

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, May 16, 2011, at 5:15 p.m. in Room CH-14 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Present were Councilmembers Michael Barnes, Jason Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, Patsy Kinsey, Edwin Peacock III, Warren Turner

**ABSENT UNTIL NOTED:** Councilmember David Howard

**ABSENT:** Councilmember James Mitchell

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**Tammie Keplinger, Planning**, reviewed the agenda highlighting the deferrals and petitions that would require exceptional decisions be made by City Council.

**Debra Campbell, Planning**, reviewed the text amendments and area plan update. Councilmember Carter raised a question regarding the drive-thru policy.

**Katrina Young, Planning**, made a brief presentation on the Height in Residential District text amendment.

The dinner briefing was recessed at 5:58 p.m. for the Council to move to the Council Meeting Chamber.

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### ZONING MEETING

The Council reconvened for the regularly scheduled Zoning Meeting at 6:06 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Present were Councilmembers Michael Barnes, Jason Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, Edwin Peacock III, Warren Turner

**ABSENT:** Councilmember James Mitchell

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### INVOCATION AND PLEDGE

Mayor Foxx gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

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

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### DEFERRALS

[ Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and ]  
[ carried unanimously to defer Item No. 1 , Petition No. 2010-045, to June, and Item No. 2, ]  
[ Petition No. 2010-079 indefinitely. ]

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**DECISIONS**

**ITEM NO. 3: PETITION NO. 2010-080 BY CHARLOTTE MECKLENBURG PLANNING COMMISSION FOR THE ADOPTION OF A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO REPLACE THE REGULATIONS FOR “OUTDOOR SEASONAL FRESH PRODUCE SALES” WITH A NEW DEFINITION AND REGULATIONS FOR “FRESH PRODUCE MARKETS”**

Mayor Foxx said the Zoning Committee unanimously recommended a new public hearing based upon the fact that the modifications were considered substantial.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and ]  
[ carried unanimously to set a new public hearing in June. ]

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**ITEM NO. 4: PETITION NO. 2011-002 BY 521 PARTNERS, LLC FOR AN O-1(CD) SITE PLAN FOR APPROXIMATELY 12.54 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF PROVIDENCE ROAD WEST AND JOHNSTON ROAD**

Mayor Foxx said the Zoning Committee unanimously recommended a new public hearing due to the complexity of the changes made to the petition.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Carter, and ]  
[ carried unanimously to set a new public hearing in June. ]

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**ITEM NO. 5: PETITION NO. 2011-005 BY CHARLOTTE MECKLENBURG PLANNING COMMISSION FOR THE ADOPTION OF A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO COMPLY WITH NC FAIR HOUSING ACT AND SESSION LAW 2009-533 TO PREVENT DISCRIMINATION AGAINST AFFORDABLE HOUSING**

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

Councilmember Barnes said it would be helpful, I believe, for some people perhaps in the viewing audience if Ms. Hagler-Gray could describe for us some of the limitations that we might experience with respect to discussing fair housing laws. For the benefit of folks who don't know, this petition is essentially our adoption of language similar to the state ordinance that will prohibit us from discussing affordability with respect to residential petitions, I believe.

**Terrie Hagler-Gray, Assistant City Attorney**, said that is correct.

Councilmember Barnes said are you prepared? If not, you can give us a memo; if you are prepared to talk about it, that's great – just what the limitations would be.

Ms. Hagler-Gray said I'm prepared to say just what you did is that all this text amendment does is restate what the general statute which is that you cannot discriminate in land use decisions on the basis of affordability. That's all it does. It doesn't set any policies or process.

[ Motion was made by Councilmember Peacock, seconded by Councilmember Carter, and ]  
[ carried unanimously to approve the Statement of Consistency and Petition No. 2011-005 ]  
[ for the above rezoning by Charlotte Mecklenburg Planning Commissions as recommended ]  
[ by the Zoning Committee. ]

The ordinance is recorded in Ordinance Book 57 at Pages 59-61.

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## HEARINGS

### **ITEM NO. 6: HEARING ON PETITION NO. 2011-017 BY GOODE DEVELOPMENT CORP. AND GOODE PROPERTIES FOR A SITE PLAN AMENDMENT FOR APPROXIMATELY 20 ACRES LOCATED ON THE EAST SIDE OF MONROE ROAD BETWEEN IDLEWILD ROAD AND CONFERENCE DRIVE FROM R-17MF TO NS AND MUDD-O**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning**, said this petition proposes to rezone approximately 20 acres of land along Monroe Road between Idlewild and Conference Drive from R17-MF to NS and MUDD-O. The request is for approximately 15,000 square feet of nonresidential uses. There are additional nonresidential uses that will be permitted in the mixed use and residential buildings, but that is where footage will not count towards the total 15,000. All uses in the NS district and in the MUDD district will be permitted with the exception of hotels, night clubs, bars, and lounges. Only one automobile service station with or without a convenience store and car wash will be permitted.

The uses will be either in freestanding or multi-tenant buildings. There will be no more than six drive-thru service windows, and there are several restrictions on those windows. No more than two can be for restaurants, no more than two will be for financial institutions, and only one will be for a pharmacy. There will be public and private streets which will generally remain open to the public except for emergencies or publicly sanctioned events.

The building architecture will be four-sided with a maximum building height of 60 feet or four stories. There are standards regarding the building design and development and materials especially for the buildings that orient or can be viewed from any public street. The building walls along the front on public streets will have no more than 20 linear feet of blank walls. There are building elevations associated with this development that represent the multifamily residential buildings and the single story multi-tenant buildings.

There is an area that will be recessed along each block which will provide a pedestrian open space. The optional provisions for the MUDD section of the petition will allow drive-thru service windows as an accessory to retail and financial institutions and/or restaurants, and it will allow parking between the buildings and the future street that may be built on an abutting property.

What I would like to do now is go block by block and explain what is allowed on each block. The first block, which is at Idlewild and Monroe, at that intersection, will allow retail, office, convenience stores, automotive service stations, and/or restaurant type uses with up to two drive-thru's. Again, that's block one. Block two will allow retail, office, convenience, restaurant uses, at least one multi-tenant building of at least 4,000 square feet, up to two accessory drive-thru service windows for free-standing businesses, and there is a provision on this that 40% of the building frontage along Monroe Road will be composed of certain architectural elements which will help mitigate some of the effects it will have on the adjacent residential properties.

Block three in the middle will be multifamily residential and accessory retail, office, and restaurant uses, up to one free-standing accessory drive-thru. The drive-thru limit does not apply to businesses that are in multi-tenant buildings though. The drive-thru service window for a

restaurant will not be permitted in block three, and any of the office, retail, or restaurant uses that are proposed on an individual site may only be located on the portion of block three which adjoins the extension of Knickerbocker Lane, which will be on this side of parcel 3.

Block four is here and is multifamily residential and accessory uses. Block five is multifamily residential and accessory uses, retail, office, and restaurant uses. There can be up to one accessory drive-thru window. Finally block six is multifamily residential with accessory retail, office, automotive service station, and restaurant uses. At least one multi-tenant building with at least 4,000 square feet may be developed on that site with a combination of retail and/or office uses and one accessory drive-thru will be permitted there.

Staff has met with the petitioner in this rezoning case multiple times, and we have received additional information that we believe has addressed many of the outstanding issues that are listed in the Council's agenda. However, we still have concerns about this petition. The petition does not include the level of detail and commitment needed to ensure a primarily walkable and mixed use development as outlined in the Draft Independence Area Plan. That plan calls for a development node that is pedestrian friendly with a mix of retail, office, and residential uses for this property.

Staff has several main areas of concern with the petition as it stands currently. The proposed uses, including the number in the design of the auto-oriented uses, with a potential up to six accessory drive-thru service windows is one of our major issues. Secondly, the relationship between the proposed commercial development and the neighborhoods across Monroe Road. Thirdly, the potential to redevelop a part of the site for auto-oriented uses while leaving the existing multifamily on the balance of the site. So, in other words, portions of the NS could develop while the existing apartments could remain on this part of the site. Finally the precedents that the proposed development for the development along Monroe Road. This would set up a future development pattern, and we want to be very careful with the type of development we have here.

The petition is inconsistent with the land use vision for the development node in the Draft Independence Plan. As I stated, there are multiple outstanding issues. We have come to resolution we believe on some of those, but with the major issues that I mentioned, staff is currently recommending denial of this petition.

**Roy Goode, 200 N. Harbor Place, Ste. B, Davidson**, said you heard a lot of the details that Tammie has mentioned, and we continue to strive to meet their standard, but tonight I want to talk about hope and risk. My vision is to redevelop a tired but 92% occupied, 40-year-old 337-unit apartment complex on 20 acres into a pedestrian-oriented, mixed-use site that will accommodate up to 275 for sale and for rent multifamily units with a mix of small retailers -- no big boxes -- office, and medical office users that will serve our neighborhood and future transit node.

As a native Charlottean who grew up on Sardis Road and 35 years in the real estate development business, I have owned this property for 18 years, and I have seen the changes in our neighborhood here. I want to share my hope that goes beyond the property lines of this petition. Twenty five years ago or so the Independence Expressway Project began. From this time until today, there has not been any meaningful redevelopment along this corridor with the possible exception of the Wal-Mart at Albemarle Road.

In 2008 Gail Whitcomb and Tom Warshauer invited me to be a stakeholder in the land use study prepared by Gladding Jackson, and we had many meetings from that and been involved with the formation of the land use that was desired for this area of town. From these meetings, it became clear to me that if you could find a location within the affected area of the expressway project for these businesses to relocate there might be a chance the neighborhood would remain stable and possibly move into a positive direction. I do not want more of what we see today along Independence Boulevard.

