

DINNER BRIEFING

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, September 20, 2010, at 5:18 p.m. in Room CH-14 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmembers present were: Michael Barnes, Jason Burgess, Nancy Carter, Patrick Cannon, Warren Cooksey, Andy Dulin, Patsy Kinsey, James Mitchell

ABSENT UNTIL NOTED: Councilmember Warren Turner

ABSENT: Councilmembers David Howard, Edwin Peacock III

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Tammie Keplinger, Planning, reviewed the deferrals and public hearings on the agenda. She also provided Council with information on the comprehensive parking plan.

Councilmember Turner arrived at 5:20 p.m.

The briefing was recessed at 5:45 p.m. for the Council to move to the Council Meeting Chambers.

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ZONING MEETING

The Council reconvened at 6:01 p.m. in the Council Meeting Chambers of the Charlotte-Mecklenburg Government Center with Mayor Foxx presiding. Present were Councilmembers Michael Barnes, Jason Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, James Mitchell, Edwin Peacock III, Warren Turner

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INVOCATION AND PLEDGE

Councilmember Dulin gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

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Mayor Foxx explained the Zoning Meeting rules and procedures. He recognized the chairman of the Zoning Committee and the Planning Commission, Steven Rosenboro, who introduced his committee.

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DECISIONS

ITEM NO. 1: ORDINANCE NO. 4516-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 16.70 ACRES LOCATED SOUTH OF THE INTERSECTION OF SOUTH BOULEVARD AND SOUTH CALDWELL STREET AND BOUNDED BY TEMPLETON AVENUE AND EUCLID AVENUE FROM TOD-M(CD) AND R-22MF TO TOD-MO AND TOD-RO

Mayor Foxx said the Zoning Committee found the petition to be consistent with the South End Transit Station Area Plan and reasonable and in the public interest.

A protest petition has been filed and is sufficient to invoke the 20% voting rule requiring affirmative votes of ¾ of the Mayor and Council members not excused from voting in order to rezone the property.

Tammie Keplinger, Planning, said I would like to read a note. This note is actually on the site plan, but I would like to read it in for the record. “Fifty percent of Area D-2 within the 20-foot B-2 perimeter may be 120 feet in height. The remaining 50% will meet the TOD standards.” The area that this is talking about is D-2.

Mayor Foxx said this is still protested; correct?

Ms. Keplinger said, yes, sir, it is.

Mayor Foxx said that means I actually get to vote tonight.

Councilmember Kinsey said may I make a motion. I would like to move approval, and I do that with thanks to both the neighborhood and the Housing Authority for working very hard to reach a compromise.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Mitchell, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-022]
[for the above rezoning by Housing Authority of the City of Charlotte as modified and as]
[recommended by the Zoning Committee.]

The modifications are:

1. The option on Parcel “A” to encroach into the 30-foot setback along Euclid Avenue has been removed.
2. The front porch design and building materials commitments for Parcel “A” have been moved from “Optional Development Provisions” to “Unified Development Provisions”.
3. Commitments to provide a mixture of uses along all public roadways and to provide a 50% office component on Parcel “E” have been moved from “Optional Development Provisions” to “Unified Development Provisions”.
4. The commitment to provide elderly and low/moderate income housing on Parcel F has been moved from “Optional Development Provisions” to “Unified Development Provisions”.
5. The following design elements have been committed for Parcel “A”:
 - a. All doors serving ground floor units will have individual porches and all porches will be connected to the street with sidewalks. Porches shall be designed contextually to the scale and style of the adjacent residential buildings.
 - b. All units abutting Euclid Avenue will have setbacks in context with the established setbacks of adjacent residential buildings.
 - c. Exterior siding material shall be fiber cement-type boards or planks or better. No vinyl or masonite-type siding shall be used.
 - d. Building roofs will be predominantly of pitched design and will be covered with architectural type roofing shingles.
6. The request for the petitioner to note that a maximum 1/3 of Parcel “C” can be used for above-ground detention is no longer needed as the development will have underground detention.
7. Parcel “E” will contain a minimum of 50% office uses.
8. The new 40-foot setback and 15-foot undisturbed buffer along the property lines abutting single family zoning along Rensselaer and Euclid Avenues are shown on the site plan.
9. The pedestrian connection from Euclid Avenue to Tract “C” is noted as being a “pedestrian hardscape connection”.
10. CDOT requested that the proposed site’s land use densities and parking (space) demands generated by the development plan be depicted in a table corresponding to the Technical Transportation Memoranda submitted and approved by CDOT. The petitioner has provided adequate traffic information for this TOD development.

11. The following notes requested by CDOT have to be added to the site plan:
 - a. Construction and infrastructure street phasing has been addressed on conditional note 18.
 - b. Notes have been added to the conditional plan designating public and private streets. Private streets will need to be located within an access easement and be open to the public at all times.
12. Open space may include underground storm water management. In addition, a pedestrian walkway shall be incorporated into Parcel "C" with benches, lights, and trees to create a park-like amenity for the project. There will be no chain link fencing or utilitarian elements as to detract from the visual amenity.
13. To the extent possible with CDOT standards, recommendations, and guidelines, a traffic table will be utilized to slow traffic along the new Caldwell/Cleveland connector street at the Bland Street intersection. Any off-site traffic calming along Euclid, Rensselaer, or Cleveland sought by the neighborhood and installed/paid for by others will not be opposed by the petitioner and project.
14. Where the project abuts single family zoning along Rensselaer and Euclid Avenues, the building setback will be 40 feet with the first 15 feet being an undisturbed buffer. All trees shall be five inches or greater in caliper where they can be protected from construction disruption and will be identified, protected, and preserved within the entire 40 feet. A protection plan will be created for each parcel before construction commences to identify any such trees over 5" to be removed due to construction activities for City review and approval.
15. All major trash receptacles and loading docks will be prohibited within 100 feet of the rear property line of the houses along Euclid and Rensselaer Avenues. Further, refuse collection trucks will be prohibited within this 100-foot distance. To the extent possible within the CDOT restrictions, large trucks, including moving vans, shall not use Rensselaer side access for circulation to the site.
16. During the construction of all phases of the implementation of the plan, construction traffic will not use Rensselaer or Euclid Avenues to enter and exit through the project.
17. All private streets construction and maintenance responsibility will be the responsibility of the petitioner. Proposed internal private streets will be located within a public easement and will remain open to the public at all times.
18. The petitioner will fund associated traffic/pedestrian signal costs at South Boulevard and Bland Streets. Signal modifications may be necessary to accommodate the fourth intersection approach into the development and all necessary pedestrian access/signalization costs.
19. When the master plan for the site is totally built out, it will not exceed 1.2 million square feet of new leasable/sellable space.
20. Note 3 (A)(b) should be deleted.
21. Note 3(B2) will read as follows: Will be limited to a maximum height or 65' (4-5 stories depending on use) with an additional condition requiring at least 80% ground level retail.
22. Note 3(B3) will read as follows: Will be limited to a maximum height or 65' (4-5 stories depending on use) with an additional condition requiring at least 80T ground level retail.
23. Note 10(A) will read: Petitioner shall comply with the City of Charlotte Zoning Ordinance requirements, Section 9.1208 with the exception as the property abuts the rear and side property lines of the single family zoning along Rensselaer and Euclid Avenues.
24. Developer/Property owner shall notify the Dilworth Community Development Association (DCCA) of all future parcel developments associated with this petition upon commencement or request for individual "TOD" review and/or administrative approval. Such notices shall be in writing to the current president of the DCDA and shall be for information purposes only.

