

DINNER BRIEFING

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, November 15, 2010, at 5:19 p.m. in Room CH-14 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmembers present were: Jason Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, Patsy Kinsey

ABSENT UNTIL NOTED: Councilmember David Howard arrived at 5:32 p.m. Councilmember James Mitchell arrived at 5:44 p.m. Councilmember Warren Turner arrived at 6:53 p.m.

ABSENT: Councilmembers Michael Barnes, Edwin Peacock III

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Tammie Keplinger, Planning, reviewed the deferrals and public hearings on the agenda.

The briefing was recessed at 5:51 p.m. for the Council to move to the Council Meeting Chambers.

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ZONING MEETING

The Council reconvened at 6:04 p.m. in the Council Meeting Chambers of the Charlotte-Mecklenburg Government Center with Mayor Foxx presiding.

Councilmember Dulin recognized Boy Scout Troop No. 55 from Myers Park Presbyterian Church.

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INVOCATION AND PLEDGE

Councilmember Carter 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, Tracy Dodson, who introduced her committee.

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RECOGNITION OF TOM DRAKE

Mayor Foxx said before we get into the Decisions I do want to ask Tom Drake to come up here for a second. Tom is a long-time City staff person, who has been with our City – how long, Tom?

Tom Drake, Planning, said 24.

Mayor Foxx said 24 years. So, the year I was born. But you have been someone who can be relied on for very sound advice and very good counsel to this body, and we are indebted to you.

bvj

You have eight more days on the job, and we are going to miss you, and I wanted you to know that from all of us here, so thank you for your service.

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DEFERRALS

[Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, and]
[carried unanimously to defer Item Nos. 10 and 13 for one month.]

Councilmember Cooksey said I move that for Petitions 2010-056 and 2010-065 that the changes that have been made are not significant enough to require a rehearing by the Zoning Committee.

[Motion was made by Councilmember Cooksey and seconded by Councilmember Dulin to]
[not require the Zoning Committee to rehear Petition Nos. 2010-056 and 2010-065.]

Mayor Foxx said I was going to do those on each one of them, so if you all choose to do that, no problem.

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

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DECISIONS

ITEM NO. 1: ORDINANCE NO. 4550-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 13.15 ACRES BOUNDED BY CARNEGIE BOULEVARD AND CONGRESS STREET NEAR BARCLAY DOWNS DRIVE FROM O-1 TO MUDD-O

Mayor Foxx said the Zoning Committee found the petition to be consistent with the SouthPark Small Area Plan and reasonable and in the public interest.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Kinsey, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-056]
[for the above rezoning by Childress Klein Properties as modified and as recommended by]
[the Zoning Committee.]

The modifications are:

1. The optional request to allow trash disposal as a use permitted between the building and the street has been deleted.
2. The optional request to accommodate optional paving systems used on private plazas and walkways was removed from the site plan.
3. The optional request for four ground mounted project identification signs, ten feet in height and 80 square feet, has been deleted, and an alternate concept that takes into consideration the pedestrian-oriented nature of the proposed development in terms of size, scale, number of signs, and design has been provided.
4. The optional provision to allow one ground mounted identification sign per building was removed from the site plan.
5. The portion of the optional standards related to how the building height will be measured has been removed.
6. The site plan was modified to specify the maximum building height in feet and the number of stories.
7. The need for alignment of the interior street with Assembly Street was eliminated by proposing a landscaped pedestrian-friendly corridor that runs in a generally southerly to

- northerly direction from Carnegie Boulevard through Tract D. Corridor extends as a street corridor through Tract C to Carnegie Boulevard.
8. The Conceptual Perspective Rendering referenced in Note 9 has been provided.
 9. The Conceptual Site Plan included with the previous site plan submittal has been provided.
 10. Note 9 has been amended to indicate that wall-pak lighting is prohibited.
 11. Note 9 has been amended to replace "compliment" with "complement".
 12. Storm Water comments were addressed by adding a note that requirements of the Post Construction Controls Ordinance will be satisfied, and, in addition, the petitioner will provide for a reduction of the peak flow in a 100-year storm event by 50 percent or more over the conditions of the site as they exist at the time this rezoning petition is approved.
 13. The 14-foot setback has been labeled along all street frontages.
 14. The six-foot sidewalk and eight-foot planting strip have been labeled along all street frontages.
 15. The petitioner specified the total number of proposed buildings as six.
 16. The size of the site plan has been reduced to a maximum of 24 x 36.
 17. Added Note 10 to state that the Technical Data Sheet contemplates a landscaped/pedestrian-friendly corridor running in a generally southerly to northerly direction from Carnegie Boulevard through Tract D and extending as a street corridor through Tract C to Carnegie Boulevard (the "Corridor") which is fronted on both sides only by ground floor commercial uses or multifamily dwelling units.

The ordinance is recorded in Ordinance Book 56 at Pages 872-873.

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ITEM NO. 2: ORDINANCE NO. 4551-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .365 ACRES LOCATED ON THE EAST CORNER OF THE INTERSECTION OF HOLT STREET AND HERRIN AVENUE FROM R-5 TO R-12MF(CD)

Mayor Foxx said the Zoning Committee found the petition to be consistent with the North Charlotte Plan and reasonable and in the public interest.

[Motion was made by Councilmember Howard, seconded by Councilmember Mitchell, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-059 for]
[the above rezoning by Jeff Short as modified and as recommended by the Zoning Committee.]

The modifications are:

1. Note #5 was modified to signify that the planting strip and sidewalk on Herrin Avenue shall remain.
2. Note #6 was modified to indicate all trees in the rear yard will remain.
3. Note #7 was removed which indicated that future amendments shall be allowed by the petitioner.
4. Note #10 was replaced with garages on Lots 1 and 2 must be located a minimum of ten feet behind the front face of either building and Lot 3's attached garage must be flush with or behind the side of the house facing Herring Street.
5. The attached elevation note was changed to state "design details are subject to change".
6. Note #2 was replaced to indicate that changes to the site plan will be in compliance with Section 6.207 of the Zoning Ordinance.
7. All notes were removed which indicated that minimum ordinance standards will be met.

The ordinance is recorded in Ordinance Book 56 at Pages 876-877.

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ITEM NO. 3: ORDINANCE NO. 4552-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.3 ACRES LOCATED ON THE NORTHEAST CORNER OF PINEVILLE MATTHEWS ROAD AND JOHNSTON ROAD FROM O-1 TO NS

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

[Motion was made by Councilmember Cannon, seconded by Councilmember Howard, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-062]
[for the above rezoning by Allen Tate, Jr. as modified and as recommended by the Zoning]
[Committee.]

The modifications are:

1. A note has been added to the site plan stating that a “pork chop” type raised concrete island will be constructed at the site’s NC Hwy 51 driveway to restrict that driveway to a right in/right out access.
2. The notation that the building is “12,144 S.F.” has been removed from the site plan.
3. The “Parking Summary” has been amended to reflect the proposed building size is 12,500 square feet.
4. The “Landscape Summary Table” has been modified with the removal of the types of plantings and the addition of language stating that all trees and shrubs shall be from the approved list specified in the Charlotte Land Development Standards Manual.
5. The second paragraph under General Provisions has been denied.
6. A cross-section with details of the proposed landscaping along Johnston Road has been added to the site plan.
7. Additional landscaping has been added to the site plan between the northern property line and the parking lot curb to consist of small maturing trees and shrubs.
8. The dimensions and a note indicating the dedication of 50 feet of right-of-way along Johnston Road and 60 feet of right-of-way dedication along NC Highway 51 have been added to the site plan.

The ordinance is recorded in Ordinance Book 56 at Pages 876-877.

ITEM NO. 4: ORDINANCE NO. 4553-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .512 ACRES LOCATED ALONG THE NORTH SIDE OF MONROE ROAD BETWEEN ASHMORE DRIVE AND GLENDORA DRIVE FROM R-4 TO O-1(CD)

Mayor Foxx said the Zoning Committee found the petition to be inconsistent with the East District Plan (1990) but reasonable and in the public interest.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Cannon, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-063]
[for the above rezoning by Richard Latorre as modified and as recommended by the Zoning]
[Committee.]

The modifications are:

1. A note has been added to state that the existing structure is to remain.
2. Note 4 has been amended to stat that expansions and exterior revisions to the current structure will be compatible with the residential scale and character of the neighborhood.
3. Note 4 has been amended to delete reference to other recent office, commercial, and institutional development in the area.

4. Note 6 has been amended to indicate that any expansion of the existing structure will not exceed two stories and a maximum of 45 feet. The reference to “above the current finished floor elevation” was removed from this note.

The ordinance is recorded in Ordinance Book 56 at Pages 878-879.

ITEM NO. 5: ORDINANCE NO. 4554-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.86 ACRES LOCATED AT THE INTERSECTION OF SPRUCE STREET, SOUTH MINT STREET, AND WEST PARK AVENUE AND GENERALLY BOUNDED ON THE NORTH SIDE BY WILMORE DRIVE FROM R-5(HD-O) TO MUDD-O9(HD-O)

Mayor Foxx said the Zoning Committee found the proposed sanctuary and the main church building of this petition to be consistent and the accessory office building and parking to be inconsistent with the Central District Plan but reasonable and in the public interest.

[Motion was made by Councilmember Cannon, seconded by Councilmember Mitchell, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-064]
[for the above rezoning by Greater Galilee Baptist Church as modified and as recommended]
[by the Zoning Committee.]

