

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, February 18, 2013 at 5:00 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, Claire Fallon, Patsy Kinsey, LaWana Mayfield, James Mitchell and Beth Pickering.

ABSENT: Councilmember David Howard:

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Tammie Keplinger, Planning reviewed the agenda with Council and advised them of the hearings that had been deferred.

Deputy City Manager, Ron Kimble reviewed the RCA for Tanger Outlet.

Planning Director, Debra Campbell gave a status report on Area Plans and Text Amendment Update.

The meeting was recessed at 5:45 p.m. For the Council to move to the Council Chambers for their regularly scheduled Zoning Meeting.

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ZONING MEETING

The Council reconvened at 6:03 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, Claire Fallon, Patsy Kinsey, LaWana Mayfield, James Mitchell and Beth Pickering.

ABSENT UNTIL NOTED: Councilmember David Howard

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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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EXPLANATION OF ZONING MEETING

Mayor Foxx explained the Zoning Meeting Rules and procedures. He recognized the Chair of the Zoning Committee, Yolanda Johnson who introduced members of the Committee and said their next meeting would be Wednesday, February 27th at 4:30 at the Government Center.

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DEFERRALS

Mayor Foxx said we have several items which have a one month deferral request. Those are: Item No. 2, Petition No. 2012-070; Item No. 3, Petition No. 2012-082; Item No. 5, Petition No. 2012-103; Item No. 7, Petition No. 2013-005; Item No. 8, Petition No. 2012-090 and Item No. 17, Petition No. 2013-014.

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| Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, and carried unanimously, to defer the above items for one month. |
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HISTORIC LANDMARKS

ITEM NO. 1: ORDINANCE NO. 5037-X DESIGNATING THE “WOODLAWN BUNGALOW” AS A HISTORIC LANDMARK.

Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, to adopt the subject ordinance.

Councilmember Barnes said I wanted to make a brief statement about this. I think we all got a notebook about this house and I found it very helpful. I don't know who sent it, but thank you for sending it as it was very helpful. As I indicated during the Public Hearing I do have some concerns about the precedent setting nature of the request, but I understand based upon the information the situation with respect to that house, so I'm going to support it, but I am concerned about the long-term precedent setting nature of the proposal.

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

YEAS: Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Fallon, Mayfield, Mitchell and Pickering.

NAY: Councilmember Kinsey.

The ordinance is recorded in full in Ordinance Book 58, at Page 59-63.

DECISIONS

ITEM NO. 4: ORDINANCE NO. 5038-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.56 ACRES LOCATED ON THE SOUTH SIDE OF BALLANTYNE COMMONS PARKWAY BETWEEN REA ROAD AND WILLIAMS POND LANE FROM R-3 TO O-1(CD).

Motion was made by Councilmember Cannon, seconded by Councilmember Barnes and carried unanimously, to approve the Statement of Consistency and Petition No. 2012-087 for the above zoning, by AEA, LLC as modified and as recommended by the Zoning Committee.

The modifications are:

1. Added under Note D under the heading of Transportation, which states “In the event that CDOT and/or NCDOT determine, in its or their sole judgment, that vehicular traffic entering or exiting the site causes vehicles entering the site to queue within Ballantyne Commons Parkway public right-of-way, then the owner of the site and the operator of the childcare center will, at the request of CDOT and/or NCDOT, work with CDOT and/or NCDOT to develop and implement an internal vehicular marshaling and circulation plan to address this issue.”
2. The maximum number of students has been reduced from 250 to 220.
3. Modified Site Data and Note B under the heading of Transportation to reflect provision of new information stating a minimum 51 parking spaces (seven additional spaces) are proposed to accommodate the proposed childcare center. The note also states that staff and employee parking spaces shall be indicated in the areas depicted on the rezoning plan.

The ordinance is recorded in full in Ordinance Book No. 58, at Page 64-65.

ITEM NO. 6: ORDINANCE NO. 5039 FOR A VOLUNTARY INCENTIVE BASED DENSITY BONUS TEXT AMENDMENT TO ADD “MIXED INCOME HOUSING DEVELOPMENT” AS A PERMITTED DEVELOPMENT TYPE WITHIN THE R-8MF AND R-12MF DISTRICTS WITH DESIGN AND LOCATIONAL CRITERIA. THIS AMENDMENT WOULD PROVIDE AN INCENTIVE FOR DEVELOPERS TO INCORPORATE HOUSING

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FOR INDIVIDUALS WITH INCOMES AT OR BELOW 80% OF THE AREA MEDIAN INCOME WITHIN NEW DEVELOPMENTS BY 1) ALLOWING FOR A DENSITY BONUS OF UP TO TWO UNITS ABOVE THE BASE DENSITY IN THE R-8MF DISTRICT AND UP TO THREE UNITS ABOVE THE BASE DENSITY IN THE R-12MF DISTRICT. IN ADDITION, IF THE SITE IS LOCATED WITHIN A ¼ MILE OF TRANSIT (RAPID TRANSIT, LOCAL BUS SERVICE, OR AN EXPRESS BUS SERVICE PARK AND RIDE LOT) AN ADDITIONAL TWO UNITS ABOVE THE BASE DENSITY WOULD BE ALLOWED.

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously, to approve the Statement of Consistency and Petition No. 2012-105 by Charlotte Mecklenburg Planning Department for the above Text Amendment as recommended by the Zoning Committee

The ordinance is recorded in full in Ordinance Book 58, at Page 66-68.

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HEARINGS

ITEM NO. 9: HEARING ON PETITION NO. 2013-001 BY STEELE CREEK 1997 LIMITED PARTNERSHIP FOR A CHANGE IN ZONING FOR APPROXIMATELY 82.0 ACRES LOCATED ON THE WEST SIDE OF I-485 SURROUNDED BY SHOPTON ROAD, DIXIE RIVER ROAD, STEELE CREEK ROAD, AND TROJAN DRIVE FROM R-3(LLWPA), I-1(CD)(LLWPA), CC(LLWPA), AND CC(SPA)(LLWPA TO CC(LLWPA) AND CC(SPA)(LLWPA, AND MUDD-O(LLWPA).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this petition is for the property shown in the heavy black line. It is along I-485, Steele Creek Road and Dixie River Road. You can see most of the property is undeveloped. In terms of the site plan, I want to break this down into two different components. The petition is proposed to rezone R-3, I-1(CD), CC and CC(SPA) which are all in the Lower Lake Wylie Protected Area to CC and CC(SPA) and MUDD-O, again all in the Lower Lake Wylie Protected Area. The first component is the largest component and is north of the creek line and is to be rezoned to MUDD-O. It is for 470,000 square feet of uses with two drive-thru which are along with five out-parcels, only two would have drive-thru and then one gas station. On the southern side of the creek the property would be zone CC with 55,000 square feet and 120-room motel and three drive-thru.

In terms of some of the features of the rezoning, there are three pedestrian access plazas shown with the circle areas and these are areas that I will show you later in the elevations that are accented throughout the development. There is a 35-foot landscaped area along I-485 and at these two intersections within the internal site, the petitioner has agreed to bring the buildings up to these building edges so they will front along the internal street. There are multiple options for this request. Parking and maneuvering and service areas between the building and the roads, drive-thru, there are options for signage and for alternative blank wall treatments. Those are all listed in the notebook that we gave you.

In terms of the elevations, I know these will be hard to see, but I wanted to give you a little bit of flavor of what the proposal will look like. This will be the main entrance, one of the pedestrian circles and you can see it features a lot of plantings, it has a lot of building articulation, it is very friendly, very oriented toward pedestrians. These other elevations face I-485 and this one is a southern elevation. At this point I believe Mike Davis with C-DOT would like to talk with you about traffic issues.

Mike Davis, C-DOT said given the size of this site I just wanted to give Council and the public a high level overview of the impacts and transportation improvements that are proposed as part of this petition. In terms of where we are, this is I-485 and to give you some sense of scale or context, I-485 carries around 67,000 trips per day. Steele Creek Road carries on a week-day around 26,000 trips per day. The site generates on a week-day around 22,000 trips per day so the impacts of this are significant from a traffic perspective, therefore the required mitigations that we seek are also

significant. When we analyzed this site we start from the perspective of understanding how this site will interact with the adjacent I-485 interchange. That is where most of this traffic will be coming to and from. That gives us sort of a corridor along Steele Creek that we sort of intensely studied to try to make sure that we get it sized properly including the correct laneage. There happens to be a convenient sort of back door route for this site that would involve the use of Shopton Road on the north side of the parcel and can act as sort of a relief valve. We have the interest to make sure that from a way finding perspective that route is taken advantage of and we can minimize impacts on Steele Creek Road. From that analysis, and we know that the state will be signaling the ramp terminals at the existing I-485 interchange regardless of this project.

We know that what is needed and what is part of this petition is the widening of Dixie River Road from the existing two lanes to four lanes, signalization at all the major access locations, construction of a multi-lane round about at this intermediate location, a left turn lane at the northern signal that is off Shopton Road, left turn lane from Shopton Road onto Steele Creek Road headed southbound toward the site, at the I-485 inter ramp terminal would be the addition of a left turn lane. At the outer ramp terminal would be right turn lane and headed toward the project. This area that I have highlighted between the ramp terminal and Dixie River Road is too detail to convey here but the idea is that it would include additional laneage medians and turn lanes in order to both manage access, increase capacity and deal with the traffic headed directly to the proposed project. There would be an additional left turn lane carved into the median from Dixie River Road onto Steele Creek Road and there would be a northbound right turn lane added at the existing Brown Greer/Steele Creek Road intersection. Lastly there is a proposal to build as a public street a local street that would parallel Dixie River Road and serve as sort of an important distributor within the network and a connection to get from that street out westward toward Dixie River Road as a public street.

The last thing I wanted to share with you is simply that all of these improvements are required for the first occupied square foot of the outlet mall. All of this has to be in place before the first outlet mall can open.

Ms. Keplinger said I will finish with the final slide. In terms of the rezoning and the consistency of the area plan, it is inconsistent with the Dixie/Berryhill Strategic Plan, but it provides employment opportunities, service retail and destination retail from the region. It complements the development in Berewick and the employment mixed use that is also in the area and staff is recommending approval upon the resolution of outstanding issues. There are a number of outstanding issues listed in your agenda as you can see and our petitioner is not allowed to submit new site plans four weeks prior to the public hearing so we have worked with the petitioner in that intervening time and most of these have already been resolved. The petitioner should be commended for working with us so diligently before the hearing.

Jeff Brown, 100 North Tryon Street, said it is a pleasure to be here tonight assisting Steele Creek 1997 Limited Partnership and Tanger Outlets as well as Childress Cline who are involved in this project. My colleague, Keith MacVean and I are excited about this project and are delighted to be here tonight. I do want to reference Charles Worsham and Kevin Jennings of Tanger who are here, Chris Thomas of Childress Cline, the design team is here and also a special recognition to Sally Gambrell who is the daughter of Sarah Belk Gambrell. The Gambrel's did a partnership and have been a long time owners in Steele Creek and are the owners of two properties that will be before you tonight, mostly noted the Outlet Mall property. We also want to thank the staff. Debra Campbell's staff, Danny Pleasant's staff, Ms. Keplinger and the Planning side as well as Mike Davis. You can tell from the presentations they have already made they have been very involved and very active on this high profile project and we appreciate very much their efforts. A lot of it has been covered, so I'm going to move quickly because we do want to have time for a few speakers who were involved in the Stakeholders and who are supportive of this exciting project.

It is currently an 82-acre site that is already zoned for a large business park so we are taking advantage of commercial zoning that already exists. This is the overall opportunity, Tanger and Simon Property Group have been involved and they are in joint venture on this project. They have been looking for an opportunity to be in the region for these destination projects. There are only about 150 of these up-scale outlet malls around country so this is a unique opportunity. Obviously as you can see this takes advantage of the commercial use as well as the I-485 important visibility. I'm not going to go over the details because they are in front of you and Ms. Keplinger did a great job of summarizing a lot of those. We do think we are taking advantage of the work that has been in place for the Berewick Community and we are pleased that a number of the key stakeholders are very excited about the project.

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Quality of design and architecture, as I mentioned we had design charettes from the site as well as architectural efforts, working with the Planning staff, brought in another team of experts as well as the architect and design team to do a first rate project and one that I think you are going to be very pleased and one that will speak of the Charlotte region and the Berewick and Steele Creek Community in terms of some of the architectural refinements.

