

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, May 20, 2013 at 5:20 p.m. in Room CH-14 of the Charlotte Mecklenburg Government Center, with Mayor Pro Tem Cannon presiding. Councilmembers present were John Autry, Michael Barnes, Warren Cooksey, Claire Fallon, David Howard, Patsy Kinsey, LaWana Mayfield, James Mitchell and Beth Pickering.

ABSENT: Mayor Anthony Foxx and Councilmember Andy Dulin

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REVIEW OF AGENDA

Tammie Keplinger, Planning reviewed the agenda with Council and answered Council's questions.

Laura Harmon, Planning reviewed uses of Transit Supportive Overlay Districts (TS) and Transit Oriented Development (TOD) zonings.

There was brief discussion on these subjects.

Motion was made by Councilmember Kinsey to advance Petition No. 2013-062 to the June schedule for public hearing and the July schedule for a decision. Councilmember Howard seconded the motion. The vote was carried unanimously.

Debra Campbell, Planning Director, reviewed the results of a Council request to review land zoned multi-family in the Council District 4 to determine if the land should be rezoned to another district. The Noell Consulting Group conducted the multi-family housing market study, the results of which have been assessed by staff and shared with Councilman Barnes.

Motion was made by Councilman Barnes to move forward with implementing the recommendations of the study. Councilmember Howard seconded the motion and suggested staff to continue to study other districts. The vote on the motion was recorded as follows:

YEAS: Councilmembers Autry, Barnes, Cannon, Fallon, Howard, Mayfield, Mitchell, and Pickering

NAYS: Councilmembers Cooksey and Kinsey

The Dinner Briefing meeting was recessed at 6:03 p.m. to move to the Meeting Chamber for the regularly scheduled Zoning Meeting.

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ZONING MEETING

The Council reconvened in the Meeting Chamber of the Charlotte Mecklenburg Government Center at 6:10 p.m. with Mayor Pro Tem Cannon presiding. Councilmembers present were John Autry, Michael Barnes, Warren Cooksey, Andy Dulin, Claire Fallon, David Howard, Patsy Kinsey, LaWana Mayfield, James Mitchell and Beth Pickering.

ABSENT: Mayor Anthony Foxx

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INVOCATION AND PLEDGE

Councilmember Fallon gave the Invocation and the Council recited the Pledge of Allegiance.

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Mayor Pro Tem Cannon explained the Zoning Meeting rules and procedures. He recognized Tony Lathrup, Member of the Zoning Committee who introduced the committee and announced that they would meet next Wednesday, May 29th at 4:30 p.m. at the Government Center.

DEFERRALS

Mayor Pro Tem Cannon said they have several items that have been requested for deferral. Item Nos. 6, 13, 19 and 21.

Tammie Keplinger, Planning said Item No. 6 Petition No. 2013-026 is for a two month deferral and Item 19 Petition No. 2013-045 and Item No. 21 Petition No. 2013-048 are for a one month deferral. There is a request to withdraw Item No. 13 Petition No. 2013-036.

Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, to approve the deferral of the above mentioned petitions and to allow Item No. 13 to be withdrawn.

Councilmember Mitchell said with regards to Item No. 13, Petition No. 2013-036, there was a very good neighborhood meeting held with the residents of Coulwood and the petitioner and at that point the residents of Coulwood had a bigger vision for their community than was proposed. I would like to thank the petitioner for listening to the residents of Coulwood and withdrawing the petition. Thank you for doing that for the citizens of Coulwood.

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

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HISTORIC LANDMARKS

ITEM NO. 1: RESOLUTION CALLING FOR A PUBLIC HEARING DESIGNATING LONG CREEK MILL RUIN AS A HISTORIC PROPERTY.

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously, to adopt the resolution calling for Public Hearing on July 15, 2013 on the question of designating the property known as the Long Creek Mill Ruin, located at 8508 and 8604 Beatties Ford Road, Charlotte, North Carolina, including the land and all features of Tax Parcel Numbers 02516106 and 02516108 as a Historic Land Mark.

The resolution is recorded in full in Resolution Book 44, at Page 396-397.

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ITEM NO. 2: RESOLUTION CALLING FOR A PUBLIC HEARING DESIGNATING THE TUCKASEEGEE FORD AND TRAIL AS A HISTORIC PROPERTY.

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously, to adopt the resolution calling for Public Hearing on July 15, 2013 on the question of designating the Tuckaseegee Ford and Trail, located at 5000 Whitewater Center Parkway, Charlotte, North Carolina, including portion of Tax Parcel 05310199 and all the land listed under Tax Parcels 05311107 and 05311108 as a Historic Landmark.

The resolution is recorded in full in Resolution Book 44, at Page 398-399.

Councilmember Dulin said I would like to go see both of these and Ms. Keplinger if you could help with the historic folks, I would like to go for a site visit on both of these within the next month.

Tammie Keplinger, Planning, said yes sir, we will take care of that.

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DECISIONS

ITEM NO. 3: ORDINANCE NO. 5114-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.63 ACRES LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF YORK ROAD AND GRAND PALISADES PARKWAY FROM R-3(LLWCA) AND MX-3(LLWCA) TO O-1(CD) (LLWCA).

Motion was made by Councilmember Mayfield, seconded by Councilmember Kinsey and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-004 for the above zoning by River Rock Properties, LLC as modified and as recommended by the Zoning Committee.

The modifications are:

1. Modified the "Lighting" note on Sheet Z-1.0 to indicate freestanding lighting will be limited to 25 feet in height.
2. Indicated and labeled on Sheet Z-2.0 the existing curb lines along Grand Palisades Parkway to where they connect to the curb line delineated along York Road.
3. Delineated and provided the widths of the existing planting strip and sidewalk along Grand Palisades Parkway up to where the sidewalk connects to the proposed six-foot sidewalk and eight-foot planting strip identified along York Road on Sheet Z-2.0.
4. Indicated an eight-foot planting strip and six-foot sidewalk along Langston Drive.
5. Indicated the minimum five-foot wide internal sidewalk network connecting out to Grand Palisades Parkway, York Road, and Langston Drive.
6. Provided an "Architectural Standards" note on Sheet Z-1.0 that indicates the first floor of the building elevations, facing York Road will be designed to encourage and complement pedestrian scale activity by providing windows and/or doors and other architecturally articulated facades that prevent expanses of solid walls that exceed 20 feet in length.
7. Removed the note under "Architectural Standards" that states that the "development will be governed by the district regulations of the zoning ordinance for the O-1 District."
8. Relocated the note regarding zoning buffers under "Environmental Features" to under the "Streetscape and Landscaping" heading.
9. Addressed C-DOT comments by providing for an extension of Langston Drive to Grand Palisades Parkway.

The ordinance is recorded in full in Ordinance Book 58, at Page 182-183.

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ITEM NO. 4: ORDINANCE NO. 5115-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.26 ACRES LOCATED ON THE NORTH SIDE OF BALLANTYNE COMMONS PARKWAY ACROSS FROM WILLIAMS POND LANE FROM R-3 TO O-1(CD).