The ordinance is recorded in Ordinance Book 56 at Pages 760-761.

DEFERRALS

[Motion was made by Councilmember Cooksey, seconded by Councilmember Dulin, and]
[carried unanimously to defer Item Nos. 2 and 7 for one month to the October meeting and]
[Item 7-A, which was added late, deferred for three months to the December meeting.]

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DECISIONS (Continued)

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ITEM NO. 3: ORDINANCE NO. 4517-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.056 ACRES LOCATED ON THE NORTHEAST CORNER OF WEST BLAND STREET AND WINNIFRED STREET FROM I-2 TO TOD-M

Mayor Foxx said the Zoning Committee found the petition to be consistent with the South End Transit Station Area Plan and reasonable and in the public interest.

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-039]
[for the above rezoning by the Charlotte-Mecklenburg Planning Commission as recommended]
[by the Zoning Committee.]

The ordinance is recorded in Ordinance Book 56 at Pages 762-763.

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ITEM NO. 4: ORDINANCE NO. 4518-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR TWO PARCELS WITH APPROXIMATELY 0.31 ACRES LOCATED AT THE INTERSECTION OF SOUTH TRYON STREET AND CAMDEN ROAD AND LOCATED ALONG CAMDEN ROAD BETWEEN SOUTH TRYON STREET AND PARK AVENUE FROM I-2 TO TOD-M

Mayor Foxx said the Zoning Committee found the petition to be consistent with the South End Transit Station Area Plan and reasonable and in the public interest.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-041]
[for the above rezoning by the Charlotte-Mecklenburg Planning Commission as recommended]
[by the Zoning Committee.]

The ordinance is recorded in Ordinance Book 56 at Pages 764-765.

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ITEM NO. 5: ORDINANCE NO. 4519-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 18.20 ACRES LOCATED OFF MONROE ROAD AND GENERALLY BOUNDED BY SHADE VALLEY ROAD, CATERET STREET, AND CHIPPENDALE ROAD FROM I-2, R-17MF, AND R-5 TO NS WITH FIVE-YEAR VESTED RIGHTS

Mayor Foxx said the Zoning Committee found the petition to be inconsistent with the East District Plan but reasonable and in the public interest.

[Motion was made by Councilmember Carter, seconded by Councilmember Barnes, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-042]
[for the above rezoning by David R. Krug Associates, Inc. as modified and as recommended]
[by the Zoning Committee.]

The modifications are:

1. References to the Independence Boulevard Plan and the Charlotte Distressed Business District have been removed from the site plan.
2. Development Note 4 (Permitted Uses) has been reworded to provide clarity regarding permitted uses per the NS District as well as uses proposed within each tract.
3. Development notes have been revised to comply with standard format for site plan notes.
4. Notes identifying minimum ordinance requirements have been removed.
5. The word “parcel” has been replaced with “tract” or “component” so as not to be confused with tax parcels.
6. All notes related to possible amendments to the site plan have been combined and language added to reference Section 6.207 of the zoning ordinance.
7. The reference to the City of Charlotte submitting an abandonment request for Chippendale Road right-of-way has been removed.
8. Development Note 7B has been amended to reference the USDG options within the Charlotte Land Development Standards Manual.
9. Development Note 7C regarding unified streetscape treatment has been removed.
10. Notes with standards less restrictive than the minimum ordinance standards for the NS district have been removed.
11. All notes related to lighting have been moved to one section (Development Note 12).
12. Development Note 8B has been amended to state that existing trees or groups of trees will be saved wherever possible.
13. Monroe Road has been excluded from Development Note 5D.
14. The second sentence in Development Note 6A has been removed and the note revised to read” “The first floor of all buildings except those within Tracts A and C along Chippendale Road will be designed and/or used for uses...”
15. The reference to commercial tenant signage has been removed from the type of building materials.
16. The wording “For all other buildings” has been removed from Development Note 6D.
17. Development Note 6B has been modified to state that tenants shall not be required to have a pedestrian entrance along Monroe Road or Chippendale Road.
18. Move and combine note V.1.9 with IV.4 (Access Points).
19. Notes pertaining to fences and right-of-way encroachments have been removed.
20. The note regarding a solid waste management plan has been removed.
21. The following CDOT issues have been resolved:
 - a. Note 5C has been removed from the revised plan.
 - b. Note 7D has been removed from the revised site plan.
 - c. Note 7B has been modified by deleting “...within the Charlotte Land Development Standards Manual” and replacing with “...and associated details” at the end of the sentence.
 - d. Note 13 has been removed.
 - e. Page Z-1 the note along Chippendale Road indicating that the realignment and signalized intersection will be by the City of Charlotte has been removed.
 - f. After note 5A, the following has been added:
 1. A left turn with a minimum of 150 feet of storage will also be provided for Richland Avenue.
 2. A left turn will be provided for proposed Private Street “a” with a minimum of 100 feet of required storage.
 - g. A note has been added that the intersection of the newly aligned Chippendale and Monroe Road is required to be signalized prior to the first certificate of occupancy. All cost associated with the signal including interconnection is the responsibility of the petitioner.
 - h. The typo in Note 5B – “Is used” has been corrected to “issued”.

The ordinance is recorded in Ordinance Book 56 at Pages 766-767.

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ITEM NO. 6: ORDINANCE NO. 4520-Z FOR THE ADOPTION OF A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO MODIFY THE REGULATIONS RELATED TO HOUSEHOLD PET SERVICES AND THE ZONING DISTRICTS IN WHICH THEY ARE PERMITTED

Mayor Foxx said the Zoning Committee found the petition to be consistent with adopted policies and to be reasonable and in the public interest.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Howard, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-044]
[for the above rezoning by the Charlotte-Mecklenburg Planning Commission as recommended]
[by the Zoning Committee.]

The ordinance is recorded in Ordinance Book 56 at Pages 764-765.