The modifications are:

1. A note has been added to indicate that large expanses of wall exceeding 20 feet in length will be avoided through the introduction of articulated facades using two or more various materials such as brick, other masonry products, stone, and/or glass windows.
2. An eight-foot planting strip and six-foot sidewalk along the new parking lot along South Mint Street east of West Park Avenue has been added to the site plan.
3. A note committing to move the relocated homes within the Wilmore neighborhood has been added to the site plan.
4. A note has been added that the building elevations included with this petition are conceptual, and the Historic District Commission may, as a part of their approval, require more stringent and detailed building elevations than those shown in these conditional rezoning documents.

Councilmember Dulin said I would like to speak for just a moment, if I could, and I’m sure Mr. Turner would say something if he were not ill tonight. This is good work tonight and mainly from the petitioner and the neighbors getting together and getting their differences worked out. Our former Mayor Pro Tem, Ms. Burgess, would be pleased tonight.

Mayor Foxx said it’s already been voted on, so we’ll just keep going.

The ordinance is recorded in Ordinance Book 56 at Page s 880-881.

ITEM NO. 6: ORDINANCE NO. 4555-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.90 ACRES GENERALLY BOUNDED BY NORTH COLLEGE STREET, EAST 9TH STREET, NORTH BREVARD STREET, AND EAST 7TH STREET FROM UMUD AND UMUD-O TO UMUD-O AND UMUD-O(SPA)

Mayor Foxx said the Zoning Committee found the petition to be consistent with the Center City 2010 Vision Plan and to be reasonable and in the public interest.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Cooksey, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-065]
[for the above rezoning by Levine Properties, Inc. as modified and as recommended by the]
[Zoning Committee.]

The modifications are:

1. The addition of an optional provision to allow a proposed underground parking deck to be located within the 22-foot back of curb setback along Brevard Street between East 8th Street and East 9th Street.
2. All CATS comments have been addressed regarding encroachments into the rail corridor.
3. Note C.1.b has been clarified by indicating temporary buildings and structures may be located within the rail corridor setback during special events for no more than 20 consecutive days.
4. Note C.1.c has been clarified by indicating the temporary closures of the private street would be limited to no more than 20 consecutive days for public or private events.
5. Note C.3.1 has been modified to indicate the access way for service vehicles along the rail corridor setback will be constructed with either stained concrete, stamped and colored asphalt, concrete pavers or any combination of these materials and that the colors used for the materials will be a color that minimizes staining caused by service vehicles and their cargo.
6. The turnaround area for the access way for the service vehicles has been removed from the setback along East 8th Street.
7. The locations were limited where the signage optional provisions will apply.
8. Computer programmable L.E.D. systems with full color, full matrix displays, and full color outdoor video display were each limited to 256 square feet in size and the total color outdoor video displays were each limited to 256 square feet in size, and the total number of these wall signs was limited to three.
9. Message centers including ticker tape type moving messages are allowed on three buildings.
10. Clarified Note C.4.b. by indicating that the permitted sign type identified as “movie type projected images from either direct projection or rear screen projection” is for special events and will be on a temporary basis not to exceed a total of 50 days within a calendar year.
11. Note C.4. was modified by eliminating the duplicate (a) and (b) subsections.
12. Note C.4. was modified by indicating the number of detached signs with maximum 20-foot heights to be limited to two.
13. The recessed valet drop-off lane along East 9th Street has been eliminated.
14. The 16-foot setback along East 9th Street from the back of curb is being maintained by eliminating the valet drop-off.
15. Clarified Note C.3.b. by indicating the dumpster and recycling enclosure will not encroach further into the rail corridor setback than the established building line of the existing Dixie’s building.
16. Modified Note C.3.c. to state the dumpster and recycling containers must be emptied before 8:00 a.m. or after 6:30 p.m.
17. Clarified Note C.7. by requesting the use of an additional through lane for off-peak valet parking and loading if approved by CDOT.
18. Added a sentence to the end of Note C.1.c. that prior to the temporary closure of the private street notification will be provided to CDOT so that notice of the street closure can be communicated to interested parties.

The ordinance is recorded in Ordinance Book 56 at Pages 882-883.

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ITEM NO. 7: ORDINANCE NO. 4556-Z FOR THE ADOPTION OF A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO MODIFY THE BICYCLE PARKING REQUIREMENTS

[Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2010-066]
[for the above rezoning by Charlotte-Mecklenburg Planning Commission as recommended]
[by the Zoning Committee.]

The ordinance is recorded in Ordinance Book 56 at Pages 884-890.

HEARINGS

ITEM NO. 8: HEARING ON PETITION NO. 2010-050 BY DAVIDLAND, LLC FOR A CHANGE IN ZONING OF APPROXIMATELY 1.95 ACRES LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF INTERSTATE 485 AND INTERSTATE 77 AND TO THE WEST OF STATESVILLE ROAD FROM B-D TO I-1

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this petition is to rezone 1.95 acres owned by DavidLand, Inc. The property, as you can see, is located at the corner of I-77 and 485. The proposed request is to go from BD, which is distributive business, to I-1, light industrial. It is a conventional request, so there is no site plan associated with it. The request is consistent with the North Lake Area Plan, which recommends office, retail, industrial, warehouse, and distribution for the site, and staff is recommending approval.

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

Councilmember Mitchell said I know BD to I-1 a lot of things can occur. Do we have any idea what DavidLand, LLC is thinking about developing there?

Ms. Keplinger said, no, sir. I only know that it would be a use permitted in the I-1 district that is not allowed in the BD.

Councilmember Mitchell said that scares me. Have we inquired about the development that they are developing or is it because I-1 has so many uses that we have not asked the question?

Ms. Keplinger said staff considered conditional application for this petition, however, we felt because it was consistent with the area plan and because of the industrial area surrounding it, the industrial land uses surrounding it, it was appropriate.

The vote was taken on the motion to close the public hearing and recorded as unanimous.

ITEM NO. 9: HEARING ON PETITION NO. 2010-051 BY HABITAT FOR HUMANITY OF CHARLOTTE, INC. FOR A CHANGE IN ZONING OF APPROXIMATELY 3.629 ACRES LOCATED ON THE WEST SIDE OF BINGHAM DRIVE NEAR NORTH TRYON STREET FROM I-2 TO UR-2(CD)

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this petition is to rezone approximately 3.6 acres from I-2 to UR-2(CD), urban residential conditional district. On this map, I would like to point out one thing before we move on. This red line shows the half mile radius of the proposed Northeast

Transit Station, one of the northeast transit stations. In terms of land use, there is a mix of land uses in this area. There is residential, single family residential, manufactured homes. There is commercial. There are institutional uses. The future land use for this property is industrial, as shown in this map.

The site plan for this petition shows a maximum of 24 townhome units for sale. The density is 6.61 dwelling units per acre. There is a provision to allow this development to occur in phases. There are public streets with on-street parallel parking and with access to Bingham Drive and future connections to adjacent properties. There are alleys accessing some of the townhome units and connecting the proposed public streets with optional turnarounds in lieu of second alley connections. There is a proposed ten-foot Class C buffer on portions of the northern and southern property lines, common open space with playgrounds and a tot lot, six-foot sidewalks with eight-foot planting strips, and pedestrian scale lighting along the internal public streets.

The request is inconsistent with the Northeast District Plan, as we saw on the earlier map, which recommends industrial; however, because the site is located within half a mile from a planned rapid transit station and abuts existing residential housing and because the General Development Policies support the 6.61 density, staff is recommending approval of this petition upon the resolution of outstanding issues.

Keith MacVean, 100 N. Tryon St., said I'm with King and Spaulding. Jeff Brown of our firm and I are assisting Habitat for Humanity of Charlotte with this rezoning petition. Bert Green, Merrit Card, and Jason Dolan are here with me tonight also representing Habitat. I want to thank the staff, CDOT, and Planning staff for their assistance with this petition. We have made several changes at their request. As Tammie mentioned, the site is zoned I-2. We are going to urban residential conditional to allow 24 townhomes for sale. The units would be sold to Habitat clients.

As Tammie mentioned, we are proposing public streets with alleys. There are tree-save areas that have been provided along the southern edge of the site as well as some wetlands that are being protected that equals at least 15% of the site. We have tried to provide buffers that are on the perimeter of the site. Even though they are not required, we provided ten-foot Class C buffers adjacent to some of the properties where we had room and then privacy fences at other locations. We have included building elevations as part of the proposed conditional plan, and they should be in your packet.

We did hold a community meeting. We had a good turnout. A lot of folks came out to listen to us talk about the petition and understand what we were requesting. The concerns they raised with us are as follows: One was about storm water. There is a creek at the southern end of the site that runs under Bingham. They were concerned about flooding on Bingham Drive. We checked with Storm Water Services. They did not have a record of flooding complaints or flooding occurring on dBingham Drive. Our site is downstream from Bingham. We are complying with the PCCO regulations, and we don't think we are aggravating the flooding conditions that exist if one does exist. Again, we are not able to document that. They were also concerned about traffic within the neighborhood. The neighborhood that is behind us does have access to Tryon as well as Eastway. If you go down Bingham and make a left on Curtiswood, it takes you back out to Eastway, so there is some cut-through traffic. When we checked with CDOT, they do have a record of complaints about traffic on the neighborhood streets. That resulted on the posting of 25 mile an hour speed zones within the neighborhood. No additional action beyond that has been taken. CDOT doesn't currently have traffic counts for the neighborhood streets to see if it would qualify for additional traffic-calming measures. So that I guess is still a possibility if it again would have over 600 or 1,000 trips a day for the multiple stop signs and then the higher number would allow them to do the speed humps.