Motion was made by Councilmember Cooksey, second by Councilmember Mayfield and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-014 by Lisa Hoover-Khojesteh and Mak Khojasteh for the above zoning change as modified and as recommended by the Zoning Committee.

The modifications are:

1. Amended Streetscape and Landscape Note B to specify the required Class C buffer and the option to reduce it by 25% if a wall or fence is provided.
2. Labeled the required Class C. buffer along all affected property lines on the site plan.
3. Removed reference to utilization of gravel to widen the existing driveway.

4. Removed all references to a “Potential Future Connection Ref. Rezoning Petition #2008-139”, including Transportation Note E and associated depiction.
5. Addressed the Transportation comment by removing Type II Commercial language from the site plan.
6. Removed labeling on site plan associated with Transportation comment.

The ordinance is recorded in full in Ordinance Book 58, at Page 184-185.

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ITEM NO. 5: ORDINANCE NO. 5116-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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.

Tammie Keplinger, Planning said this is a protested petition and because we do not have a full Council here tonight it is the petitioner’s desire to go ahead with a vote tonight, even though it does require a $\frac{3}{4}$ vote.

Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-015 by Park South of Union, LLC for the above zoning change as modified and as recommended by the Zoning Committee.

The modifications are:

1. Labeled possible detention area.
2. Labeled the potential tree save area as a ‘landscape buffer and tree save area’.
3. Added a note indicating that the tree save area will be generally 30 feet wide and no less than 15 feet wide.
4. Removed the private street cross-section from the site plan.
5. Added the proposed curb and gutter along Park South Drive to the site plan.
6. Added a note that accessory uses may be located in the space between the primary building envelope and the potential tree save and tree planting area.
7. Staff has removed the request for the eight-foot planting strip and six-foot sidewalk on the opposite side of the street.

The ordinance is recorded in full in Ordinance Book 58, at Page 186-187.

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ITEM NO. 7: ORDINANCE NO. 5117-Z FOR A UR-2(CD) (HD-O) SITE PLAN AMENDMENT FOR APPROXIMATELY 1.1 ACRES LOCATED AT THE NORTH CORNER OF THE INTERSECTION OF EAST TREMONT AVENUE AND EUCLID AVENUE.

A protest petition has been filed and is insufficient 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.

Tammie Keplinger, Planning said last month the City Council sent this petition back to the Zoning Committee as there were changes were made after the Zoning Committee vote. The Zoning Committee looked at this items and recommended approval by a unanimous vote.

Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-027 by Gateway Communities for the subject site plan amendment as modified and as recommended by the Zoning Committee.

The modifications are:

1. Indicated “rezoning Petition Number 2013-027” within the title block.
2. Modified the “Existing Zoning” as “UR-2(CD) HD-O (Dilworth)”.
3. Modified the “Proposed Zoning” as “UR-2(CD) SPA HD-O (Dilworth)”.
4. Modified the proposed on-street parking along Euclid Avenue so that it starts a minimum of 20 feet from the radius of the proposed Type II modified driveway.
5. Reduced the height of the side of the building along Euclid Avenue from three to two floors.
6. Expanded the rear corner of the building on the northeastern side of the site by relocating the three units that were previously on the third floor along Euclid Avenue.
7. Reduced the number of surface parking space from 57 to 55 to accommodate the building expansion.
8. Indicated additional evergreen planting/screening along a portion of the northeastern property line abutting single family.
9. Reduced the number of units from 54 to 52.

The ordinance is recorded in full in Ordinance Book 58, at Page 188-189.

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ITEM NO. 8: ORDINANCE NO. 5118-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.437 ACRES LOCATED ON THE WEST SIDE OF NORTH TRYON STREET AT THE INTERSECTION OF J. W. CLAY BOULEVARD AND NORTH TRYON STREET FROM B-1(CD) TO TOD-M.

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-033 by Charlotte Mecklenburg Planning Department for the above zoning change as recommended by the Zoning Committee.

The ordinance is recorded in full in Ordinance Book 58, at Page 190-191.

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ITEM NO. 9: ORDINANCE NO. 5119-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.494 ACRES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF WEST MOREHEAD STREET, FREEDOM DRIVE, AND WALNUT AVENUE FROM B-1(PED) TO B-1(PED-O).

Motion was made by Councilmember Mayfield, seconded by Councilmember Barnes, and carried unanimously, to approve the Statement of Consistency, and Petition No. 2013-035 by Summit Avenue Freedom Drive, LLC for the above zoning change as modified and as recommended by the Zoning Committee.

The modifications are:

1. Modified the parking requirement under “Development Data” to indicate per the Charlotte Zoning Ordinance except one space per 200 square feet of restaurant uses as per the optional provision.
2. Added the following optional provision: “allow parking and maneuvering between the building/use and the setback along West Morehead Street”.

3. Modified optional provision "B" as follows: "Modify the minimum parking ratio to 1 parking space per 200 S.F. for restaurant uses".
4. Eliminated the optional provision to allow parking and maneuvering to encroach into the 22-foot setback along West Morehead Street; therefore, eliminating the issue regarding providing a measurement of the encroachment.
5. Clarified that the existing pole sign under optional provision "D", includes a four sided and two sided component, clarified what portions of the sign are to remain, and indicated the sign panels are allowed to be changed.

The ordinance is recorded in full in Ordinance Book 58, at Page 192-193.

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ITEM NO. 10: ORDINANCE NO. 5120-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.70 ACRES LOCATED BETWEEN RANDOLPH ROAD AND WENDWOOD LANE NEAR THE INTERSECTION OF RANDOLPH ROAD, NORTH WENDOVER ROAD AND SOUTH WENDOVER ROAD FROM R-3 AND UR-2(CD) TO UR-2(CD) AND UR-2(CD) SPA.

Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-037 by Wendwood Parcel for the above change in zoning as modified and as recommended by the Zoning Committee.
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The modifications are:

1. Removed "Townhome style" from the Site Development Data and Note 2a.
2. Added the proposed usable common open space for the residents to the plan.
3. Added a note listing the materials and design of the proposed structures fronting along Wendwood Lane.
4. Removed the Private Street and Private Alley cross sections from the plan.
5. Added the proposed driveways and labeled that they will be either a minimum of 20 feet long or no greater than a maximum of seven feet from the garage to the proposed alley.
6. Added and labeled the 400-foot sub lot requirement for the proposed townhomes to the plan.
7. Added the Petition number 2013-037 to the site plan.
8. Removed note 6A per Storm Water Services and added a note that the site will comply with PCCO.
9. Added that non-residential uses in the UR-2 zoning district are not allowed.
10. Added a six-foot sidewalk and a planting strip in accordance with the tree ordinance along Wendwood Lane.
11. Added language stating 65% of the building material will be masonry product.
12. Added that the side of the units facing Sterling Magnolia Apartments will be a masonry material.
13. Added that no circulation or parking except for possible fire access will be allowed between the subject property and the Sterling Magnolia Apartments.
14. Added that exterior flood lights will not be allowed on the units adjacent to Sterling Magnolia Apartments.