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HEARINGS

ITEM NO. 8: HEARING ON PETITION NO. 2010-032 BY THE ROCK WORSHIP CENTER FOR A CHANGE IN ZONING OF APPROXIMATELY 1.59 ACRES LOCATED AT THE INTERSECTION OF FORDHAM ROAD AND WEST BOULEVARD FROM R-4 TO UR-C(CD)

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this is a request for a change in zoning for 1.59 acres from R-4 to UR-C(CD). You actually had a hearing on this petition back in July; however, since that time the zoning has changed, requested zoning has changed, from institutional to UR-C(CD). The original site shows 104-space asphalt parking lot with sidewalks and a handicap ramp. It has two vehicular access drives: one to Fordham Road and one to West Boulevard. They have perimeter trees and landscaping along the exterior of the parking lot. This parking lot serves the church, which is located across Fordham Road. Staff is recommending approval. It is inconsistent with the Central District Plan, but we feel that the plans frequently do not tell us where institutional districts should locate, and we look at those on a case-by-case basis. We feel this use is appropriate. There are no outstanding issues.

Councilmember Dulin said, Tammie, would this meet the proposed new tree ordinance? Would it satisfy that?

Ms. Keplinger said I am not sure if it would meet the new tree ordinance. It will be required to meet the current tree ordinance. I have not seen the new proposal myself to compare it to this site plan.

Councilmember Dulin said that's fine. I would like them to have less ordinance over their heads than more. It's interesting how all this stuff is going to start rolling pretty soon if it gets passed. Groups like churches are going to have to start taking parking spaces away and adding trees to their parking lots, etc. as they build, just for example.

[Motion was made by Councilmember Cannon, seconded by Councilmember Howard, and]
[carried unanimously to close the public hearing.]

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ITEM NO. 9: HEARING ON PETITION NO. 2010-040 BY GRADY PARKER, JR. FOR A CHANGE IN ZONING OF APPROXIMATELY 1.52 ACRES LOCATED ALONG WILSON LANE AND WEST SUGAR CREEK ROAD FROM O-2 AND B-1 TO B-2(CD)

The scheduled public hearing was held on the subject petition.

bvj

Tammie Keplinger, Planning, said this is a rezoning request from O-2 and B-1 to B-2(CD) for 1.52 acres along Wilson Lane and West Sugar Creek. The purpose of this rezoning is to reuse an existing building that is approximately 22,000 square feet for 79 single room occupancy units or as a motel or a hotel. There is a hotel 6,690 square foot three-story addition proposed to the western side of the building. The maximum building height will be 27.5 feet or three stories. There is a Class B 22-foot buffer with a wooden fence that will be along the property line with adjacent residential properties.

There are several minor site plan issues that staff has with this petition. The staff has been working with a citizens' advisory group to amend our SRO or single residence occupancy requirements. The proposed changes are scheduled to go before the City Council's Housing and Neighborhood Development (HAND) Committee within the next several months. Until the proposed amendments have cleared the HAND Committee, staff does not recommend approval of this petition. Typically when we have a rezoning process that is underway, we ask the petitioner to wait to file a petition or we ask for a decision not to be made until we have a recommendation. So for that reason, we are requesting that the decision on this petition be deferred until that recommendation from the SRO citizens' advisory group has cleared the HAND Committee.

Councilmember Howard said just a couple of questions, Tammie. I'm looking through to see if there is a nonprofit that would operate this SRO. Normally when you have a social mission like an SRO, you actually have a nonprofit that is actually programming it and doing something to help the people that stay there pull themselves up. I see a business owner, which kind of tells me they are just maybe getting another use out of this hotel property. I guess I really have more questions. Is this a nonprofit doing this with some mission of helping the men that will stay in SROs, and that's not clear to me in this. I'm not saying if we got questions answered tonight, but I would like to have that.

Ms. Keplinger said Ms. Campbell might be able to answer your question. She is familiar with the petitioner.

Debra Campbell, Planning, said, Mr. Howard, we are not certain there is a nonprofit that is associated with this petition. That is why we are strongly recommending a deferral on the decision because as part of the SRO recommendations there is a component that is included that talks about support services, and we don't think that is a part of this petition.

Councilmember Dulin said actually my questions are being answered, Mr. Mayor. I will defer to Mr. Barnes.

Councilmember Barnes said I think it makes sense to allow the Housing and Neighborhood Development Committee to complete this work on the SRO issue before this petition is voted upon, so I do agree with staff that we should defer any decision until after the committee has completed its work.

Councilmember Turner said I agree with Mr. Barnes. One of the things I wanted to know from staff. Could you possibly make sure that this Council, whether or not we have done or set this kind of precedent before? Have we ever approved a change for zoning for this type of use?

Ms. Keplinger said we have. We have one SRO in the City of Charlotte currently, and we can provide some information on that if you like.

Councilmember Carter said I think the vetting of that HAND Committee is an extraordinarily important component because as I see our rezoning process dealing with land use questions will be asked there that we cannot ask, and, consequently I think it's appropriate to know that their recommendation is on the books before we get it. I would like to see if any transportation or transit issues are resolved in committee as well as a support issue.

Councilmember Dulin said, Tammie, where is the current SRO that we have in the city?

Ms. Keplinger said it's in the North Davidson area – McCreesh Place.

Councilmember Dulin said it has worked well as far as we know?

Ms. Keplinger said we have actually had one of the Citizens Advisory Committee meetings there and toured the facility, and it does seem to be functioning well.

Councilmember Dulin said I would like to go. If you will let us know where that is, I would like to go see it. Mr. Mayor, now that I have got the floor I might as well. I went to see this property, and, you know, just about anything would be better than the way it has deteriorated now, but I have got some real questions as to whether this use would be an upgrade for that community or not. There were a lot of people standing around, etc., etc. when I was there in the middle of the day last week. I would like to go see that other one and see how it is working.

Councilmember Howard said just a few things, Mr. Dulin. I think my concern is the difference between this and McCreesh Place is it is not operated by an entity that is trying to help the gentlemen. If it's just a for profit, then it's motivations are going to be different. With the problems already on Sugar Creek with the issues with some of the motels in the area and it backing up to a neighborhood, this one would concern me probably more than any other property in that area. That is why I was just figuring out if it's for profit or nonprofit and how they are going to support the gentlemen or the people that stay there is a real important question – a little different than McCreesh and Moore's Place, which are both SROs or will be an SRO, but have very strong supportive services.

Mayor Foxx said is there a motion on this? I think the staff is asking us to decide this after the HAND Committee has met.

Councilmember Barnes said I move for an indefinite deferral.

[Motion was made by Councilmember Barnes and seconded by Councilmember Cannon to]
[close the public hearing.]

Councilmember Dulin said one more thing. I apologize, Council. I didn't hear. I know McCreesh on North Davidson, know it well, so I'm sorry. Okay.

The vote was taken to close the public hearing and carried unanimously.