The other concern that was raised, and we both heard this from the neighbors as well as the North End Partners. We did meet with the North End Partners after our community meeting, and we also had several subsequent meetings with neighborhood representatives as well as North End partners. There was concern, and Bert will go into this a little bit more about why is Habitat developing this site? Why not invest money in homes that are under foreclosure or are vacant in the area instead of building new? We have made several changes to the plan to try to address that, and I will let Bert go into that, one of those being delaying the construction of these

townhomes for at least three years from the date of the approval if we are successful in that. I will leave it at that and turn it over to Bert and let him go into some of the other specifics. Be glad to answer your questions.

Bert Green, Habitat for Humanity, P.O. Box 220287, said the petition before you tonight, as Keith said, represents 24 townhomes that we wish to build, new townhomes. It's a reduction from 28 from our original site plan, and we did that to provide more open space at the site. These represent for-sale units; not rental units. It represents about a \$2.5 million investment in the community and will result in an increase in above the average property value that is there now. As some of you may know, we will be celebrating the end of this fall our 1,000th family served here in Charlotte, and we look forward to our homeowners being part of the next 1,000 that we build here as well. We know our homeowners are going to be great neighbors. We know that residents there will be proud of the folks that buy our homes. We are working in Hidden Valley across the street currently in an area identified from North End Partners as their service area where we are building new homes and have built new homes there. We will build some more. We have also done some rehab work there with existing homeowners and continue to expect to do that. There was a concern raised about why we are doing new versus acquisition of foreclosure. We have met with residents from the community and expressed our desire to continue to not just do new in this community but to respond to the concerns they have about the growing numbers of foreclosed homes that are there and are willing to communicate and commit to them to work to do some rehab work in this neighborhood in addition to new as well. Did I cover everything? Like I say, we did commit to rehabbing homes there. We know in just the 28213 zip code there are over 500 units there that are either foreclosed upon or vacant or REO properties, and we would like to work with the neighborhood and donors to work in that neighborhood as well.

Mayor Foxx said Mr. Card or Mr. Dolan want to speak as well?

Mr. MacVean said they are available for questions if you need.

Don Avant, 4924 Curtiswood Dr., said I'm a native Charlottean. I was born in Presby in 1958, and I moved into a house that is about two blocks from this property that we are talking about. I lived the first 20 years of my life there until I went into the Marine Corps. When I was a kid, that land was kind of open and it had been opened up, and it was kind of like a bathtub. I'm real familiar with it. We rode our bicycles there all the time. I bet I have got 800 hours on that property, so like I said I'm real familiar with it. I came and was originally talk about crime and about loss of property value and loss of natural area, but maybe something even more important and that's being a good steward to what's under your charge. I truly don't think I did good as a custodian to my community to the east side if I didn't talk against this rezoning. Ma'am, you don't remember me, but I have talked to you, Ms. Kinsey, before at length, and I know you put a lot of time and effort into restoring and refurbishing Central High School. Ma'am, I'm a Garinger graduate, so I'm proud of that, too. I go by there all the time. I truly believe the first step – since I have been back from the Corps, I have seen this area go downhill, and I still work in the area, and, ma'am, I think one of the best ways to refurbish and restore the area to what it was is to not take away the natural area. I believe we would be doing a disservice to all around. Once it's gone, you can't take it back. So, ma'am, I would really appreciate it if you all would consider to think about this. Sure it's going to be good for 24 people, but is the tipping point is that 24 families better than what is good for the other 500 or whatever is in the area. I would appreciate your thought on it.

Deborah Thomas, 4826 N. Tryon St., said I own and operate Phil Jackson's Auto Sales and Elmore RV Park, and I'm not as fancy as the computer; however, I did make a map here just to show and give everybody a visual. This is the property I own; this is the property in question in blue, and everyone else in orange is within 100 feet and oppose the rezoning. The UR-2 requested zoning in our opinion will have a negative effect.

Councilmember Dulin said, excuse me, if you could prop that up behind you on that ledge.

Ms. Thomas said the UR-2 requested zoning will have a negative effect on the quality of life in the neighborhood and for the residents of Elmore RV Park. There are three main reasons why we feel this way. One, is the vacancy that Keith mentioned earlier and Bert Green. I did some

research and I found 505 homes in the 28213 area code that are either foreclosed, pre-foreclosure, or already bank owned. Within this site, there are over 50 homes that are vacant, boarded up. I have gone around, taken pictures, gotten the status. These homes are in the price range of around \$50,000. But, secondly, where it really bothers me being in the orange, this property is heavily wooded with mature oak trees, a creek, wildlife. The UR-2 requested zoning allows the developer to take away, to clear-cut, to annihilate the natural areas on this property. Three of the 3.6 acres they are proposing to clear. The buffer and screening provisions for developments under UR zoning are different than the zoning that we have today, which is I-2. Under I-2, the buffer requirements would be, in our opinion, a greater portion of natural areas. The last thing was traffic and congestion. The neighborhood – I'm speaking on their behalf now – they are concerned with the bottlenecks, with all the cut-through traffic. When school buses come off of North Tryon and try to pull onto Bingham, the traffic has to back up Bingham just to allow the bus to turn onto there, and they have tons of cut-through traffic. All you have to do is sit out there for five minutes, and you will probably watch five people run the stop sign cutting through from Tryon to Eastway.

Carol Burke, North End Partners, 3815 N. Tryon St., said I am currently serving as treasurer of North End Partners. First of all, I would like to thank you for assisting North End Partners with the redevelopment study that you funded that Frank Warren has done. North End Partners are the stakeholder business and property owners for that group. You have this letter before you, but it says, "The purpose of this letter is to state the opposition of the board of directors of North End Partners to the zoning change from I-2 to UR-2(CD) of the 3.629 acres generally located at 4930 Bingham Drive in Charlotte, North Carolina. The board of directors of North End Partners heard presentations from both sides regarding the above zoning request. After consideration from those seeking the rezoning and those opposed to the rezoning both at the October 26, 2010, board of directors meeting and the November 3rd meeting, the board of directors of North End Partners voted unanimously not in favor of the rezoning at our November 3, 2010, meeting. The board of directors of North End Partners agree with the findings of Debbie Thomas, owner of Phil Jackson Used Cars and Garage in the neighborhood known as Bingham Drive. We respectfully request your observance of this request." Thank you.

Mayor Foxx said those are all the speakers I have signed up against.

Mr. Green said I would first like to respond to the issue of cut-through traffic. If you will notice the site plan, we are actually right off the entrance from – excuse me, exit off of North Tryon Street. We are actually between the neighborhood and North Tryon Street, so I'm not quite sure how our residents will impact or contribute to the increase of cut-through traffic there although we await comments from DOT on whether or not there is a requirement in their opinion of calming devices associated with this concern. We have communicated with representatives specifically with Debbie concerning the issue of keeping as many trees on the property as possible. If you will notice on the left side of the development, there is a significant SWIM buffer where there will be no trees affected at all. We have talked to at least one representative of North End Partners and continue to maintain that we will work with them in the future regarding this development; however, it should be noticed that their area of influence is actually north of North Tryon Street and really they do not identify this neighborhood as a part of their service area.

Mayor Foxx said are there questions from the dais.

Councilmember Dulin said, folks, upstairs in our booth, can we get that picture on our monitors, please? That's it. For Keith, where are the existing or being built Habitat houses now? On Curtiswood Drive?

Mr. Green said we have nothing being built in this neighborhood. The units we are building or rehabbing are across North Tryon Street in the Hidden Valley area. That is within North End Partners area of concentration.

Councilmember Dulin said how far is it from here to there, and I roughly know it's two miles.

Mr. Green said not even a mile.

Councilmember Dulin said that's it, Mr. Mayor.

Councilmember Carter said several questions. Is there a park in the area, a designated park?

Mr. MacVean said there is a park off Eastway near where Eastway and The Plaza intersect.

Unidentified Speaker said it's called Dinglewood Park. It's on the back side of Howie Circle.

Councilmember Carter said what about the site that is embraced by your property. It is not developed as well, it looks like. It's owned by a hosiery mill.

Mr. MacVean said it is vacant, zoned industrial. We did look into acquiring that, but we couldn't reach terms that – or Habitat couldn't reach terms on that parcel, and that's kind of in the horseshoe in there.

Councilmember Carter said it's a vacant site; it's not a vacant building, correct?

Mr. MacVean said, right, it's a vacant site. There is nothing on it.

Councilmember Carter said this is again something that is one of my themes, looking at industrial land that is being rezoned, and I hope we are keeping that ledger as we once indicated we were. I saw almost two acres go in, and now we are doing 3.6 coming out of the industrial sites, and it behooves us to keep as much industry in the area because that alleviates the pressure on our own residential owners. The property tax from these industries really does help us. But, if this were developed as industry, I think that would be a great difference for the community as well. This is, I think, where two rivers come in confluence. We are looking at a rail site and what goes there. Do you live there; do you work there? And, we have both of those purposes involved as we develop our rail. Is it better to have density – 24 units – or is it better to have jobs? I think this is something we need to think about as a Council as we move along in this process of North Tryon. Thank you all for your intent of making homes. Thank you for being aware of the businesses and that green space. I'm going to be thinking hard on this one.

Councilmember Cooksey said, Tammie, about this parcel that Ms. Carter referenced, the kind of surrounded I-2. It's about nine-tenths of an acre.

Ms. Keplinger said would be a good guess.

Councilmember Cooksey said what can you do with nine-tenths of an acre in the I-2 district when you factor in buffering around –

Ms. Keplinger said there would be a buffer required. Of course, the buffer is based on the size of the parcel, so it would be encumbered by buffers, and it would make – I can't tell you that it would make the site undevelopable. There may be something small that could go there, but it would not be on our list of those industrial properties that have the largest acreage for sure.