My hope with this petition is to plan ahead and attempt to keep some of the quality businesses that are being forced to move from our neighborhood -- businesses such as SunTrust, the Chinese

Gourmet, the Home Economist, McDonald's, and Radio Shack. It was reported on Channel 36 just in March that the Steak and Hoagie Shop at Sharon-Amity will be moving to Stallings. The DOT gave them 90 days notice. I hope this redevelopment will provide opportunities for new businesses such as an urgent care, a drug store to serve our neighbors as well. My hope, too, is this redevelopment could provide a small catalyst in turn which could give a little confidence to other landowners and developers to say it's okay to put \$40 million along Independence Boulevard.

The risk is the current phase of the expressway project is going to affect many businesses from Sharon Amity to Conference Drive and will exceed a removal of \$50 million of tax base from our area. The risk is will the businesses stay if provided an opportunity, and will the businesses come to an area that is historically been in decline.

**Walter Fields, 1919 South Blvd., Ste. 101**, said first I need to publicly thank the Planning staff who have suffered long and been patient with us on this thing. This has been a challenge. We are trying to find a way to bridge a time gap. We have a vision for the future, but that vision is a long way off. We are trying to find a way to create the ability for businesses that are in the community to stay there is they want to stay there. We know there is going to take some transition. We know we have some work to do.

Tammie dutifully read the staff analysis issues to you. I believe we are close together on the details than she may have suggested. We resolved, in my judgment, after a two and a half hour meeting last week about 34 of the 37 items in your staff analysis subject to the final approval of the language with the staff. The big issue remains businesses that rely on drive-thru service windows – banks, pharmacies, and restaurants. Those are the businesses that are there today. It's not a new business coming to town. SouthTrust is a half a block away, and they have drive-thru today, and if they want to survive on this site, it is going to be something that they need to have.

We have established architectural controls. We have put limitations on building locations. We have noted that any building that would have a drive-thru has to be on the rear or the side of the building facing away from any public streets. We have done a significant amount of changing to our original thoughts in terms of how we would design the streetscape, much of it at the staff's suggestion. I do believe we are very close to a resolution. The balancing is going to come down to whether or not we can create the economic environment for these businesses to stay in the community or whether they are going to have to locate somewhere else. I'll stop at this point and come back if there are any questions because there are other people who want to speak.

**Valerie Langley** said as a neighbor that lives on Knickerbocker Lane this project and petition obviously affects me greatly and the neighborhood that I live in. I wanted to support this petition than hope for adoption of it because when I moved into that neighborhood 14 years ago there was a Target, a Harris-Teeter, there were many stores, and it was a great area to live in. Now it has become desolated. I mean there is an empty BJs store, there are a couple of minor businesses, but there is nothing to draw people into that neighborhood or into that area. I'm greatly concerned with the expansion of the Independence project that it is going to become a ghost town, and not only is it not going to be desirable for people to move into that area but everybody is going to want to leave that area, and I would love to stay there, and I would like to see it flourish. I believe with putting some smaller residential buildings there along with storefronts, a pharmacy, possibly an urgent care, banks because once those businesses are taken out with the Independence project there is not going to be any reason for anybody to come to that area. You do have pedestrians that want to walk over to the shopping centers, and there is no reason to do that, and there certainly will not be any reason to do that once that project comes through. So I do ask for your consideration and also I appreciate the Zoning Commission's detail to going through the drive-thru and also other areas of concern because obviously those are concern to the neighborhood as well.

**Katie Bartella** said I'm going to talk to you tonight. My husband and I moved to Old Post Road, which is in the McClintock neighborhood, I believe across from Area 5 on the map, in 2009. We moved there because he works for the County, and I work for Oakhurst Elementary. We were very excited to move into our home, and unfortunately since we moved there my elementary is closing, but we still love the area, and we feel that it is a wonderful place to live,

and we have had some issues with that section just with safety that we have been concerned about, so we do support this petition.

Mayor Foxx said, Ms. Bartella, I have to tell you. You are running out, but I know you didn't come here to be thanked, but as a teacher, I just want to thank you for what you do for our community.

Councilmember Howard said I will start off by saying that Walter has reached out to me, so, Walter, these are more questions than anything, so when we get together we can talk about it. The other thing is that I'm extremely sensitive to the fact this area is transitioning, and a lot of us are not sure what it is transitioning to, but I think with predictability of what the freeway will be and some other options that we are trying to look at as far as moving people the predictability will help. So my questions are geared around that.

I think it's on the surface of hearing that it is 20 acres, and you are requesting six drive-thru's. Just on the surface without looking at the plans that kind of says to me we are really are not gearing this toward pedestrians, and I think that is what I want to hear questions about – just that number says you are really talking about more cars than you are about people moving around. The thing you said about orienting that and how that allows for people I want to know more about the whole phasing part. We heard blocks. Do the blocks signify a phasing of any type? Would you be going one, two, three, four in that order of development?

Mr. Fields said it will depend a whole lot on the source of tenants that would like to be able to come to this site. For example, and I'm just going to pick on one – not because I have any unique information – but if a bank, if SunTrust that is right on the corner there of Conference Drive and the current Independence wanted to simply move almost directly across the street they would be able to do that, and if that was one of the first things to happen, then we would obviously start on that end of the site.

Councilmember Howard said so it's not phased that way?

Mr. Fields said we discussed this with the staff last week, and they asked us, and we agreed to essentially put a phase line at Knickerbocker. That also is a boundary between the two different zoning districts. Generally to the west of Knickerbocker would be the area for the focus of retail uses. Generally to the east of Knickerbocker would be mixed use and multifamily. Whichever end we start on based on what the demands of the tenants are then that would be the first phase, and the staff has asked us to put notes in the plan that would provide some certainty that once development starts that it wouldn't just be carved out one little spot for retail but that the redevelopment projects for that entire phase would then commence and the site would start to be prepared for more uses to come in, so there would be a lot of clearing going on. Whichever end we start on –

Councilmember Howard said but the phase would be kind of on one side because the reason I'm asking that is that it was mentioned that you could leave some of the apartments, and I actually get that. You need to have some income coming in. You can't just kind of take it all away, but that is answering that question. It would be potentially all of it at one time, but the way development could happen it could be one half or the other.

Mr. Fields said, yes, sir, that's correct. These are largely occupied – 93% occupied, and people are on leases, so we would time it to when their leases expire.

Councilmember Howard said why MUDD-O? We just heard a lot about height, so MUDD just automatically just kind of scares me. What options are you looking for with MUDD that you are using on this one?

Mr. Fields said in the MUDD district we are requesting two options. One would be for the ability if a tenant wants to locate in the MUDD district, in the area that is zoned MUDD, and needs a drive-thru for their customers to be able to have that in the MUDD district. That's one option because MUDD and drive-thru's in the basic MUDD district are not permitted, but the

optional does allow us to request that. The second one deals with what I will call the back of the site.

If you look on your screen – let me refer to this on this paper copy here. I'm going to call this the back of the site. Here's Independence Boulevard, Monroe Road. There's a very large big box shopping center that fronts on Independence Boulevard. Our property backs up to that and has an access easement that runs down the rear side of that site. It's my expectation, I believe, that the Planning staff and CDOT also expect that at some point this property will redevelop. When that does, this will become a public street consistent with the Independence Boulevard Corridor Plan, which is going to extend on down to Margaret Wallace. At that time, this being a public street, we wouldn't normally be able to have parking between the building and the street, but since there is a probability that some of these buildings will be here first, the MUDD-O request would allow us to actually to ahead and construct some parking there recognizing that in the future when the street did come that there would be some parking along that street. It's kind of complicated, but that is the nature of the two MUDD-O requests.

Councilmember Howard said but it's not height.

Mr. Fields said, no, it's not height at all.

Councilmember Howard said my last question is what is the relationship to the property behind it. There may be more for you, Tammie. In addition to what Walter said about the future public street, anything else to take into consideration with this development so that can have the potential to redevelop as well? Backing up to it won't incentivize people when it's stuck between that and Independence.

Ms. Keplinger said I think that because that is going to be a public road there will be enhancements along that street. There will be the street trees that we would normally get, the curb and gutter and things of that nature that will keep it from looking more like a back door. It will look like a public street eventually.

Councilmember Howard said the development will front it; not back up to it.

Ms. Keplinger said the building orientation is something that is not extremely clear in this. That will come as the land is developed, but we do have provisions in the notes that say if the buildings front or face or orient towards a street or can be viewed from a street then they have to have a certain type of architectural standard. Mr. Howard, if I may also reiterate that there is a height limit on this of 60 feet or four stories. That would be the maximum for the entire development.

Councilmember Carter said I need to voice some concerns, but most of all I'm very grateful to Mr. Goode for taking the risk and having a vision for this area. I am concerned that we get the best that we can for the area because this is going to be the hallmark. That first development on Monroe Road will lead to other development, and what we need is pedestrian-oriented, connected, well designed, appealing development so that stamp of approval on the east side is very visible. Twenty acres is a large amount. You are improving something that had some risks for us before. We had security problems there.

I am concerned that it connect with Independence Commons or what comes later so that people can walk on that public/non-public street and access those businesses that will be left there. If they move my TJMaxx, I will be very upset. It's an important hallmark, and it will be an important entry for people who are trying to access those current buildings on Independence from Monroe at that time of construction, so making sure that there is a way to weave into that area will be important.

I am concerned about consonant design. I think there is intent, but to see it enacted would be my request and probably a mandate. I'm looking at air quality as a final issue, and we do have that counter in the area that indicates that we have air quality problems in the area, and having six drive-thru's is too much to me. I have said this to you all directly, and I hope we can reach a median count. I know staff wants two; you all want six. I hope we can compromise somewhere

in there so there is a viable community well supported that will be successful but one that will contribute to the quality, and that includes air quality of the area.

Councilmember Barnes said just a quick comment to echo some of the concerns Councilmember Carter expressed. I, too, share her concerns about the number of drive-thru facilities and also concern expressed by staff regarding the redevelopment of five and six being independent of one, two, and three because I think ultimately we would like to see, as the teacher indicated earlier, see the apartment homes on the parcels five and six redevelop as well, so hopefully that would happen in a guaranteed fashion, but I thank you.