Councilmember Barnes said I would move to indefinitely defer this item.

Mayor Foxx said we don't need to.

Ms. Keplinger said what will happen is this we'll take it to the Zoning Committee, and it will be deferred at the Zoning Committee level until it goes through HAND Committee and then come back to you for decision, so there is no reason for a deferral tonight.

Mr. Barnes said thank you. I will withdraw my motion.

ITEM NO. 10: HEARING ON PETITION NO. 2010-047 BY TREVI PARTNERS, LLC FOR A CHANGE IN ZONING OF APPROXIMATELY 68.90 ACRES LOCATED ON THE SOUTH SIDE OF US HIGHWAY 29 ACROSS FROM THE INTERSECTINO OF CAPRINGTON AVENUE AND US HIGHWAY 29 FROM CC TO CC(SPA) AND UR-C(CD) WITH FIVE YEAR VESTED RIGHTS

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this is one of the petitions we discussed at our dinner meeting tonight that is back in for a rehearing. In July it came in with a portion of the property to be rezoned institutional for independent and dependent care and skilled nursing. Upon looking at the site plan that was submitted, it was discovered that several of the buildings in this

area cannot meet the institutional setbacks, therefore, we needed to relook at the petition. The zoning they are proposing is UR-C(CD) for the back portion and CC(SPA) for the front portion.

Only minor changes have occurred to make the petition better since the last hearing. They are going to maintain 110,000 square feet of allowable commercial and retail uses, increase the allowable office from 30,000 to 80,000, increase the number of hotel rooms from 90 to 170, add a 25,000 square foot wellness center, a 14,000 square foot adult care center, and 275 multifamily units, which will consist of independent, dependent living units, a minimum 79 multifamily elderly units, and 100 skilled nursing units. They are deleting 480 previously approved for sale residential units that were approved in 2006 for this site.

The petition is inconsistent with the Northeast District Plan because it represents the 2006 rezoning, however, the primary change is based on the replacement of the multifamily with the institutional uses, and for that reason, we are recommending approval.

Councilmember Kinsey said is the petitioner going to provide connection to the greenway as requested by Park and Rec?

Ms. Keplinger said I believe there is a connection to the greenway, yes, ma'am.

Brian Jenest, 200 S. Tryon St., said I don't really need to go through this presentation. I just did it two months ago -- unless you all really want me to. I'm really here for questions, but just as a little update we did meet with the neighborhood group a couple of times, and I think we're okay. You will hear from Diane Kirchner in just a moment. We did add four units of retirement from the original plan. Beyond that, I think we are about where we were before.

Councilmember Barnes said one outstanding item that would be helpful for me would be to get the detailed elevations that we talked about as well as the site plan notes, which I'm sure staff has those, but the elevations would be important especially because there are so many uses on the site.

Mr. Jenest said we are well on our way to completing those so we'll see that you get those.

Diane Kirchner, 527 Wrayhill Dr., said originally when I spoke here I was extremely opposed to this. Since the last hearing, I have been in contact with Cole Jenest and Stone and St. Margaret's. I have requested multiple things of information on St. Margaret's. I have gotten some, and I'm awaiting more. The way it stands right now we are okay with this. The only thing I'm asking is for more information. I did request a tour of a similar facility, which I would like to see to actually get a hands-on view of what this is going to look like, and we have spoken about that, and that should be set up in the near future. We did have a homeowners meeting, and they were all present, so the homeowners are aware of what is going on. So, at this point, I am going to say that I'm for this with awaiting more information, which they seem willing to provide, so I'll be waiting for that. I am in contact with Brian, so everything seems to be okay with that.

Councilmember Carter said in the outstanding issues, Nos. 2 and 3, suggest changing the 40-foot setback to read a 20-foot side yard and a 20-foot rear yard. Is that the intent of the plan? Does that reduce the separation from the residences? It's the second page of our write-up, and it's outstanding issues Nos. 2 and 3.

Ms. Keplinger said out Item 2 is about a minimum 60-foot wide public greenway easement.

Councilmember Carter said I'm on No. 11. My apologies. Thank you very much.

Ms. Kirchner said can I just say one other thing?

Mayor Foxx said, yes, ma'am.

Ms. Kirchner said my major concern the last meeting was the impact this was going to have to our street, Caprington, and I just want it to be known that they have addressed that concern, and we are working to have that problem taken care of. We were concerned that the street will be a

major intersection. There is no lighting, there is no security. Our pool is on that road, and it is a cut-through going through Withrow 1 and on to Mallard Creek, and they have made an effort to address that, and, hopefully we have got everything worked out with that, so I just want to commend them on that.

Mayor Foxx said thank you so much for that.

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

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ITEM NO. 11: HEARING ON PETITION NO. 2010-048 BY WILLIAM CASHION, JR. AND WILLIAM WISE FOR A CHANGE IN ZONING OF APPROXIMATELY 5.00 ACRES LOCATED ALONG THE SOUTH SIDE OF SHOPTON ROAD NEAR THE INTERSECTION OF LEBANON DRIVE AND SHOPTON ROAD FROM R-3 TO INST(CD)

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this is a petition to rezone from R-3 to INST(CD). The request is for a civic social service fraternal facility that will be approximately 12,000 square feet and an out building of approximately 1,000 square feet. There is an eight-foot planting strip and a six-foot sidewalk along Shopton Road with a 30-foot Class C buffer abutting the adjacent residential properties. There is preservation of several large trees in the area in front and behind the structure. This petition is inconsistent with the Southwest District Plan. Again, however, our district plans generally do not tell us where institutional uses should go but leave us to look at those individually. We have determined that this one is compatible with the surrounding residential uses due to the site design, the large size of the parcel, and the preservation of the existing trees.

Councilmember Carter said now I'm on the right page. That is question Nos. 2 and 3 in the outstanding issues about the 20-foot setback rather than a 40-foot setback to see what is dividing the neighbors from this area.

Ms. Keplinger said what is your question specifically? I'm sorry.

Councilmember Carter said is it only to be a 20-foot setback rather than a 40-foot setback?

Ms. Keplinger said the zoning ordinance requires a 20-foot setback. The petitioner shows a 40-foot setback on the site plan. Our question was did they mean to show a 40-foot site plan and make that additional 20 feet. If yes is the answer, then it would be double what would normally be required.

Councilmember Carter said that was my question. Is it going to be doubled or is it not?

Ms. Keplinger said I do not have anyone here from the petitioner to answer that question.

Councilmember Carter said so if we can answer that –

Ms. Keplinger said but we will have it by the time we come for a decision.

[Motion was made by Councilmember Cannon, seconded by Councilmember Barnes, and]
[carried unanimously to close the public hearing.]