Councilmember Cooksey said that's what I was curious about. Thank you.

Councilmember Howard said, Tammie, my question is for you. If you could, give us a little bit of what staff is thinking about when it comes to the TOD overlay that will happen eventually. I know we are a little far out from actually having a station planned, but what would you guys like to see in that ring around the station?

Ms. Keplinger said I think when we are talking about any of our areas around our transit stations we are looking for uses that support, and those are your office type uses and your higher density residential. If I can get back to this map, you can see this site is bisected by the half-mile radius, so it does partially fit into that area. Six point six units per acre is not a very high density, but it is one that is acceptable for this area and also is acceptable with the GDPs.

Councilmember Howard said you may have said this in the write-up, but what does the North Tryon Corridor Plan say? Does this fall into any plan we have?

Ms. Keplinger said this actually falls under the Northeast District Plan, and it's inconsistent with that plan; but, as I stated, because of the location to the transit line and it meeting the GDPs, we are willing to support it.

Councilmember Howard said that plan probably hasn't been updated with the thoughts about TOD though, right?

Ms. Keplinger said right.

Councilmember Cannon said with regard to the Department of Transportation's information how soon will that be back in terms of understanding the issue with regard to the likelihood of traffic-calming devices for that area?

Ms. Keplinger said I'm going to let Mike Davis speak to that.

Councilmember Cannon said fine because it seems to me in the write-up – I heard somebody mention in their comments about 600 to 1,000 per day. The write-up itself talks about 190 trips per day, so I'm just trying to, one, get an answer to two things, I guess. One, what is the actual trips per day that might be expected; and, then, two, of course, traffic-calming devices if they might be coming, when may that be, please?

Mike Davis said the answer to the first question is the typical trip generation for a unit would run anywhere from seven to ten trips per unit. It can vary based on a few factors, and I can look into that and get you more detail. The second part of the question having to do with when any traffic calming might be expected I think the information that Mr. MacVean presented earlier actually represents all the information we have. I think there has been some analysis of what existing data we had in the inventory. There were not any recent traffic counts along any of those local streets that are in the vicinity, but to the extent that Council would like us, we can absolutely study that and collect some data and report back on that.

Councilmember Cannon said when you say not recent how would you define not recent?

Mr. Davis said it's typical for us to collect certain kinds of traffic data every two years, but for a local street like this, we probably would only collect it, if requested, specifically for the purpose of the traffic calming, but I don't know when that data was collected. If someone made a request, we likely took a count. It was mentioned earlier that there is a 1,000 trip per day threshold that would be our minimum to consider traffic calming, so whatever count was taken would have been below that threshold, but I do not know the date.

Councilmember Cannon said I think certainly prior to us being able to get this information back it would be good to know there has been some type of analysis, so if we can look into that and bring that back before we make a decision that would be great.

Mr. Davis said happy to do it.

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

* * * * *

Councilmember Dulin said one more comment, please. It doesn't have anything to do with opening the public hearing back up.

Mayor Foxx said is it related to this petition?

Councilmember Dulin said, no, sir, it's related to the Marine.

Mayor Foxx said yes.

Councilmember Dulin said I neglected to say, sir, last week was official Veteran's Day, but every Monday and every day it's Veteran's Day on this Council. We pray for the safety of our men and women day after day after day here. You are a native son of Charlotte, and you went and served us, so thank you very much.

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ITEM NO. 11: HEARING ON PETITION NO. 2010-070 BY FAIRVIEW PLAZA ASSOCIATES LTD PARTNERSHIP FOR A CHANGE IN ZONING OF APPROXIMATELY 1.06 ACRES LOCATED ON THE SOUTH SIDE OF FAIRVIEW ROAD BETWEEN PARK SOUTH DRIVE AND PIEDMONT ROW DRIVE FROM MUDD(CD) TO MUDD-O

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said just briefly in 2008 there was a site plan amendment for this site. It was approved at that time for 17,000 square feet of retail, office, restaurant, bank, or financial institution uses. It was in a two-phase development with existing parking as Phase 1 and a commercial structure as Phase 2. The request before you tonight is to modify that site plan yet again. The site plan is proposing to change the location of the building. In 2008, the building location was more along Piedmont Row. Today, as you can see, the area in gray shows the building location. Also there is an addition to allow banks or financial institutions with a possible internal drive-thru lane at the rear or southern side of the proposed building along with the retail office uses and/or restaurants. The location of the drive-thru would be in this area.

Gas stations, convenience stores, restaurants with drive-thru's are not permitted. The required parking will be provided on-site and through an off-site parking agreement, which we have asked the petitioner to provide prior to this item going to the Zoning Committee. The petitioner has agreed to increase the parking to the rate of one space for every 150 square feet of residential uses and one space for 350 square feet of all other uses. The MUDD district generally requires one space for every 600 square feet, so they are providing additional parking. The maximum building height will be 60 feet or two stories, and there are elevations that also go along with the proposed building. Staff is recommending approval of this petition upon the resolution of the outstanding issues. The banks, financial institutions without drive-thru's are consistent with the South Park Area Plan. The drive-thru service window is not consistent with the South Park Area Plan, however, due to the conditions that it will be limited only to a bank or financial institution and to the rear of the property, staff considers it appropriate.

John Carmichael, 214 North Tryon St., 47th Floor, said I'm here on behalf of the petitioner. I will take the three minutes, Mr. Mayor. The primary purpose of this rezoning request is to allow the accessory drive-thru windows for a financial institution. The Bank of North Carolina has the site under contract and would locate their Mecklenburg County office here. We are very excited about that possibility, and I have Mr. Connolly here from the bank if you have any questions and have Todd Cummings, the architect that is working on the project as well, and, otherwise, we are happy to answer any questions you may have.

Councilmember Carter said I see that four major trees are to be removed. Are there any plantings to be added?

Mr. Carmichael said although the newly adopted tree ordinance would not apply to this petition I did look at mitigation. If these were deemed to be heritage trees, and I'm not aware that they are. In fact, the 60-inch tree has been approved to be removed according to information that Ms. Keplinger got from the Urban Forestry Department. Duke Power severely limbed that tree up on the northern side, and the widening of Fairview Road has impacted some of the roots as well. It is really – it's odd. All the limbs are on the southern side virtually, if there is a picture of that. We are happy to plant – there is a five-inch caliper tree in mitigation, Ms. Carter, for removal of the 60-inch tree, and we are happy to plant that.

Councilmember Carter said we have it up on the computer here. Thank you very much.

Mr. Carmichael said, Ms. Keplinger, I'm right about that; aren't I?

Ms. Keplinger said just for clarification I did talk to one of our urban foresters or got an email from an urban forester today who said that tree has been approved for removal – the one that exists on the site. It has been damaged through pruning for the overhead utility lines and due to the expansion of Fairview Road.

Councilmember Carter said I am concerned because there are limited number of trees in that area, and there is a considerable amount of air quality question in that area, so any mitigation you could make on site would be very much appreciated.

Mr. Carmichael said we would be happy to do that, Ms. Carter.

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

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ITEM NO. 12: HEARING ON PETITION NO. 2010-071 BY COVENANT PRESBYTERIAN CHURCH FOR A CHANGE IN ZONING OF APPROXIMATELY .324 ACRES LOCATED ON THE NORTH SIDE OF AROSE AVENUE BETWEEN MOREHEAD STREET AND DILWORTH ROAD FROM R-4(HD-O) TO UR-C(CD)(HD-O)

The scheduled public hearing was held on the subject petition.

[Motion was made by Councilmember Dulin, seconded by Councilmember Cannon, and]
[carried unanimously to recuse Councilmember Burgess.]

Tammie Keplinger, Planning, said this petition is to rezone approximately .32 acres from R-4 to UR-C(CD). The property is located in the historic district overlay. There is a note on the site plan that acknowledges that the property is in the Dilworth Local Historic District, and the exterior site improvements are subject to review and approval by the Historic District. The proposal is to convert an existing 3,894 square foot single family residential home to office and related accessory uses. There is a garage on site, which will continue to be used for storage. There will be two parking spaces on site, and they will also share parking with the church next door.

This is inconsistent with the Central District Plan, which recommends residential land uses, however, the existing structure will remain undisturbed, and the other residential characteristics will also remain. Staff is recommending approval upon the resolution of outstanding site plan issues.

John Carmichael, 214 North Tryon St., 47th Floor, said Ms. Keplinger did a very thorough presentation. I'm happy to answer any questions you may have. The outstanding site plan issues will be resolved by Friday. We met with DCDA well in advance of tonight, and they didn't have any issues with the proposal, and the church is hopeful that they can return that house to a productive use that will benefit the community.

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

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ITEM NO. 14: PETITION NO. 2010-045 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO MODIFY AND CLARIFY THE REGULATIONS FOR PEDESTRIAN ORIENTED INFORMATION PILLARS AND INFORMATION PILLAR SIGNS

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this petition is actually a text amendment to modify and clarify the regulations for pedestrian-oriented information pillars and information pillars signs. The petition proposes to consolidate the information on pillar signs into Chapter 13, to modify the pillar definition and regulations, and to expand the zoning districts in which these types of signs are permitted. In particular, I would like to call your attention to two provisions in the ordinance dealing with the height. Currently they are allowed to not exceed 12 feet. The proposed text would reduce that to nine feet. The actual portion of the sign – the sign shaft where the information is – is now permitted to be ten feet in height, and it is proposed to be reduced to seven feet in height under the proposal.