[ Motion was made by Councilmember Howard and seconded by Councilmember Carter to ]  
[ close the public hearing. ]

Councilmember Peacock said, Mr. Fields, I would like to request that either the Planning staff or you mentioned request details on four-sided architecture. Do you happen to have any 3-D type photos, give me a little more of a visual about how this is going to be pedestrian friendly.

Mr. Fields said we can certainly put something together. One of the things we have done in terms of working with the staff is to highlight the pedestrian environment along Monroe Road. That has been an area of a lot of focus. Finding a place for people to cross to get to this property is important and having a signal at Knickerbocker will be a place that pedestrians can cross under signal control, which is the very safest way they can do it. It does connect through to the property in the rear, and we'll put together a drawing, and I think there are a lot of drawings on the site plan. They are small drawings that you may not have noticed that talk about that pedestrian environment.

Putting the buildings all the way up to the street lets you get from the street sidewalk to the buildings and back without ever crossing a drive aisle or a parking lot. One of the challenges is if we know there is going to be a public street in the back of the site in the future we are dealing now with the public street that exists, so we are working the buildings largely towards Monroe Road at the staff's direction, and we understand that because it creates a stronger streetscape along there. So our belief is the pedestrian environment is between the street and those buildings, which are now pushed up to the street, to create that very thing. I can put together some illustrations and hopefully explain that better.

Councilmember Peacock said can you tell us about public meetings you have been having with the neighbors.

Mr. Fields said it's been several months now since we had our community meeting. Ms. Carter was able to come, and it was actually on the site there at the clubhouse. I think we had between 50 and 60 people there. I would say we met for close to two hours. There were a lot of good questions, a lot of comments. I believe I can, with Ms. Carter as my witness, I will characterize it at the end of the meeting there was general support in the room for what we were proposing. There were some pretty critical questions about timing and about traffic and things of that nature that you would normally expect especially in terms of making improvements to Monroe Road, but I believe the fact that there is no one here tonight in opposition and the fact we have had such a very strong support at our community meeting speaks well for how they view our project.

Councilmember Burgess said I had a question for the staff. This is right on Independence where there is one of the three nodes to get people to downtown. My question was to get people to this area what are we doing to help the bicyclists get there?

Ms. Keplinger said I'm not sure I can answer your question in terms of helping them get to the site, if that is what you are referring to. In terms of once they are in the site, we are hoping by making it pedestrian friendly it would also make it accessible for bikers. Could you clarify for me?

Councilmember Burgess said specifically on Monroe if you look at the street plan there is not a bike lane, and Monroe right now I think it's pretty dangerous for bicyclists, and we have to be planning for the future. I don't know the answer, but that is something that we are talking about.



Ms. Keplinger said I believe Mike Davis might be able to answer that question for us from CDOT's perspective.

**Mike Davis, Charlotte Department of Transportation**, said CDOT's main point of emphasis on this petition will have to do specifically with the design of Monroe Road and one of our outstanding – well, really not an outstanding issue. It's just we are not there in the design yet, but we are looking to get a design on Monroe Road that would have bike lanes in addition to other kinds of features that would enable not just bicycle mobility but also good transit and pedestrian accessibility.

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

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**ITEM NO. 7: HEARING ON PETITION NO. 2011-018 BY UNIVERSITY CITY PARTNERS FOR THE ADOPTION OF A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO MODIFY THE USES PERMITTED AND THE DESIGN AND DEVELOPMENT STANDARDS IN THE RESEARCH DISTRICTS**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning**, said I have quite a few comments on this one, but I'm going to try to be brief unless you ask for additional details. First, I would like to give you a little background and history. The RE-1 and RE-2 districts are conventional districts – not conditional -- conventional. They allow uses that are similar to research, development, high technology, manufacturing operations. The RE-3 district currently is a conditional district, and it allows the same types of uses as the RE-1 and RE-2, but it also permits uses that are oriented toward distribution and service activities.

Most of the land area in our jurisdiction that is zoned RE-1, 2 or 3 is located in the University Research Park area. There is a little bit in the southwest portion of the county also. The University Research Park Area Plan was adopted in June of last year. Part of the implementation plan was to include text amendments to update the three research districts to focus on a broader mix of uses, a more urban and pedestrian friendly form of development, and that was especially for the RE-3 district.

I would like to go over some of the highlights that will occur in the RE-1, 2, and 3 districts first. It will add new uses such as veterinary clinics, on-site clearing and inert debris landfills, repair of articles sold within the district. It modifies the prescribed conditions for uses such as vehicle leasing offices and associated parking and accessory uses such as restricting any outdoor storage. It allows on-site abutting parking to count towards the minimum number of parking spaces that are required, which it currently does not allow that. It allows new design standards for connectivity and circulation, outdoor lighting, building entrances orientation, street walls, and streetscapes and signs, and it adds a new administrative approval process which will allow the planning director flexibility to make minor alterations to the development and design standards, and this is similar to what we have in our current urban districts.

For the RE-1 and RE-2 districts only, there are some additional uses that will be allowed: telecommunication and telephone switching facilities and vehicle leasing offices and associated parking. It deletes some uses such as subdivision sales office, homeless shelters. It modifies the buffer requirements and requires open space for tracts that are four acres or larger. In the RE-3 district, it will allow all uses in the RE-1 and RE-2 except for pharmaceutical preparation and production facilities, printing and publishing establishments, prototype production facilities and pilot plants, telecommunication and telephone switching, and vehicle leasing office. It also adds additional uses that are not allowed in the RE-1 and RE-2 districts such as art galleries, athletic and sports facilities, barber and beauty shops, conference centers, dry cleaning establishments. It allows outdoor sales and accessory use to retail establishments and limited helistops as an accessory use.

It deletes the maximum floor area ratio requirement, reduces the minimum lot area, the minimum lot width, and modifies the minimum setback requirements. It also modifies minimum side yards, maximum heights, modifies the buffer requirements. It replaces the internal landscaping requirement with new screening requirements and add new design standards. It adds an optional process as we have in many of our urban districts, and as a requirement for a preliminary review meeting as we also have in many of our current urban districts. With all of that, if you don't have any questions, or if you do, the staff is recommending approval of this petition.

Councilmember Howard said under the highlights of our Research Area 1, 2, and 3 on the first page of the write-up, what is that inert debris landfill?

Ms. Keplinger said I wrote that definition down just for you, Mr. Howard. It's a land clearing yard and trash and painted and unpainted wood debris landfill, so it allows those uses. It allows inert debris, land clearing and yard trash and painted and unpainted wood – very specific.

Councilmember Carter said those aren't inert. They decompose and there is a scent involved, and we found that out when we were in Austria where they do deal with this type of debris taking it into biomass producing alternative fuel, so I am a bit concerned by that limitation. I think it's a little more extensive than maybe should be, but I'm extraordinarily interested in what you are proposing here. It seems like there are more interactive uses, and what you are doing is preserving the attractiveness of these areas. I saw that in Limoges when we were there on a Sister City trip, and their industrial park was surrounded by cinema, restaurants, a small brewery where people could go and interact and enjoy the area where they work. I think this is very forward thinking, but I am concerned by that inert landfill.

Councilmember Turner said I support the modifications in certain areas and not all of them. I want to express a little concern in regards to the additions. You have a lot in RE-3 on the second page. If you go back to just RE-1 and RE-2, some of my concerns are in regards to you listed the research facility that is located off of Youngblood and Hamilton. As I was sitting here, I was thinking about the residential component to that across the street from it. That is a very broad, broad, broad area of addition and that is a lot of land that one would have absolutely no say in.

If we approve this that we have absolutely no position of what the citizens would think that have built homes across from this facility thinking they are being secure with the current zoning knowing what could happen there versus what we are getting ready to allow if we agree to these amendments as a Council. I say that because oftentimes what happens is people buy homes and build homes in neighborhoods and such areas as we are talking about and that specific area because it is predominantly a lot of acres, very open, and you cannot see the facility from the street because of all the land that surrounds it that would have an opportunity to be built or build out under these new additions and add-ons, so that leaves me with some concern how that land could be used and all that could come on that property without one being able to oppose it because it would be an outright use.

Ms. Keplinger said, Mr. Turner, may I ask for clarity if your concern is mainly with the uses in the RE-3?

Councilmember Turner said the RE-3 that was really way out. I have the same concern with the RE-1 and RE-2 simply because, as I stated before, it allows some things to happen without the other parties having any interest that might want to know what is about to happen that we can approve, and I was primarily concerned – some of them I think we did very good on like you have clearly got in here you cannot put outside storage facilities. I think that is wonderful, and I think that is a modification, so there are some things in there that we grab that I'm glad to see we put it in there, but there are also some things in there that I also have concern whether or not we are really helping areas where they would not want to see those things come about without having some kind of a right to protest it and challenge it.

Ms. Keplinger said the RE-3 district will remain a conditional district, so I know this only partially addresses your concerns, but with the RE-3, in order for anyone to take advantage of the new text they would have to go through the rezoning process and they would have to come

before you with the regular notification process that we follow, so they would have an opportunity to input and protest.

Councilmember Turner said that is for RE-3 though.

Ms. Keplinger said that is for the RE-3, yes, sir.

Councilmember Turner said can you address the one and two, please.

Ms. Keplinger said I'm going to let Laura Harmon from our department – has worked extensively on this petition, on this text amendment. I would like to let her address that.

Councilmember Turner said while you are approaching. I think it's important for the citizens that when we use the language of Class B and C buffer would you please tell the citizens that are viewing this exactly what that amounts to – what is the distance of that buffer because as we speak right now the current requirement is that the buffer area must be one-half of the setback, side and rear yard requirements, and we are changing that to a Class B or C buffer will be required now.

**Laura Harmon, Planning**, said going back to the uses with RE-1 and 2, we actually added relatively few uses to those two districts. We tried to keep the additional uses that we added like veterinary clinics or repairs of articles sold within the district to be pretty much consistent with the type of uses that are already allowed in RE-1 and 2, which are office, research, production, warehouse distribution, and only retail sales and restaurants within existing buildings. So we really tried in one and two to be consistent and not to vary tremendously from the type of uses that were there. We really made the larger change in RE-3 where we would have that conditional zoning. I don't know that directly answers your question, but there is very little we did add to those two districts. Our big change with respect to uses was to three.