The ordinance is recorded in full in Ordinance Book 58, at Page 194-195.

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ITEM NO. 11: ORDINANCE NO. 5121 FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO MODIFY THE INFORMATION AND ADVERTISING PILLAR SIGN REGULATIONS BY REMOVING INFORMATION AND ADVERTISING PILLAR SIGNS ON RAPID TRANSIT PLATFORMS.

Motion was made by Councilmember Mayfield, seconded by Councilmember Kinsey, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-038 by Charlotte Area Transit System for the subject text amendment as recommended by the Zoning Committee.

The ordinance is recorded in full in Ordinance Book 58, at Page 196-197.

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HEARINGS

ITEM NO. 12: HEARING ON PETITION NO. 2013-018 BY RALPH WOOD FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.99 ACRES LOCATED NORTHEAST OF THE INTERSECTION OF MOUNT HOLLY ROAD AND I-485 ALONG THE EAST SIDE OF GUM BRANCH ROAD FROM R-3(LWPA) TO MUDD-O(LWPA).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said the future land use map that is adopted for this area shows the surrounding properties as residential. You can see the property is highlighted in the black hatching. When I show you the site plan we are going to show it in two separate portions because of the length of the property. In terms of the aerial you can see single family residential and vacant land. There is a single family home currently located on the site. The request is from R-3 single family residential within the Lake Wylie Protected Area to MUDD-O within the Lake Wylie Protected Area. The uses are for indoor pet services, veterinarian clinics, a single family dwelling unit and accessory uses. The square footage is limited at 15,000 square feet. The maximum height is two-story. The optional provisions associated with this request involve the reduction of the separation from the residential zoning from 300 feet to 100 feet for the dog kennels that are proposed; the elimination of a 5-foot sidewalk connection from the main structure of the home to the street; and to allow parking and maneuvering between the building and the setback.

This is the front portion of the property; Gum Branch Road, a Veterinarian K-9 Clinic is proposed in this area. They are proposing tractor-trailer parking in this vicinity. They currently have the tractor-trailer parking and there is a violation on this site. The tractor-trailer parking is one of our outstanding issues and is something that is going to have to be removed at this time.

Councilmember Barnes asked Ms. Keplinger to go back 2 slides and tell us what is around this property. Are those all single homes and wooded lots?

Ms. Keplinger said these are single family homes and these are vacant lots. There are homes along this street also.

Ms. Keplinger said the second portion of the site or the other portion comes back into the site, we have proposed parking. There are some kennels that already exist on this site and they are proposing one new kennel. The garage and this is the existing single family structure. They have future kennels in this area and existing kennels.

Staff does not recommend approval of this rezoning petition. It is inconsistent with the Northwest District Plan which recommends single family residential for this site. It doesn't meet the intent of the MUDD District which is to allow Urban Mixed Use Development. It is a commercial development, it is spread out over a large piece of property, approximately 5 acres and it is not consistent with the character of the established area.

Colin Brown, 214 North Tryon Street, said I am here on behalf of the Wood Family and I have been working with them for about a year and a half. This is just a really unique position. I can tell you the Wood Family operates a small business here in Charlotte. The name of their company is Lab Pups.Com but it is about the furthest thing from a .Com company you will find. To get to the site you drive down Gum Branch Road, you pass a working horse farm and when you get to the entrance I believe you see a working goat farm across the street with all sorts of obstacles that the goats climb on, then you come down a long driveway and what you will find is a small farm in the woods. The first time I met them because I said dog breeding is going to be really complicated. I went out, met the Woods Family, saw the pictures of the hundreds of families that have adopted dogs over the past 25 years from them, saw the celebrities that have adopted dogs from them. This is a very high end establishment, really raises quality and is something that our community should be proud of. As I said they have been in business for 25 years. Previously they were located out by the Airport on Old Dowd Road; however, when the Airport expanded they condemned their previous property. The Woods indicated that the Airport assisted them in finding a new property, assisted them in finding this location and the Woods certainly believe that when that was done this property was appropriate for their business. I will tell you that the Airport staff will dispute how involved they were and whether any assurances were made, but the Woods believed in investing that this was an appropriate pace of the property.

The use blends fairly well with the rural nature of the area, so many active farms in the area and everything was going along nicely. I think a few years back, around 2006 a new neighbor moved in and this neighbor is not adjacent to the site, the neighbor had concerns with the operation, raised concerns with the City and despite what I think is fairly overwhelming support from the neighbors and the Coulwood Community at large, the Woods have not been able to appease the neighbor that has concerns. At the end of the day the Woods have worked with various City Departments. I don't think there has been a citation for a health issue or a condition of the site but the question is, is this use, which some might see as a family small breeding operation, is it a commercial kennel, is it allowed in R-3? We have exhausted every avenue we can we with the City. This is just a request of last resort to allow the Woods to maintain their business, to continue to operate this great small business, to maintain their home. I agree with staff, it is a little awkward to be requesting MUDD and I wish there was a more convenient rural district. The R-3 accommodates the horse farm down the road but it won't accommodate the small dog farm. We are asking for MUDD because Shad and Tammie had to work with us to figure out how we could make it work so this is what we've come up with and I agree it is not an urban site, but it is a mixed use site. The Woods live on the property. They raise the dogs on their property. Several times a year they have the community to come in to celebrate on the property. So I think it is a mixed use development and it is what it is. Tammie and I have had that conversation a few times. With that I will turn it over to some of the folks out in the community.

Andy Decann, 12579 Woodland Cove Court said I am the President of the Coulwood Community Council. I represent the entire community as a whole. Coulwood has been there for 50 years and we have a Council Board that represents the community and we request that people come and speak. We have twice, before I was on the Board, written letters of recommendation of Mr. Woods. I've known Mr. Woods for many years and everybody on the Board knows Mr. Woods and has met the Woods Family and what they are doing. We requested all of the neighbors that surround Mr. Woods to come to the Council Meeting and discuss what they felt was going on before we would come to the Board and support Mr. Woods. Overwhelming support for that from every neighbor who surrounds Mr. Woods. The community as a whole voted, there was no dissention in the vote, it was 9 – 0 to support Mr. Woods. We would ask you to support this petition and vote yes.

Tony Naples, 150 Kingsway Circle, said I live directly next to the Woods Family and I have been in that house 41 years. They haven't been there that long, but I do know them very well. I've been invited to their parties in their back yard several times and I got to look at their kennels which are absolutely first class. They give us no problem whatsoever. We've had no complaints in the neighborhood that I know of. I have neighbors across the street from me that I have discussed this with and they are in favor of the Woods continuing their business. They definitely are first class citizens and I would hope that they would get the opportunity to continue their business. They are small business people, trying to make a living in this country which is not too easy as you well know. I hope and pray that all of you will vote in affirmation for the Woods Family.