In addition, another important part of the regulation changes are the locations of these signs. Currently these signs are allowed to be located in any urban open space that has a minimum area of 2,000 square feet. The petition is clarifying where they may be located. It has to be in clearly designated, nonresidential, urban, open space areas that are approved on a site plan. The designated area must have a minimum size of 2,000 square feet. Site plans that don't have this type of designation, the Planning Director or his or her designee may, prior to the issuance of a permit for the pillars, approve the location of the sign.

The information pillars also will be located a minimum of 50 feet away from any public right-of-way, and that is measured from the back of existing or the future curb, whichever is greater. So these signs, the intent is to move these signs into a more pedestrian atmosphere as opposed to the location we see above.

Mark Dobbs, 810 Wismar Ct., said I wanted to start off by saying that we are against the text amendment for the information pillars but only to the extent of its timing and passing of the new text amendment meaning in the next month. We are asking for a six-month deferral. The reason we are asking for that is while working with Planning over the past few years to develop these pillars there was a lot of time, investment, and commitments on our part to bring them into this city, and we are the first company to do so and proud to do so, by the way. The issue at hand is that we have four that have been ordered. We have three that are up. We have one more left to put up. Our financial plans are based on having four in the air. We do not have four in the air. There will be a financial hardship to our company, so our request is to have it deferred for six months to allow us to have and find a lease to put up the last information pillar. I would like to add that Planning has been very gracious in working with us. They had a total open door with everything that we talked about, and we are thankful for that. It's just a big issue that if we do not get this last one up financially it's just not good for us as a company. The next thing I would like to add is – I'm not sure how all this takes place as far as starting from A to B, but if you have any questions as far as what these are about and how they operate, and I would like to take some questions to kind of open up some dialogue.

Mayor Foxx said are there questions from the dais?

Councilmember Turner said a couple of questions in regards to the provisions that state that we are willing to remove a 50-foot requirement and put a 100-foot requirement for the new provision. Why is it that we are taking away the 50-foot stat? Why is it a discrepancy in what we are asking the general public as a business owner to follow the guidelines by, but we are allowing ourselves to have up to 100 feet. Can you explain that?

Ms. Keplinger said I may need some help on this, Councilmember Turner.

Councilmember Turner said it falls under signs, permits, and location. Start that one on the second page, page 2 of the text amendment.

Ms. Keplinger said I'm going to ask Sandy Montgomery, who worked on this text amendment.

Councilmember Turner said I guess what my point is, and it's a little confusing to me that we pass one thing and we allow the business to come under the pretense that they met our regulation, and now we are going to change those regulations, which directly impacts this business that is currently operating under those current standards. Can you tell us and this Council why is it that we saw fit to change those regulations at this time in this amendment?

Sandy Montgomery, Planning, said I can answer the question that you asked about why are we removing the provision that they be located at least 50 feet from the right-of-way, and that restriction we were doing that to minimize the possibility that the information pillar would have on- or off-premise signs that is acting more as a billboard. Billboards are required to be on certain roadways. In this instance, these appear to be majority public information signs or off-premise advertising, although these regulations now do allow on-premise advertising in the text amendment. We have expanded that. We also are adding some flexibility to allow the Planning Director to approve locations that are not on an approved site plan for an urban open space location, and clarifying that they are only going to be located in non-residential, urban, public open space. Is there another question?

Councilmember Turner said in doing that at this point do you know to your knowledge whether or not there are any other companies that have applied for such operation permits?

Ms. Montgomery said I have had some phone calls from other companies that are interested or who have put up information pillars in private areas within developments or are looking to enter the market here particularly the outdoor advertising companies.

Councilmember Turner said are you indicating to me that the reason we are changing this is because it has already created a problem or are we trying to prevent it? I understand the future part of it, but are you telling me that today we have other companies that have taken our own policy and eradicated their pillars in areas where we wouldn't want them to be in the right of way acting as an off-premise sign?

Ms. Montgomery said I think our intent was originally that these be pedestrian oriented, and when we said they could be located near the right-of-way but they would have to have a sign permit, we weren't envisioning they would be located in a perimeter planting strip on a development but more on the interior of the development. When we saw how they were being permitted, that was not our original intent. This one in particular is functioning more for the motorist passing than for pedestrians walking along the corner of the intersection.

Councilmember Turner said why would you say that? There is a sidewalk and a public street. How can we differentiate from the two?

Ms. Montgomery said from my own experience – I live in this area – there are certainly more cars passing by the information pillar than people on this sidewalk. I rarely see people sitting outside personally.

Councilmember Turner said so you want this sign, this pillar here, to be on the interior of this property in the future?

Ms. Montgomery said, no, I'm saying these can remain as well as the others that Mark is proposing.

Councilmember Turner said maybe you missed my question. Do we have any as of to date that you are aware of since we approved this policy that are in violation or we would consider violation where we wouldn't want them to be in the right-of-way because I thought the whole measure changing to prevent this from happening being in the place for the future.

Ms. Montgomery said in the future for new ones.

Councilmember Turner said right now currently we have none that would be in violation; is that correct?

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Ms. Montgomery said they would be grandfathered. These would not be required to be moved.

Councilmember Turner said you are not listening. My question again is do we have any in the right-of-way, within the 50-foot buffer right-of-way, that would be considered in violation right now?

Ms. Keplinger said I believe there is only one of these signs in existence – or two – two of these signs in existence, and neither one of them would be permitted in the public right-of-way. I believe they are both in public open space.

Ms. Montgomery said they are on the parcel. They are not in the right-of-way.

Ms. Keplinger said they are not in the street right-of-way.

Councilmember Turner said are they privately owned or owned by the City of Charlotte?

Ms. Keplinger said they are private.

Councilmember Turner said this gentleman indicated that his company is the only one doing this at this point, and he owns one that has two signs up. Those are his two signs that are we talking about right now that you are saying are okay?

Ms. Keplinger said they are both Mr. Dobbs.

Councilmember Turner said you also petitioned us to delay this for six months to allow you to finish your third –

Mr. Dobbs said to put in the fourth information pillar, which we do have some promising prospects right now, and hopefully we will have a positive result probably in the next week. If that falls through because of how long it takes due to some land owners trading land and swapping land right now due to the economy, we need extra time to get that last information pillar in so that our business can be sustained.

Councilmember Cannon said we had some discussion early on at the Dinner Meeting, and this actually I believe is in Mr. Cooksey's district. Every now and then I sit on that corner. I'm rarely seen out there, but what I wanted to say though, Mr. Cooksey, is we talked about three different options that could be available before us. Understanding the business aspect of what we know the petitioner is up against right now – not the petitioner, but in this case, it looks like the best thing we can do, I believe, is go ahead and let this go through the process, allow this request to move forward to the Zoning Committee, and let them adjust it a little bit, allow it in turn to come back to us as a body, and, of course, at that point in time, we can still make some determination about which direction we want to go in in terms of the deferral.

I certainly support the idea and the notion to defer the item for the six months largely in part because one of the things we are trying to do is to either create new business or retain business that we have right now if not beyond that, and it would be a shame to see a division in Charlotte with any business to go downhill. We have an opportunity here to try to sustain this business, but then beyond that we also have an opportunity before us to hopefully institute something that would be good for Charlotte and fit right in with our planning ideas and initiatives along the way. So it's my hope and desire that we will move to allow the hearing to be closed, let it go through the process, bring it back before us after we get some review from the Zoning Committee, and then make some determination thereafter.

Councilmember Howard said I will second that if that's a motion.

Councilmember Cannon said that is a motion.

[Motion was made by Councilmember Cannon and seconded by Councilmember Howard to]
[let this item go through process, have it brought back to this body after review by the Zoning]
[Committee at which point Council will make some determination with regards to the deferral]
[request.]

Councilmember Cooksey said have any citizens called to complain about this pillar or the other pillar? Has anyone called and said what on earth is that doing there?

Ms. Keplinger said not that we are aware of.

Councilmember Cooksey said so this is purely an internal concern about the pillar. We haven't had any issues or complaints about it from anyone that we are aware of.

Ms. Keplinger said that would be a correct statement.

Councilmember Cooksey said just for clarification three of the corners of this intersection are in District 7, but the one we are looking at is in District 6.

Councilmember Dulin said it's a turf war.

Councilmember Cooksey said it's not a turf war. We are all in this together. I can say right now I'm inclined to vote the thing down, but we'll see what happens in the next month or so.

Councilmember Dulin said I have to agree. We had some big questions about this. This was a complicated deal, and we are starting to dial it in a little bit. But as Mr. Cooksey said, nobody complained. Somebody from Planning said we think it's too high, so let's knock it down, and they have come up with this. Nobody on Council brought it up. Nobody that we work for, the citizens of Charlotte, brought it up. Somebody at the Planning Department decided they don't like these things; they wanted to make them shorter. I just assume vote it down tonight, too. We can't do it that way, but it seems like it's just making work.

I am typically against a six-month deferral, Mr. Mayor Pro Tem, but I would like to give this gentleman an opportunity to make sure his business stays afloat and we are not hurting people's businesses. Now, this particular sign we see in front of us would be grandfathered in, and we are not talking about that sign. That's for examples, but his other businesses are affected by this, too. Mr. Cooksey made some nice points during our dinner, and Mayor Pro Tem also, that this thing can go lots of different ways. We can hear this tonight, we can defer it next time, or we can defer it tonight. I will go along with the group. I just want to let the crowd know, my colleagues know that I never laid eyes on Mr. Dobbs before tonight, but I would like to try to help the fellow stay in business and grow his business and not slice three feet of his business off.

Mayor Foxx said before we close, Ms. Keplinger, can you restate the motivation behind this text amendment?