Councilmember Turner said would you state the feet of the Class B and C buffer, please, for the record?

Ms. Harmon said the buffer widths actually depend on the size of your parcels, and that width with the Class B buffer could be anywhere from 22 feet to 75 feet, and with the Class C could be ten feet to 50 feet. The concept again that was out there in the RE-1, 2, and 3 districts was having a lot more of a buffer and screening between the buildings and the street. In this case we were really trying to bring the buildings more to the street but protecting the surrounding residential, continuing to protect that with buffers.

Councilmember Barnes said I have a question for staff and perhaps for Ms. Hopper as well, and it concerns the landfill issue that Mr. Howard raised. I suppose – I don't know much about the impact on the property that Mr. Turner referenced, but with respect to the URP I want to understand why the onsite land clearing and inert debris landfills would be necessary. I also want to have a discussion about the implications of the mobile food vending service in light of what we are trying to do where those are concerned.

Ms. Harmon said I can tell you if that becomes an issue I think from staff's perspective we would be glad to just to clarify that these are only related to what is already on the site and clearing, and it's typical in a lot of our districts to allow these uses, but if that becomes a sticking point we can certainly –

Councilmember Barnes said I apologize to you. When I spoke to you and Ms. Campbell and Ms. Hopper over the last – today and last week, that did not hit me, and tonight it has, so I just want to get an understanding of why that would be necessary. The last thing I want to see in my district is a landfill.

**Katrina Young, Planning**, said, if I would, I would like to clarify. The inert debris is going to be whatever is already on the site – the tree stumps, old wood. Whatever is there you can bury, so it's not where they are bringing anything onto the site. It's just to allow them to bury the stuff

that is there. Typically that is allowed in any zoning district, so it's not different. Does that help?

Councilmember Barnes said I think it does.

Ms. Young said it's not like an off-site landfill where you are trucking stuff to the site, but if they had some old trees and they wanted to bury them, they could.

Councilmember Barnes said and the mobile food vending?

Ms. Young said what was the question on the mobile food vending?

Councilmember Barnes said I just want to understand the implications of the ordinance and the intentions where RE-1, 2, and 3 are concerned.

Ms. Young said to my knowledge those uses would be the same as they are allowed in other parts of the city as far as vending. These are retail sales, and we are trying to embrace the different cultures and provide different types of food, so as long as it is in an RE-1 and 2 you can do that retail now as that's becoming one of the uses – the retail sales would be allowed, but it would be more on a temporary basis than a permanent basis.

Councilmember Barnes said so it would be consistent with the ordinance we passed.

Ms. Young said yes.

Councilmember Barnes said what would be the benefit of it?

Ms. Young said providing additional opportunities to provide food to individuals, different types of food.

Councilmember Turner said I want to go back to that. She said something that caught my attention. Did you indicate you can bury – I thought it was against the City policy to bury any landfill debris on the site where you are going to build residential for development. I thought they were required to discard that debris.

Ms. Harmon said things like tree stumps or things that are already on the site you can. Now, whether or not you can bury them under where you are putting a structure may be a different matter, and I'll ask Katrina to help clarify that, but, yes, that is allowed currently on sites.

Ms. Young said it is, and what we require is that you record the location of where the items are buried so that when someone is purchasing the property they will know there is something buried there, so if they are planning to perhaps build a swimming pool or whatever they would know in that particular location there are some items buried.

Councilmember Cannon said one quick thing and I think we can move on off of this topic. I have a question for Ms. Hopper. I don't know that I have this for staff. Ms. Hopper may know the answer to this more so. There continues to be talk about a proliferation of apartments in the area, and I am aware of almost – about 800 some-odd units as a part of the Belgate rezoning. I think that was approximately two years ago, if I'm not mistaken. I wasn't here, but I think it was about two years ago. But, Mary, what number of units will be allowed under this text amendment if we move forward with it?

**Mary Hopper, University City Partners**, said it would be on a case-by-case basis because they would have to be allowed under the RE-3, and it would be conditional. Our inclination is more toward within a framework of mixed use. We already have a small parcel of mixed use that didn't use the MX zoning; it used the MUDD zoning that is across from the Wachovia CIC. They are permitted to bring some others. The thinking is that there might be some value either on the Crescent site that is up on Mallard Creek Church or perhaps even on the L&R site that is in the center to add something. It would be attached housing. Our preference would be frankly for sale. We have talked a little bit with some of the key property owners in there because of the

large number of visitors that they have some of whom come for some length to see if they might have an interest in buying condos in there to make available to people coming to the park as visitors.

Councilmember Cannon said so case-by-case. That means it is pretty much wide open then.

Ms. Hopper said wide open except that remember that it has to go through the RE-3 zoning with us, and in addition, on the north side, they also have to take it through URP, Inc. because there also are private covenants that force them into review situation. It's not our intention to open it up but to bring some uses into the envelope because as it is now I see people crossing on foot across Mallard Creek Church Road, which is a fairly busy one to go over there to eat. There is not as much within the envelope itself.

What we have seen in looking at other research parks is an interest in mixing the use better within the envelope, and that's an attempt, but it would be on a case-by-case basis. If you may remember that the ULI study also suggested that we put single family in the heart of it. I don't think that will test out, but there does need to be somehow – even when I was a Planning Commissioner Martin Cramton talked about the need to push some housing of some kind into the park.

Councilmember Cannon said, Mary, thank you so much. Sounds like there are a lot of issues still on the table that will need to be addressed between now and then, but that's it.

[ Motion was made by Councilmember Howard, seconded by Councilmember Carter to ]  
[ close the public hearing. ]

Councilmember Turner said I just want to make a comment for staff. You indicated that the Bartlett Tree Farm is located at Youngblood and Dore and Amity Road. That's actually the research center. The tree farm is on the opposite end of Hamilton. I know exactly what you are talking about, but you put the wrong name in there, and the concern that comes with that again is that is a huge tract of property that it scares me to think that all of these uses could happen and absolutely no one have any control to say so even though you say it comes back before us. That really concerns me. I think it would be interesting that we even consider putting the text in there where if the land exceeded "X" amount of acres – you know, it's just a lot of land to me to just be under that huge umbrella that one can just get control of and do what they pretty much want to based on what we have here.

Ms. Harmon said if I could make a clarification on that. That is currently conditional zoning, so they would not be able to do anything other than what is currently allowed by their conditional plan, and they would be tied to the regulations that were in place at the time their conditional zoning was approved, so that would be much more limiting than the types of uses you see here.

Councilmember Barnes said just to a point Ms. Hopper made about the shopping center across Mallard Creek Church at David Taylor. I have spoken with the Manager and Danny Pleasant about signaling that area or improving it in some fashion, and they are working on an analysis, so hopefully we'll know something soon. But it is much needed.

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

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**ITEM NO. 8: HEARING ON PETITION NO. 2011-020 BY PERCIVAL McGUIRE COMMERCIAL REAL ESTATE DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 23.96 ACRES LOCATED ON THE SOUTH SIDE OF WEST W.T. HARRIS BOULEVARD BETWEEN INTERSTATE 485 AND REAMES ROAD FROM R-3 TO NS**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning**, said this petition is for 23.96 acres. It is to be rezoned from R-3 to NS. You can see the surrounding properties are single family residential and multifamily. Across WT Harris is the Target center and NorthLake Mall. In terms of the proposal, it proposes 62,000 square feet of nonresidential development. That includes a sit-down restaurant or a bank that will be 9,000 square feet, a restaurant with an accessory drive-thru with 4,300 square feet, approximately 26,000 square feet of office, approximately 12,000 square feet of retail, and a 10,000 square foot daycare.

There is a provision that says the 9,000 square foot sit-down restaurant and bank can be transferred to office or retail or restaurant uses and the 10,000 square foot daycare can be transferred also to office or retail square footage, but the retail would be limited to only 2,500 square feet.

There is a maximum of two uses with accessory drive-thru windows. Only one can be a restaurant, and it is located generally in this area. The sit-down restaurant is located here. The office buildings are here, and the daycare is in this area. There is greenway dedication along Long Creek. There is an area of open space beside the daycare, which will have benches and picnic tables. There is a commitment to the types of building materials and complimentary colors within the development. Staff recommends approval of this petition upon the resolution of the outstanding issues.

There is a mix of nonresidential uses and designated open space, which is consistent with the NorthLake Area Plan, but the amount of retail that is proposed is more than what is called for. The area plan actually only calls for 10,000 square feet of retail. However, with the design modifications that staff has requested in the outstanding section, the proposal will result in an interconnected development which relates to and enhances the proposed Long Creek Greenway and the Dixon Branch Greenway.

**Bob Young, 226 Sloane Square Way**, said Percival McGuire is I think a well known, local Charlotte developer. Trent Guthison is alongside tonight should you need to ask him a question. Percival and Mr. Percival Sr. is near and dear to my heart. They were my very first client 24 years ago, and I have had the opportunity to represent them several times. It's always been great. I understand that Mr. Percival had some surgery today, so I'm going to shout out for a speedy recovery and thanks for the money back in '88 I didn't starve.

We are presenting a neighborhood mixed use center tonight. It has 62,000 square feet of space. That is going to be located on about seven acres of the 24 acre site. There is a significant amount of floodplain area, and about two-thirds of the site is actually going to eventually transfer ownership to Mecklenburg County as we will be dedicating that floodplain area to the County for future greenway purposes along this area. There will be, I think, a very significant and very commendable public gift to hopefully jumpstart the greenway process that is anticipated up in this area. It may be a while before we see it, but we are providing that dedication immediately in this area.