Pam Davis, 144 Shadow Lane, said my husband Kent and I have lived at our current residence since 1985. I'm an educator and he is a mechanical engineer. Our property is adjacent to the property up for rezoning. Mr. Naples and I pretty much surround them. We have two statements, Kent and I, that are pertinent. He would be here but he is working for the local power company. We have never had concerns with the manning of the operation that moved to its current location with the City's okay some years ago. If there were any issues or concerns, they were addressed before we were able to give voice to them. The Woods are people of integrity and each adjoining neighbor has their phone number to call in case of concerns. As to the noise issue that has been brought to light, we totally do not understand. When I go out my back door I occasionally hear a dog, I don't know whose dog, sometimes I do, not sure which neighbor dog that I hear. I hear frogs, I hear birds just as usual. Actually I hear I-485 the most, but you will not find me complaining about that either because it gives the access to my city. As to dogs barking, I will my two little yapping dogs up against theirs any day. Mine have often started the twilight barking if you know what I mean. We also have never had our neighbors that we have known since 1985 complain to us about the Woods. I do appreciate the stipulation included in the rezoning that would not allow the rezoning in case of the property being sold because we trust the Woods, we don't necessarily want to trust the next people that would come there. We hope that you, Kent and I, do hope that you will allow our neighbors and our friends to continue their operation and we thank you. I will probably never get this opportunity again so I want to thank you for giving your time and your family's time for serving out City.

Mr. Brown said I do want to mention, since I've got a minute left, I've been working with the Woods on this for quite a while and we appeared before the Zoning Board of Adjustment and tried to say we had understood that someone had been operating before and we tried to establish as a non-conforming use, but we just didn't have the information to prove the case on that frankly. When you come to the ZBA and staff sends you letters from all Departments at the City, there was one from Charlotte Mecklenburg Police Department, Animal Control Division and when I saw it and said that is usually a sinking feeling when the City is not supporting you, but this was a very positive letter and I want to read just a portion of it. This is about Charlotte Mecklenburg Police Department inspecting the site and I will quote a portion of it. "There was no smell or sound coming from any of the kennels, the entire facility was in immaculate condition and it was very apparent that Mr. Woods deeply cares for the animals." He goes on to say and concludes, "the facility and program are run in professional manner with the well-being of not only the animals, but the entire breed at the forefront. You are a reputable breeder and we commend you on your effort to uphold the breed standard of the Labrador Retriever."

That being said I think the challenge is the district and MUDD is odd, but it is something we've looked at. The fact of the matter is the house is where it is, the kennels are where they are and it is what it is. I don't know what else we can do than to work with staff to try to resolve all the site plan issues. There is the one outstanding issue with the trailer parking. We are going to work on that. We've talked about several alternatives and we can work with staff and resolve that issue. Then other than reaching out to the community, and you are always skeptical when a client says the community loves it, and then when you go out to Coulwood and they really do, I don't know what else we can bring to the table for you all.

Councilmember Mitchell said let me just share my experience. To the neighbors in Coulwood, thank you. I think it was about 2 years ago I was invited to come out to one of the neighborhood meetings and see for myself and you will be amazed so I would like to offer all my colleagues if you have the opportunity to go and see. As one of the speakers said earlier, you go off Gun

Branch Road, I got lost, I think I made the wrong turn and it was just a lot of open farm, but then once I got there I could not believe what a professional operation he was running. The animals were very quiet. When I think of an animal kennel, I think the one we have on Remount Road and it is totally different. The animals are very expensive. They are not your typical stray animal and they are pretty expensive, but he takes so much pride, like a family business. The residents of Coulwood take so much pride in the business being located there. I was so impressed and I will be supportive and I would like for my colleagues, if you have any questions please feel free, I'll ride out there with you so you can see it. It is a top notch operation, but I think more importantly when you have the CMPD to give a nice response letter like that, and you have so many residents from Coulwood being here in support I think it should make us feel that this is the right thing to do.

Councilmember Autry said Ms. Keplinger, some of my colleagues and I took a little bus tour last week through SouthEnd and at one point we get near the corner of Remount Road and there is the Long Animal Hospital there on South Boulevard. How is that different from what is being proposed here?

Ms. Keplinger said the Long Animal Hospital actually came through the rezoning process and all of their kennels are indoors. It is permitted in our urban districts as an indoor pet service, whereas what Mr. Wood is proposing is indoor and outdoor kennels and he does have some outdoor facilities. It is different and they do require different zoning classifications.

Councilmember Barnes said just for clarification, Mr. Keplinger, staff's opposition is with respect to the outdoor provision and the tractor-trailer parking?

Ms. Keplinger said our opposition is based on the use of the MUDD District first of all because this is an area where we would not normally want the MUDD District to be enacted. The MUDD District is meant for more mixed use urban development. I understand Mr. Brown's argument that this is mixed use, but from a land use perspective we believe mixed use means a mixture of residential, office, retail and uses of that nature. We also have some technical outstanding issues with the location of the tractor trailers. Those things would need to be resolved if this were looked at for approval.

Mr. Barnes said is there some zoning classification that would meet their needs and would help us avoid us setting a precedent where somebody may come in here in a couple years and say well you let somebody else build a dog kennel in a MUDD District so let us do it. Is there some option?

Ms. Keplinger said this has been a struggle for staff too. We have worked with Mr. Woods and Mr. Brown to try to figure out the best solution, whether it be through the Zoning Board of Adjustment or through a rezoning. This is the district that we could go to that would accommodate everything they have on the site in terms of the existing buildings and allow the use.

Mr. Barnes said madam Attorney are there any precedent setting concerns that we should have?

Senior Assistance City Attorney, Terrie Hagler-Gray said this is a conditional plan so my advice would be to set as many specific conditions as you can if you choose to go forward.

Mr. Barnes said my only concern is someone else may pop up with this sort of issue and being able to say no if we need to say no.

Mr. Mitchell said Mr. Brown I think you addressed the one about the trailer being moved so that issue should be resolved relatively quickly.

Mr. Brown said that is right.

Mr. Mitchell said I think even one of the speakers said that she is comfortable with Mr. Woods being there because we know his type of operation, but to our Attorney can we make sure we add as many conditions and restrictions as possible just so everyone will feel comfortable. I think
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even for the neighbors because they don't want anyone else to come in there and be able to operate this type of business. Can you continue to work with staff to make sure we put as many conditions as possible?

Ms. Keplinger said in terms of putting a restriction on the property that would not allow the next person to come in and have the same type of operation, that is not going to be possible because the way zoning runs is with the land, not with the ownership. I think you are correct, another aspect that we can look at tightening down the restrictions even further.

Councilmember Howard said I have ridden down I-485 many times and wondered what that was over there so now I know. There is no way to subdivide this to take out the house and see if we can separate the residential part of it. That is only thing that will stop this from being commercial of some sort, right?

Ms. Keplinger said they have the commercial kennels to the rear of the house. They have some in front of the house, to the rear of the house and then they are proposing some operations out on the front portion that is close to Gum Branch so it is really spread out over the 5 acres.

Mr. Howard said we don't have a retail zoning that allows residential to be part of it?