Ms. Keplinger said several years ago we did a text amendment to allow these types of signs. Before that they were not permitted. Since that time, we have looked at what has been done right and what has been done wrong and determined that we needed to modify the ordinance, which is very common once we do a text amendment. The modifications that we talked about tonight, the size of the sign, and the location are based on what we have seen with the two type signs that have been permitted or are in existence today. We want to keep these signs in a pedestrian atmosphere as opposed to being more of a vehicular type sign. We have billboards and other signs that cover those types of people that are driving by, and this sign the intent from the beginning was for it to be more pedestrian oriented.

Mayor Foxx said to the point of some who have asked questions about where this issue came from is this a design issue, have we seen traffic accidents? What kind of made this bubble up?

Ms. Keplinger said not aware of any traffic accidents. I believe it is really how the sign is functioning especially at this location.

Councilmember Howard said I just want to be a little fair to staff. I think the staff's job is to help us monitor whether or not the intent, the spirit, and the regulations that we voted are actually followed. In this situation, they were doing their job. They actually saw something that was being used in a way not intended, and they are bringing that to our attention. I would bet you that there are plenty of amendments that we deal with that come from that origin. It doesn't always have to be just because people complain. So, just to be a little fair to staff about that.

The other thing I want to talk about is the fact that we actually have different places in our ordinance to deal with signs that are designed for motorists, and that's not what the intent of this type of sign was, so that's what we are talking about tonight is that this was supposed to be an informational sign. It talks about kiosks, it talks about boards; this was supposed to be internal direction and information and even advertising if they so please – not to be at the corner to advertise 311 or Sue Myrick on a corner. That would be covered by the part that talks about signage for motorists, and that is not what this intent was. Did I state that correctly?

Ms. Keplinger said you did. Thank you.

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

Mayor Foxx said I think you make a good point, Mr. Howard, and that's also some of why I was asking those questions because I thought it needed to be said that way.

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ITEM NO. 15A: PETITION NO. 2010-074SUB BY CHARLOTTE DEPARTMENT OF TRANSPORTATION FOR THE ADOPTION OF A TEXT AMENDMENT TO THE CITY OF CHARLOTTE SUBDIVISION ORDINANCE, CHAPTER 20, TO IMPLEMENT THE URBAN STREET DESIGN GUIDELINES

ITEM NO. 15B: PETITION NO. 2010-073 BY CHARLOTTE DEPARTMENT OF TRANSPORTATION FOR THE ADOPTION OF A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO IMPLEMENT THE URBAN STREET DESIGN BUIDELINES

ITEM NO. 15C: TREE ORDINANCE TEXT AMENDMENT BY CHARLOTTE DEPARTMENT OF TRANSPORTATION FOR THE ADOPTION OF A TEXT AMENDMENT TO THE CITY OF CHARLOTTE TREE ORDINANCE, CHAPTER 21, TO ALLOW TREES TO BE PLANTED IN THE PUBLIC RIGHT-OF-WAY

Mayor Foxx said Items 15A, B, and C, which I would like to have heard in a single one fell swoop, and those are Petition Nos. 2010-74SUB, 2010-73, and then the Tree Ordinance Text Amendment by the Charlotte Department of Transportation.

The scheduled public hearing was held on the subject petition.

Mike Davis, Charlotte Department of Transportation, said my intent is to be brief with this presentation. The presentation has three purposes. One would be to just sort of touch on some key content that we introduced to you all back during the October 11th Council Dinner Briefing. The second would be to just give you an update on the things that have changed since that time, and the third would be for anyone who is new to this content to give them a chance to see what is being proposed.

In terms of how we arrived here, there has been a lot of meetings and discussion that has led us to this event beginning with the Transportation and Planning Committee of City Council that started back May 10th. We have actually attended every committee meeting that has been held to keep Council members engaged on the subject. Overlapping with that timeframe, we have had a public review process that took place over the course of three meetings that I will touch on in a moment. We also engaged the full Planning Commission back on October 4th and gave a very similar presentation to the one we gave you all on October 11th, and that leads us here to

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tonight's public hearing. This sets up very much the same as other zoning or ordinance or petitions in the sense that this will go to Zoning Committee actually next week, and we will request a Council decision on December 20th at your next Zoning meeting.

There is probably more to be said about why we have urban street design guidelines than what I can fit on a slide, but in terms of sort of the key couple of concepts, the first would be that the policy that has actually already been adopted by Council was designed to accommodate the anticipated future growth both in terms of population but also in terms of travel demand, and secondly, take on a complete streets type of design approach that says we shouldn't be designing our streets just for motorists; we also need to be designing for other modes including bicyclists, pedestrians, transit users, and do that at the same time we are being respectful and responsive to the land use context. So this is about trying to build in value to our streets for the long haul.

In terms of policy framework, all of this fits under the Transportation Action Plan, which is City Council's adopted plan that covers all of our projects, programs, and policies related to transportation, and, again, it's kind of our long-term strategy for how we want to deal with the growth that is expected and the mobility needs that will be generated.

The Urban Street Design Guidelines, as I mentioned, was adopted by City Council in October 2007, so that's nested underneath the Transportation Action Plan as one of its policies, but in terms of the key concepts of this, again, it's about trying to design our streets to support all modes. It works from a design philosophy that says our streets should be designed in a way that support the adjacent land uses, and as I mentioned back during the briefing, a lot of this is organized around 17 policy statements that are included up front. I wasn't planning on going into those tonight, but I just wanted to refer back to say that for anyone that doesn't want to read the document, there is a pretty clear articulation of Council's intent with this policy right up front.

So it brings us to the work that we are doing, which is the Subdivision Ordinance, and a couple of other ordinances that are included in your packet. The Subdivision Ordinance is the main one. This is because the Subdivision Ordinance is the ordinance that describes how local streets are built by the private sector. A couple of key concepts about this. First of all, it's administered by the Planning Department, and this is done in an administrative capacity, so these are not proposals that are brought before City Council like a rezoning would be. These are done by right and happen between staff and developers. As I mentioned before, in order to get the Subdivision Ordinance to work properly, we felt like we had to go into the Zoning Ordinance in a couple of locations and the Tree Ordinance in one location to make all of this work together.

In order to develop the draft language, we wanted to rely on experience that we have. Since the adoption of the policy back in 2007, we have had experience with area plans, capital improvement projects, and conditional zonings that all draw on principles that are in the Urban Street Design Guidelines, and we want to use that experience to inform how we draft this language. But the other part, and this is perhaps more important, is we wanted to draw on real site plan examples. As we draft the language, it was important to not sort of stay in the conceptual realm. We wanted to look at real site plans that have come before us in the City of Charlotte that have been successful and make sure we can preserve the intent behind those development proposals and make the language work. So we looked at, by today, probably as many as 50 to 60 site plans just to sort of debug it and test it and make sure it all fits together.

Public involvement I wanted to mention there are two key categories for this. There is public involvement that led up to the policy adoption in 2007. The purpose of that stakeholder work was really to try to connect with Charlotte citizenry around the question of what they want and expect in their street designs, and then the approach was then to try to build a policy that reflected best national and local practices to meet citizens' expectations and street design, so to get to that there were a series of stakeholders tools that were used leading up to the adoption that included small group interviews, visual opinion surveys, and formal public meetings.

I say all that to create a distinction between what we have done with the ordinance work because it is different in terms of its purpose. The purpose here to acknowledge that we have adopted policy and ask the development but also anyone else who is interested in how this ordinance language works to help make sure our proposal stays in bounds of Council's adopted policy but

also help identify any unintended consequences of language that we have drafted. So we cast a net of about 1,400 invitations. Fifty people chose to come out and participate in the process, and that yielded about 30 substantive changes to the ordinance language.

The technical content I was not planning on going into in any detail but sort of as a reminder of things we touched on during the briefing. We have categorized them in terms of four technical categories that are based on those 17 policy statements, and it sort of boils down to street network, elements that you would find in the design of a local street, street trees as a functional part of the street, and traffic calming. As we worked on these technical categories, there was something that we constantly had in mind, and that was the need for flexibility. Since the adoption of the policy, we have been hearing over and over again, and we agree with, the need for flexibility in ordinance. We have also been careful to point out we need predictability, that people deserve to know when they come in and seek permit approval that they know what is expected, but that we also need flexibility on the back end to adapt the ordinance to unique conditions on the site.

So just to touch on a few points about how we have tried to accomplish this, first is to recognize that the existing subdivision process actually has flexibility built in that allows staff to administratively make interpretations. We have tried to retain those everywhere we can and enhance those where they make sense, so the proposed new language preserves those provisions. The public process, as I mentioned, was helpful for identifying situations that we really hadn't thought of that were sort of good, practical applications of ordinance language where we felt we needed to make modifications and give staff some room to wiggle where it made sense.

The existing process includes a variance and appeal option. Of course, those options remain, but we are also proposing a new sort of similar in some ways process called alternative compliance, but this is not based on hardship. This is based on innovation, and the idea would be for any good idea that walks in the door that we did not anticipate in the drafting of these regulations we want to have a shot of getting those approved as well where those make sense.

In terms of things that have changed since we presented to you back in October, there is really just one major change, and that has to do with a provision that allows for the averaging of block lengths in order to meet maximum block length criteria. At the time of the presentation, this provision only applied to residential uses in a wedge. Around that time, we were asked to consider whether or not this had broader applicability. We studied this and found out it did and made a subsequent recommendation to the Transportation and Planning Committee, and that is now included in the language as well. Other than that, this is basically just about clarifying some things as it relates to the Development Review Board, how the appointments work, and also adding graphics into the document just to improve the ease of the applicability of the ordinance.