You have heard Tammie's comments. Staff is recommending approval. We have worked quite a bit with staff on this project, worked through a number of issues, and many of those dealt specifically with greenway and amenity issues on the site. There were two that were mentioned in the staff analysis, and I'm happy to say that we have resolved both of those. One was very easy. It dealt specifically with how we were going to plant some trees along the setback along WT Harris Boulevard. The second one was a little more challenging. If you are looking at the report, it talked about a reorientation of the building, a real critical building, as a matter of fact, at the corner where we are extending a new street into the project and WT Harris Boulevard. Again, staff was interested in that reorientation to have a better relationship with the greenway. We had a lot of issues with that, but rather than simply say no, we did offer an alternative, which was another strong pedestrian connection to the greenway. We will add that to the plan in addition to the one that Tammie pointed out down in the southeastern corner, so we will have a direct connection to the Long Creek side and the other side, and we have addressed those issues.

Councilmember Cannon said Councilmember Mitchell is in Washington on public business but did phone during the Dinner Meeting and wanted to state for the record that he is very much in

support of this petition of course pending the resolution of the outstanding issues, so he wanted that to be so noted in the record.

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

Councilmember Carter said I had one question about the drive-thru's. Did staff request that limitation on the drive-thru's, and if there is a change in the use to another type of retail, will a drive-thru be allowed in that change?

Ms. Keplinger said the number of drive-thru's will not be increased if the retail is increased, if the switch is made. To be honest, we have been through several renditions of this, and I feel like we did probably have some concerns about the drive-thru's and the number of drive-thru's because we didn't want the site just to be a series of drive-thru's along the entire frontage of WT Harris.

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

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**ITEM NO. 9: HEARING ON PETITION NO. 2011-021 BY SINGH DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 22.65 ACRES LOCATED ON THE EAST SIDE OF PROVIDENCE ROAD AND ACROSS FROM PROVIDENCE COUNTRY CLUB DRIVE FROM R-3 TO R-3(CD) AND INST(CD)**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning**, said this is a petition to rezone 22.65 acres from R-3 and R-3(CD) to INST(CD) for a nursing home that will have 109 independent living units and 80 dependent living units with associated services and amenities and other uses that are allowed in the R-3 district. The site is divided into two parcels – Parcel A, which has the most frontage along Providence Road, and then Parcel B.

The land is currently undeveloped, and the site plan orientation is a little bit different. Providence Road is to the bottom of the screen. The proposal shows a maximum of 240,000 square feet in Building Area A, which is the area that we are seeing in the slide. Building Area B is 8.21 acres. That area is proposed for the R-3 uses and currently the site plan is a bubble type site plan and does not show the development for that Tract B.

For Tract A, the building height will not exceed 52 feet or three stories. The exterior walls will be 70% masonry materials. There is an extension of Providence County Club Drive, which is located on this side of the site. There is a provision for the dedication and construction of an 80-foot right-of-way to provide public street connection extending in a southerly direction from Providence Country Club Drive to the abutting property to the south. The Providence Country Club will be in this location, and the 80-foot street will connect the north to south. This connection may be along the property line, and if it is, there will be a 50-foot buffer along the site of the independent living and dependent living center. If not, it could also locate in the middle of Parcel B, and that buffer would be removed.

There is a proposed access from Providence Road, and this is an elevation showing the front access. There is a six-foot high decorative metal fence around the exterior of Parcel A supplemented with additional plantings. Staff is recommending approval of the petition. We have several outstanding issues, but we feel like those will be resolved. The petition is inconsistent currently with the Providence Road/I-485 Plan, but as we have talked about in the past, the area plans frequently do not tell us the locations for these types of institutional uses, so staff is recommending approval, and I will be happy to answer any questions.

**Collin Brown, K&L Gates, 1214 N. Tryon St.**, said on behalf of the petition, Singh Development. Tammie has done I think a pretty good job of going over the site plan. You have

a full agenda tonight, so I'm happy to forego our presentation time, happy to answer any questions if you have them. If anyone would like me to touch on some issues, I am happy to do that.

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

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**ITEM NO. 10: HEARING ON PETITION NO. 2011-022 BY CAMBRIDGE-EASTFIELD, LLC FOR A SITE PLAN AMENDMENT FOR APPROXIMATELY 0.55 ACRES LOCATED ON THE SOUTHEAST CORNER OF PROSPERITY CHURCH ROAD AND ARBOR CREEK DRIVE**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning**, said this petition is for approximately half an acre that was originally rezoned as a part of a 58 acre tract in 2002. The proposed request tonight will shift a driveway on Arbor Creek Drive to create a 40-foot median opening to allow full access. There is also a modification of the site layout to show a new building envelope, the identification of a five-foot planted area along the rear property line. There are conditional notes from the original site plan in 2002 that will still pertain to this property and are carried over. They relate to the types of uses – the buffer area, the lighting, the screening, and to the architectural elevations. This petition is consistent with the Northeast District Plan, and staff is recommending approval.

**George Maloomian** said we have worked closely with Tammie and also the Transportation staff on this. The purpose is basically to improve access. I developed the Eastfield Village development. It was a multi-use development that has two single family residential communities, live/work, townhomes, and retail. Started about nine years ago with 74.5 acres, and this is the last half acre, and in seven or eight years we have had no interest in this property because of the access issues, so we brought this petition basically as a site plan amendment to improve the access to the parcel. It is triangular, a little bit difficult to configure buildings in, so we have worked with staff on the configuration of a building envelope as well. To my knowledge, we have worked all the issues out with regard to the access from Arbor Creek Drive and also with Planning staff.

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

Councilmember Barnes said I just want to ask a question of Mr. Maloomian. George, the new building envelope will not include a drive-thru use; is that correct?

Mr. Maloomian said that is correct. Drive-thru's are prohibited, by the way, in the original zoning, and we are not amending that or changing that in any way whatsoever.

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

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**ITEM NO. 11: HEARING ON PETITION NO. 2011-023 BY VULCAN CONSTRUCTION MATERIALS FOR A CHANGE IN ZONING FOR APPROXIMATELY 106.90 ACRES LOCATED NEAR THE NORTH SIDE OF THE INTERSECTION OF BROOKS MILL ROAD AND ALBEMARLE ROAD FROM R-3, R-3(CD), AND O-1 TO I-2(CD)**

The scheduled public hearing was held on the subject petition.



**Tammie Keplinger, Planning**, said I would like to tell you that there is a protest petition that has been filed on this case, however, it is insufficient. This petition proposes to rezone 106.9 acres from R-3, R-3(CD), and O-1 to I-2(CD). To give you a little bit of history, in 1992 Vulcan Quarry received State mining permits and actually began operating the mine at this site in 1993. In 1994, a part of the quarry was rezoned to I-2 and then again in 1999 we had an additional rezoning for another portion of the quarry. Since 1999, Vulcan has attained the properties that you are seeing that are highlighted in yellow on the screen.

The proposed request will allow the quarry facility and related complimentary and accessory uses. We wanted to be clear on what those accessory uses could be, so we did ask for further explanation, and they indicated that it would include stockpiles of asphalt paving material, concrete products, construction and related machinery, stone cutting and stone products, petroleum storage of less than 200,000 gallons, offices, maintenance facilities, crushing and sorting operations, and those are just a few of the examples.

There are various buffers that are required by the zoning ordinance when dealing with quarries, and the petitioner will have to comply with all of those. There is a delineation of a minor thoroughfare that is on the thoroughfare plan that is through the site. This is a proposed thoroughfare that is to run through the quarry site. CDOT had originally asked for that property to be dedicated and conveyed. We are now asking for the reservation of that property as opposed to the dedication and conveyance because we believe that we may be able to relocate that road to another section so that it does not interfere with the quarry operations as they currently are.

In terms of the land use plan, the petition is inconsistent with the East District Plan, however, the quarry facilities are necessary, and they support the growth and development of our city, so with the resolution of the outstanding issues, staff is recommending approval of the petition.

**Frank Emory, 101 S. Tryon St.**, said I agree with the exposition of the matter by the staff. I want to add a few things for context. The purpose for this rezoning is simply to preserve inventory of the aggregate for future use. The analogy would be if we had a warehouse out there we would be expanding the warehouse to add capacity to sustain the business. Aggregate is a non-renewal resource, so you have to get it where you find it and preserve it, so that is simply the purpose of this.

Let me tell you what this proposed rezoning does not do. It does not change the operations, it does not change the access, it does not change the traffic implications, the traffic intensity remains the same. It increases storm water retention opportunities. The current operation has been there for almost 20 years since 1992, and it will continue in the way that it is. The staff analysis as you heard supports a positive decision on this petition. There were five issues raised in the analysis, and I know you have on your desks. Four of them have been resolved. There is a letter from our client dated May 12 that confirms four of those, and the fifth, the issue about the dedication of the right-of-way, was just described to you, so it will stay on the map but not be dedicated for the reasons stated.

Vulcan is the nation's largest producer of construction aggregates. It has been in North Carolina since the 1930s. It has been in Charlotte since 1975. It is a good citizen, and it seeks here to follow the rules required to continue to do its business. In sum, what Vulcan is doing with this rezoning is increasing its investment in our community to remain here for more years to come.

**Troy Pollard, 7900 Matthews-Mint Hill Rd.**, said I come to you tonight to express my hopes that you will consider this petition and approve it. Vulcan Materials is an outstanding company and has done an outstanding job in the community. They have certainly been interested and have followed all the rules and regulations with the bird sanctuary, the community involvement, the schools, all the civic entities, and many other things. Also, they provide a product that makes the cost of paving and other uses that use stone less costly by cutting down on the travel time of having to haul it from either another county or across the county. I think the ones previous to me have done an outstanding job in presenting a case, and I strongly encourage you to approve this.

Mayor Foxx said the petitioners will have an opportunity for a rebuttal at the conclusion of the speakers in opposition.