Ms. Keplinger said the setbacks would be an issue for the existing structures that are on the site.

Mr. Howard said this seems like a pretty big piece of land. Anyway to separate the kennel away from the house. This would be a lot cleaner if you separate the residential away from everything else.

Mr. Brown said I think we've worked pretty hard with staff to try and exhaust – the one option would be to say it is all indoor, but in all honesty there is an outdoor activity and that is what triggers this and we want to be honest about that.

Mr. Howard said again, it is a big piece of property. Does that have to be right up against the house? That sounds like the residential is the problem. If the residential was separate from this everything else ...

Mr. Brown said the requirement is for outdoor. We have to be 300 feet from any residential zoning which are all the adjoining properties. There is really nowhere on the site – there may be a tiny circle that could maybe get 300 feet away from everything. I don't think the home on the property is necessarily the issue, it is the proximity to all the other zoning. If there is a way to skin the cat we are happy to do it. We've been working a year and a half and unfortunately I do think this is the last resort.

Mr. Howard said I don't think you hear a desire from anybody not to try to figure this out. It is not setting a precedent and I agree with my colleagues.

Motion was made by Councilmember Barnes, 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. 14: HEARING ON PETITION NO. 2013-040 BY JAMES P. NGO & YEN M. NGO FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.71 ACRES LOCATED ON THE WEST SIDE OF WEST SUGAR CREEK ROAD ACROSS FROM MUNSEE STREET FROM R-4 TO 0-1(CD).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is about .7 of an acre and it is a single family home currently, and if you look at the future land use map you can see the yellow indicating single family residential. There is an office use right beside of the property and a church across the street. The church also owns the two adjacent properties. You can see from the aerial, the office and the religious institutional use right beside of the property and the residential right behind it. To the north is the Sugar Creek Community Park. The request is R-4 to O-1(CD). The uses are for general and/or medical office. The proposal is for the reuse of an existing building which is a single family structure and the proposed parking will be in the rear. In terms of land use consistency, this is inconsistent with the Central District Plan because that plan recommends single family, but this site is somewhat isolated from other residential properties in the area because it has the institutional office use to the south and the park to the north and then the religious institution across the street. It is a reuse of an existing building and keeping that building is consistent with keeping the character that is in the immediate area. Staff is recommending approval of this petition upon the resolution of outstanding issues.

Fred Gore, 8521 Beldegreen Court said I represent the petitioner and I just want to make a brief comment and then answer any questions you may have. We have reviewed the staff comments and we didn't have time to revise the plan in time to get it to this meeting, but we concur with everything on there and there is nothing that we are against. Generally we just want to turn this into an office building. He said someone interested right now in putting an income tax preparation office in there and it is very similar to one I did just a few months ago. We expect it to be some sort of small professional office for someone. One of the biggest reason he wants to put an office in there instead of leaving it residential was because an office tenant seem to stay a little longer. They don't move in and out as much and the last time someone was in there it was a residence and within two days of the people moving out someone came and stole the air conditioning units and tried to rip all the siding off the house and anything that was of any value. The owner feels like he is better off having a commercial office in there.

Motion was made by Councilmember Mitchell, 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.

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ITEM ON. 15: HEARING ON PETITION NO. 2013-041 BY MSC DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.02 ACRES LOCATED ON THE SOUTHERN CORNER AT THE INTERSECTION OF GRIFFITH STREET AND SOUTH TRYON STREET FROM I-2 TO I-2(TS-0).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said the property is located at Griffith Street and South Tryon Street and you can see from the aerial there is an existing building which was formerly used as a warehouse. The proposed request is for a 5-story building. There will be office and retail along south Tryon Street, along the frontage. The remainder of the building will be indoor storage on all floors. There are several optional provisions for this petition. They are asking for the setback streetscape on South Tryon Street and Griffith Street to be altered and they are also asking for a reduction in the urban open space of up to 50%. This is an elevation of the proposed building and I believe the petitioner has a presentation that they will show that has the elevations in color.

This request is consistent with Newbern Transit Station area plan recommendation. It is at the edge of a transit station area which is where we are beginning to see some transitions as we talked about at our dinner meeting. The TS Overlay District does design to allow urban form, but still allows some of the underlying uses, so this would allow I-2 uses, but in a denser and more intense form. This is an infill development which will have low environmental impact and most of the issues related to this rezoning are technical in nature.

Dave Benson, 725 Park Center Drive said MSC is the development arm of Morningstar Storage. We've been building and operating and rezoning storage in Charlotte which is our home since 1981 and this is our latest project which we are very excited about. This is a state of the art, all interior, heated and cooled self-storage facility with some office and retail available on the streetscape of South Tryon Street. The uses that we are asking for are already in place and allowed by the I-2 zoning and what we are asking for is the ability to move ahead with the development of the scale and the scope, much more consistent with what you see now coming in SouthEnd. I am sure you all know the site and area well, but we are a couple blocks north of the South Tryon Street Bus Maintenance Facility between Remount and Clanton Roads on South Tryon. This the existing building looking both up South Tryon to the north and also from Griffith Street towards South Tryon. He showed some of the retail in the neighborhood and the elevation on South Tryon Street. I think you can see a rendering of what we would like to see there using a variety of materials, a variety of elevations and plains in the building to make it fit very consistently with what we are seeing elsewhere in South End. This is the Griffith Street elevation at Griffith and South Tryon and the tower on the right will also be our office as well as the anchor for the retail area. Access to the property will be across the front and also around back as you will see on the site plan.

This is a fairly large building relative to what we would be replacing but some articulation across the front to make it look good to make it fit in and to give it some really strong interest on both Griffith Street which is the side street and South Tryon as well. We have incorporate comments from staff and from the Transportation Department to allow for a one-way circulation, entering on South Tryon and leaving on Griffith Street. Some examples of some of the other projects that we have rezoned and constructed, you may be familiar with the project that is also on South Tryon and Tyvola Road. We have a very high standard. We've been calling this property the cover of our annual report property and we are very much committed to making this a landmark and important infill investment in the SouthEnd area.

Councilmember Mayfield said was there only a few more slides?

Mr. Benson said yes, I think what we've got here is that we are in support of all the staff recommendations. There were some very good changes that were suggested and these are the changes to the façade, adding points of interest on the recommendation of staff incorporated into our latest elevations.

Motion was made by Councilmember Mayfield, seconded by Councilmember Autry, 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. 16: HEARING ON PETITION NO. 2013-042 BY PAUL KARDOUS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.42 ACRES LOCATED ON THE EAST SIDE OF SOUTH MINT STREET BETWEEN WEST BLAND STREET AND LINCOLN STREET FROM TOD-MO TO I-1TS.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said as you can see on the map this property is surrounded by properties that are slated for transit oriented development. In terms of land use we have an existing building on the site that was used as a warehouse most recently. This is a conventional rezoning request so you don't have a site plan before you. They are allowed to have all of the uses that will be allowed in the I-1 TS District. This is consistent with the SouthEnd Transit Station Area Plan which recommends transit oriented development. It is at the edge of a transit station area and supports the transition to TOD development and it allows either the reuse of the existing structure or infill development which is recommended by the plan.