Next steps, as I mentioned from here, this is like any other petition and would go to the Zoning Committee next week, and we would be back and request a Council decision on this on December 20th. If this is adopted, that is not the end of what we are doing with Urban Street Design Guidelines. There is an ongoing need to continue working on the land development standards details, which is not something that Council adopts. These are technical drawings that we are constantly refining, and we see the need to continue working on these. Secondly, as we have said before, to the extent we have missed something or gotten something wrong, we would expect to bring those back to you with text amendments just to make the ordinance work. So that's all I have on the presentation. I just wanted to say at the end thanks to all those who participated in the public process. Many people spent a lot of time and energy on this, and I really feel like it helped strengthen what we are trying to accomplish.

Mayor Foxx said it is not lack of process for sure. A lot of sweat equity on lots of sides on this, and I want to thank the staff as well as all of our community members who have played a role here. We have a number of speakers signed up here.

Natalie English, Charlotte Chamber, 330 S. Tryon St., said the Charlotte Chamber and our membership has recognized your philosophy towards a more connected community, and we understand that the USDG's policy is an effort to get to that point. We do appreciate, however, your recognition that some flexibility in how we adopt those policies and how we implement

them was important, and we want to give a big shout-out to your staff: Debra Campbell, Danny Pleasant, Mike Davis, and Shannon Frye have worked very diligently to ensure that your policy goals are achieved while recognizing that there are some challenges in the business community with ensuring that we meet those, so thank you for that, and we look forward to continuing to work because we do have another month of conversations to have, and you will hear a few concerns, but so far we are feeling really good about this process.

Ned Curran, Charlotte Chamber, 330 S. Tryon St., said the effort to bring closure to the USDG has been years in the making, and this is unfortunate for everyone as it consumes so much time and energy. We have experienced similar prolonged efforts on other matters like tree ordinances and PCCO, and we recognize that no one in the community benefits from such long and drawn out efforts to make law. About a year ago, the development community through the efforts of REBIC and the Chamber and others met with key City staff members to say let's start fresh. Let's create a new foundation built on trust and an earnest effort at collaboration on issues. While you will hear this evening that a few critical issues remain, I hope you will note that representatives of the development community are speaking this evening in favor of these rules, and that comes on the heels of a similar favorable position on the tree ordinance. Mike Davis, Shannon Frye, Debra Campbell, and others have been key to this fresh dialogue, and we want to especially thank them for being part of a new approach to doing business together.

Dan Faris, 600 Rose Valley Dr., said this has been a long process, and as the chairman of the Charlotte Area Bicycle Alliance, we have been very concerned that all citizens are represented in making sure that they can travel from one place to another in the city without having always to get in an automobile. We have been very impressed with how hard staff has worked to make sure everyone was heard and their concerns, and staff got back to them to address their concerns and would meet with them either individually or in groups. Danny Pleasant, Debra Campbell, especially Mike Davis and Shannon Frye, the amount of work they put into this was extraordinary. We think it's a plus for this city looking forward to our future. It's not all centered on the automobile. We think it's a win-win, and we hope you will pass it.

Dick Winters, 4716 Montclair Dr., said I appreciate the opportunity to speak tonight in favor of the City's adopting subdivision and zoning ordinances text amendments for the USDG. I'm here as a member of both the City's Bicycle Advisory Committee and the County Greenway Advisory Council – groups that support active transportation – walking and bicycling – and as someone who bikes, walks, takes transit, and drives in the area. I'm just going to jump down to something that Dan said that many people may not be aware of concerning Charlotte's development of USDG, and that is that Charlotte has received numerous awards and national recognition from the EPA and the League of American Bicyclists to name just a few for having and adopting our USDG. The state is looking to Charlotte as a model for developing NCDOT's complete streets guidelines. We were featured in a presentation last week at a conference in Denver of 15,000 attendees for the American Public Health Association by Barbara McCann, director of the National Complete Streets Coalition. The Bicycle Advisory Committee is developing an action plan to have Charlotte's 2008 bronze level award as a bicycle friendly community elevated to at least a silver level in 2012, and I mention this because having the USDG in place was a critical positive factor in our evaluation and our place as a progressive, active transportation community. In conclusion, please keep this train moving forward and vote to adopt the USDG ordinances in December. All the kids and parents that I work with that cite no sidewalks and unsafe streets as barriers to walking and bicycling to school will line up to give you hugs.

Bailey Patrick, 214 N. Tryon St., said I just have several suggestions that I would like to leave with the Council and the Planning Commission concerning the proposed ordinance. The first has to do with the grandfathering provisions. Basically they are very, very limited. You look at the vested property rights associated with a conditional plan, and once they expire then you are no longer grandfathered with that conditional plan. I think CDOT people will acknowledge and Planning will also acknowledge that the USDG have been a part of negotiations for conditional plans for at least five years, so you have had that give and take in these conditional plans that are in place, and I think it really would not be fair to put those conditional plans at risk. What I

would suggest is that you treat and create an exemption very similar to what you did for your Post Construction Controls Ordinance, and that was keyed to a certain date. I have got a copy of that, and I will pass it out to you. I just came up with this idea. I mentioned it briefly to Mike, but I think it's a great way, a fair way to treat people who have really addressed these issues in their conditional plans. The second notion I would have for you is the alternative compliance of street design. That is a new process. It is a quasi-judicial process. It is one where you can't have give and take. It's like a judge that is up there passing on something. You all have adopted a process that has worked very well – give and take – in your MUDD ordinance and your UMUD ordinance with that optional provision, and if you could move over into your zoning ordinance and get it out of your subdivision ordinance, you would get rid of that quasi-judicial and do something, and you all would be making the decisions, which I think is where it ought to be. My final suggestion, and I'm not sure – I know you have rightfully exempted schools and parks, and parks sparked a notion in my mind. We ought to look at our research districts. We have the Call Center out there, we have got TIAA-Cref – neither one of them would come near to passing what this ordinance does. That is not to say the ordinance is bad, but you need flexibility. There is still a pretty good section of property out there that is out there for a TIAA-Cref to come to Charlotte, for a Wachovia to come to Charlotte and do a development that is a little different than what this would allow. So those are my three suggestions.

Mayor Foxx said, Mr. Patrick, you are for or against it?

Mr. Patrick said I'm okay with it if you provide flexibility, which you all have said you are looking for. I could be for it, yes.

Mayor Foxx said I had you down as four, so I could have given you another ten minutes.

Collin Brown, K&L Gates, said also on behalf of the Affordable Charlotte Cabinet. The “for” or “against” is a good question. I think we all signed up, and we all got shown up as “for”, and Mike came up and said what are you really for, and I said I don't know that we are against, so I guess for is fine. I want to start out by complimenting Mike and Shannon on really doing a fantastic job in what had been an acrimonious situation and really reaching out. Mike calls up and said, hey, I have heard of this Affordable Charlotte Cabinet. Can I come talk to you guys? Let me show you everything we have done, so just tremendous thanks to them for reaching out and making those compromises and finding out where the tough points were and working through that. I have got to mention the concern about the cost impact of the USDG. That is not anything new you are hearing from me. As I talked about it with Mike, Mike said what specifically would you change, and I said, well, it's really difficult with the USDG to quantify the costs because every site is different, and they will all be different on a case-by-case basis. So, it's a difficult thing to do, and so I'm not here opposing it, and I do appreciate the changes that have been made, but I am here to encourage the Council to give some thought to the combined impact of the USDG, the Tree Ordinance, the Post-Construction Control Ordinance. Our biggest concern is the impact of the three of these when they are meshed together. We have tried to do some cost impact analysis. I think everyone said, well, we don't really know where we are on those, but we would like to ask the Council to provide some mechanism to have the HAND Committee or another follow up on these regulations as new site plans come through that are no longer just a test case or a study but to actually look at what is being done and access the cost. I don't think it's difficult to make the stretch to say USDG require more streets. That makes it more challenging to preserve existing tree canopy, to reduce storm water, so there is some conflict I think between these ordinances that have been adopted, and it will be interesting to see how the development community, for-profit, nonprofit, works through these when we can really see the cost impacts of these ordinances. I think that's the ask. We talked about earlier, I heard the discussion on the information pillars, and that was a situation where the ordinance was adopted, and staff came back and said, hey, this is having a different impact. I think that is the call from our perspective is to say we think staff has done a good job in making the compromise it can make, but the question is what will be the impact of these ordinances going forward, what will be the cost impact on affordability in Charlotte, and we ask the Council to consider some mechanism for consideration of that going forward as projects actually come through and comply with the three of these – what that cost impact is.

Sherrill Hampton, Johnson C. Smith University, 100 Beatties Ford Rd., said I, again, like my colleagues here from the Affordable Charlotte Cabinet must feel that while we applaud the efforts of the planning under the leadership of Ms. Debra Campbell and Mike Frye and Shannon when they addressed us we are very heartened by the flexibility and their amenability to at least have conversation and dialogue. We thank you for allowing us to present these comments again tonight, but, I, like my colleagues, feel like the cumulative effects of all of the regulatory controls we have been looking at over the last year do substantially impact affordable housing. We want to assure you the Cabinet is not opposed to planning policy goals of increased connectivity and enhanced mobility for all modes of transportation including pedestrian and bike. Several of our members wholeheartedly agree, and me in particular. I, in particular, feel that affordable communities just like all other communities and neighborhoods should be interconnected. I have challenged my colleagues and the committee and the staff as we look at this not to create a Brewster Place so we can see our folks over there but we can't get to them next door. So we believe in inner-connectivity. But as we have pointed out before, regulations like the USDG impose a substantial cost of future residential development, and that increased cost will also impact affordable housing for our community. The cost generated by the USDG and other land use regulations and their impacts on housing are cumulative and more likely to be felt at the lower end of the market. While good policies are necessary to protect and enhance our quality of life, no policy should be adopted without mitigating strategies if the benefits do not outweigh the negative impacts on our families and workers seeking affordable housing. Again, we are heartened by the dialogue and discussion we have had. We feel it is a step in the right direction towards flexibility and continued citizen input in that process, but we would like you to consider the cumulative effects and have some mechanism of process for reviewing all of the regulatory controls we put in place.