**John Moore, 1571 Queens Rd. W.**, said Kent Moore will not be present this evening. I hesitate to come before you because we are talking about big business, and the State is interested in this and the City in saving costs in building roads, so I understand that. Since arriving here this evening, I have seen a couple of attorneys representing Vulcan Materials, and a friend that I haven't seen in a long time, Mr. Troy Pollard, former mayor of Mint Hill, who just spoke. Also, outside of this Chamber I met a very nice young man, a friend from many years ago, who said that Vulcan Materials was his client in public relations, and I appreciate that. We all have work to do, but I share this with you because owing a small piece of property on Albemarle Road that I have a tenant who lost her husband a few years ago, and now she is trying to eek out a living like so many other people. In your pledge of Allegiance, you ended it with "justice for all". Now, this evening there will be, as I understand it, no more people speaking in opposition to this. I'm saddened to say that I think these people have given up, and I almost did not come tonight because what is the use. I want to share only information with you.

Vulcan Materials came into our community, which you heard the history, of about 12 or 15 years ago. This was zoned all residential – no access to rail. They got the zoning initially for a quarry, and I appreciate Madame Carter's reference earlier to air quality. Now, it wasn't any time until they came back and wanted a request to build an asphalt plant, which you approved, which was needed. Then they came back again and got additional zoning, and now they are expanding it once more. I want you to take a hard look at this, and there's probably any doubt that you will turn them down, but if there is any concern that you might have about losing a community and losing citizens to express themselves, then I would appreciate it if you would give that some consideration as well.

Mr. Emory said I would simply say in response to Mr. Moore we respect his view of this and would focus on the land use issues presented by the petition. With respect to the air quality issues, it likely would be useful for you to know there are almost 40 acres of tree canopy that are preserved by the quarry, and, two, at the end of the quarry life, there is a reclamation plan for it there. The site itself will actually be used less intensively than if it was used fully for R-3 in terms of car trips and things like that. We appreciate – I wanted to make that point in response. We appreciate your time and attention to this, and we would urge your favorable consideration of this petition.

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

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**ITEM NO. 12: HEARING ON PETITION NO. 2011-025 BY CHARLOTTE-MECKLENBURG HOUSING PARTNERSHIP, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.6 ACRES LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF WESLEY HEIGHTS WAY AND DUCKWORTH AVENUE FROM UR-3(CD) AND UR-3(CD) PED-O TO UR-3(CD) AND UR-3(CD) PED-O SPA**

The scheduled public hearing was held on the subject petition.

[ Motion was made by Councilmember Carter, seconded by Councilmember Kinsey, and ]  
[ carried unanimously to recuse Councilmember Howard from this item. ]

**Tammie Keplinger, Planning**, said this petition is to rezone 1.6 acres from UR-3(CD) and UR-3(CD) PED-O to UR-3(CD) and UR-3(CD) PED-O SPA. In terms of background, this property was part of a larger rezoning in 2007. The larger rezoning allowed for 132 condominium units, 25 townhomes, and 5,500 square feet of ground floor retail. There was an optional that was also approved to allow a height increase from 40 feet, which is the normal in the Ped Overlay District to 63 feet. Since this is only a portion of the site that was rezoned in 2007, it's important to note that the remaining portion of the 2007 rezoning will need to come back for a rezoning because it cannot develop independently.

In terms of the current petition, the proposal is for a 40-unit elderly multifamily housing facility. The building elevations indicate the architectural and exclude the use of vinyl except for windows and trim. There is an eight-foot planting strip and an eight-foot sidewalk along Wesley Heights Way. Duckworth Avenue will be improved to a residential wide street type and will include eight-foot planting strip and six-foot sidewalks. There will be a CATS passenger waiting pad on Wesley Heights Way. There will be a five-foot internal sidewalk connection along all abutting streets, however, the petitioner has reserved the right to request a variance from the connection to Wesley Heights Way.

The extension of the ped overlay boundary from the center of the subject site to the northern boundary of the site is so that it will all be located within the PED district. The optional requests are to reduce the parking ratio for the residential units from one space per unit to .25 spaces per unit. The underlying UR-3 allows this ratio of parking for elderly multi-family units. Also, the optional request is to eliminate the requirement that at least one operable pedestrian entrance per building must face the street. The final optional is to allow the maximum height of 60 feet as opposed to 40, which is allowed in the current district. Staff recommends approval of the petition upon the resolution of the outstanding issues, and it is consistent with the West End Land Use and Pedscape Plan and the Central District Plan.

**Keith H. MacVean, King and Spaulding, 100 N. Tryon St.**, said Jeff Brown of the firm and I are assisting the Charlotte-Mecklenburg Housing Partnership with this rezoning petition. With me tonight is Fred Dodson of the Housing Partnership and Kevin Vogel with Land Design, who prepared the proposed plan. I want to thank the staff for their assistance with this petition. We are happy they are recommending approval of this upon the resolution of the remaining issues, which I think we have done. We just sent an email to the staff late last week with those proposed changes.

As Tammie mentioned, this is a site that was previously zoned for higher density, multifamily condominium building and 25 townhomes plus a small amount of retail. This proposal proposes to develop a portion of that site with 40 senior apartment units, the building located at the corner of Duckworth and Wesley Heights Way. Parking to the rear; as Tammie mentioned, three-story building. A minimum of 40% of each façade will be of masonry material – brick, for example. Of the remaining issues, we have agreed to add an entrance from the building to Duckworth Avenue. It would be located near the corner of Duckworth and Wesley Heights Way. There will be an access from the building to the street as required by the PED district, so that optional provision will be eliminated from the petition, so there will be access from the rear of the site where the parking is as well as at the front of the site. This would be a controlled access since its access only for the residents of the development; not for the general public.

We have also agreed to modify the notes as requested and we'll also be eliminating the note regarding the variance of the sidewalk connecting Wesley Heights Way to the rear of the site. As further study has been done, the site does fall from the back of the site to the front. That grade changes, and is severe, and we are confident we can now put that sidewalk in, so we don't need to reserve the right to get a variance at a future date. As Tammie mentioned, consistent with the West End Land Use and Streetscape Plan.

Councilmember Carter said is this a designated Alzheimer's site?

Mr. MacVean said I do not believe so.

Councilmember Carter said so there is no concern about the limited access.

Councilmember Kinsey said it looks like there are some buildings already on that site.

Mr. MacVean said there were, but those buildings have actually been demolished. The site is currently vacant.

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

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**ITEM NO. 13: HEARING ON PETITION NO. 2011-026 BY ROBERT D. SMITH FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.83 ACRES LOCATED ON BROWNE ROAD AND ACROSS FROM AMBER GLEN DRIVE FROM R-3 TO INST(CD)**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning**, said the petitioner has requested that the decision be expedited and that it go to the Zoning Committee on the 18<sup>th</sup> of May and back to the Council on May 23<sup>rd</sup> for decision. The petition proposed to rezone 4.83 acres from R-3 to INST. It's to allow an approximately 32,000 square foot indoor tennis court on the same side as an existing private swim club and tennis club that currently has outdoor facilities. There is a 30-foot Class C buffer that will be abutting the residential or use that can be reduced to 22.5 feet with the use of a fence. The tree-save area that is required is 15%, but the petitioner has exceeded that by going to 23% tree-save area. The maximum building height will be 40 feet. They have provided the building elevations. The building materials will include a steel framed structure covered with fabric. The open space, again, is at the rear of the site. Staff is recommending approval of this petition even though it is inconsistent with the Northeast District Plan. The plans typically do not recognize recreational uses similar to institutional type uses, but it fits in with the residential character of the area, and we are supporting it.

**Robert D. Smith, 930 Browne Rd.**, said we are a club that has been in existence since 1998. It's a tennis, fitness, and swim club. It's in an R-3 area, but it is a very successful club. It's been national new club of the year, and this change in zoning will allow us to build these indoor courts that you have already heard about. I just appreciate very much you looking at this and would love to answer any questions that you have.

Mayor Foxx said sort of two issues here. We have a hearing and then also, as I understand it, Ms. Attorney, we need to make a decision on whether to expedite or not.

**Terrie Hagler-Gray, Assistant City Attorney**, said yes.

Mayor Foxx said we have to actually vote on that.

Councilmember Barnes said I have had a discussion with Mr. Smith, and as I indicated to you all during the dinner meeting what he is doing is adding some – and I believe Ms. Keplinger just covered as well – adding some indoor tennis courts. I have no problem voting on it next Monday, having it heard on Wednesday only because it's a very minimal addition to what he is already doing. It's nothing substantial. I told him that some of us are at least reluctant to expedite the petitions, and if you want to describe for the Council why you want to expedite it that would be helpful as well.

Mr. Smith said it's key that we get to be open this first winter season. The indoor season, of course, is in the wintertime. It's very inactive during the rest of the season, so we want to try to get it built by this winter, and we think we can. Of course, every minute counts, and this would give us an extra month.

Councilmember Cooksey said I want to say in case of future petitioners. I'm going to support this only because thanks to the newspaper snafu we have other zoning decisions we are going to make next Monday. If this were an isolated request, I would be voting against it, but because we are already stuck with doing some rezoning at a business meeting next week to go ahead and add that.

[ Motion was made by Councilmember Barnes and seconded by Councilmember Cannon to ]  
[ close the public hearing, have it heard before the Zoning Committee on Wednesday, May 18, ]  
[ 2011, and come back to the full Council for a vote on Monday, May 23, 2011. ]

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**ITEM NO. 14: HEARING ON PETITION NO. 2011-027 BY BLAKENEY HEATH, LLP FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.0 ACRES LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF REA ROAD AND ARDREY KELL ROAD FROM CC TO NS**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning**, said a little background on this petition. It is nine acres. The request is to go from CC to NS, which is commercial center to neighborhood center. In 1994, there was a county case that rezoned this property to allow one building with a maximum of 17,000 square feet. The uses were very limited. It included civic, social service, fraternal facilities, medical/dental and optical clinics, cultural facilities, financial institutions, post office, and restaurants. Those were the only uses permitted. The petitioner is now requesting the NS district with a maximum of 22,000 square feet for retail, financial institutions, restaurant, automobile service, personal service uses within up to four principal buildings. Gas stations and/or convenience stores will be prohibited. There will be a maximum of two uses with accessory drive-thru windows – only one will be a restaurant. The automotive service use will be limited to development Area C.