Councilmember Howard said is there any idea of what they are thinking about doing?

Ms. Keplinger said no sir.

Mayor Pro Tem Cannon said would you be so kind as to report back to give us some idea?

Ms. Keplinger said it is a conventional request so I believe the Attorney would not want me to indicate what type of use they would be permitted. They would be allowed any use in the I-1TS.

Mr. Howard said how far can we go with that Ms. City Attorney? Can we ask more information about it?

Senior Assistance City Attorney, Terrie Hagler-Gray said not the specifics no. It is just every use allowed in that district.

Councilmember Barnes said could we have the petitioner, if he is here, talk about his aspirations for the parcel?

Ms. Hagler-Gray said no sir. Since it is a conventional plan, in the public hearing we can only talk about the general uses in that district.

Mr. Barnes said could we talk about what he would hope to see and aspire to see and accomplish under that zoning classification?

Ms. Hagler-Gray said I would suggest that that be talked about off line.

Councilmember Cooksey said I'm going to stick a toe in perhaps a policy water that the Attorney would not like to go into and that is thinking back to the conditional petition we just heard from a few moments ago regarding kennels in District 2, we were reminded that the zoning transfers with the land, not with the owner. Even if this owner wanted to talk about what he wants to do in a general I-1 district, our responsibility is also to think about what the next owner could do and the next owner. It is irrelevant what the existing owner wants to do if he is looking for a general district. We should be looking at it as I-1 altogether because that is what it is going to be until a future Council change its mind if that is the way this Council votes. I just wanted to offer that as food for thought.

Mr. Barnes said I understand exactly what Mr. Cooksey just said, but the reason why we ask these questions is because our constituents will ask us what is that. I got that question today about a piece of property. That is why we like to know because we are going to get asked the question.

Mayor Pro Tem Cannon said I think that leads to another question that the general public will want to know and that is how can they be involved in the process when the time comes. Is there an opportunity for the citizens to be engaged as they normally would with regards to this particular petition or not?

Ms. Keplinger said once the rezoning is actually approved, any use in that district is allowed, so there would not be any additional public involvement. As long as a use that is requested falls into the I-1 TS category then it would go straight through City staff to be approved and no further public involvement.

Ms. Mayfield said just for transparency and clarification Tammie, can you give any examples of what type of uses could go into a I-1 TS?

Ms. Keplinger said you can have manufacturing uses, those would include any products, including breweries, alcohol sales, manufacturing of small parts, you can have storage facilities, you could not have residential in this district. I will have to double check that because it is a transit supported. Any office type uses, those would all be permitted.

Ms. Mayfield said with the plans that we have for SouthEnd and looking at the development that is coming in SouthEnd, staff is comfortable with this petition becoming an I-1 TS?

Ms. Keplinger said yes the transit supported district does have design standards so this project will have to meet those design standards when it comes in for approval.

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. 17: HEARING ON PETITION NO. 2013-043 BY NOVANT HEALTH, INC. FOR A MUDD-O SITE PLAN AMENDMENT, FOR APPROXIMATELY 6.4 ACRES LOCATED AT THE INTERSECTION OF QUEENS ROAD AND EAST 4TH STREET AND GENERALLY BOUNDED BY QUEENS ROAD, EAST 4TH STREET, EAST 3RD STREET AND SOUTH CASWELL ROAD.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this is at Queens Road, 4th Street, 3rd Street and Caswell Street and this is part of the existing Presbyterian/Novant Healthcare Facility. In 2007 with Petition 76 City Council approved a rezoning for this property. It involved the existing medical tower, three new medical towers and a parking deck. Phase I of that approval in 2007 allowed surface parking on Queens Road between East 4th Street and East 3rd Street. What Novant has found as they are getting ready and transferring into their new development, is the need for additional surface parking so within this square you will see an area where they are wanting to increase their surface parking. In order to do this they need optional for the streetscape and they also need an optional for maneuvering and parking between the building and the street. All of the previous conditions that were approved as part of the 2007 rezoning will still apply and that includes all of the elevations. Staff is recommending approval of this petition. We do still have several outstanding technical site plan issues. It is consistent with the Elizabeth Area Plan which recommends office and institutional uses. This allows flexibility for Novant to continue growth. It also preserves the landscaping that is within the keeping of the community in that area.

Councilmember Kinsey said when I first looked at this what hit me in the face, and I realize that we did approved this earlier, is all of that surface parking. I'm not happy with that at all. Is there anyone here who can give us an idea of how long we are going to have to look at that surface parking before something is built there?

Ms. Keplinger said the Petitioner's agent may be able to do that with his presentation.

Walter Fields, 1919 South Boulevard said Ms. Kinsey in response we thought we would be a lot further along with this master plan than we are. There have been a few changes in the economy and changes in the healthcare in the last few years. We look at this as an interim measure. We actually had some language in here that would set the limit on how long this could be here, for five years. We have agreed with the staff to take that language out and substitute some language that they have asked us to substitute. I don't know if Joe wants to hazard a guess. Part of this is driven by the fact that some other things are going on with hospital property where they are going to be displacing some parking for a short period of time and so some of this in order to deal with that and once that other development on the campus are dealt with that parking can go back. The biggest issue we've got here is that we probably should have shown a phase point five in the 2007 plan. We thought at that period of time we would be doing that very large parking deck all at one time. It appears now that that is not going to be the case. I don't think either of us can give you a calendar date about when we will be going forward with some of the larger scale development on the property. This is really just to tide us over a little bit. We will be putting in the streetscape improvements. Based on the notes on the plan we will be putting in screening of the surface parking so we understand that we have to do a good job even though

this is temporary, but the long-term plan is still for a significant amount of development to occur on this property as you all approved back in 2007.

Ms. Kinsey said how heavy will the screening be? Will it actually screen the cars?

Mr. Fields said there are two answers to that. One is the hospital security forces, the people that patrol the hospital property and for the staff and visitors to the hospital, have a concern about it being completely invisible. They don't want to create places for people to hide, they want there to be some visibility. I've also heard those comments, not just recently, but literally for decades from the Charlotte Police Department. They have concerns that if the screening is too heavy, if it is more than just ornamental then there are some safety issues. We will work with the staff and take advice from the Police Department and others about best to do that. It is the same issue that anybody would have anywhere in town that was doing a surface parking lot.

Ms. Kinsey said my comment is to that is that I don't even like to park in that deck. I'd rather park outside with heavy screening than in that deck.

Mr. Fields said the long-term plan is of course that deck will be removed and then a larger deck would then be built, but we're just not in the position to do that now.

Ms. Kinsey said I notice in here where the five year was taken out; what did you replace that with that would help me feel comfortable that something is going to be built there in the fairly near future That is my neighborhood.