Transportation improvements – again Mr. Davis did a great job of going over those. We have had countless meetings on the transportation aspects of this project. We have a list in your materials of some of the key improvements that will be made as part of the offsite improvements. These are costly improvements but they will be planned for a long-term horizon and vision for the Steele Creek Community, not only supporting the Tanger/Simon Premium Outlet Mall, but also growth and development over the many years to come. We had a number of community outreach opportunities, most notably a trip actually of some of the stakeholders to a similar project in Mebane and we want to thank Councilmember Mayfield for her diligent efforts in helping to encourage that trip and for her energy and attention to this project. With that in mind I would like to turn this over to Peter Pappas, the developer of Berewick, Karl Froelich who is with the Steele Creek Community and also Dan Durant who is a resident and leader in the Berewick Community, followed by Dale Stewart who will talk a little bit about some of the issues that have been raised and I think speakers will be coming to talk about some of the storm water concerns for the broader area.

Peter Pappas, Developer of Berewick said I am the developer of Berewick and the adjoining property owner directly across the thoroughfare from this proposal. Thank you for giving me a minute to speak in favor of the Charlotte Premier Outlets rezoning. As you know this land is owned by Mrs. Sarah Belk Gambrell. We have worked cooperatively with Mrs. Gambrell and her team for over 10 years to create an infrastructure framework that will allow for additional quality development in this area. This proposal, in addition to creating jobs, will provide quality retail which otherwise would not be available in this sub-market. In addition we find this proposal to be very complimentary to the Berewick Town Center and should help us accelerate development of the first phase of our project. We believe the attention to signage and architecture that is being proposed by the Tanger/Simon Team will blend in well with our future plans for the Town Center and we appreciate the opportunity to be a part of this process as a stakeholder and to share a few thoughts with you and speak in favor of this proposal.

Karl Froelich, President of Steele Creek Residents Association said the Steele Creek Residents Association would like to voice their support for the proposed Charlotte Premium Outlets at I-485 and Steele Creek Road, Highway 160 under the rezoning petition 2013-001 and 002. The new outlet mall and industrial park will bring hundreds of full-time jobs to our community and allow our residents to both live and work in our wonderful community. We believe that the petitioners have been and will continue to consider the interest of our community in planning, developing and maintaining these properties. The Steele Creek Residents Association Land Use Committee reviewed both petitions in detail and believe they are in line with our community's vision, values and building standards for future developments in our area.

Dan Durant, said I am a resident of Berewick Community. I don't speak for the community but I can tell you that the people of Berewick are very excited to have this project come forward. We have been waiting for something in that area for a long time and we hope you see fit to bless us with this.

Dale Stewart, 223 North Graham Street, said I am with Land Design and part of our role in addition to being land planners are the civil and environmental engineers for this project. One of the aspects of that is to be sure that this team understands the environmental context. As you know we are part of the Lower Lake Wylie Water Shed that means we are in the protected as Ms. Kiplinger mentioned earlier and as a part of that we have impervious cover requirements, limitations. We are subject to the Western Catawba section of the Post Construction Controls ordinance which adds another element of treatment and requirements. One of the things I would like to do is very briefly run through a couple of slides and illustrate that we understand we need to up our game if you will in terms of the erosion control measures and storm water management on this site. Even though we are only about 3% of the Beaver Dam Creek/Browns Cove drainage area which is about 2,800 acres, we are nevertheless in a very sensitive area in the basin so part of what we are going to do is add a number of elements that we believe increase and enhance the level of protection against erosion runoff from this site. While I will list these and I will be happy to go back and talk about them in more detail, I only wanted to point out that this is a very tiered approach. You can see as I bring these up and we look at the perimeter of the site, the idea is that we are going to contain on this site the

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elements of our construction process. Whether it is an additional row of high hazard silt fence, if it is additional capacity in the storm water ponds, if it is enhanced settling we are already having conversations with staff. As Jeff mentioned, they have been very cooperative. We have met with City, we've met with County, we've talked about a number of elements that can be added to our inventory in our tool box and we have experience with these in this region and we have success. The essence of the success of an erosion and storm water management is whether or not we are successful and monitoring is a big part of that. We've worked with the County and we've looked and evaluated adding a downstream in place monitoring station, just below Dixie River Road and this would be a continuous in place water quality monitoring station that will give us real live data fed back to the County so that if we have any problems with this site we are immediately aware of them. We understand the context of where we are.

Mr. Brown said in closing we think this is a unique opportunity for keeping and having a project like this locate in our region and in Mecklenburg County and upon annexation to the City of Charlotte, it is a signature development that we think is keeping with the Steele Creek Community, the Berewick Community, it will be a catalyst for additional development but with the transportation improvements we think in a way that will be sensitive to neighborhood interest and we are also doing everything we can to insure that it is an environmentally sensitive project as part of the overall effort. We thank you, we are excited to be here and we appreciate this opportunity, needless to say for economic development for our community and we look forward to continuing to work with you on this and other aspects going forward.

Jan Beasley, 9418 Windy Gap Road said I am here to speak on behalf of the concerned citizens of Lake Wylie. Some of our members are here this evening and we would like to give you some information that we feel is crucial in your decision making regarding this rezoning. First, I would like everyone here and members of the Council to take a moment and ask yourself how important is the region's drinking water. I hope the answer is that it is crucial. The answer is that it is crucial and are you and are you aware that Duke Energy's Catawba Nuclear Power Plant has not been relicensed? The Federal Energy Regulatory Commission, due to poor water quality at Lake Wylie, has extended their license. Are you aware that the proposed shopping center is in the corner of the Lake Wylie Watershed Protected Overlay District? It is. Are you aware that the Catawba-Wateree is considered the most endangered waterway in America? Are you aware that the number one pollutant of our drinking water is sediment run-off? To Charlotte-Mecklenburg's credit they rezoned this area as a Protected Watershed Overlay District and in 2001 adopted the water supply, watershed protected rules, stating the purpose was to support the protection of the Lake Wylie water quality. The Charlotte Sediment and Erosion Control Ordinance states that sediment erosion and sediment pollution is the major problem for us all, and the control of both is deemed to be vital to the public interest and necessary for public health and welfare and that stricter laws apply in the Watershed District.

Land disturbing activities shall comply with all federal, state and local water quality laws and rules and regulations. The law states that all sediment on a developing property where earth disturbance takes place, shall remain 100% on the property and not on any other parcels. John Greer states that at best they can expect 80% compliance with this law. Why have a law if you know your staff has no intentions or ability to honor it. Unfortunately the erosion control laws are apparently not worth the paper they were written on, nor is the ordinance adopted by this body's previous members no matter how well intended. With all of that in mind you should know that the development of I-485, the Airport additions, the development of Berewick Elementary and the development of Berewick's residential community all had a tremendous run-off. For over 10 years the residents of Brown's Cove have worked with the state and local government to try to stop these damaging and illegal practices. There have been countless meetings, promises, reports, e-mail, studies. It is the most studied cove in the country, but there has been no action. The sediment flowing through the creeks and down the streets into Lake Wylie continue, which is illegal. It is against the law, but don't worry, it appears that nobody is watching. Brown's Cove is a large cove, it used to be 20 feet deep a decade ago. Today that cover is barely 5-feet deep and in some areas less. The current data base for the marine charts still available to our boaters in the community have not caught up with this severe change. Some boats actually run aground and depending on speed can actually be a safety hazard. Lake Wylie and Brown's Cove has become the unauthorized disposal site for the area's development run-off. Currently the study shows that approximately 73,000 cubic yards alone have gone into this one cove. That equates out to 7,400 dump truck loads full. That would stretch 49 miles if they were bumper to bumper, to give you an idea. This does not include other coves and creek beds that have been impacted as well.

Now you are here to rezone this parcel, to create a large 83-acre shopping area and it is in the Watershed Protected Overlay District. The topography of this site is significant and land disturbance, if it is approved, will be significant. In addition it also has an impaired creek bed that runs on the site. Knowing all of this the Charlotte staff still recommends you approve it, but they do add that you consider requiring extra erosion control measures. Consider, by all means, please because it is the law that you put in extra measurers. However all of the other previous developers were required by law not to let the sediment leave their property. Their plans should have included extra erosion control measurers required by law, not considered, but required for their project. Storm water still says that there are no additional recommendations that they are making. You are not required by law to grant this rezoning. It is in your hands, not the staff or the developers whether this development of this type is allowed in your Watershed Protected Overlay District and allowed to further damage one of the region's critical resources.

I would like to ask each of you who ran for office if you ran for office to serve the community, this should not be a hard choice. This should be a clear decision. No responsible leadership could voluntarily grant this rezoning knowing the current issues facing this cove and this community, let alone the continued pollution of our drinking water for this entire region. Considering these problems and the previous lack of any restorative action, it is not feasible to place this shopping center in the Lower Lake While Watershed Protected District. Over a decade of surveys, investigations, studies, analysis have already taken place with no corrective action to restore the cove and clean the water. They could have cleaned it up with all the studying they have done, however no-one wants to take responsibility although the law clearly states who is to be held responsible. Rarely are any of the notices of violations issues or fines levied. It was suggested to me that this time would be different that they were going to be different players. Well, I've got a plan here and it is the Berewick Plan and its Land Design. I've got another plan and it Berewick's which is one of the stakeholders. It is Land Design. Keith MacVean, Pappas, all these people were the same players. They were all involved before so I don't see how we can say that this is going to be a different day. Here it goes again with the same list. No laws have changed either. No apparent plans to observe the ones that have existed. Not much if anything has changed this go around. The City of Charlotte has adopted water supply, watershed regulations to protect the public's water supply sources as required by the state and federal law but to date it has failed to do exactly that.

We hope you will choose to be part of the solution going forward and not more of the same. Let me leave you with this. Albert Einstein said that the definition of insanity is doing the same thing over and over again expecting a different result. If Charlotte wants to be held as a model city its leadership must take action to stop this madness and adopt a real sense of stewardship of its natural God given resources. It is truly a quality of life issue here. Quality of life does not exist without quality of water. We respectfully ask that you protect the regions drinking water at all costs and that you don't talk about it, meet about it, report about it, but do something about it. We are asking you not to rezone this. We are asking you to take action instead, to do the right thing by the people of this community and this city. Thank you for your consideration and we appreciate you allowing us the time to speak.

Councilmember Barnes said Ms. Beasley had some pictures. Do we have those?

Ms. Beasley said she was told they couldn't show them. We have a disc and I apologize for not getting them to you earlier but when I used to sit on the Board we just managed to plug them in but I was unaware that you have a different system. We have provide them so there will be a copy for each of you.

In rebuttal Mr. Brown said a couple of thoughts and I would ask Dale Steward to perhaps have an opportunity to elaborate a little bit more on the design aspects that we've talked about. First and foremost this property that we are talking about today is already zoned for a commercial office park with accompanying retail and other development. I think you saw from the earlier slides this was rezoned several years ago. We are taking advantage of existing commercial zoning for this more retail based development but it already currently zoned. We appreciate the concerns that have been expressed. This particular project is going to be designed and implemented in a very stringent manner adhering to the types of regulations to insure that these issues don't occur with regards to this site.

Mr. Steward said one of the things that I think should be mentioned is that we have in fact progressed in this community in many facets as far as watershed protection. Yes, we've adopted the Lower Lake Wylie Watershed, we came back and went through the SWIM Program, adopted stream buffers
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and we came back and adopted a Post Construction Controls Ordinance in 2008. Since some of this development started in the Beaver Dam Creek Drainage Basin we've continued to adopt and implement more strict and more advanced erosion control and storm water management techniques. I think an e-mail that I got today would clarify not only what kind of conversations we are having with staff, but also our perception and that is that we are going to be under more scrutiny at this location as it relates to this project than probably anything that has happened in this watershed. Only about 10% of this watershed has been developed. There are 2,800 acres in this watershed.

Mr. Barnes said thank you for the pictures as well. Mr. Steward you mentioned earlier that you would be prepared to put in place a detection system and I would like for you to explain to us what the detection system would do. I see that there is a creek going through the property. Tell me one, will that be capped, and two, what the warning system would do.

Mr. Steward said the stream that passes through this property, and there is more drainage area above our site, but the stream that passes through this property will be retained in a SWIM buffer in our current county ordinances. At Dixie River Road there is an existing culvert. The City built Dixie River Road and there is an existing culvert there so our run-off if you will, the water that leaves our site today and the water that will leave our site after we build the site flows through this culvert and then continues down this drainage basin, ultimately to Beaver Dam Creek and to Brown's Cove. The proposal that we have received from Mecklenburg County Water Quality is to install a permanent water quality monitoring station and just so you understand, these are all over the county already. There is in fact one in Beaver Dam Creek. We are just not on the main stem of Beaver Dam Creek, we are on a tributary to Beaver Dam Creek. If we install this monitoring device just below our site, as I mentioned it is continuously sampling, it is reporting directly back to the county and so if there are violations, and it monitors other parameters besides sediment, so it is in fact a great device and the county is accumulating water quality monitoring.