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ITEM NO. 12: HEARING ON PETITION NO. 2010-053 BY THE BISSELL COMPANIES, INC. FOR A CHANGE IN ZONING OF APPROXIMATELY 2.27 ACRES LOCATED ALONG THE EAST SIDE OF SHARON ROAD BETWEEN MORRISON BOULEVARD AND COLTSGATE ROAD FROM O-2 TO MUDD-O

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said the next two petitions are side by side, so when you look at our maps, we will have double sets of them for you to see. The first petition, 2010-053, has two development proposals. One is called the existing development alteration scenario. It is going from an O-2 district to a MUDD-O. It has optional requests for streetscape, parking, maneuvering areas, drive-thru's, and signage. Uses within the six existing buildings will be limited to business, general, and medical office uses with two branch banks with drive-thru windows, and those are existing. There is up to 11,000 square feet of an existing building that can be converted into retail establishments, personal services, and restaurants, and restaurants will not have the drive-thru windows. Up to 2,500 square feet can be added to the existing buildings. The proposal also includes off-street parking that is beyond the minimums for the MUDD-O district.

The second development scenario or the redevelopment scenario has one optional, and it is to allow detached signage within the 20-foot setback between the back of the sidewalk and buildings. The uses are limited to professional, business, general medical uses, retail establishments, personal services, and restaurants. The maximum floor area of 100,005 square feet with a maximum building height of 75 feet. Retail, business, restaurants, and personal services are limited to the lesser of 20,000 square feet or the ground floor of the principle building. There are also restrictions on the façade of the building and of the parking deck, which is also to provide pedestrian and vehicular connection access to Sharon Road. There are to be up to four principle buildings constructed on the site, and, again, parking standards that exceed those required by the MUDD district. Staff is recommending approval of this petition upon the resolution of outstanding issues. The ground floor retail uses are inconsistent with the SouthPark Small Area Plan, however, the office component is consistent, and together they provide a development that meets the mixed use goal of the South Park Small Area Plan.

Keith MacVean, King & Spaulding, said Jeff Brown of our firm and I are helping or assisting Bissell Companies with this rezoning petition. As I mentioned, Ned and Howard are here from The Bissell Companies and Jeff with LS3P. We want to thank the Planning staff for assisting us with this petition. I think we are very close to resolving the remaining issues. We have sent them some proposed language to address the remaining issues, and we'll be working with them between now and the time we come back to you for a decision on resolving those.

As Tammie mentioned, this is 2.2 acres on Sharon Road between Coltsgate Road and Morrison Boulevard currently zoned O-2. We are requesting a MUDD-O petition. The site is currently developed with six separate buildings, about 18,000 square feet of office uses. The request would allow the redevelopment of the site with a new four-story building similar to the Siskey building, which is next door and which is actually the subject of the next petition. Before the site redeveloped, as Tammie mentioned, we are requesting that we be allowed to use up to 11,000 square feet of the existing square footage – some of the square footage within the existing buildings for retail and restaurant uses. Right now because it is zoned office, we are not able to establish those uses on the site. Once the site is redeveloped that retail and restaurant square footage that would be developed on the site would then be incorporated into the ground floor of the new multistory office building. As Tammie mentioned, that is in keeping with the vision for SouthPark going from a suburban shopping center and office park to more of a town center environment. Allowing the creation of those mixtures of uses we think moves us in that direction.

The redevelopment plan would have the building up on the street, access to pedestrians from the street, parking to the rear. Access to the site is from Sharon Road. We have added several notes to address a CDOT request that we allow connectivity in the future with the adjoining property owners. We have added notes that would allow that under certain conditions – working out easements, cost sharing issues, and things like that, so that at some point in time the properties to

the rear of the site could potentially have access to Sharon Road via the signal across from SouthPark Mall. I will be glad to answer any questions.

Councilmember Cannon said a meeting was required and was held, but the report is available on line. Do we know what the report says?

Ms. Keplinger said the community meeting?

Councilmember Cannon said yes.

Ms. Keplinger said, yes, sir, it just details the information that was distributed at the community meeting. That's very typical. We put all of those reports on line for all of our cases.

Councilmember Cannon said do you have that before you this evening?

Ms. Keplinger said I do not, but we can get it if you would like for us to supply you with that.

Councilmember Cannon said it would be good to have not just on this particular case but even others as they might make themselves available.

Councilmember Cooksey said I'll give you a preview. No one showed.

Councilmember Cannon said that helps.

Mayor Foxx said it will be a quick read.

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

ITEM NO. 13: HEARING ON PETITION NO. 2010-054 BY THE BISSELL COMPANIES, INC. FOR A CHANGE IN ZONING OF APPROXIMATELY 2.96 ACRES LOCATED ALONG THE EAST SIDE OF SHARON ROAD BETWEEN MORRISON BOULEVARD AND COLTSGATE ROAD EXTENDING TO ABUT COLTSGATE ROAD FROM O-1(CD) TO MUDD-O

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this petition is right next door. Again this petition proposes to allow business, general office, medical uses, retail, and professional services in an area where it's currently not allowed. The uses would be limited to ground floor of either the existing building or the new building. There are three optional provisions, and they relate to signage and streetscape. The maximum floor area for the development would be 80,000 square feet, the maximum building height is 75. Access will be provided by three shared driveways – two from the property to Sharon Road and another one to Coltsgate Road. Detached site lighting would be limited to 25 feet in height with no wall pack lighting. Again, staff is recommending approval of this petition. The ground floor retail uses are inconsistent with the SouthPark Small Area Plan, however, the office use is consistent and the combination meets the goals of the plan.

Keith MacVean, King & Spaulding, said this petition is similar to the one next door, the major difference being it does already have an existing four-story office building on the site zoned office. It was zoned office in 1998 through a zoning petition that I included this building in and the adjoining building going south on Sharon Road. The site has access to Sharon Road via actually Sharon Station and then an additional access from Coltsgate. The office district allows a certain amount of retail and restaurant uses on the ground floor. This request would allow those existing uses to expand and additional uses to be established on that ground floor. We are working with the staff on three very minor issues. We think we have those resolved. We have agreed to do the bus waiting pad on Sharon Road. Again, inconsistent in terms of retail, but it does implement the vision for SouthPark of having a mixture of uses and creating a walkable

pedestrian environment by buildings up on the street. This is one of the early buildings that did that in SouthPark by having a building up on the street, parking to the rear, and really changing the vision for SouthPark. Be glad to answer any questions.

Councilmember Carter said I think I need some legal advice on this question. Is it possible that we might ask questions about the demolition of the current buildings – if they are environmentally friendly demolitions.

Councilmember Dulin said, I'm sorry, what was the question, Ms. Carter?

Councilmember Carter said if the demolition of the current buildings will be environmentally friendly – recyclable as much as possible – and the answer was yes. That is a legal question.