Marty McCarthy, Regent Schools of the Carolinas, said following up with Dr. Hampton's comments to you, I would like to underscore again something that Mark Vintner has put in the paper and everybody else understands – incomes are going down persistently, and while we are driving up the cost through regulation, we are making it impossible for a large segment of the population to achieve housing. So we are simply asking – the Affordable Charlotte Cabinet respectfully asks the Council to ask the HAND Committee to study, review, and make appropriate mitigation recommendations regarding the adverse impacts of the USDG on the development and provision for affordable housing.

Karla Knotts, 11510 N. Community House Rd., said we appreciate the time that staff has taken the craft the USDG ordinance to address the issues we originally brought up in 2007. Staff has worked diligently to address and make corrections to the majority of the items that conflict with other ordinance provisions or with standards of practice. Since text amendments 073 and 074 were posted for public comment, additional review has shown the need for changes to four sections. Though I believe staff concurs, I list them for the record as the ordinance language has not yet changed. First, the USDG concept is about the relationship of design standards to the surrounding land uses. In numerous occurrences of the Subdivision Ordinance and at least one instance in the Zoning Ordinance, design mandates need to be removed to eliminate ordinance conflicts. Second, the grandfathering language still needs refinement to not impede projects that are vested and cannot meet the new standards. There also remain issues with block lengths and business and industrial uses. It is imperative that we continue to remain a viable place for business growth and relocation, and we need standards that allow speculative building construction for that job formation. Lastly, the proposed construction standards have not yet been properly vetted as they were only distributed for comments in the last two weeks. At first review, there are issues with environmental impacts and unnecessary cost burdens especially on rental housing. This is a small list, and that is a testament to the hard work of Mike Davis and Shannon Frye. I want to thank you and the KBes for the assignment of Shannon and Mike. This very technical and complicated ordinance rewrite has gone smoothly because of their leadership, integrity, and hard work. Thank you for the opportunity to serve as a stakeholder. I appreciate the City being willing to use our knowledge and experience to help craft the ordinance.

Andy Munn, 1201 Greenwood Cliff, said I will be brief as there is an important NFC East showdown tonight on Monday night football. I'm the policy director for the Real Estate and

Building Industry Coalition. I will never forget my first meeting I ever covered for REBIC five years ago was the final USDG stakeholder meeting, so we have been talking about these things for over five years now – at the very least. But since then we have come a very long way, and I would like to thank you for the opportunity to address this issue as we draw to a close. Under the leadership of Mike Davis and Danny Pleasant and Shannon Frye and Debra Campbell, the USDG now appear to be a workable concept that industry can support, however, there are a few minor changes that can be made to ensure there will be no unintended consequences with the adoption of the USDG. In particular, I would like to highlight impacts on industrial land uses. As you know, Charlotte’s industrial land provides thousands of jobs and important tax base. We believe additional considerations need to be made so as to allow for all industrial facilities to be developed on spec. Industrial users have considerably different traffic and pedestrian needs than residential and retail. Also industry believes clarifications are needed for vested rights and how USDG adoption will affect future land development standards manual changes -- echoing Ms. Knotts’ and Mr. Patrick’s concerns, but thank you again for your time.

Mayor Foxx said Mr. Howard chairs our Transportation and Planning Committee and wants to make some comments.

Councilmember Howard said I wanted to echo a little what we heard tonight. Any time you can get – just a running list I had – the Chamber, the development community, REBIC, bicycles, and the affordable housing group that is not for it but not against it to come down and talk about something that says a lot about the staff and their hard work. They are right. They have been to every one of our committee meetings for the last six months or so, so the committee has heard a lot about it. The only group that probably worked a little harder than the staff on it was the committee, and I wanted to recognize Mr. Barnes, Mr. Cooksey, Ms. Kinsey, and Ms. Carter for their hard work on this and thank you guys for moving us in the right direction. The one thing I would ask is I think this comes back to the committee one more time, and we have heard some of the suggestions from the audience, and I would like to ask staff if you plan to at least address some of what we talked about. I kind of caught vested rights, the optional provisions, and the effects on industrial areas, and I’m sure I missed a couple of others, but if you would give us some feedback on that it would be helpful.

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

Mayor Foxx said I just want to say a couple of things tonight. We will have another opportunity when this comes up for a vote. I think Mr. Howard is quite right that although I’m not 100% clear on how effusively supportive all of the speakers were tonight I do believe that a lot of work has been done to try to bring people together and figure it out. The item specifically that I think has been at issue since this ordinance and the tree ordinance and the post-construction controls ordinance first came up was this issue of on the one hand there are people who believe there is no ordinance you can craft that would be applied fairly. Then there is a side that says you actually can have an ordinance that gets us to a point where our community builds the kind of sustainability, the kind of appearance, and the kind of feel that will keep our community on a growth pattern for a long period of time to come, but to do it you have to have a regime that recognizes that there may be projects to come up that we didn’t anticipate when the rules were crafted and there was a need to be nimble enough to respond to those. I want to really applaud the work that has been done on this flexibility point. It doesn’t mean the rules don’t put us in a direction to protect the environment, to create multi-modal transportation systems, and to create livability, but it does mean that you have the ability to pull back some time and look at a project on its own merits, and I think that is to be commended.

The second issue of costs has been coming up time and again whether we are talking about affordable housing in the context of these rules or whether we are talking about other things, and I just want to mention I have never seen this body make a decision about anything that costs money without thinking carefully about the benefits. The benefit here is just not a regulation. We are not regulating to regulate. We think that this community in our history has made some mistakes when it comes to growth, and some things need to be done a little differently going forward that allow us to grow in a sustainable fashion. While those benefits may not altogether be clear today, the cumulative effect of preserving trees, the cumulative effect of good land use

and design and good road design we believe is going to help chart a course for this community long term.

Thirdly, while Mr. Howard is currently the chair of the Transportation and Planning Committee, I don't think we could leave this evening after this hearing without saying a word of appreciation to Pat Mumford, who was the chair of the Transportation and Planning Committee when this issue was moved forward several years ago, and he saw then and we do today the need for this community to really have a vision for transportation, and this set of rules and this set of policies does that.

Finally, I mentioned this before when we had some discussion about this, and I think it is important for us to really consider it now is within existing resources is there a way for us, particularly on the issue of affordable housing, to create a role or a responsibility for an ombudsman, someone who would be tasked with helping to shepherd particularly affordable housing projects through this very challenging maze of rules and regulations and flexibilities and all kinds of other things. I think that would do a lot to help quell some of the concern that is out there about cost because really I think a lot of it is taking some of the mystery away from these rules and trying to help organizations that aren't in front of us as often as some other organizations work their way through the process and hopefully minimize the cost burden on them. Those are just some thoughts about this, but we will have much more time to discuss this at the time that we actually vote on this, so I wanted to make those points. With that, there is a motion to close.

Councilmember Howard said are we closing on all three at one time?

Mayor Foxx said, yes, we are; it's all three together.

The vote was taken on the motion to close the public hearing and was recorded as unanimous.

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MAYOR AND COUNCIL TOPICS

Mayor Foxx said before we close out tonight – I know everybody has got places to go – but let me make a couple of points today about some things. First of all, I want to thank since Ned Curran and Natalie English are here, I want to thank the Chamber of Commerce and all of our partners for a great announcement we had today with SPX announcing 180 new positions in our community. We are keeping a corporate headquarters of a Fortune 500 company. It's a big deal that announcement happened today, so I wanted to acknowledge that.

Secondly, I wanted to remind the Council of Secretary Ray LaHood's visit this Wednesday. He will be at the Wells Fargo Building across from the Chamber at 9:30 a.m., and we hope to have a lot of folks from the region there. We had a great meeting of the Centralina Council of Governments today on transportation planning and a lot of conversation about how to move forward with regional transportation planning. I think we didn't exactly end the conversation with a next step, but I think if there is no objection from this body that maybe we should work with other regional leaders to convene a second meeting of that group to talk about how we can act on some of the things that are being talked about. I also want to say a word of thank you to Patsy Kinsey, who was my representative on that body and got accolades for her participation in that, and Mr. Howard was there as well.

Finally, we have had a lot of conversation in the community about our school system particularly over the last week, and I think there will continue to be a lot of dialogue about that. I have talked with Mecklenburg County Chair Jennifer Roberts and School Board Chair Eric Davis about this issue, and there is some interest in having some discussion jointly with the City, County, and the School Board over not only school issues, but we are doing housing locational policy, and there is some connectivity to those issues, so I want you to kind of reach back to me by email or however and give me your sense of your willingness or interest in having a joint meeting of those bodies. So those are the things I wanted to bring to your attention tonight.

bvj

Councilmember Carter said if you see someone on the street speaking French and very tall please welcome them. The Sister Cities trip with the basketball team from Limoges and city representatives just arrived here in town for a week, so we do want to say welcome. Thank you, Mayor. I understand that you are meeting with them tomorrow.

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ADJOURNMENT

The meeting was adjourned 8:04 p.m.

Ashleigh Martin, Deputy City Clerk

Length of Meeting: 2 Hours, 32 Minutes
Minutes Completed: January 25, 2011