Mr. Barnes said let me redirect a little bit. The issue that Ms. Beasley raised is one that I understand and relate to. We've all seen issues of flooding because of disturbance of pervious area throughout the city. It would help me to understand what you are going to do to slow down and collect the water that will run from the site because it appears that there are currently 80 or 82 acres of trees and other pervious surface at the site. According to the other pictures it is going to be mostly paved over and made impervious with buildings and parking lots and such. It would help me to understand and appreciate what you are proposing if you could explain how you are going to slow down the water, clean the water before it gets into the basin and flows down into Lake Wylie. I've seen these fences before and they fall over and the mud goes right over them.

Mr. Stewart said what I'm trying to illustrate, it is not a single fence, that there is a tiered amount of protection that we are proposing so instead of a single silt fence or a single common fence, we are talking about what is called a high hazard silt fence. It means it is stronger, it is installed differently, it has greater resistance and we've suggested that there should be two of these, not just one of these. Again we have experience on another site where we've used these techniques and on the perimeter of the site. In addition to that we are talking about sediment basins which are in large capacity. By that I mean that if we would ordinarily design for the 10-year storm we would design for the 25-year storm. A 25-year storm that would have a 4% chance of occurring this year so we are saying we are going to go beyond the current ordinance and in fact oversize or enlarge the main and primary Best Management Practice (BMP). In addition to that we are talking about using skimmers for dewatering which means we are taking the clarified water off the top of the pond rather than off the bottom of the pond where the sediment settles and is captured. We are talking about using at the outlet of the pond another layer of protection which is a filter and in this case we refer to it as a silt bag that actually captures the fines that comes through the skimmer. We are also talking about using what we call enhanced settling. This is polyacrylamides and we use these for also capturing the root fine silt. We have clay in this region and clay has very fine silt particles that are difficult to settle, another technique that we can use. The added layer of protection at the perimeter is what we refer to as a stream berm. It is another layer of protection in between the actual graded area and that double silt fence that you saw earlier. Then finally diversion ditches and one of the things in talking with Rusty Rozelle and David Caldwell in a meeting we had and talking about this monitoring device, they indicated that one of the things they had found that brought the most success in terms of erosion control was a dedicated erosion control manager. Someone whose responsibility, not from the City or the county but the responsibility of the owner, that is his job. That is what he does every day. He is out there watching that and I mentioned that we had changed the ordinance over time and this is one of the things that the ordinance requires. What I'm showing here is that the white part of the ordinance, the yellow are the things that we are saying could be added and that we are talking with
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members of the City and County staff about ideas and what are the enhancements that we could provide. Certainly phasing is important and by that I mean stabilizing disturbed areas as fast as we can, within a week of when we are through the grading, stabilize that area. Whether it means seeding, stone, paving it, somehow or other stabilizing that area so that surface is no longer exposed.

Mr. Barnes said I'm no expert in erosion control and I will say this to Mr. Brown as well, I hope that when you all come back in a month or when you come back for a vote that you will have some sort of concise plan for dealing with the water. I've seen a number of these throughout the years, the underground and all kinds of control that people use, but it would be important for me to have a better appreciation for what you are going to do to avoid environmental damage that Ms. Beasley mentioned. I actually think it is very valid and we've seen these problems throughout the City and this is the type of development that causes it, but there are things you can do to stop it. I think you are trying but in terms of helping me with my vote on the matter, it would be useful to have a clearer understanding of which tools you are going to implement to slow the water down to clean the water and avoid damaging the lake any further.

Mr. Steward said I'll be happy to do that.

Councilmember Fallon said I would like to ask Ms. Beasley a question. If the conditions in the coves are so dire, have you been in touch with EPA?

Ms. Beasley said they have been in touch with the EPA and in fact Ms. LeNeave has been the one that has been in most contact with all the different agencies, the EPA, the State, the Secretary of Environment and just a few weeks ago we sent the entire proposal that we gave to you to the Federal Energy Commission in Washington.

Ms. Fallon said what about the Army Core of Engineers?

Ms. Beasley said I have called.

Ms. Fallon said what did they say to you?

Kim LeNeave, 9418 Windy gap Road, said if you go back into the earlier times, Charlotte Mecklenburg Planning decided to do a Watershed Plan concept and to go ahead and develop that whole Watershed Plan. It was City Council in 2002, Pappas Properties, City Council, Board of County Commissioners had promised that everything we've heard tonight would be used and obviously that failed. I have got more documentation than what I brought with me tonight if you will please look at. I have spoken with the City Inspectors, they have been to my house, I have been to Raleigh. This has been something that I have been working on for ten years trying to get someone to actually obey the law and I have called Amanda Jones with Army Core of Engineers and they told me to go to DENR which I did, so yes I have done that.

Ms. Fallon said evidentially they don't feel that it is that dire a situation.

Ms. LeNeave said they do, but because of the different players involved, we were in Mecklenburg County, the City and I think it goes back to the original watershed project on who wants to take responsibility and in the folder that you have you will see where there was a Memorandum of Understanding between the US Army Core of Engineers and DENR and NC-DOT with their North Carolina Echo Enhancement Program and I think that also has failed. There has definitely been many, many attempts on our own part to just count on our government to protect us, to protect our drinking water. We talk about storm and erosion control measures, Land Design did the one for Berewick and I've had storm water come into my front door and by house has been flooded four times. The developers at different times have come with backhoes and tried to dig it out. The City of Charlotte put a storm water drainage on our property and also tried to get some of the sediment out with backhoes and damaged our boat ramp, so we've gone everywhere and this is like our last – we just can't handle anymore.

Ms. Beasley said if you look out her kitchen window where her breakfast table sits you've got big drainage pipes that are there because of Berewick.

Councilmember Mayfield said I'm going to ask that Mr. Rusty Rozelle come down and while Rusty is making his way forward, Ms. Beasley had reached out to me about a month ago to share the concerns of the sediment of which I had opportunity to speak with Jeff and Chris, but I also did some research and learned that this is a 10 plus year discussion that has been happening and Rusty and I
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had a brief conversation. Rusty, I want you to share a little bit of what we discussed because there was conversation of the partnership that was mentioned that included Mr. Pappas as well as the County with the development they've done, and the City, but there was also a component where the State of North Carolina had initially committed some dollars that was supposed to go toward the dredging of the cove and there was a discussion and decision by the State to pull out of that. I think it was around \$70,000 that they had committed. I wanted an opportunity for you to give the entire Council some information since we have been in conversation to find out exactly where we are today.

Rusty Rozelle, Mecklenburg County Land Use and Environmental Services Agency, Charlotte-Mecklenburg Storm Water Services Department, said it was really an effort initiated by the City of Charlotte and the North Carolina Division of Water Quality. NC-DOT and the City of Charlotte started an initiative several years ago to try to dredge the cove and to involve all the parties that was felt contributed to the sediment being there to begin with. It was something that the North Carolina Division of Water Quality really had spearheaded and moved forward. We met many times and we provided the County technical support in that we assessed and provided an estimate of how much sediment was deposited in the cove as a result of the development between 2003 and 2009 and it was around 20,000 cubic yards that we through was attributed to development activities in the Watershed during that time period. That equates over the upper end of that cove to about a foot of sediment on average across the entire cove in that 9 year period. Of course it is much deeper in some areas and shallow in others. We pulled together a stakeholders group and the stakeholders group helped us prepared a dredge plan and from the dredge plan we met with a dredge contractor and got a cost estimate for what it would take to remove this sediment. From that we kind of spread that cost out among all the stakeholders, the folks contributing to the sediment, the land developers and had a pretty good process going and one of our major stakeholders, NC-DOT who was to contribute the second largest pot of money to this effort said they would not participate. Our goal still is to have a final meeting of our stakeholders and see where the other stakeholders want to go. Right now the dredge plan that we put together and really City and County staff has spent a lot of time on is kind of in limbo. I would say probably one of the second major contributors to the dredge having pulled out, I doubt it will move forward.

Ms. Mayfield said so at this point we have the County that agreed to some part of the responsibility as well as the City. We do know that we are now in a new General Assembly. Do you know if there has been any conversations to try to go back to NC-DOT to restart these conversations or to go back with the developers regarding this conversation?

Mr. Rozelle said NC-DOT has rendered their decision a couple months ago. I don't see that they are going to waiver. It was between \$60,000 and \$100,000 and the total cost of the dredge is between \$300,000 and \$600,000. There was a considerable portion of that so at this point with that money lacking it is doubtful that this will move forward unless somebody makes up the difference.

Councilmember Pickering said Ms. Beasley I have a question for you. Thank you for coming down and all the neighbors who have come. Obviously your passion is very clear about this and we appreciate your concern. It is clear that you are asking us to deny this particular petition. Is it your preference that no development go on this particular piece of land?

Ms. Beasley said no name that is not our preference. All we are asking for is that the efforts of the City, the developers, the stakeholders all be brought together to clean up what is already there. Once they had demonstrated good faith and have cleaned up the cove, when we go forward with developments, which this area will be developed, we have no doubt about that and we are not anti-development. We think there should be somebody who monitors it more closely, extra measurers put into place, and there should be money set aside in a bond or somewhere that if the coves are measured prior to the development, if there has been any change as a result of their negligence that that money be used to clean it back up and that when development is done, six months later if it has not shown any signs of damaging their money is returned to them. We think you don't get people to be responsible unless they have something to lose. Right now the stakeholders before have not had anything to lose. They all have damaged it, but there hardly any NOVs issued and there were hardly any fines. Where are the fines? It says every day, well that is whole lot of money that could have gone towards cleaning this up. We are not opposed to development, we are opposed to what is happening and being allowed to happen that the law says should not happen.

Councilmember Cannon said to the Petitioner, what about an effort to clean up what is already there or to work within some confines of what those in opposition right now are asking for. What is your perspective on that.

Mr. Brown said the thing that we wanted to impress upon the Council and the Committee tonight with the efforts that are being done to adhere to it and we want to come back and be able to demonstrate even more detail. A 10-minute public hearing doesn't give you much time to be able to demonstrate the degree of detail and efforts that are going to be going into the development plan. As to the overall participation in the existing plan, obviously it is important that that effort go forward first and foremost. The critical nature of this is that we want to do everything we can. We are only 3% of the cove that is draining in and we want to do everything we can to adhere. Certainly we will talk further about what more can be done, but I think this project has millions and millions of dollars of offsite improvements going on that make it difficult to try to and have it bear the burdens of potential other problems that may have occurred.

Mr. Cannon said please understand, I think we get that some of what is there did not occur by way of what it is that I don't think the petitioner is talking about right now. That came by way of another means, but typically sometimes through a process like this there may be something in there somewhere where you can work toward something. But you can only work toward what you are responsible for and I think right now they want to make sure they aren't going to be the recipients of what was categorized as tremendous run-off in some areas among a host of other things. Anyway that you can continue to work with them through this process will be appreciated.

Ms. Mayfield said basically I did want to thank the leadership team of Jeff and Chris for staying open to not only the employment request that I had regarding making sure that if this were to move forward the conversation is open to have a local job fair which will impact the residents that are in the District and also the opportunity for citizens to be able to take that tour up to the nearest location, which is the Mebane location so they had the opportunity to ask whatever questions they needed to ask and look at your current site. I also wanted to acknowledge the fact that as soon as I heard concerns within the last few weeks from the community regarding the sediment, when I reached out to you to let you know there was a concern that what you presented us tonight was information saying that you are taking that very seriously and that you are looking at what you can do if this were to move as far as trying to address some of those concerns. I also recognize that this is something that has been happening for more than 10 years so I don't want to give the impression at all that I think today one organization should be the one that is going to look at a potentially \$300,000 to \$600,000 bill to fix what 20 years of sediment and development has caused. There is still an opportunity to go back and have conversations and see if we can pull NC-DOT back in, but I do believe this type of development will be a great addition, not only to District 3, but to all of the citizens of Charlotte and Mecklenburg County.