Their architectural standards for the proposed principal and accessory buildings – a 20-foot landscape setback along Rea and Ardrey Kell. There is a tremendous amount of greenway dedication to Parks and Recreation, and the petitioner is reserving the right to request a variance from the subdivision ordinance, which would require them to do sidewalk along this portion of Ardrey Kell as it crosses Flat Branch. The petition is consistent with the South District Plan, and staff is recommending approval.

**Keith MacVean, King & Spaulding, 100 N. Tryon St.**, said Jeff Brown and I are assisting Blakeney Heath Partners with this rezoning petition. With me tonight are Peter B. Pappas and Tim Sittema of the Crosland Company sitting behind me. I want to thank staff and CDOT for their assistance with this petition. We do have a meeting scheduled for later this week to resolve the four or five minor issues that are still remaining in the staff analysis. We are confident we can get those resolved without any issue.

These nine acres is really the last nine acres to be developed of the 270 acre Blakeney development that is a very successful mixed use development the Crosland Company developed in southeast Charlotte at the intersection of Rea and Ardrey Kell. This is the last quadrant of the intersections. It has not been developed. As Tammie mentioned, it is zoned commercial center. We are zoning it to NS. We are slightly increasing the allowed square footage from 17,000 to 22,000 square feet and adding a few uses to the list of uses that were previously allowed -- retail, just general retail uses, and the automotive service use, but, again, as Tammie mentioned, it would not be a gas station or a convenience store. It would be more like minor repair and service of automobiles including maybe tire sales. The other uses tentatively proposed for the site are a bank and a restaurant with an accessory drive-thru window.

We are dedicating the County Parks and Rec five acres of the nine acres for their use as greenway. The reason for the sidewalk variance is that Ardrey Kell Road will eventually be a four-lane divided roadway. Right now it exists as a two-lane facility. When it is widened, it will be widened on this side, the southern side, toward the site, so any sidewalk that gets placed along that portion of Ardrey Kell actually will have to be replaced, and, in addition, because it is crossing the creek, Flat Branch I believe is the right term, we were concerned there may not be room to put the sidewalk in. Now, that's a development matter. That's an issue that will be resolved through the subdivision review of this site, and there are alternatives that are being explored as to how that sidewalk would be implemented, and the petitioner and the City staff will work to resolve that. Just wanted to mention those were the reasons. Again, the cost of going across the culvert. The sidewalk could require culvert extensions, but, again, not a zoning issue; just making sure the rezoning plan did not preclude the request of a variance. Something that the zoning regulations require you to do is put on the conditional plan what variances you

might need in the future after the zoning is approved. I do want to point out one other modification to the plan, if I can –

Mayor Foxx said, sorry, I don't think you can unless you get asked a question.

Councilmember Cannon said, Keith, is there a modification to the plan that you might want to enlighten us about, please?

Mr. MacVean said thank you, Councilmember Cannon. There is. Since we submitted the plan four weeks to the staff, a tenant for the bank use has been identified. That tenant has asked for some changes to the plan that was submitted. Those changes are consistent with the design for the restaurant that is proposed for the site as well as consistent with the multifamily that is located next to it predominantly meaning it gets pushed back a little bit, allows a little bit of parking between building and the street, and that plan reflects those changes. We will be discussing those with the staff later this week.

Councilmember Carter said I am a little vague about that sidewalk proposed where the buildings are but not in the wetlands, the undeveloped area. It seems to me that the sidewalks are fairly much needed if you are going to access the wetlands as a park area.

Mr. MacVean said the greenway is not currently developed here, and there is a heel splitter buffer as part of this wetland. This is a fairly large wetland. There is a 200 foot heel splitter buffer line, which is here. We are installing sidewalk along this portion of the site from driveway to driveway. There is a driveway on Ardrey Kell as well as Rea Road. There is a potential, and, again, it's not for sure that we may ask for a variance for this portion of sidewalk due to the fact that crosses the creek and there may not be physically enough room to put the sidewalk in without actually extending the three culverts that you see on the plan. There is also a guardrail. We are exploring to see if there is a way to get it put in and not ask for the variance, but again, it's just an option to make sure that we are not precluded from asking for the variance should we run into some unusual – well, there is unusual topography but unusual cost and physical constraints for putting that in. We would hope the greenway system would actually install the greenway throughout the entire floodplain.

Councilmember Howard said I was wondering if Tammie and Mike would respond to that.

**Mike Davis, Transportation**, said with respect to the – I assume your question is about the sidewalk that is proposed to possibly be buried along Ardrey Kell.

Councilmember Howard said because you guys are deciding the street section. You wanted that four lane divided, and I'm sure you want sidewalks, too.

Mr. Davis said in general we would always prefer to get sidewalks on each side of the street, and it would be very unusual that we would entertain any concept of not installing sidewalks. There are some reasons why it may make sense to not oppose a variance request to the ordinance and include the fact there is an opportunity, and this is part of I think what Mr. MacVean was alluding to of the opportunity to explore connectivity through the greenway system to actually get underneath Ardrey Kell and tie into a sidewalk system on the north side.

As you go east along Ardrey Kell, there is existing single family that basically makes it very unlikely that you would ever get sidewalk extended through the development process. It would, therefore, only occur through some future capital investment along Ardrey Kell at which time the culvert would be extended and probably becomes more tenable to get that kind of a sidewalk connection along the south side. So, if it is allowed to occur that way without the sidewalk, it would be through a variance process, and it's not our decision.

Councilmember Howard said I guess what I'm trying to get to is that you understand what they are asking for and you are not pushing back.

Mr. Davis said we are not.

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

\* \* \* \* \*

**ITEM NO. 15: HEARING ON PETITION NO. 2011-029 BY HARRIS TEETER, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.90 ACRES LOCATED AT THE INTERSECTION OF PROVIDENCE ROAD AND QUEENS ROAD AND GENERALLY BOUNDED BY HUNTLEY PLACE AND BOLLING ROAD FROM R-4 AND B-1 TO MUDD-O AND FIVE-YEAR VESTED RIGHTS**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning**, said this petition proposes to rezone 3.9 acres from R-4 and B-1 to MUDD-O and provisions for five-year vested rights. The proposal is to allow the redevelopment of a portion of the Myers Park Shopping Center. The existing Harris-Teeter, the Myers Park Hardware building are to be demolished and replaced with a building that will be a maximum of 42,200 square feet. There are basically three building areas associated with the site plan: Building Area A, Building Area B, and C.

Building Area A will be where the new Harris-Teeter is built. It will allow up to 42,200 square feet. Area B will consist of a green space, amenities, up to 13 parking spaces that will be on pervious pavers. There are alternate design scenarios on the development Area B. The reason for that is there are some deed restrictions associated with that area. If the deed restrictions are not removed, there is a different development proposal. If the deed restrictions are removed, then this area would have some amenities that may include seating, brick walls, sidewalks, drinking fountains, dog fountains, and additional planters.

Area C, which is part of the existing shopping center, there are no significant changes to that area. The development on here is 35,000 square feet of commercial building. There are two provisions that there may be an addition of 300 square feet, and the building may be divided into two buildings.

In terms of the overall development and general plans, there is a limit on the height of the new building to 68 feet along Providence Road with a step down provision to Huntley, and that is demonstrated on this elevation. The parking that will be provided will be at a ratio different from what the ordinance requires. In a MUDD district, it requires a 1:600 parking ratio. They are providing one space for every 375 square feet of retail and restaurant uses; 1:400 for office uses, and for any uses that are in the basement of Building Area C it will be one space per one thousand, and that is actually an optional request.

Within Building Area A, the elevations are included for the building. They include four-sided architecture. Building materials will consist primarily of brick and stone, efface wood, and similar materials. This is a picture of the south elevation along Queens and Providence on the top. The walls will be used to enclose the solid waste and recycling areas within Area A, and they will be architecturally compatible with the building materials and colors used on the building.

The following transportation improvements are to be implemented, and I'm going to briefly highlight these. They include the expansion of the right-turn lane on Providence, modification to crosswalks to Providence Road at Queens, traffic signal modifications, pavement widening for on-street parking on Huntley, so the on-street parking spaces can be added, four speed bumps on Huntley if requested by the majority of the residents on Huntley Place and approved by the City. There are several optional provisions for Development Area A. They include wall signage, parking screening, counting and maneuvering of parking, and sidewalk connections. For Area B, the optional requests are to eliminate the required sidewalk along Bolling Road and to reduce the planting strip width to six feet along Huntley Road. The optional provisions within Development Area C include signage, sidewalks, parking, planting strips, screening, and parking ratios.

In terms of the staff analysis and the staff recommendations, the petition is consistent with the Central District Plan, and once all the outstanding site plan issues are resolved, staff is recommending approval.

**Jeff Brown, King & Spalding, 100 N. Tryon St.**, said it's a pleasure to be here tonight assisting Harris-Teeter in connection with this exciting project. As you can tell a little bit from the presentation of staff, there are a lot of details here, but the great news is that we are thrilled with the positive response we gotten to what could be a high profile rezoning in a high profile location. With me tonight are Desiree McSorley and Richard Bartlett, who are the land planner and architect, and Bob Henderson, a local attorney many of you know is here as well. He has been assisting the Huntington family and Hugh Huntington, who are the shopping center owners. I'm sorry, Fred Morgenthal, president of Harris-Teeter, and Al Linz, vice president, were detained from travel to be here tonight.

But I can tell you that you got a lot of information from us through the last number of months and weeks, and we are very proud of how we have been able to be responsive. We have had numerous meetings with nearby residents, numerous meetings with other stakeholders from Eastover Association, Myers Park Association, churches, and others, and we are very, very pleased with the results and response we have received.