Mr. MacVean said I assume when you say that you are really thinking about the Sharon Station site where the smaller buildings are. We haven't discussed that with the petitioner in terms of how the demolition would occur since it's not an imminent issue, but let me discuss that, and we can respond. I believe it would be, but I need to verify.

Councilmember Carter said more and more of our demolitions are recycled material, etc., so I would be very grateful. Thank you so much.

Mr. MacVean said he says yes.

Councilmember Dulin said, Tammie, this is a question for you. Petitioner mentioned that one of the issues he was trying to work through with you with staff was a concrete pad for a bus stop. Are they adding a route or adding a bus there because there is a bus stop 100 yards south in front of – it would be the Prudential Building – one of those two smaller buildings. Either the old Donald Haack Building or the Prudential Building has a bus stop in it because I have tried to get a bus shelter there for years now. It doesn't have but about ten people a day get on the bus there. Are you all asking them to move that bus station down in front of their building?

Ms. Keplinger said I believe it's an additional bus stop.

Mr. MacVean said my understanding is there is a bus stop currently in front of what we call the Siskey Building or the Interstate Building I think is what it is also referred to. There is an existing bus stop. CATS has asked us to install a concrete waiting pad at that bus stop, and we have agreed to do that if they need that.

Councilmember Dulin said, Tammie, I would like to look – I know that area. I was there this morning – 4:30 or whatever it was. I have only ever seen one bus stop, and it doesn't need a pad because it has a sidewalk right there on it. That's interesting.

Ms. Keplinger said I'll be glad to check into that.

Councilmember Dulin said I would. I mean if CATS has got – I mean the 22 comes through, the 24 comes through there. It's a busy bus route area, but that would be interesting. I just don't want us to go start asking people to build bus pads when we don't need them.

Councilmember Turner said I think Mr. MacVean has answered my question already because he definitely indicated that they would be more than happy to do that bus pad if that's what we require them. I understand the logic behind it and I understand the reason why you need concrete versus asphalt. When it breaks up or when you have that weight of that bus sitting there and coming day after day stopping, it will eventually break down the asphalt, and I think it's a wonderful idea that they move that bus off the road to allow traffic to continue through, so hopefully y'all can work that out.

Councilmember Dulin said for goodness sakes. Maybe I have got it wrong then. Are you guys suggesting that they build a concrete parking area for the bus to come and stop on?

Ms. Keplinger said, yes, a bus waiting pad.

Mr. MacVean said what we took the note to be was a pad for people to –

Councilmember Dulin said for a bus stop – not where the bus to stop but to stand and wait for the bus to come. The buses stop on the asphalt.

Councilmember Turner said I'm on the opposite page of that. I'm on the same page with staff. That's my interpretation – talking about a landing pad for the bus and not –

Mr. MacVean said we didn't take it to mean that. We took it to mean replace the grass planting strip with a concrete pad for people to wait on – not for the buses.

Ms. Keplinger said we will clarify.

Councilmember Dulin said y'all are going to have to get together on that.

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

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ITEM NO. 14: HEARING ON PETITION NO. 2010-055 BY CHARTER PROPERTIES, INC. FOR A CHANGE IN ZONING OF APPROXIMATELY 43.41 ACRES LOCATED ALONG THE EAST SIDE OF REAMES ROAD ACROSS FROM SECRETARIAT DRIVE AND PRESTBURY BOULEVARD

The scheduled public hearing was held on the subject petition.

Tom Drake, Planning, said the petition is a site plan amendment to a previously approved multifamily petition located on Reames Road a little bit south of the NorthLake Mall. The gist of this petition is to add a cell tower site to the second phase of this apartment development. It's 588 units. The first phase is completed. They are beginning the second phase. The cell tower would be located in that phase.

John Carmichael, 214 North Tryon St., said as usual I sign everybody up in case there is a question, but it's a site plan amendment. The only thing we are seeking to change is to allow a cell tower on the site. Charter Properties is the owner. The Berkley Group would be the operator. It's an existing multifamily site that was rezoned in 2006 conditionally to R-12MF(CD). Phase 1 has been built. It's Long Creek Club Apartments. Phase 2 construction will commence hopefully by the end of the year. As you have been reading some of the articles in the paper, we need more cell towers to improve reception and communication. We are happy to answer any questions.

Councilmember Barnes said I'll defer to the district rep, if he would like. I just have a quick question regarding the stealthing materials or scheme.

Mr. Carmichael said it's a unipole tower, Mr. Barnes. We worked with Katrina Young, the zoning administrator, before we filed the petition to make sure she would approve that because under the ordinance that's one of her duties, and she did. But all the antennas would be located within the interior or the unipole. It would be a unipole. It would be silver, and it would be stealthy, but you would be able to see it. It's not stealth in that it's not visible –

Councilmember Barnes said invisible.

Mr. Carmichael said we're not that good.

Councilmember Barnes said an invisible cell tower that's 189 feet tall. Let me ask you a question. We have all seen some of the fake pine trees. I have got one in my district a couple of hundred feet tall, and it's always green. I ask you the question because there was we had – I think it may have been in Councilmember Carter's district – where they agreed to put a U.S. flag on it or something in order to avoid having a 189-foot tall metal pole, and I know that's a very

tall flagpole, but have you all considered any treatment in that regard that would put it to some alternative use – a flagpole?

Mr. Carmichael said we have not. Under the ordinance, I don't think you are even allowed to attempt to hide it as a flagpole design. That's my understanding.

Mr. Drake said we had a meeting to discuss this stealthiness, and I think there was a consensus that a slender, unadorned pole was the least visible or noticeable approach. The height is what it is, and the technology brings with it extra carriers, but we didn't think a pine tree or other options really hid it.

Councilmember Barnes said other than pine trees what other stealthing mechanisms can people use?

Mr. Drake said at 189 feet I'm not aware of any. The cell tower folks weren't either.

Councilmember Barnes said I think the pine tree thing is almost worth revisiting at this point because it just looks ridiculous.

Mr. Drake said my wife was telling me at their office they use them as landmarks. They are so visible, and they are twice as tall as anything else.

Councilmember Mitchell said the only thing I was going to say, Mayor and Council, the citizens of the apartment complex as well as Reames Road did not attend the community meeting because they were so supportive of it, and they have a lot of frustration not having lack of cell towers out there with the mobile phone dead zones out in that area, so this is a welcome relief to the citizens out there.

Councilmember Dulin said Council rezoned some back property at the Harris YMCA a year or so ago for a cell tower, and it got lots of push back from the neighbors behind because they just were scared that it was going to intrude in their lives, but they built this pine tree back there. I mean you have got to look over there to see what it is. People just don't understand, and it's integrated itself very well into the neighborhood, so this is easy to support. This is going to be just fine.