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| Motion was made by Councilmember Mayfield, seconded by Councilmember Cannon, and carried unanimously, to close the public hearing. |
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Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 10: HEARING ON PETITION NO. 2013-002 BY STEELE CREEK 1997 LIMITED PARTNERSHIP FOR A CHANGE IN ZONING FOR APPROXIMATELY 114 ACRES LOCATED ON THE EAST SIDE OF I-485 AT THE INTERSECTION OF SANDY PORTER ROAD AND I-485 FROM R-3 TO O-1(CD) AND I-1(CD).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a rezoning from R-3 to O-1(CD) and I-1(CD). The property is located just down the street from the site we just looked at, on the north side of I-485 just north of Arrowood Road. There are two components in terms of this petition, there is an O-1(CD) that offers 120,000 square feet of office uses and an I-1(CD) portion which will include 135,000 square feet of limited uses and 100,000 square feet of that 135,000 square feet can be warehouse. In terms of some of the aspects of this site there is a 50-foot landscape buffer along I-485. No parking or buildings are located in that area. There are two out-door advertising signs and one project ID sign in that area. There are provisions for grading, clearing and landscaping.

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For the development in I-1(CD) they are proposing provisions for avoiding long blank walls. They also have a restriction that no loading docks will face along I-485 and that no parking will be between any of the buildings and I-485. In terms of the O-1(CD) property there will be a 100-foot buffer between the O-1 and the adjacent R-3 properties. The property will be accessed by the access off of Sandy Porter Road. There will be future access points as shown with the arrows.

In terms of the limited uses these are the uses that will not be allowed on the site. There are 30 of them and I will not read these unless you want me to, but they are listed in your agenda and on the site plan.

Staff is recommending approval of this petition upon the resolution of outstanding issues. The Steele Creek Area Plan does recommend office and residential. The proposed office and industrial uses are consistent with the land use pattern in the area and the outstanding issues are mostly technical and we feel they will be resolved before the Zoning Committee meeting.

Jeff Brown, 100 North Tryon Street, said this project is in fact related to the one we just talked about from the standpoint of a few development related issues. Chris Thomas of Childress Kline Properties, the design team and Ms. Sally Gambrell who is part of the partnership, with her mother Sarah Belk Gambrell is also part of the Gambrell Family interest. We do appreciate the staff's support of this petition and we will be able to resolve the remaining mostly technical site plan related issues.

This is a 114 acre site and I want to point out the site we just talked about earlier is the CC District site in this location and this particular site is not located in the Lower Lake Wylie Watershed area and does not drain into the basin we had the discussion with earlier. There will be efforts made with regards to Post Construction Controls and other types of regulatory protections as part of the development of this site. There has been a lot of interest in this site from the partnership for a number of years. It did make sense to bring this rezoning through at the same time as the rezoning for the Outlet Center that we just talked about earlier, both for convenience purposes, but also the goal of allowing some of the current office flex space that is permitted under the business park plan for the Outlet Center site that we just talked about, to be able to have a little bit of that come over and be a part of this particular development. In addition it makes sense to zone both together and there is an important visibility desire here as part of the plan which is to allow the out-door advertising signs Ms. Keplinger referred to, to be located on this site. As you know with regard to the retail outlet center the visibility of those types of billboards is important and we are doing all the necessary things to insure that those are done in a proper manner in accordance with all regulations.

This is the development plan and it does call for principally office related uses. It does have some flex space uses, it is generally consistent with the Steele Creek Plan with its predominately office use and the preservation of residential, not as part of this petition, but some of the residential land that is located to the southwest. We do have some efforts we've talked about from the standpoint of connections and transportation aspects. We will provide access to Sandy Porter Road. There will ultimately be access to Arrowood Road so we are working on the types of connectivity issues that the staff and others want us to do. We are here to talk favorably about this petition. It is principally a business park office based use. It does facilitate the opportunity for the petition we talked about earlier. I would ask Karl Froelich to say a few words and I think he will say a lot of the same things he did earlier, that this is something the Steele Creek Community Association has looked at, feels good about and is supportive of.

Karl Froelich, said we support this new business park that is going in. We've looked at the design before and we've sat down with the developers and believe it is a good amenity for our community as far as creating jobs. I have already spoken about how we believe it lies in the detail with the design plans for what our community has for its vision, for values, for creating jobs locally that people can work in their community and also live there. We support the business park in this proposal in 2013-002. I would like to take a few minutes to highlight the need in our community to widen Steele Creek Road. If you have been down there lately, it is very congested from the state line all the way up to I-485 just with normal traffic during commuter times. This won't impact what is on the other side of the interstate, but South Carolina is widening and making Highway 160 four lanes all the way from Gold Hill Road all the way to the State line then it goes back to a two-lane road by Rivergate all the way to the Airport. There is a big need for widening Highway 160 for safety and also as an alternate route around Highway 49 and I-77.

Jan Beasley, 9418 Windy gap Road said we should have just signed up for Petition 2013-001 and don't need to speak on 2013-002.

Mayor Pro Ten Cannon said so you are fine at this juncture and don't want to repeat anything and what you described in 2013-001 you would like to have it to apply to 2013-002 as well.

Councilmember Barnes said Mr. Brown I have a question regarding one of the items mentioned in the proposed development plan and that concerns two out-door advertising signs. Are those four-foot signs or 40-foot signs?

Mr. Brown said I will turn to my colleague Keith MacVean to talk about the signs. These will be more standard interstate billboard signs.

Mr. Barnes said I haven't talked to the District Rep about it, but the reason why I raise the issue is when we were doing Bellgate, IKEA wanted to erect a 75-foot sign to advertise their space. After several meetings and discussions we arrived at another option that eliminated the needs for the billboards that were the large sign at this point and I was just curious as to whether they had mentioned any other options. I see it is for advertising not for facilities on the site.

Mr. Brown said that is correct.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 11: HEARING ON PETITION NO. 2013-007 BY CARDINAL REAL ESTATE PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.48 ACRES LOCATED ON THE EAST AND WEST SIDE OF FOREST POINT CIRCLE NEAR THE INTERSECTION OF WEST ARROWOOD ROAD AND FOREST POINT BOULEVARD FROM B-D(CD) TO O-1.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a B-D(CD) to O-1 conventional rezoning. In 1985 this property was rezoned with about 114 other acres to the B-D(CD) and since that time we've had two other rezoning in the area to conventional district, one to office and one to industrial. The proposed request to an office district that is conventional is consistent with the Southwest District Plan which recommends office for the area so staff is recommending approval.

There being no speakers either for or against a motion was made by Councilmember Mayfield, seconded by Councilmember Cannon, and carried unanimously to close the public hearing.

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 12: HEARING ON PETITION NO. 2013-008 BY BOARD OF TRUSTEES, CENTRAL PIEDMONT COMMUNITY COLLEGE FOR AN O INST(CD) SITE PLAN AMENDMENT, FOR APPROXIMATELY 1.96 ACRES LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF ALLEGHANY STREET AND ASHLEY ROAD.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this petition is a site plan amendment for an existing institutional district. This is a property that is owned by CPCC and in 1996 it was rezoned to allow about 10,000 square foot building. They are now asking to add two 850 square foot modular buildings so they can expand the number of students they have in this facility. If they decide not to add the modular buildings they are retaining the right to add on to the building in the same location as the modular. In this plan you can see Alleghany and Ashley which are crossing streets and you can see the existing

building and the proposed location of the new buildings. This request is consistent with the Central District Plan and we are recommending approval.

Councilmember Mayfield said just so I am clear on the request – they are proposing the two modular buildings, but if they decide not to develop the two modular buildings will it come back before Council before they build or are we saying now that what they are asking for is basically an open envelope to develop later on if they do not decide to move with the modular?

Ms. Keplinger said I should have been clearer, I apologize. What their request is for is 1,650 square feet that would be in two modular buildings. If they decide not to build the modular, but to add onto the existing building, they would be limited to the same square footage in the same location. That would not come back before City Council, that is an alternate to the modular units.

Ms. Mayfield said is there an opportunity if this were to move forward that it could be reduced from the two 800+ square foot buildings to one 1,650 square foot building?

Ms. Keplinger said yes mame.

Ms. Mayfield said I would encourage that if that decision is made that it does come back to us because that would change the potential layout because what the original proposal is looking for are two individual buildings and that can be a very different design look and impact by it being combined to one building.

Ms. Keplinger said the site plan shows that the actual location of the 1,650 square feet, if they are not modular, is in the exact same location where the modular would be. They would not be able to go back into the parking lot, they would not be able to go into this parking lot. They would only be able to go into this area.

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

Council’s decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 13: HEARING ON PETITION NO: 2013-009 BY BONTERRA BUILDINGS FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.89 ACRES LOCATED ON THE NORTH SIDE OF SPENCER STREET BETWEEN ACADEMY STREET AND ANDERSON STREET FROM I-2 TO MUDD-O.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a rezoning from I-2 to MUDD-O. The property is located off of Academy Street, Spencer Street and Anderson Street. In terms of the proposed development, it is for 54 multifamily units with a 50-foot maximum height. There is an optional request for modifications to the streetscape along Anderson Street. There are some existing trees that they are trying to preserve by having a meandering sidewalk. All of the buildings on the site will face the adjoining streets with the exception of Anderson Street and the reason for that is there are industrial properties across Anderson Street so these units will face to the interior.

This is inconsistent with the North Charlotte Plan which recommends industrial for the site, but it is consistent with the Draft 36th Street Station Area Plan. Staff is recommending approval of the petition upon resolution of the outstanding issues.

Councilmember Howard said the North Charlotte Plan is 1995 and this whole area has gone through a metamorphose since then so any idea what you would do to make sure we don’t continue to have these? Are there any plans to do an area plan update for this Villa Heights/NoDa area at all?

Ms. Keplinger said this area is on the Draft 36th Street Station Area Plan and that is moving toward the adoption phase.

Mr. Howard said it wouldn’t cover that whole neighborhood which is starting to change its character.

Ms. Kiplinger said it does not cover the entire area.

Mr. Howard said just something to put on the table that we may want to look at this Villa Heights/NoDa area for an area plan. We are going to continue to have these come up because that area is going to keep organically being this kind of development.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 14: HEARING ON PETITION NO. 2013-010 BY PENSKE TRUCK LEASING COMPANY, LP FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.45 ACES LOCATED ON THE SOUTH SIDE OF BROOKFORD STREET BETWEEN NEVADA BOULEVARD AND WESTINGHOUSE BOULEVARD FROM I-2 TO I-1.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a request to rezone from I-2 to I-1 and is a conventional request. You can see from the brown color on the map all the land use and future land use is shown as industrial for this site. We do have a mixture of I-2 and I-1 in this area. It is a conventional rezoning and it is consistent with the Steele Creek Area Plan and staff is recommending approval.

There being no speaker either for or against, a motion was made by Councilmember Barnes, seconded by Councilmember Cannon and carried unanimously, to close the public hearing.

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 15: HEARING ON PETITION NO. 2013-011 BY TYLER CONNER AND ASHLEY BUTLER FOR A CHANGE IN ZONING FOR APPROXIMATELY .20 ACRES LOCATED ON THE WEST CORNER AT THE INTERSECTION OF SHARON ROAD AND WESTMINSTER PLACE FROM R-3 TO UR-1(CD).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is a petition for a rezoning at the corner of Westminster and Sharon Road. It is for a single family residence that is actually built on that corner. The request is to go from R-3 to UR-1(CD). In terms of this petition, staff is not able to support it at this point in time. The petitioner submitted actual building plans to us instead of the site plan. We cannot support it. We are also concerned about the fact that the UR District allows duplexes on corner lots and we would like to see this restricted to single family residential. At this point we will be working with the petitioner to see if we can get the conditional site plan in the right format, but at this point we cannot support this rezoning.

Councilmember Dulin said when he gets his site plan back, does this have to come back to Planning?

Ms. Keplinger said he will have to submit the site plan to staff and at this point we would probably take it on to the Zoning Committee or at least ask for a deferral so we would have time to review it. The Zoning Committee meeting is next Wednesday so it would make it difficult to run it through all of the agencies that we need to.

Mr. Dulin said this is a young fellow who has bought a house and he going to get married and he wants to fix up the house so he can take his bride home to a new renovated home. The house is in bad need of repair and by no fault of his own, the way this zoning is over there, can't make the addition to this home that he wants to fix up so he can take his new bride home. He has gone round and round and it is frustrating for him and it is frustrating for me and I'd like to try to figure out a way, and I've told you this before Tammie, and he didn't think he had to do this but now he is here and another month has gone by and I'd really like to figure out a way where we can help this young

fellow. I don't know him from Adam, but he is a nice young man and I'd really like to figure out a way that Council and Planning Department can help him. I saw the stuff he sent in and it is building plans and not site plans, but if we can help shepherd this fellow, and by the way they are moving from Gastonia to Charlotte so we are picking up another young couple. I really want to help this kid if I can.