Mr. Fields said the language that the staff has asked us to insert is actually in your staff analysis. I have already communicated with Tammie that we will accept the recommendation they have about doing that. Neither of those sets a time limit. I just don't know how we would have any ability to do that. We thought a 5-year limit might do that. I believe the staff got some advice from the Attorney's Office that said can't do it that way, you have to do it a different way, so we are taking instructions from them now about how to address that. Joe if you want to come and take a shot at it, feel free, but again we are operating in an environment where the floor is moving under the hospital and the healthcare industry all the time and that is going to have a bearing on when some of these larger elements get constructed which will trigger the removal of the old deck and the construction of the new deck.

Ms. Kinsey said Ms. Keplinger, can you tell me what the language is that takes place of the 5-year because I can't pick it out of here?

Ms. Keplinger said there is actually not a replacement for the language if you are looking from 5 years to 6 years or something in that nature. The simple matter is that we cannot enforce the 5-years, even if is written on the site plan so we didn't want to misrepresent that as being something that the City could enforce. What we tried to do is work with the petitioner on the landscaping and working on the optionals that they are asking for to ensure that we have all the screening in place and that we leave as much of the character that already exist for the site there until they are ready to do the final construction.

Motion was made by Councilmember Barnes, 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. 2013-044 BY WENDY FIELD, WFG ASSOCIATES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.26 ACRES LOCATED ON THE EAST SIDE OF PROVIDENCE ROAD BETWEEN SOUTH WENDOVER ROAD AND PROVIDENCE DRIVE FROM R-3 TO R-8MF(CD).

A protest petition has been filed, however its sufficiency is yet to be determined.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this rezoning is right in the middle of the future land use map and it is surrounded by what is proposed to be residential. You can see there is a little bit of R-8(CD) that is located to the north. That property was rezoned some years ago for duplex, triplexes and quadplexes. The site that we are discussing are the two lots that front on Providence Road and Providence Drive, they back up to single family residential and are across the street from single family residential. In terms of the proposed site plan the request is to R-8MF(CD) for 19 single family attached for sale residential units. The overall density is 4.6 dwelling units per acre. There are limitations on the building materials and the elevations along the street will simulate a front door. The petitioner has also submitted elevations and you can see this is the perspective from Providence Road and Providence Drive and this is a perspective of the courtyard. Staff is recommending approval upon resolution of outstanding issues for this petition. It is consistent with the South District Plan which recommends residential. The general development policies, when we ran those, they recommend between 6 and 8 dwelling units per acre for this site. This rezoning will allow an alternative type of housing in an area that is basically single family at this point in time. It is infill development with low environmental impact. Just to let you know there is a protest petition that has been filed on this case and we will know by the time of your decision whether it is sufficient or not.

Mayor Pro Tem Cannon said even though we don't know if it will be sufficient or not I believe both sides will be privy to ten minutes.

Wendy Field, 516 Kingston Avenue said many of you do not know me, my background or my experience so let's start there. I've worked in Charlotte for over 20 years. I worked for then Nations Bank in the Headquarters Division of the Corporate Real Estate Group. I was Project Manager, responsible for overseeing the build out of the office space in the corporate center. When Hugh McColl, Jim Palermo and Dennis Rash decided to develop the north end of Tryon Street they asked me to join the development group at the bank. I was on the development team for 400 North Tryon Church and ChapelWatch, the first condominium developments in uptown Charlotte from 1996 to 2001. I then branched out to work with other developers throughout the Carolinas that wanted to mimic the success of these projects in their cities. In Charlotte, I've been on the development team and projects in uptown, Myers Park, SouthEnd and other infill neighborhoods and worked with developers such as Crosland, Lincoln Harris, Pappas Properties and Childress Klein among others. As I saw many developers dissolve their companies during the recession or turn to apartment development, I saw an opportunity to step into development on my own. Currently, I have been developing the Cottages on Euclid in Dilworth. I successfully worked with the neighborhood and received unanimous approval from the Historic District Commission to move forward with the project. I signed the first contract in September and of the 18 townhomes, 17 of them are sold and I closed the first unit on Friday. I also have two projects in early design stages in Dilworth and Myers Park right now.

Bailey Patrick, the Broker for the property that I am here to rezone this evening recommended me to the seller of this property because he saw the quality of my work and thought I would design a project with attention to detail that was appropriate for this neighborhood. He has had this property listed for over three years now. Tonight I'm here to seek the rezoning of a little over 4 acres, from R-3 to R-8 MF(CD). Currently the property allows for approximately 14 homes and I'm asking for 19 townhomes. The City's area plan for inside Route 4 encourages preserving the character and quality of established neighborhoods while providing higher density development and infill projects on the edge of these neighborhoods along appropriate transportation corridors. My project meets this goal by providing compatible density at just 4.5 units per acre. I'm proposing two-story luxury townhomes. Each home will have master bedrooms on the main level to appeal to the empty nester that would like to remain in the area but doesn't want the maintenance of their existing home. Each unit has a private courtyard and two-car garage. We have guest parking provided in the development and the overall project is parked 4 spaces per unit. The architecture and high end building materials are consistent with the homes in the neighborhood. We have noted the brick and cedar shingles in the conditional note. The facades mimic single family homes addressing the streetscape. My team and I have worked closely with Planning staff through the design of this project. Every discussion with Planning has been addressed in the plan or in the notes.

I have had three meetings with the adjacent neighbors. Two of them were prior to filing the rezoning because I wanted to get input from the neighborhood. I've had all of my team, my architect, my builder, my civil engineer, my consultants at every one of those meetings so we could hear the issue and problem solve together to address every question. Concerns were voiced initially about the number of units and the entrance that was off of Providence Drive. In response to the neighbor's concern I reduced the number of units from 29 to 19. Also with the input from NC-DOT we were able to move the entrance to Providence Road from Providence Drive. I successfully worked with the adjacent neighbor on Providence Drive to address their concerns about landscaping and fencing next to their property and also recess parking along Providence Drive, which are also items addressed in the plans and in the notes.

In closing while some of the neighbors continue to express opposition to anything but R-3, I am confident that with your approval that I will develop a very attractive and successful project that will complement the surrounding neighborhood. I have two adjacent homeowners here to speak in support of my project.

Angela Elsberry 1541 South Wendover Road said I have lived on South Wendover Road for approximately 5 years and one of the problems that I have with living there is not the traffic because I chose that area, it is the upkeep of some of the homes, the landscaping on that particular street. I feel like it brings my value down because other people don't keep up their homes. There is one home where there has been a tree in the front yard for six months that is just sitting there and there is another one that looks like a used car lot and it is in terrible condition. When I heard that Wendy was going to put a project like this together I was real excited about it because I think it helps the property value and I think it will make the area look better. I realize it changes the density but I feel as this baby boomer generation gets older, people aren't necessarily going to want to live in a home with an acre lot that they have to maintain. I feel like in the long run it will make the neighborhood much nicer and I think the home that is there now that was on the market for so long and it would not sell and it is functionally obsolete so when you look at the population of a person that could actually buy that home and redo it, it would have to be someone very wealthy and I don't really see that happening. My view is that it should be allowed and I think it would greatly help the area.