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

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ITEM NO. 15: HEARING ON PETITION NO. 2010-058 BY CARDINAL REAL ESTATE PARTNERS FOR A CHANGE IN ZONING OF APPROXIMATELY 15.59 ACRES LOCATED AT THE INTERSECTION OF FOREST POINT BOULEVARD AND FOREST POINT CIRCLE NEAR ARROWOOD ROAD FROM B-D(CD) TO O-1

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this is a conventional petition so it does not have a site plan. The property is currently zoned B-D(CD). The zoning would allow all uses in the O-1 district built to the minimum ordinance standards. Staff is recommending approval. It's consistent with the Southwest District Plan.

Councilmember Barnes said I was just curious. Did you have any particular use and vision, Mr. Culbertson?

John Culbertson, Cardinal Real Estate Partners, 200 S. Tryon St., said when the park was conceived there was much more demand for showroom type space. That's changed, and the park has become 100% office. Recently we worked with the American Red Cross to expand them in the park, and they are requiring far more parking, and this is going to allow us to put more parking on the property but also there are a couple types of uses in B-D that have come along

and expressed interest in the park. We just haven't been able to accommodate them even though we are far more office-oriented. We are 100% office. There is no showroom, there is no warehouse, or anything in the park.

Councilmember Dulin said, Mr. Culbertson, what is the current occupancy of that park – by park, I mean office park?

Mr. Culbertson said the vacancy would be around 14%, so 86%. We were 70% vacant 16 months ago. That southwest submarket is the second largest submarket in the Carolinas for office space.

Councilmember Dulin said, everybody, this office park has been there a long time. Now that it has gone 77% vacant to 86% occupied it's just a big shift, and it's good for our community to see that. This is an older property, so I'm glad to see. We all know it. It's right over there near 77, so I'm glad to see that.

[Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and]
[carried unanimously to close the public hearing.]

ITEM NO. 16: HEARING ON PETITION NO. 2010-061 BY SOUTH36R, LLC AND CITY OF CHARLOTTE FOR A CHANGE IN ZONING OF APPROXIMATELY 57.91 ACRES LOCATED AT THE INTERSECTION OF PINE OAKS DRIVE AND BEAM ROAD AND BOUNDED ON THE NORTH BY WESTOAK DRIVE FROM O-1 AND O-15(CD) TO I-1(CD)

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this petition proposes to rezone from O-1 and O-15(CD) to I-1(CD). It allows most of the uses in the I-1 district. Some of the most intensive uses such as abattoirs, automotive sales and repair, jails and prisons, manufactured housing repair and sales, nightclubs, bars, and lounges – those are not permitted. There are three access points along Beam Road that are proposed. A Class A buffer abutting and across the street from the residential zoning or uses, six-foot sidewalk, and eight-foot planting strip along Beam Road, the preservation of existing ponds, wetland, and streams. Staff is recommending approval of this petition upon resolution of outstanding issues. It is inconsistent with the Southwest District Plan, but staff feels the requested light industrial uses are compatible with the adjacent office and warehouse uses.

Keith MacVean, King & Spaulding, 227 W. Trade St., said Chris Todd with Cole Jenest and Stone and I are assisting South36R LLC with this rezoning petition. Here tonight representing South36R LLC is Curtis Rudolph. Also here is Diane Carter with the Aviation Department. There is a parcel within the petition that is owned by the Airport, by the City. I want to thank the staff for assisting us with this petition. We did discuss alternative language this afternoon regarding the four remaining site plan issues, and I do believe the language is going to address those concerns. We will be providing revised plans.

As Tammie mentioned, this is about 58 acres located at the intersection of Beam Road and Westoak Drive just south of the Airport, just south of Yorkmont, currently zoned O-1 and O-15(CD). The proposed zoning is I-1(CD). The request would allow primarily the development of light manufacturing warehouse uses, but as Tammie mentioned there are other uses allowed in the I-1 district that also would be allowed on the site. Typically those type of uses are uses that are complimentary to the Airport and the other warehouse and manufacturing office uses found in the area. As I mentioned, a portion of the site, eight acres in the middle of the site that has an existing pond and wetland stream, is actually owned by the Airport, by the City, and that will remain as a pond wetland area. It will not be disturbed and will stay as you see it. The rest of the site will be developed around it. Access is from Beam and from Westoak. There are buffers, as Tammie mentioned, that are being provided. Inconsistent with the Southwest District Plan, as Tammie mentioned, because it recognizes existing office, but as Tammie mentioned in the staff

report, the uses are compatible with the other uses in the area for this portion of the city. Be glad to answer any question.

Councilmember Carter said is this land owned by the City some mitigation land? I would be concerned if there is construction close to that area that the trees and the water quality not be disturbed.

Mr. MacVean said not mitigation land, and that area in the middle with the heavy dash line is the area that cannot be disturbed. That's the pond, the water quality buffer, as well as some wetlands that have been identified.

Councilmember Carter said so there is appropriate distancing. Thank you very much.

Mr. MacVean said, yes, ma'am.

Councilmember Cannon said, Mr. Cooksey, was there a meeting held, and is there a report available?

Councilmember Cooksey said I'm sure there was. I didn't look for that one.

Councilmember Cooksey said zero attendees, Mayor Pro Tem.

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

ITEM NO. 17: PETITION NO. 2010-052 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO MODIFY THE REGULATIONS AND CRITERIA FOR LANDMARK SIGNS AND ADD NEW REGULATIONS FOR HISTORIC SIGN DESIGNATION

Tammie Keplinger, Planning, said this is a proposed text amendment to add a new definition for historic signs, to modify the definition for landmark signs, to create new regulations and criteria for the historic sign designation, to modify the designation criteria for landmark signs, and to modify the designation procedure for landmark and historic signs. The historic signs will be defined – this is a new definition – as existing, nonconforming, historically significant, contributing to historical or cultural character of the community at large. The sign has been removed from its original location within Mecklenburg County and is to be reused on its original site or relocated to another location within our community. That's an historic sign.

A landmark sign would be an existing, nonconforming, on-premise sign with unique characteristics which enhance the streetscape or identity of a neighborhood and contribute to the historical or cultural character of the streetscape or the community at large. In terms of how these are designated, a landmark sign has to be in continuous existence at the present location for at least 25 years. For an historic sign, the sign must be at least 25 years old. The signs must meet a minimum number of designation criteria to qualify as either an historic or a landmark sign. They must comply with the North Carolina State Building and Electrical Codes and be structurally safe and capable of being made so without substantially altering the character or the historic significance.

In terms of modifying the designation procedure for landmark signs, this adds historic signs to the designation procedure and adds a new provision that only the property owner of a parcel where a proposed landmark sign is located or the property owner of the site where the proposed historic sign is to be relocated may apply for the designation of the existing sign. Nothing prohibits the owner of a designated landmark or historic sign from removing the sign.