Councilmember Cooksey said I want to be sure I heard you right. What was that you were saying about duplexes?

Ms. Keplinger said in UR-1 you can have a duplex on a corner lot and that is one of our concerns about this particular site. We would like to see it restricted to a single family house.

Mr. Cooksey said now I'm puzzled, I was under the impression that all of our residential districts allowed a duplex on a corner lot.

Ms. Keplinger said the R-3 would not which is the current zoning. Going to the UR would open up that option.

Ms. Cooksey said we are having the discussions about expanding affordable housing options and we are talking about expanding options for duplexes and the conversations occurring in Committee were all about you can already by right do it on corner lots and somehow I missed that R-3 was exempt from that, so thank you for that clarification.

Councilmember Barnes just a brief comment with regards to what Mr. Dulin talked about. I actually can appreciate and understand the idea of helping a lay person through this process. The only concern I have is that there are a lot of lay people who have come to us since we've both been on this body and many of them we just suggest they call Keith MacVean or somebody in that business and get shepherded through the process. It is one of these situation where I think, depending on what you are encouraging staff to do, it will set a precedent that we won't be able to avoid in the future. We have to be careful about forcing them to do anything in that way.

Councilmember Fallon said why can't we do it and put a site restriction on the plan?

Ms. Kiplinger said we don't have a site plan at this point.

Ms. Fallon said when you get one can a site restriction be put on that plan so he could go ahead and build.

Ms. Kiplinger said it is up to the petitioner to submit the site plan. That is something that the City cannot do for him.

Ms. Fallon said can Planning help him?

Ms. Kiplinger said we have helped him as much as we can by sending him all of the information, telling him what the site plan should look like and what our format is. We sent him some of our most simple site plans that we've had. We certainly will continue to work with Mr. Conner and help him in any way we can. We just can't do that work for him.

Councilmember Kinsey said I just want to echo what Mr. Barnes said. I lived about a block from this house for several years so I am very familiar with the property. It is a small piece of property, but most of those properties along Sharon Road are and I think if we start bending we are going to have to bend for a lot of people. My neighbors in Elizabeth have the same problem. If I wanted to do something to my house I would have a real problem so I think we have to be very careful about bending the rules too far.

Mr. Dulin said I understand what you all are saying and I wasn't pushing or asking staff to do anything that they aren't doing already and shouldn't do. They do it all day long, they are the people's staff also. I would like to ask Mr. Conner to come down so I can ask him a question. I only met you very briefly that one day and I apologize for not recognizing you. Do you understand the information we have in our packet here and what you gave Ms. Kiplinger is not what we need for your case to move forward?

Tyler Conner said I absolutely submitted 10 copies of the site plan and also the survey, 10 copies of each.

Mr. Dulin said somehow it didn't make it into our book, Ms. Kiplinger?

Ms. Kiplinger said I think there may be some miscommunication about what a site plan is because the site plan for a rezoning is something that is totally different from a site plan that you would use to get building permits for your house, which as you see what Mr. Conner submitted is showing the building footprint and showing the outside of the house. That is not a site plan. These are more interior types of things that are looked at through the building permitting process.

Mr. Dulin said Mr. Conner, please get with Ms. Kiplinger and find out exactly what a site plan is. Do we still have time for him to get to that and to be able to go before Zoning Committee on Wednesday.

Ms. Kiplinger said it would depend on getting someone to draw it up. I think it would probably be difficult.

Mr. Dulin said it is not Wednesday, two days from now, but a week.

Ms. Kiplinger said the requirements are that the revised site plans come in on Friday by 12:00 noon.

Mr. Dulin said we've got until Friday at 12:00 Mr. Conner and I know this is frustrating to you, you are just trying to make an old crappy house nice again. I shouldn't have called it crappy because you own it, I apologize sir, but as Ms. Kinsey said and Mr. Barnes and the rest of us here, we definitely have to follow our policies because we are talking about a community of almost 800,000 now that we are trying to look after. Please get with Ms. Kiplinger and good luck.

Mr. Conner said I work in the construction field and I'm fully aware of what a site plan looks like and I think there is some communication within the Department that has broken down because I submitted absolutely everything. We've paid a good amount of money to get to this point, have the environmental survey and everything. I've also paid a little bit more for conditional rezoning that would limit my ability to put a duplex on the property. I thought that was behind us. I was fine with that and I in no way intend to build a duplex. At this point I have submitted everything, but I will do it again, but I would really like to get this done in the timeframe that it was originally allotted for me to be able to do that.

Mr. Dulin said if you've got that work done then it ought to be easy to get it back in by noon on Friday.

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| Motion was made by Councilmember Dulin, seconded by Councilmember Kinsey, and carried unanimously, to close the public hearing. |
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Council's decision was deferred pending a recommendation from the Zoning Committee.

ITEM NO. 16: HEARING ON PETITION NO. 2013-013 BY ADAM FIORENZA FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.50 ACRES LOCATED ON THE NORTH SIDE OF PROVIDENCE ROAD WEST AT THE INTERSECTION OF OLD ARDREY KELL ROAD AND PROVIDENCE ROAD WEST FROM R-3 TO R-4.

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

The scheduled public hearing was held on the subject petition.

Tammie Kiplinger, Planning said this is another conventional rezoning from R-3 to R-4 for 9.5 acres. The subject properties are currently developed with two single family homes and some vacant lots. Staff is recommending approval of this petition. The South District Plan recognizes the existing R-3 but it is consistent with the General Development Policies.

Doug Whitman, said I'm with Liberty Health Care and we own 17 acres directly across the street from the subject property and we just wanted to say we have no problem with the rezoning request to go from R-3 to R-4 and support the proposal.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 18: HEARING ON PETITION NO. 2013-015 BY PARK SOUTH OF UNION, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.99 ACRES LOCATED ON THE WEST SIDE OF PARK SOUTH DRIVE BETWEEN ARCHDALE DRIVE AND TEVERSHAM LANE FROM R-3 TO UR-2(CD).

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of $\frac{3}{4}$ of the Mayor and Council, not excused from voting, in order to rezone the property.

The scheduled public hearing was held on the subject petition.

Tammie Kiplinger, Planning said this is a request to rezone from R-3 single family residential to UR-2(CD) for 4.99 acres. The property is located on Park South Drive just north of Teversham Lane. The property around it is all slated for single family residential. You can see that there has been some clearing on this lot in the past. The site plan for this petition is for 46 multifamily attached townhome units at 9.22 dwelling units per acre. They will have a maximum height of 45 feet. There is a 30-foot landscaped area with a 6-foot tall fence along the parameter of the site. There is an internal private street network with sidewalks. There are elevations that are being submitted as a part of this rezoning and you can see the building layout on the slide as well as some additional building elevations. In terms of the consistency with the area plan, staff is recommending approval of the petition upon the resolution of the outstanding issues. It is inconsistent with the South District Plan but when you apply the General Development Policies it gets support for up to 12 dwelling units per acre. Again we are recommending approval upon the resolution of the outstanding issues.

Bakak Emadi, 3524 Artist's Way said I am with Urbana Urban design and Architecture and I'm pleased to be here to present to you this proposal a community of townhomes on Park South Drive in SouthPark. The proposal is for 44 townhomes. The property as you saw in the aerial was previously cleared and just about all the trees were cut down and the site is fairly cleared for the failed proposal which was for single family several years ago. Unfortunately the property went into foreclosure. The proposal in front of you is for a community of townhomes and has a landscape design that is about 20 to 30 feet, which is intense and is beyond any Class C buffer that would be required. The storm water requirements will be met to City standards and more and as part of the storm water requirements I want to make a point of that. This development will improve the current conditions of the site. The storm water design and the sand filter detention, there are no exposed detention ponds. This design will actually improve the current run-off conditions of the site. In addition to that we have worked closely with the neighbors. We have had four community meetings since December 2012, not including the City Open House, which make 5 community meetings. With all of those and with Mr. Dulin involved, we have taken the comments and considered them and improved the design in several ways.

The site plan has changed slightly to improve the storm water design and we have also done extensive tree surveying. We went to the site and surveyed the trees for tree preservation that will incorporate into our construction documents. The preliminary site water run-off study that has been completed shows the development will meet all City standards and will improve the run-off conditions. We have quality architecture and design and the construction will be of the highest standards. The design will be traditional befitting of SouthPark, but the townhomes are essentially SouthPark design, traditional design. We are also providing street improvement and expanding the right-of-way to 70 as CD-DOT requested. We are providing new curb and gutter, planting strips, sidewalks and this is done despite the severe topography at the edge of Park South Drive. The Planning staff recommends it. This proposal is just down the street from The Ivey, which several years ago we rezoned, designed and helped build. The neighbors not only don't have any issues with

it, they support it. The church does not have any issues with our proposal, the daycare doesn't have any issue with it however some of the neighbors have a protest petition so that can be discussed. I do want to say this about our team and who we are and what the other communities say about our previous projects and reputation. This is from NoDa regarding who we are. "Your team has earned our trust, it was not just given, kudos to you." This is another complimenting to our team which will be designing and building the same townhome community. "The petitioner has a long history of building quality projects with quality materials and design elements." This is from other neighborhoods we have worked with and developed many communities.

Nick Gregware, 3330 Teversham Lane said I thank you for having the opportunity to speak before you today on behalf of all the residents on Teversham Lane and SouthPark Community. He asked all those that are in opposition to this proposal to stand. We do have this very strong community and that is the main reason we are here today. First and foremost I come to you because this petition affects the very backbone and structure of our quiet SouthPark Community that it was built on and threatens to derail this perfect nucleus that has been created. I want to make something very clear to the Council, we the residents of Teversham and the SouthPark Community are not opposed to development and actually we welcome it with open arms. The only thing we are opposed to is the development of a three-story townhome community with 44 to 46 townhomes. The reason being is that we don't want to see the original structure that it was set up for when it was actually zoned for R-3 to change over to UR-2 which is set up more for urban style communities which is not what the original intent nor design of our SouthPark Community was actually set up for.

We have gotten the protest petition that has to be submitted by all the surrounding residents. The only one that didn't sign that petition is the church and the daycare. Other than that every single resident that is within the 100-foot envelope of that actually proposed townhome plan has signed off that they are against this petition.

What makes sense to me because there are so many petitions on this 5-acre parcel is that we have to look back at past petitions that have actually been filed. As Mr. Babcock, the Architect brought up when it was originally proposed back in May 2006, the actual builder who had it and was building on the actual acreage, did understand the value and what SouthPark was originally developed for as a tight knit family oriented style plan and they elected to keep it as an R-3 zoning. They didn't elect to change it back which I want to stress that very importantly, that they didn't choose to actually turn it over to urban development.

I would like to go into some of the highlights that we have put together and all the residents feel very strongly about if this actually does get approved for three-story townhomes with the amount of pervious area that it would be taking away from. First and foremost the dramatic difference and the topography of the land that is proposed that these townhomes would reside on, the very land grade, I can't show you pictures of it, but if you actually come down there, the topography when you look at the proposed 5-acre lot that they want to put the townhomes on is about 9 to 12 feet higher than anything that is on Teversham Lane when you look at the back side of it. If you want to put almost close to your 3 ½ story worth of townhomes on top of a 12-foot high wall without moving a significant amount of dirt, you are looking at about a 4.5 foot story tall straight wall of townhomes abutting back to mainly single story ranch homes and two-story homes. That is something that I definitely want to try to paint that picture without actually showing you pictures. If you need pictures we are more than happy to get those for you.

The second thing that is very disheartening to me being an erosion control and sediment approved specialist, is that I look at so much when you are trying to approve and put something like this together, is that looking at the actual pervious land and the amount of impervious that you are going to actually be making the property around there. Not only with the driveways, concrete patios and then the large 3 ½ story structures of 44 townhomes that they propose to put there. As you all know from different zoning approvals the amount of impervious land it is going to take away from the pervious land that is right there now is quite drastic. That is even more of a stronger reason why we want to leave it R-3 where only single family homes can come in there so there is a lot more pervious land that is actually in there and takes away from the amount of erosion and sediment that is going to collect and build up from the proposal of 44 townhomes that are 3 ½ stories tall. In addition to that one of the main concerns of our community is there is a small creek that runs on the back side of Teversham Lane that abuts up to where this proposal would go. We've had over the past 20 to 25 years, issues with storm water and as we all know with global warming and other issues, we've had quite a few 100-year storms that have come through our area and caused substantial flooding when we get these heavy storms. The one issue that we have with it is that by taking away all this pervious
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land and not creating an adequate buffer through there it takes away any defense mechanism that C-DOT has tried to put in there and tried to build and work with the developer that was trying to get it approved back in May 2006. C-DOT actually came in and tried to draw up plans and tried to help with different things and it is actually part of the development that they have been doing with storm water over in SouthPark area. The one thing we fear is that by taking away all this buffer and not having an adequate plan in place, it is going to make the storm water situation even worse for all the residents on the back side of Teversham and flood over onto their properties since it is about 12 feet lower when you actually come down from the part they are proposing to develop these townhomes.