In your materials, we have a representative sampling of residents – over 40 residents – from Bolling and Huntley and other nearby portions of Eastover and Myers Park, who have authorized us to show their support. Steve Sass and Nancy Sass, who co-head the Bolling Residents Association for their street have a letter in that packet also expressing great support, and Craig Sheridan, who is a neighbor right across the street is going to talk for just a few seconds.

I did want to point out we are also pleased with the staff support. It is a very detailed plan, and details have been our friend in this because we have worked very hard to respond to input from the residents. I do want to point out in your materials we have reduced the height of the buildings in response to feedback from the residents and also Myers Park United Methodist Church. So, we are very pleased, and I would like to Craig Sheridan just to cap it off, and we look forward to resolving all issues, and I think we are well on our way of doing that.

**Craig Sheridan, 140 Huntley Pl.**, said my wife, Susan, and I live right behind where the shopping center is now. We live on the corner of Huntley and Bolling, and Jeff and Bob and all the other representatives involved in this development have been discussing it with us and other neighbors for many, many months. They have come to us from the very beginning and sought our input, they sought our ideas, and they have taken those ideas and input and really put them into the plan, so I'm here tonight just to express my personal support. We think the improvements that are going to be made to the Bolling Road landscaping are significant – the wall, the landscaping. We also think the improvements to that little pocket park of Parcel B are going to be significant, too. Right now it's just a half gravel, half grassy area where a lot of contractors park, and we think the pocket park is going to be a beautiful amendment to our neighborhood and to the overall shopping center. I just want to give my overall support to the whole development and just thank Jeff and everybody else for the input they have given us.

Councilmember Carter said if we could have a one-on-one on the intersection I would be very grateful. It looks like we are losing some space on an intersection where I have heard has always been a bottleneck on Providence Road and the ingress into the city.

**Mike Davis, Transportation**, said I guess I'll start by saying this petition is one that does not add significant amount of new trips, so for us this was a lot about trying to clean up from a site plan perspective some things that were hurting the intersection before; namely, access. The petition proposes, in addition to cleaning up some of the access, it also got rid of an old condition we had where vehicles were backing out of parking spaces that went right out onto Providence Road. Just by doing some of that we are going to make a lot of operational improvement to the intersection.

Inbound Providence Road there will be a right turn lane that is extended. For those that travel through there today are probably aware there is a right turn lane, but it's probably about one car



length. The reason we are even able to get this additional storage in part is because the petitioner is proposing to extend this curb. Today it's really pretty far back and allows for fairly high speed turn. One of the concerns we have all been sort of working through is access from Huntley – I should say access for existing residents along Huntley face pretty high speed turns today, and it can be pretty difficult for them to find gaps in that traffic. So with this right turn lane and the curb extension, we are actually going to get sort of a dual benefit of some additional capacity but done so in a way that actually can slow down the actual vehicle turns that make it a little better for Huntley.

A related issue is in cleaning up some of this corner it actually we think from having done some renderings on this that the site distance is actually going to improve at least as compared to the old parking that used to be along that edge. Also what we are getting out of this is some improved crossings as this curb extension gets made, that radius gets tightened up. We are going to formalize some of these crossings a little better, make the pedestrian crossings shorter, a little more direct, but I think part of your question was related to the building envelope itself, and if I'm not reading too much into it, I will just say that if we were to make any additional improvements to this intersection in the future, it would most likely be a southbound dual, second left from southbound Providence to stay on Providence. That's a heavy movement in the afternoon. If and when we ever do that sort of improvement, it would not be one that requires property along this edge. In order to get the lanes added and makes sure all your through lanes still line up, it would require property along the western edge; not the eastern edge, which is one reason why we're confident with the building envelope that's proposed.

Councilmember Cannon said, Jeff, can you put those slides back up.

Mr. Brown said the slides we asked to be included may not be up there.

Councilmember Cannon said I can speak to it until they get it up. With the way the property is oriented or the site for the grocery store to go on, Huntley, I'm going to assume, is going to be the road traveled down for delivery trucks to maybe go down and make their deliveries or drop off/pick-ups, whatever they are going to do. How then would they leave when they are leaving the grocery store, if my assumption is correct about them traveling down Huntley?

Mr. Brown said to respond to the truck traffic question there are a number of details we have provided. One of the details is that because we are now going to be operating out of one store location, Harris-Teeter has a much better opportunity to control the truck traffic that will be coming to and from the site. The current situation, for those who are familiar with it, has several buildings, and the trucks are parking in a very haphazard fashion. If we could get the site plan back up. The current plan that Harris-Teeter has, and they have a letter they will be committing to monitoring the trucks, will have the trucks entering off of Huntley at a widened radius. I did provide a handout to each of the Council members that may be helpful as well. Here we go. This will give you a sense of the intersection improvements that I think Mr. Davis went over. Hopefully it gives you a better flavor because of the coloring we have on the rendering.

Currently they enter both Providence and Huntley. What we will be doing is having the trucks come by way of Huntley. There is going to be an improved turn at that corner to allow the trucks to enter Huntley, and they will be able to stay in the current lane as opposed to the more 90-degree turn that is there now that makes it more challenging. So the trucks will enter by way of Huntley, and they will leave by way of Providence Road. They leave by way of Providence, and we are going to have – Harris-Teeter will be monitoring their exits so they will be taking right turns out of the shopping center. So entering by way of Huntley, going in this direction, back into the loading area, and then exiting by way of Providence, taking right turns. That's a big advantage we believe to the current situation, which is much more haphazard and one we think was very responsive to the Huntley and Bolling residents because it will prevent trucks leaving Huntley where a lot of the challenge is for them to be getting out of that intersection. We will be able to monitor that. There will be driver education to vendors, and that's how we'll handle the truck traffic.

Councilmember Cannon said the residents have embraced the idea to be able to go down into the neighborhood and on out to Providence.

Mr. Brown said it's not going to go through the neighborhood. This is really just the commercial stretch of Huntley.

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

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**ITEM NO. 16: MAYOR AND COUNCIL TOPICS**

Councilmember Cannon said I had a discussion with the district representative with regard to a piece of property located at 931 Wheeling Drive, and that would be Councilmember Kinsey. This is an item where we are requesting to add 931 Wheeling Drive rezoning petition from what is currently R-4 to what would institutional for a June 20<sup>th</sup> hearing and a July 18<sup>th</sup> decision. Essentially, Council, what this is asking for you have heard if KIP School. It is not changing anything in the way of the physical relative to the property. It's all about what is going on in the interior. They need office inside the place basically to be able to take care of the needs of what they will be doing business wise.

So it's all about the physical. It's really just a change in the use inside. Mr. Cooksey, I hope that will help to garner your support with this because it's not again anything with the physical, purely inside, just changing it over to office. So they will need to go from R-4 to institutional. If everyone is okay with that, including the district rep, whom we have already had a conversation with, I would like to ask for that to move forward. Again, that is for June 20<sup>th</sup> hearing and July 18<sup>th</sup> decision.

[ Motion was made by Councilmember Cannon, seconded by Councilmember Howard, and ]  
[ carried unanimously to add the Wheeling Drive rezoning petition for a June 20, 2011, hearing ]  
[ and a July 18, 2011, decision. ]

\* \* \* \* \*

Councilmember Peacock said at the Dinner Meeting I put in front of you all two documents. One was a write-up which actually we didn't have attributed to, but Ken Tippet, through the direction of Manager Walton prepared just a brief overview and analysis of a program that some of you all may have seen in action when we were in Washington, DC, for the National League of Cities. When you got out of a Metro station or you were walking in some neighborhoods, they have a program there called Capitol Bike Share, which was created out of a partnership between the district Department of Transportation, Arlington County. Most of it is operated actually in the district, and it is simply a bike share program.

I was up there following our NLC meeting. I actually had a chance to use one of these bicycles from the Metro station to a residential location I was staying at. Again, it just simply facilitates travel to and from Metro locations in Washington, helps facilitate bike traffic. I thought it was a smart strategy, a partnership that apparently for them started out pretty small in 2008 and has grown. This is just some of the rough data, and so tonight I was just seeking a referral to the Transportation Committee to further investigate the subject and see if there might be feasible or doable. The second document that I had prepared was off of their Web site that Ken found for us. It is from Alta Bicycle share. They are apparently the company that obviously this in the United States.

Mayor Foxx said I think it is definitely an idea worth exploring.

Councilmember Howard said I would open to it for sure. My only question is – I haven't had a chance to look at this. Are we talking about as a public transit use or are we talking about a private enterprise?

Councilmember Peacock said I will let the committee determine that. Apparently the way this group works is it has been funded by public entities. It's been done privately. It's been done as well with advertising. It sounds like there is a whole combination of ways in which, if it made sense, it could enhance our public transportation – not only our bus system, but clearly our light rail system and as well as uptown. I have not contacted Alta. I do not know anything about their criteria, what types of cities that they work with, but it strikes me that it is only an enhancement for all parties that are using mass transit or seeking to use mass transit.

I would say personally in my case I was very interested to see how a bicycle would work to go from one location to the next. The fascinating thing about it for me was if I went from station to the next using the Metro there was no charge if I got my bike from where I got off the Metro to the next destination and got it at a biking station, so it was merely trying to facilitate me using their Metro system. No charge the first 30 minutes. I had to bike fast though.

[ Motion was made by Councilmember Cannon and seconded by Councilmember Peacock to ]  
[ refer this item to the Transportation Committee. ]

Councilmember Dulin said the chairman of the Transportation, Mr. Howard, do you guys have enough room on your calendar to work on this?

Councilmember Howard said Jim is not here, so I will talk to him. As long as we are not talking about a rush on this. If you are willing to what the Mayor has talked about and what Mr. Rogers talked about with the DNC, too.

Councilmember Dulin said if it pushes off until the late summer and fall that's fine.

Councilmember Barnes said we'll be done by the spring of 2013.

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

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## **ADJOURNMENT**

The meeting was adjourned at 8:17 p.m.

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Stephanie C. Kelly, CMC, City Clerk

Length of Meeting: 2 Hours, 53 Minutes  
Minutes Completed: July 18, 2011