standard that we have also applied to others businesses along that corridor? I do not want them to be treated differently, if that is something that we have not done for others.

Ms. Keplinger said those request were because of the relationship with the residential properties adjacent to them. Whether we have asked for 27 feet in other petitions probably not that exact measurement, but I think that we have been consistent in asking for the buffers to be provided.

Mr. Austin said that seems excessive to me. I am not sure what is the rationale there. It is kind of like pulling stuff out of the air, and I am not quite sure that I am understanding that, so if someone would get back to me and help me understand why isn't it 30 or 40 feet. I do support this project. The only last piece that I think has something to do with CDOT and the access off of Brookshire, There was some concern about access off of Brookshire, and I know that you are

going to be meeting with the petitioner tomorrow. Help me in understanding, because I know there is access off of all of the businesses along Brookshire. Why is this one different?

Mr. Davis said a couple of things, there is an opportunity to have the access served entirely from the adjoining side streets, which in and of itself might not be the issue. Part of it is the site design. The bank of fueling stations is just sort of right in front of that access to Brookshire, so what we have been interested to do is look at one of a couple of alternatives, one that would either have the access entirely from the sides, or a modification to the layout of those pumps, so that if someone was putting in from the Brookshire entrance, they are just not encountering within that first 20 feet or so vehicles that are just trying to circulate to find gas. If they can pull deeper into the site, before they have to stop, that would reduce the likelihood of that cuing out onto the street.

Mr. Austin said I hope that you have a productive meeting tomorrow.

Councilmember Fallon said that is the site where the railroad comes through and backs up that traffic on that side road. There are no buffers there now. You can come in from that side, the other side, or Brookshire. Why are we changing that and making it different? When that rail comes, it takes an hour to pass. That whole area is blocked off. It is only going to cause more of a problem because of the rail.

Ms. Keplinger said the proposed use is 6,000 square foot convenience store, which is substantially bigger than the store that is located there now. It takes in additional properties, and it is adjacent to single-family residential. Staff felt that merited attritional buffers.

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

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MAYOR AND COUNCIL TOPICS

Councilmember Mayfield said unfortunately, we have seen an increase of gun violence off of Columbus Circle lately, so this is an invitation for any residents that live off of Marlow, Columbus Circle, Princess Place, if you stay in historic Camp Greene, please attend tomorrow evenings meeting. The Historic Camp Green Neighborhood Association will be meeting at 6:30 p.m. at Christ Presbyterian Church, which is located at 2461 Arty Avenue. It is right in the community. We really need you to be engaged and come out. I have a few updates based on conversations that I have had with our Chief of Police, as well as code enforcement, our engineering department, and something that we may be able to work on with Duke Energy. Please come out tomorrow evening, Tuesday.

Mayor Roberts said thank you Councilmember Mayfield for coming to the Mayor's Youth Employment Program kickoff last Friday. Councilmember Mayfield won an award for helping so much getting our young people employed. We had 370 young people who are now starting out eight week internships with companies all over Charlotte, helping them gain job skills and get a pathway to a career in the future. These are 16, 17, and 18 year olds. Many of them, it is their first job. We have many of them working for the city and county. We are pleased to have that program. Thanks for your support. If there are any young people out there still looking for summer jobs, you can contact the Mayor's office.

Councilmember Phipps said thank you to the Chinese Chamber of Commerce for hosting a two-day gathering of Chinese delegation business leaders to come to Charlotte, as well as just looking out for Charlotte and the greater North Carolina for potential Chinese investment opportunities. We had a good crowd to come out and hopefully we are building some relationships that will result in some tangible projects in the future.

Councilmember Austin said to piggy back on Ms. Mayfield; we have had an uptick in crime over the months. I applaud that our residents and citizens of Charlotte please be the one in your home or business or community to deescalate conflicts that may be happening. Unfortunately, we seem to have a society now that everyone has guns, and we need to make sure that we are deescalating conflicts. Be the one in that situation to calm everyone down. Hopefully we won't have any situations like what has been occurring over the last couple of months.

ADJOURNMENT

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

The meeting was adjourned at 9:37 p.m.

A handwritten signature in black ink that reads "Stephanie C. Kelly". The signature is written in a cursive style with a large, looping 'S' at the beginning and a long, sweeping tail at the end.

Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 4 Hours and 16 minutes
Minutes Completed: July 18, 2016