Another great concern to us is also the traffic patterns. Park South Drive has become a drastic cut-through because we are right up to where Park South Drive goes through and quite a bit of traffic has picked in the last few years. The thing we worry about is the proximity that it is, and right now if it stayed within R-3 zoning and you only had single family homes in that area it would increase it roughly by about 327 trips that go in and out of that community every day. By adding the townhomes you would essentially double it up to 472 trips that would come in and out of there. Because there is not a lot of right-of-way area when you come out of where this proposal is, the potential for greater accidents and the overall safety of our community is in jeopardy from that because it is a very child and family oriented community where children play outside very often. I think it takes into account a safety issue as well.

The one thing I really want to get through is that the side effects that will come with this proposal and I really want to paint that vivid picture for you. If you just purchased a brand new home and you moved in and you had plans to have your family reside there and then you walk out your back door and you look straight up to a 4 ½ story tall wall and you feel like people are watching you when you are eating dinner or playing with your kids in the back yard. You feel like all of your privacy is invaded and that is the one thing that we are strongly against and we do not want to see because Park South Drive wasn't really set up with this. That is why all these residents and myself have chosen to raise our families here in these types of neighborhoods because it is not an urban neighborhood. If we wanted to be urban we would probably move closer into the City and live in townhomes or apartments closer to the City, but that is not the case. We have move out to the suburbs and in the Park South area strictly because it is a family community and it is set up that way. I strongly urge you to vote against this petition. We are not against development because we do want single family homes to go into this area and we want it to stay R-3 zoning.

Rob Odum, 3408 Teversham Lane, said I am also a resident on Teversham Lane. My wife and I were expecting our first child in 2004 and looking to buy a new home. We researched many neighborhoods, looked at dozens of houses and communities before we found what we were looking for, which was a quiet cul-de-sac a residential community. Alice is 8 now and my other daughter is 5, they learned to ride their bikes on this street. You have heard tonight from a developer and we are developers too. We've developed families there, we've developed a life there and we've all suffered through this recession. We've all seen our home prices fall dramatically. The developer on one of their official notes says that this will raise our property values because these townhomes are going to be priced higher than our homes. Anyone with a passing understanding of real estate and the character of the neighborhood knows it is not true. If this development goes in every house on our street is going to lose significant value. There is just no way people are going to want to come there when there are these huge townhomes instead of a residential neighborhood. To that point I would like to read from the minutes of the City's Zoning Meeting on May 15, 2006 when this exact same parcel of land was up for rezoning. I'm quoting Jeff Brown, who I believe was with the petitioner earlier. He was there speaking on behalf of the petitioner. "Upon further consideration and in talking to residents in the area and talking to staff we determined that a single family plan would make as much ..(The Mayor called time on the speaker as their 10 minute time had expired.)

In rebuttal Mr. Emadi said to respond to some of the comments, the first one let me reiterate an extensive preliminary site water run-off study has been completed and this has been an extensive study by the fact that we are not doing construction documents yet. To better show that the development will meet all City storm water requirements the rate of water discharge will be reduced from that of the existing conditions despite all the impervious, all the driveways and all the pads that we are proposing by meeting the PCCO of storm water requirements. This development will improve the current run-off conditions. That is just the bottom line. In regards to the scale of the townhomes it is really unfair to characterize the townhomes as three stories and then on top of the topography would make it 4 ½ stories. That is clearly not fair and is it inaccurate. The back of the townhomes which you will see in your handouts the roof springs from second story. They are two stories and the roof starts from the second story with dormers. That gives a scale of a single home.

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The front of the townhomes, it is correct, it is three stories. At several of the community meetings, especially the last one, I explained over and over again the topography is misunderstood by the folks who are opposed to this. It does not make it a 4 ½ story and that is unfair to characterized these townhomes. They are well designed, they are well sited, it is quality construction. The landscaping that we are proposing, a living green wall all around the perimeter of the site.

Councilmember Dulin said this site slopes from across the site, it is not lengthwise, it is across so the folks that live on Teversham Lane, number one the storm water has been a big question for me and they have been answering some of these storm water questions and they are still working on that. Let's talk about the height and the folks on Teversham as they look into their back yard. I didn't understand, was there going to be a big retaining wall?

Mr. Emadi said no sir, no retaining wall. First of all the relationship between the existing homes and the townhomes on average is about 100 to 110 feet. The back of the townhomes is about 30 to 35 feet away from the property line. The property line is about 80 to 85 feet from average homes.

Mr. Dulin said other than the height of the back of the townhomes they are not going to be extraordinarily jacked up above that?

Mr. Emadi said no sir. We have had four community meetings in addition to the open house which folks wanted to buy into the project, but in the last community meeting we explained the topography, we explained the line of sight, everything we could to the best of our ability. We will be glad to communicate that again. You will see that in your rendering, that is a 3-D model that we did our absolute best to make it as accurate as possible.

Mr. Dulin said at one point you said you think the water retention work that you all have engineered will handle the water better than what is there now which is a murky pond. I went out there and met five guys the other day and made a couple suggestions to them about where to put this second retaining pond or I don't know what you call it because it is not going to be a pond, it is going to be a grassy thing.

Mr. Emadi said it will not be visible as a pond at all. It is detention with sand filter and it is completely hidden and completely grassed over.

Mr. Dulin said they moved it 90 feet and rearranged that whole back end of the project. The folks that live behind where that back pond is, as far as I can understand there won't be townhomes behind their house because that is where this silt farm is and some of us that were at the meeting the other night went over that. I have a question from Mr. Castro. Your young friend ate up all of your time Mr. Casto, but if you had 60 second would you like to show the kid how to do it.

German De Castro, 6337 Park South Drive said I have lived on Park South Drive, which used to be Park Road when I bought the house in 1967. Everything around there was R-3. There is no mixed development in that neighborhood whatsoever and what they are proposing there are some townhomes that are 45 feet high that are going to be looking down into everything that we have built around them. The whole neighborhood will go to pot. The character of the neighborhood is not townhomes. We don't have any townhomes like that anywhere around. Everything that we have around there is two-story high, nothing else. The Ivey is not 45 feet high. We don't want them to destroy our neighborhood. I've lived in that neighborhood since 1967 and I raised 6 kids and I'm proud of them. This neighborhood doesn't need that and when they said there were going to price those townhomes higher than the houses around, I can invite them around the corner to what used to be Celanese where I used to work, where they have plenty of townhomes for sale for \$80,000, which are very well built. So don't come around here and say you are going to get \$400,000 for a townhome.

Councilmember Kinsey said I have worked with Mr. Emadi and his team on some other projects and they certainly do good work and if I was excited about this project I think I would want them to do it, however I'm not excited about this project. When I look around this is stuck really in the middle of R-3 except down the road a piece there is a UR-2 and I have complained to Planning Staff and I'll say it out loud. I think that we misuse the UR-2 designation in areas like this. This is not an urban setting and I can't support it the way it is.

Councilmember Autry said I would agree with Ms. Kinsey, from what I see of the pictures here this really looks out of character for this neighborhood, but I do have a question for Ms. Kiplinger. The
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UR-2 development down at Park South Drive and Stokes Avenue, how many stories are those buildings?

Ms. Kiplinger said I believe the audience is saying two.

Mr. Autry said I will take that as a word of faith then. When I look at the renderings here that have been provided for us by the developer it just seems like too much in such a small area with all these single family homes all around it here on the map. I just find it difficult to buy into this as necessary and this is the right project at this place and this time.

Councilmember Barnes said without passing judgment on this specific petition at this moment I would say to the petitioner that I have some land in District 4 near a very fine University, one of the finest in the country, that would be perfect for some nice townhomes. If you are interested let me know.

Councilmember Pickering said thank you Ms. Kinsey for what you said about the notion that possibly the UR-2 is being misused. We seemed to be seeing a lot of zoning request where the land use is inconsistent with the plan in place. I'm starting to just note that and that is kind of going off as a red flag for me now and I'm starting to look at those a little bit more closely. I'm just concerned about it and I wanted to put that on the record.

Councilmember Fallon said it is so out of character with the neighborhood because everything is R-3 and you are going to put, they're behemoth. These things are awfully large and way out of character of the neighborhood. I don't think that we want to change residential neighborhoods into urban neighborhoods.

Mayor Foxx said I've been sitting here deciding whether I'm going to sit on my hands, but I cannot resist the temptation to speak on this one, from this perspective. I may yet because this is one of the rare moments when I get to vote on something and I sometimes forget how to do that, but I'm looking forward to the opportunity to vote on this petition. I may well agree with the neighbors that this potential rezoning is out of character with what the area is, but I thought I would take a second to step back and figure out why it is that this petition is coming up because it relates to some other issues we are dealing with on this Council which is the fact that all of us come to this City expecting a certain quality of life and a certain character of the neighborhoods in which we live. What is happening in the City is that we are experiencing rapid population growth. Many of you have probably come here in the last 10 or 15 years and that is not unusual because we've seen 123,000 people come into our City over the last decade and much of that was either through annexation or just migration into the City. The interesting thing about this is that what developers are looking for primarily are places where they can actually sell a product and if our City only has certain parts of it where this product gets placed, then we are going to find ourselves in a situation where you are going to be living next to this stuff every day. What this City Council has been talking about through our Capital Investment Plan has been trying to help teach the market and move the market into some other parts of the City to take pressure off of some of the high demand areas of the City. If you are sitting in traffic congestion, if you are experiencing something like this which is a proposal to put in high density development in a residential area, the pressure is only going to increase over time unless we do something about it now. I want to connect this conversation to the conversation we are having about our Capital Investment Plan because I don't think this issue is going to go away and if it does go away the way it will go away if we don't do something about it, it will go across the city limits into another part of the county. That is not good for Charlotte, so I just wanted to connect those conversations because we can say no to this petition now, but that demand needs to go somewhere and if we don't create better somewhere in the City we are going to have a problem.

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| Motion was made by Councilmember Dulin, seconded by Councilmember Howard, and carried unanimously, to close the public hearing. |
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Council's decision was deferred pending a recommendation from the Zoning Committee.

ITEM NO. 19: HEARING ON PETITION NO. 2013-016 BY VALLEY DEVELOPMENT, INC. FOR A UR-2(CD) SITE PLAN AMENDMENT, FOR APPROXIMATELY 4.27 ACRES

LOCATED ON THE EAST SIDE OF WENDWOOD LANE NEAR THE INTERSECTION OF RANDOLPH ROAD AND WENDWOOD LANE.

The scheduled public hearing was held on the subject petition.

Tammie Kiplinger, Planning said this is a site plan amendment for a UR-2(CD). This property has quite a bit of history. It started out in 2005 with 41 townhomes and in 2006 it went to 22 townhomes, 2010 it went to 37 townhomes and today there are actually requesting 22 single family lots in addition to the three existing townhomes that are located on the site. They are carrying over some of the previous conditions on the site which includes a 60% masonry finish on the units. You can see the existing townhomes, you can see Wendwood Lane and Wendover. In terms of this petition it is consistent with the South District Plan, it decreases the number of units, retains the masonry component. The outstanding issues are mostly technical and should be addressed through the Zoning Committee.

There being no speakers either of or against, a motion was made by Councilmember Kinsey, seconded by Councilmember Mayfield, and carried unanimously, to close the public hearing.

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 20: HEARING ON PETITION NO. 2013-020 BY DURBAN DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.04 ACRES LOCATED ON THE SOUTH SIDE OF MILTON ROAD BETWEEN BARRINGTON DRIVE AND NORTH SHARON AMITY ROAD FROM B-1SCD TO NS.

The scheduled public hearing was held on the subject petition.