Leah Burch, Executive Director, Historic Charlotte, said I'm preservation planner for Historic Charlotte, and I'm here in favor of the text amendment to the City of Charlotte zoning

ordinance. In January of this year, Historic Charlotte began working with Laura Harmon and Chad Spencer from the Planning Department to develop the updated language in the current zoning ordinance that would allow for the reuse of historic and landmark signs, and our partnership with the JFG Coffee Company and the JFG Coffee sign was the impetus for our involvement in this project. We realized two things over the course of our collaboration. One was that Charlotte has some incredibly unique signs that are specific just to our region and to our city, and, two, that Charlotte citizens care a great deal about their signs, and we received a lot of support and emails and phone calls on our Facebook page and at the events we have held, and ultimately our support of the text amendment is based on the benefits to those who want it, which includes Charlotte business owners, who would like to reuse their historic or landmark signs and need an easier way to do so; two, the residents that recognize and appreciate these signs; and, three, visitors, who get a sense of our city with these visual markers. Signs provide a story of our local businesses, of past technologies and popular culture, and they identify Charlotte in a way that is distinctive just to our city. So we feel that this text amendment is important to protect those historic and landmark signs and to give business owners an incentive to reuse or reinstall them where appropriate. Thank you to those who supported the amendment and a special thanks to Council members Carter and Dulin for their presence at the Amity Garden sign removal.

Councilmember Peacock said, Tammie, I have a question or the speaker, a question about how this would relate to the historic districts in our city. We have now, I think, six, and if one of the citizens wanted to get a sign put up in that neighborhood is there a special designation for that?

Ms. Keplinger said they would still have to go through the regular permitting process and also through the historic district approval process. This would just fit in like any other ordinance we have.

Councilmember Carter said two questions, please. Are there any tax benefits to having a sign declared historic; and, two, it's okay to take it down, but are they going to notify the Historic Properties? It seems like that would be a good thing to do if they remove it.

Ms. Keplinger said I do not have any information on the tax question that you asked. We can try to find that out. Also there is no notification required if the sign is taken down.

Councilmember Carter said it seems to me that it would be beneficial if you are trying to keep track of these historic signs. If someone takes it down, can we not include that in the ordinance that they notify the Historic Properties that it is demolished or removed or relocated.

Ms. Burch said would those be the properties in the historic district or the properties where the sign is located?

Councilmember Carter said the signs themselves. If they are taken down, can that relocation or destruction be notified to you all?

Ms. Keplinger said, Ms. Carter, I think that is something that we can look into and come back when we come back for the decision and have some answers for you.

Ms. Burch said Historic Charlotte right at the moment is working on an inventory of historic signage in Charlotte, so we have sort of a running inventory list of all the signs.

Councilmember Carter said so it would be helpful if that list is inaccurate you have done your research without any fallback, and that would be kind of wasted.

Councilmember Dulin said I don't mean to stretch this thing out, but where are these signs going to be kept?

Ms. Burch said some are in storage currently.

Councilmember Dulin said does Historic Charlotte own a storage unit big enough to hold all these signs and the bus we made historic and all this other stuff we keep making historic?

Ms. Burch said we have some help from a local sign company, Petrie Signs. They are helping us store the Amity Garden sign right now until we can find a better use for it. We can't store all the signs, but we have had a lot of help so far.

Councilmember Dulin said does it cost the City anything to change this ordinance? The City is not putting any money at risk, are we, by making old signs historic?

Ms. Keplinger said not that I'm aware of, no.

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

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ITEM NO. 18: PETITION NO. 2010-060 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO UPDATE A CROSS-REFERENCE TO THE TREE ORDINANCE RELATED TO THE TREE SURVEY REQUIREMENT

Tammie Keplinger, Planning, said the zoning ordinance says that a tree survey must be provided if one is required by Section 21-11 of the tree ordinance. Several years ago that section was moved, and it is now Section 21-91, and this is a text amendment just to change the reference from 21-11 to 21-91.

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

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MAYOR AND COUNCIL TOPICS

Councilmember Dulin said I had a very moving experience yesterday in the Detroit airport with one of my sons and I were standing there waiting on the airplane, the USAirways airplane, and an honor guard of Detroit firemen in full honor guard uniform – six of them in two rows of three with a Detroit police officer in front and behind – and they were moving through the airport as a unit. Very cool, and you didn't know what was going on. So, twenty yards behind them were a couple of airport employees, and I stopped one and said, excuse me. I don't mean to bother you. I know you are busy moving something, but are they going to a gate to meet a family member or a soldier or something, and the response was, no, they have the 9/11 flag. They have a flag that flew – I went “Whoa”, you know, and I went and checked. I did what I needed to go do to make sure my son and I were okay for our flight, but then I walked down the terminal at Detroit and I found these men who were standing in formation and 9/11 in a suitcase while the 9/11 flag was there, and I said, sir, can I ask you a question. There were people all over these guys. It's not a flag that was flying on 9/11. It is flag that flew over the clean-up site, and these are firemen, and this piece of cloth, this United States flag, is sacred to these men, and it was flying from Detroit to Austin where it will be – where yesterday afternoon it was to be received by an honor guard. It moves around the country to special events, to firemen funerals, to firemen activities. I would like to make a request of the City Manager to see if he can work with Chief Hannon to see if we can find out a little more about this flag. We just last week were talking about 9/11 and making special prayers about 9/11, and this was moving yesterday seeing those men take care of that flag like that that flew over their brothers and sisters. So I would really like to ask the City Manager to look into that. All six of them had the same 9/11 pin that the Chief had on last week that means that they were serving that day.

Curt Walton, City Manager, said we would be happy to.

Mayor Foxx said without objection. Thank you, Andy, for that.

Councilmember Carter said I found out the date for the Taste of the World. It's October 7th, which is coming. If people would like to be part of that, please let us know. The other one is tomorrow night there is a water meeting at Hickory Grove United Methodist Church at 6:00.

Councilmember Dulin said I was neglectful last Monday to announce that we are having a free public paper shredding event at SouthPark Mall at the Symphony Park parking lot on October 9th. Charlotte citizens who have documents that need to be shredded in today's age of identity theft are free to come and let us take care of that for you from 9:00 to noon on October 9th at SouthPark Mall in the Symphony Park parking lot.

Councilmember Barnes said and he completely copied that based on the District 4 event.

Councilmember Dulin said that is correct, Mr. Barnes, and Ms. Carter.

* * * * *

ADJOURNMENT

The meeting was adjourned 7:08 p.m.

Stephanie C. Kelly, CMC, City Clerk

Length of Meeting: 1 Hour, 34 Minutes
Minutes Completed: October 13, 2010