Tammie Kiplinger, Planning said this is a request to rezone a piece of property that is zoned B-1SCD and it acquired that zoning back in 1972. The conditions on the property at that time were for 34,000 square feet of retail in a strip center with approximately 12 buildings. The request before you tonight is to rezone this to an NS District which is neighborhood services. The proposal is for up to 10,000 square on this one particular piece of property. The uses are restricted to no night clubs, bars or lounges. Lighting is limited to a maximum of 25-feet. There is a pedestrian refuge island that will be implemented in Milton Road and there is a relocation of an existing bus waiting pad. As a part of this rezoning staff has requested that the petitioner do an administrative approval that will remove 10,000 square from the original 34,000 square feet. In other words you go back to the 1972 rezoning and you are not actually adding square footage so the overall square footage will still be limited to 34,000.

This is the front elevation facing the parking lot. The top elevation is facing Milton Road, this is the back and the side. This allows the reconfiguration of a retail development that was approved in 1972. It is not allowing additional retail space. It includes details that were not provided as a part of the 1972 rezoning. It is consistent with the Eastside Strategy Plan and the outstanding issues are mostly technical in nature. For those reasons staff is recommending approval.

Mayor Foxx said as I understand it, the petition has not signed up to speak. Is that correct? We have speakers in opposition.

Francene Greene, 6622 Bruning Glen Court, said I am a resident of East Charlotte, specifically the Ravenwood Community. I am before you to bring up some concerns that I have regarding the rezoning petition No. 2013-020. There is a lack of retail opportunities in the neighborhood and for my neighborhood, Ravenwood being one of them. There is a saturation already of Dollar Stores, Family Dollar Stores, high price convenience stores and in some cases, many cases, poorly maintained businesses. It remains a challenge for us in attracting and keeping good neighbors and igniting the strong economic growth and development that we have been requesting and pushing for east Charlotte. Tonight for this particular issue I would like to bring your attention to another aspect of the case and that concerns safety. The area for the proposed addition of a freestanding store has an outrageously high crime rate. Let me quantify that. When I say outrageously high, 3,000 plus crimes in that area for 2012 alone. I think Susan may have something from CMPD that addresses some of the crime issues for that area. The stores anticipate a target market in the area which have a high

percentage of low income residents and we believe everyone deserves, no matter what their income is, a safe neighborhood and a safe environment in which to shop.

If you will check out Family Dollar's website, part of their mission statement is they state that they want to be a compelling place to shop. I'm all for being a compelling place to shop but for you to compel people to shop there you have to also offer things like safety. In this area again, has had some serious issues with safety. There is public transportation in that area but there still remains a need for services within walking distance, and we agree with that. The presence of the current convenience store makes it difficult for residents to maneuver this area with any expectation of safety and that makes this unfair in every sense. If this rezoning request should only be considered with the strictest conditions possible to prevent it from becoming yet another blight on the corridor, another haven of crime and another obstacle to resident safety, safety for shoppers and safety for the staff there at the store. If you will just to allow me, if you have your copy of the memo dated January 25th from CMPD, and again they state that there were 3,007 crimes reported for the 2012 year in comparison to 2,948 which is still a heck of a lot, but they went up for 2011 and 2,047 for 2010. Five-hundred forty seven of those crimes were violent crimes including homicide, rape, robbery, aggravated assault, etc. The area where this Family Dollar is going to be constructed, there is a current store there, KT Express, they have had a multitude of problems with loiters, the location of the KT Express is on the NEST List and that is a list of businesses compiled by CMPD that continuously show up on their service log for repeat calls and this location is in the top five. The picture that I am attempting to paint here is that you have an area that is already replete with many, many, many problems and it looks like we are going to add yet another problem on top of that. The issue of safety must be first and foremost and addressed if Family Dollar is going to proceed with building in that location.

Maxine Eaves, 5906 Old Coach Road, said I'm a resident of the Bridlewood Neighborhood right off The Plaza. I also have concerns about this Family Dollar in 2013-020 on Milton Road. Most of you know where we live, off the Plaza, and there is a cluster of freestanding discount stores, convenience stores, drug stores, dollar stores, barber shops, hair solons and many more so we don't need another one. The number of these establishments gives the image that we have no middle income consumer based on the support of other retail businesses. The image of our blight that can spread and destroy what we have worked so hard for over 20 years creating. You know I've been coming down here at least that many years. We do not need to continue the commercial stripping down Milton Road. If this continues it will hide the middleclass neighborhood. The Plaza/Milton Road/Sharon Amity northeast corridor must be safe, affordable, diverse, decent and sustainable neighborhood which we hope will continue to attract good neighbors and eventually business we need and desire.

Maureen Gilewski, 7518 Linda Lake Drive said I'm a long time resident of Hickory Grove. I'm an advocate for my community, I'm an advocate for east Charlotte and for mixed income housing. I would like to tell you that I have significant concerns about this rezoning petition for 2013-020. This is the addition to the fifth Family Dollar in our small community of Hickory Grove, in fact Hickory Grove is over burdened with low income house, 60% and below the AMI. This is not the first time you've heard this from me. As residents we continue to work to change the negative perception that the quality of life in east Charlotte is undesirable. Now we face the fact that Family Dollar feels they can support a fifth store in our small community, not to mention they are not the only Dollar Discount Store in our small community. This speaks loud and clear about our economic status. Fact number 2, the site of 4.88 acres is requesting rezoning is currently a blight to our community. The accumulation of litter, weeds, underbrush, debris, worn dirt paths and the lack of decent lighting is unsafe and unacceptable. The property includes a convenience store which has a long problematic history documented by CMPD. The land owner is not a good neighbor. We would like the unacceptable conditions remedied before the zoning is approved.

Fact number 3, Hickory Grove has three shopping centers with large vacant spaces. We have Hickory Grove Market, East Town Market and Kimberly Glen. What is your impression when you ride through our community and you see these vacant store fronts and you see five dollar discount stores? What is the impression of a new comer coming through our community? Please help the Hickory Grove Community with its efforts to improve its quality of life. We cannot do this alone. We ask you to deny this rezoning until this land owner demonstrates the willingness and ability to be a good neighbor and to work together with us to help us improve our quality of life.

Susan Lindsey, 6205 Rose Croft Drive said I just want to point out a few issues as Chair of the Planning and Zoning Committee for Charlotte East Community Partners, one of our umbrella organizations. First, this is consistent with the Eastside Plan and the East Strategy Plan, but it is only consistent because the Plan included what was already zoned on the ground. It was an oversight I believe on our part and staff to not have correctively zoned this strip along Milton Road. It was rezoned conditional business commercial in the early 70's. It has been subject to a back zoning for over 20 years. Council asked staff to put a list of eligible properties together because you've only done one back zoning since 1989. You have got to look at that issue. In 2003 we asked and you all asked as a Council to look at back zoning. We wouldn't even be here nor have an issue between one business zoning and a neighborhood service zoning. We could have done something differently. The other issue is when you develop plans, if a zoning occurs that is inconsistent with the plan it becomes part of the plan and changes the plan. You have no category for non-conforming use. Please look at these policies.

Councilmember Autry said just across Sharon Amity Road from this site we have East Town Center, correct? I don't suppose we have any data that tells us how many vacancies are in the East Town Center already.

Ms. Kiplinger said no sir.

Mr. Autry said that is regrettable because it just seems unusual that you are going to build this new retail space when it appears to me every time I ride by there a lot of available retail space that is already in place. I'm sure the landlord there would welcome the opportunity to provide for another tenant. The propensity of dollar stores is a problem. Just one more, really? But that being said I would hope that there would be some way that the developer could work with the community and try to find a way to help mitigate some of these issues. These issues are insurmountable as it is already. It is across the street from my district and really more dollar stores is not really what we need right now. We need some diversity in the retail options that are available to us so that we don't have to drive 20 or 30 minutes to be able to do any real shopping anywhere. I'm just finding it very tough to support this.

Councilmember Barnes said I wanted to say thank you to the ladies who came to speak to us tonight and I know many of them. What they said actually is an example of the sort of frustration that you have been hearing out of me for years because what happens is the dollar stores proliferate and the area settle down into this permanent underclass status. For some reason, and I'm not picking on the petitioner here, I don't know them, but there is an assumption that everybody in the area makes \$19,000 or less and that is not the case. The thing that I think had me sitting here doing the OMG was the crime stat and I would like to ask the Manager to have a report given to us by CMPD about what we are doing about the crime. That is 10 crimes a day almost 1 ½ violent crimes per day in that corridor and we know what happened there a few years ago with a couple of our officers. I would like to know what our plan is Mr. Hall to address the crime issue and Patsy and I share the North Tryon Division and Captain Pellicone. That would be helpful for me and I completely understand what Mr. Autry just said and what the speakers said about the proliferation of these dollar stores and your concerns about the nature of this sort of retail. I hear you and I understand exactly what you are saying and it would help me to hear from CMPD and our staff as to what we are going to do to address the crime problem.

Councilmember Kinsey said you probably haven't had a chance but please do read Lt. Garret's report if you have been able to do so. It will kind of shake you up. I want to make sure I understand that on this piece of property that KT Store or whatever that store is, that remains so this is just a piece of that property that would be used for a Family Dollar Store. Ms. Lindsey can you answer that question?

Ms. Lindsey said I didn't get to that point. This was a strip originally, a business commercial to be a strip shopping center with several businesses on it. The only one that was constructed was the KT Express. This one acre is the five acres that are left so now you are going to have a couple other chopped up pieces that are going to be difficult to develop in any successful fashion whatsoever.

Ms. Kinsey said that is sort of where I was heading because I think if you have KT on one end and although Family Dollar does serve the community, but with KT on one end and Family Dollar on the other you are not going to get any kind of good development in between in my opinion. I would have to say for this Family Dollar, if that is the design they are using they have used better designs in other parts of this community and that one sucks. They can do a better job if indeed they go there

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Mr. Barnes said I would say Ms. Kinsey's packet is a little different from the rest of ours. She has all the attachments so I haven't seen the report you mentioned nor the elevations, so that would be helpful.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 21: HEARING ON PETITION NO. 2013-021 BY EAST GROUP PROPERTIES, LP FOR A CHANGE IN ZONING FOR APPROXIMATELY 43.29 ACRES LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF STEELE CREEK ROAD AND SHOPTON ROAD FROM I-1(CD) AND R-3 TO I-2(CD).

The scheduled public hearing was held on the subject petition.

Tammie Kiplinger, Planning said this property should look a little familiar as you saw this as a part of a rezoning petition late last year, Petition No. 2012-086. It is right across the street from the Tanger site which we just talked about. One of the things I want to briefly talk to you about is while you are seeing this petition again tonight. Originally you did deny the rezoning for Petition No. 2012-086. The Zoning Ordinance says that if you are in a lower zoning classification than what you originally were denied for then you can come back for a rezoning within the two years. You will see I have a slide showing the hierarchy of zoning. The highest classification is R-3 and your lowest is I-2 so that availed for the Petitioner to be able to come back in.

Basically this is for a 525,000 square foot office flex space industrial park. The uses are limited to the I-1 uses that are also allowed in the I-2 zoning district which excludes most of the heavy manufacturing uses. There is a 40-foot maximum building height. We do have a site plan and this again should be familiar. Steele Creek, Shopton, Gable Roads, there is a street network through the site, the I-485 ramp here. What has changed about this petition is the building elevations. If you look at the top you can see the front buildings are very articulated, they look more like office buildings now as opposed to industrial. This is the corner of Steele Creek and Shopton Roads. It has an entry feature that again appears to be more of an office than industrial. This is the rear section along Gable Road. It has a berm with heavy landscaping. There is some building articulation and again it is the back of the building so it is not as much as the front. Staff is recommending approval of this petition. It is inconsistent with the Steele Creek Area Plan, but consistent with the general industrial pattern in the area. It is along a direct route for the Intermodal Facility at the Airport and there are no outstanding issues.

John Carmichael, 101 North Tryon Street said I'm here on behalf of the Petitioner, East Group Properties. With me are Matt Cochrane of East Group, James McGovern, the project engineer and Mr. Dave Lazes of the property owner, Tabco.

Tammie did a good job of going over a lot of the details. I did want to stress a large majority of the site is currently zoned I-1(CD), a small slither zoned R-3 and under that existing zoning this site could be developed with 500,000 square office flex park and up to 47,000 square feet of retail and a 200-room hotel. Part of that retail use could be one fast-food restaurant with a drive-thru window and a gas station. The petitioner is seeking to rezone this site to I-2(CD), but it will be limited to uses allowed in I-1 that are also allowed in the I-2 District so what that really means it will be light industrial uses. Primarily this is an office flex park with some light industrial uses. Maximum of 525,000 square feet spread across 8 buildings, maximum building height is 40 feet. The prior rezoning would allow buildings up to five stories in some instances,. The petitioner has submitted elevations of the buildings that would front Steele Creek Road. We think they are aesthetically very appealing and give a real office feel. Working with the Planning staff the petitioner has incorporated glass, protruding elements, varied parapet heights and reveal patterns and other architectural elements that break up the building mass. We are pleased and appreciative of the efforts of the Planning staff has made in working with us. We are happy that they recommend approval of the petition. The proposed use is consistent with the development pattern in the area and the site is located within the Shopton Road Industrial Activity Center as described in the Steele Creek Area Plan. C-DOT estimates that under the current zoning the site as developed would generate 12,700

trips per day and under the proposed zoning that would be reduced to 3,300 trips per day so the proposed zoning would have less of an impact on the surrounding transportation network.

The petitioner is a long term owner of its projects and it builds quality flex buildings with office and light industrial uses. Its typical tenant base includes pharmaceutical companies, retail distributors and show room sales centers. Typically their buildings have a high percentage of office space. A Fortune 100 Company with 63,000 employees globally desires to lease 70,000 square feet in this location. They will employ 150 people at this site and 80 of those jobs would be new. East Group estimates that the site as built out would house about 1,000 to 1,200 employees and as I understand it that is more than the number of employees the new Outlet Center would have and with a lot less impact on the roads.

Councilmember Barnes said I will help my fellow Tar Heel, Mr. Carmichael if you had another 30 seconds to finish that sentence what would you have said?

Mr. Carmichael said I appreciate that. We think the additional employees could help patronize the retail uses that are there, some of which are struggling and then if the Outlet Mall is approved could certainly shop there as well. We think this will have a positive impact on the economy without having much of an impact on the infrastructure.

Councilmember Howard said I want to thank the Petitioner as well as his Agent, Mr. Carmichael for reaching out to me for a number of reasons going back to the prior petition. This didn't have a chance to sink up yet, but we will, I promise you before this voted is on next month. I have also had conversations with staff including the Director of the Department about my concerns about this petition and actually just to kind of go back to something Mr. Autry said a little bit ago, if you look at that map that is up there right now, actually it is not standard of what is in the area or what is around it because the majority around there is residential. You know my biggest concern is that red across the street. My concern is that building is actually already on the ground and what I'm in fear of is when you put a use like this, and we have these flex buildings all over the area, and I live in the area, not in this particular area but everywhere else. You start to kind of stack the odds up against that B-1 actually producing anything. That is what my concern is, that B-1 across the street is actually already on the ground. There is a CVS and there was supposed to be a Bloom over there, but the economy hit and nothing ever happened. My concern is that if you don't have complimentary uses which I think would be additional retail across the street, or at least outparcels that would be retail, which is what the original petition called for. I think that development could actually go on and doom the one across the street. The Director has told me that she feels different and I appreciate your response, but that still continues to be my concern. That one shopping center that has actually been vacant for 2 or 3 years now, but I feel it actually has the possibility of coming back to life because of the Tanger Outlet because this is a back way into it. Actually this is closer on this side of the freeway than getting the Tanger on the other side of the freeway and that potential that it has to actually be activated could be less because I think a lot of the retail uses will just sucked to the other side where Berewick will be where they have a town center. We have an opportunity to have retail on both sides of this interchange and that continues to be an issue for me. It has been and I've articulated that but it probably not going to change, but that is my concern. What you will wind up with is a very healthy flex park which we have a lot of already and then you have this to continue to be dormant for a long period of time. Actually the one use that is over there, the CVS will probably want to relocate to the other side of the freeway to be near the rest of the retail. That is where I am and I just wanted to put it on the record.

Councilmember Cannon said can you describe to us if we are traveling along the street, is there a berm per se that will be in there in the way of not being able to see physically everything that is there although looking at the design it is not bad looking at all. I just wondered about that in terms of what that might look like.

Matt Cochrane, East Group Properties said yes we will be putting a berm along a portion of the front on Steele Creek Road. It will be a landscaped berm with trees and shrubs and will act as a visible buffer and landscaping, something that is very important to us. We only develop very high end Class A flex parks. We are very image conscious and this is very important to us to have the right landscaping along the streetscape.

Mr. Cannon said one of the things in knowing that area is that you have vacant retail there right now. Something is needed more so in the way of bodies and/or a market that will support basically retail

that is over there that is struggling, or space that is not filled as of yet. I think I heard you mention of how many jobs that will be coming to this area?

Mr. Cochrane said 150 jobs for build to suit that we have lined up, 70,000 square feet and of that 80 are new jobs. Across the entire site 1,000 to 1,200 jobs.

Mr. Cannon said that doesn't hurt too bad in the wake of the market. Just something to point out to consider although I'm sensitive to my colleague and what he had to say. I think we can't discount that piece of it.

Mr. Howard said I'm not discounting the use at all. I'm just putting my concerns on the table. Another 1,000 jobs is another 1,000 jobs. What my concern would be with that is that they would probably be first shift jobs. Retail usually depends on more than 8 hours and usually need about 16 hours' worth of activity going on. Another thing I wanted to add is I also understand that the Library actually bought the piece in the back, right?

Ms. Kiplinger said they did.

Mr. Howard said the organization of land uses kind of concern me too. The Public Library bought the land and it is their land, but to be stuck in the back of an industrial park when the retail could now shift to the other side, the organizing of the land uses around this interchange concern me. It could be a hodge podge of just stuff and I think that is what the loop study that we did some years was supposed to help with the organize around these so you would have some consistency around both sides of them. I've got some concerns about how all of this is fitting together. The Library bought back there so it is what it is. That just doesn't make sense for the way interchange is organized to me.

Mr. Cannon said the last thing I would have on it is relative to the level of community support. Do you have any community support in regard to this? I know we don't have anybody speaking in opposition but that doesn't mean that somebody is opposed.

Mr. Carmichael said we had a community meeting on January 24th and 3 area property owners attended. Ms. Mayfield was there and they were not at the same time but the three property owners who attended were supportive and they were happy to see something happening to the site and they liked the design of the buildings. I can ask some of those folks to e-mail the Council so they can voice their opinion.

Councilmember Mayfield said just for clarification I did actually – because this is coming to us a second time so for disclosure and transparency when it first came forward I did move for us to not move forward with it until I had some more questions answered. I also did reach out to members of the community and called specific people in the community to get a feel if there was any opposition after the meeting. I'm comfortable at this point with what it is that we are looking at proposing with this being a potential compliment if we move forward with the other development and also understanding the concerns that Mr. Howard has and hoping that this will also spur that redevelopment in the area across the street.

Mr. Cannon said that means a great deal and thank you for that.

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| Motion was made by Councilmember Mayfield, seconded by Councilmember Cannon, and carried unanimously, to close the public hearing. |
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Council's decision was deferred pending a recommendation from the Zoning Committee.

ITEM NO. 22: HEARING ON PETITION NO. 2013-022 BY MISSION PROPERTIES, LCC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.82 ACRES LOCATED ON THE WEST SIDE OF SOUTH SUMMIT AVENUE NEAR THE INTERSECTION OF WEST MOREHEAD STREET AND SOUTH SUMMIT AVENUE FROM R-5 TO UR-2(CD).

The scheduled public hearing was held on the subject petition.

Tammie Kiplinger, Planning, said this is an R-5 to UR-2(CD). The property is currently occupied with a non-conforming gravel parking lot that is serving a nearby restaurants and retail uses. The

proposal is for a 35-unit multifamily development within one building. There is a 10.5 buffer with a fence to the rear. The building is 3-stories in height. This property is in the Wesley Heights Historic District Overlay and it will be going through the Historic District Commission if the rezoning is approved. In terms of the features, one of the important features of this site is that it does step back in the front so you can see at the corner of Summit Avenue the buildings are closer to the street and then it steps back until you get to this multifamily development. The rest of the houses that are off the site actually are at about that level of the front setback. This is inconsistent with the Central District Plan, but it meets the GDPs for densities proposed for the petition and staff is recommending approval.

Jason McArthur said I am the applicant. I will spare a presentation and will make myself available should there be any questions or concerns.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 23: HEARING ON PETITION NO. 213-023 BY CAMDEN FOR A CHANGE IN ZONING FOR APPROXIMATELY 36.10 ACRES LOCATED ON THE WEST SIDE OF PROVIDENCE ROAD ACROSS FROM STRAWBERRY HILL DRIVE FROM R-12MF TO 4-17MF(CD).

The scheduled public hearing was held on the subject petition.

Tammie Kiplinger, Planning said this is a petition for the apartments on Providence Road that are currently known as the Pinehurst Apartments. There are 407 multifamily units on this property that is currently zoned R-12MF. As you can see a lot of the units on the back side of this property are only about 10 to 15 feet away from the adjacent single family residential. That is the existing condition. The proposal is for R-17MF(CD) to allow 580 multifamily units. You can see the layout of the proposed units here. There is a 50-foot buffer along the property line with the adjacent single family properties. There is also parking garages and surface parking along that property line and the building are set further back so there is a tremendous change for the adjacent single family residential properties. There is greenway dedication proposed over along the creek and a proposed connection to the adjacent property. There is a 4 to 5-foot masonry screen wall along Providence Road that is used to screen the parking. In terms of the building envelope, the tree save area is shown on this document. The buildings will mostly be four stories. There is a 3-4 split along the back property line for those adjacent single family residential properties where it will be three stories closest to them. The rezoning is consistent with the South District Plan land use recommendation, it is consistent with the General Development Policies. When we consider the opportunities and constraints for redevelopment and revitalization. Most of the outstanding issues related to this are technical and we feel they will be resolved prior to the Zoning Committee.

Keith MacVean, 100 North Tryon Street, said I am with Moore and Van Allen. Jeff Brown of our firm and I are assisting Camden with this petition. With me representing Camden is Jay Johnson, Will Smith and also Kevin Amos with Cole-Jenest and Stone. I want to thank Tammie and her staff and C-DOT for helping us with this petition and we are pleased that they are recommending approval of this petition on resolution of the remaining site plan issues that are few and technical and we should have those resolved by the end of the week.

Camden is a national company, owner of apartments throughout the country. Has over 200 apartment communities in the US, has 15 communities in Charlotte and is actively working on several additional communities. This site is on Providence Road just north of Fairview Road, up between Fairview Road and McMullen Creek. Developed in 1967 with 40 buildings, 407 units. Due to the age of the community when it was built it doesn't currently comply with PCCO Tree Ordinance, doesn't really have a good internal network of sidewalks. There is no sidewalk along Providence Road. The proposed redevelopment plan would redevelop this site with up to 580 units and 16 buildings. Most of the additional density, additional 173 units would actually be located along Providence Road in these buildings that are 4-story. The remainder of the buildings are actually 3-story with some 3-4 splits as Tammie mentioned near the creek and the floodplain. The

petition does propose to dedicate property for greenway purposes. Adjacent to the homes on Columbine Court which you will see along the western edge of the property, we have moved the buildings away. The current buildings are as close as 10 feet as Tammie mentioned to the property line, most are 30 feet away. The new buildings are over 120 feet away from the property line and we are also providing an enhanced buffer and this shows the relationship of the existing buildings to the property line and the proposed buildings to the property line, again, much, much further away. Enhanced buffer, typically we are required a Class C buffer, Camden is going to provide a Class A buffer planting along that edge in addition to a fence to make sure there is a good buffer and privacy for the existing residents on Columbine Court. We had an early meeting with the folks on Columbine Court and they also came to our community meeting as did the folks in the townhomes across the creek from our development. They were pleased with what they saw. Along Providence Road there will be buildings and a brick wall to screen the parking areas where buildings aren't located along Providence Road. There is internal connectivity which was important to the staff that we maintain or provide for future development of the adjacent site or redevelopment of the adjacent site. There will be connectivity in terms of a private street. Access will remain from Providence Road and we are working with C-DOT on the design of that.

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| Motion was made by Councilmember Cannon, seconded by Councilmember Cooksey and carried unanimously, to close the public hearing. |
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Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 24: CLOSED SESSION

Mayor Foxx said Council you will be pleased to know that Item No. 24 has been removed for the evening.

Mayor Foxx said I had a meeting with Dr. Keith Morrison last week and invited him to come to one of our Workshops and do a presentation on what is going within the school system and kind of update us in that perspective. I don't know that we've had the Superintendent come to the City Council since I have been on Council so I think it would be a good thing for us to hear from the Superintendent. We will put that in process and I wanted you to know that.

The meeting was adjourned at 8:54 p.m.

Stephanie C. Kelly, City Clerk

Length of Meeting: 3 Hours, 54 Minutes
Minutes Completed: June 8, 2013