Dan Huffstetler, 6817 Louisburg Square said my wife and our son Brad own four residential homes that front on Providence Road and on Wendover and our property is basically adjacent to and abuts the proposed development by Wendy Field. We have met on several occasions with her group and the neighborhood meetings that she had and she has been extremely accommodating and she has been very open and honest and up front. I know there is an opposition group and candidly we disagree with them as we believe that she has designed a very attractive project and it is very modest and appropriate density for the Providence Road area location and I think more importantly it has the infill empty nester demand for housing and we think it will help and not hurt the surrounding neighborhood property values and we also think it will be very successful. Our family strongly supports the Council's approval of this petition.

Susanne Robicsek, 1514 Providence Drive said I am a long time resident of Charlotte and we are here in opposition to this project. I'm not one of the adjoining neighbors but I do own three properties on that street. I have lived in two of them and currently live in one of them and grew up a stone's throw away. I grew up in the neighborhood where I had ponies in my back yard and rode my pony down Providence Road without getting killed. My main opposition to this project is that Providence Road is no longer like that. While we appreciate what Ms. Field has done and in fact it does look like an attractive project and probably will be a high end one, the drawing that is submitted and was filed by her does not adequately meet and match the site plan. It is my feeling that it is misrepresentative of a match of the site plan because it only shows half of the property. It doesn't show what happens as it goes up the site. It also presents it as a very flat project when this is being built on a steep hill. I think if you look at the plan and the drawing you have to take into consideration that that is not what it is going to look like because of the grade. My main opposition to this project has to do with the traffic. This is a very dangerous site and it has one entry way, right in/right out. There is no other way in there unless they are going downtown, they have to find a way to turn around, either by making a U-turn on Providence Road using one of the streets to make a turn-around or using the streets to circle back around the

block. I supported ... and Camden which was the other project that was referred to by Ms. Keplinger. In fact my three properties abut that. It is a very well done project but it had much better entry and egress. In this case being so close to Wendover Road I am very worried that someone will get killed coming in and out of that site. It is very inappropriate, it is very dangerous, it is very close to the intersection and it doesn't meet the GDP for multifamily which calls for a functional and central open use for the residents that are there. This doesn't have that, it packs the 19 units up on the hill. It does have some open space but that is because of the deed restriction that says along Providence Road they can't erect a building. There is no usable space for these residents. It is not pedestrian friendly so even looking at it as a multifamily use they are not matching those. It is really the traffic patterns, it is not appropriate to have 19 people coming in and out, especially empty nesters. They do not have the same skills on driving. I know I'm slowing down at 50 and we are worried about what that happens. Our street is 40-foot wide. It is one block long and it is used as a connector. We simply can't take people coming around and using it as a driveway to get in any direction other than downtown. I'll let my neighbors speak to this and while we support density, I supported Latta Pavilion and I was a member of the Dilworth DCDA. My office, I enjoy property across from Latta, I worked on the Lowe's Project and the CMC building plans, but this particular one is not in an appropriate place in addition to the fact of having townhomes in an R-3 that is an inappropriate use.

Jim Hansdale, 1630 Providence Drive, said I was going to ask if it was appropriate to ask for postponement since Councilmember Dulin had to leave early. I don't know if that is an appropriate request or not.

As Councilmember Fallon expressed in her prayer earlier we have here the opportunity to do the right thing for the citizens of Charlotte. This petition as presented does not address the core needs and concerns of the neighbors requesting to retain the integrity and character of the neighborhood by working within the existing R-3 zoning. I've relied on growth and development for over 40 years in real estate sales, leasing and development and the last 23 years of real estate financing residential property here in Charlotte. Planning and zoning comes from the center out and also from a major intersection out. It doesn't come from a lot to the intersection as this property does by not including the parcels on Wendover Road and Providence Road which are about 6 parcels. Our issues with the petition, the plan and design will be addressed with the Zoning Committee and we can do it in more detail with them, but again we wanted to express our opposition for the lack of really addressing our major concerns for the lack of proper planning and for what I've seen for years, the zoning aspects from inside out and from major intersections out and not to an intersection. The traffic issues, etc. will be addressed and the options and opportunities of what we think can work will be addressed with the Zoning Committee.

Brian Boone, 1600 South Wendover Road said I don't have the fancy power points or anything like that, I'm simply a neighbor and my wife and I live in a house on Wendover Road that will be adjacent to the current proposed property. When we bought the house we bought it as a neighborhood of single family homes. At present there are five single family houses under construction within a small block and you can see the area that is shaded in yellow, those are currently or about to go under construction. The blue area you see are duplexes. One has just sold for half of what its original listing price was, the other one is under contract at a price that is \$400,000 less than what the asking price was originally and then two down at Providence and Pinewood Court are for sale right now and they were built in 2007. They are for sale for roughly half of what they originally were for. My concern, and there are many, one is the integrity of the neighborhood and the way that the families are and the traffic flow. You can see that the current project that the proposal is, is dotted in line and the second project refers to Mr. Huffstetler's property that he mentioned as well as some others, which is a future expansion that they are considering which would be from what I understand from a conversation that Wendy has had with another neighbor, the neighbor who is actually building the property that she mentioned about the landscaping plan is that they plan to build 14 to 16 other townhomes in that space. That would mean a significant increase in density. That is just speculation on what I've heard from that neighbor but since the neighbor has been talking with her quite a bit, when I asked about that plan I was told that there wasn't any specific plan in place at this point. My property is 18106118 which is basically the entire length, it is an acre piece of property on that spot so it would basically adjacent to the majority of that space. I would like for you to consider that it is

currently zoned for R-3, there are future plans, it is just the 19 units that she is proposing and that there are a lot of houses currently as single family that are in that area.

Ms. Field said the property that is on Wendover Drive, we spoke to the owners that had that property a year ago and did a study on it and there has been no further discussion so there is nothing solid in that. All of those neighbors, of the six I think I have five of those neighbors here tonight in support of the project. My architect and my civil engineer will speak to the site plan coordinating directly with the rendering. We moved the entrance to Providence Road as a request from the homeowners. It was on Providence Drive and we had conversations with DOT and they have been very involved in it and have approved the location that we have for this. The demand for this product is maybe one of the biggest demands that I have ever had where empty nesters are very much wanting this kind of product. I have realtors who call me every day for my Cottages on Euclid Project and they would have people who would buy if I had master bedrooms on the main level. I have a list of people to go to immediately upon your approval to start selling this project so I'm not worried about it at all. It is pedestrian friendly. That was a significant part of the design of it and I will have my civil engineering and architect point out some of those questions that they brought up.

Jeff Osborne, Site Civil Engineer for the project, said we've worked through a good bit of design such as grid and whatnot. I just want to let you know that these elevations do properly take into account the existing grade as well as the proposed grades. We've worked with staff to provide the appropriate pedestrian connectivity to the surrounding neighborhoods and to the streetscape frontage as well as mitigating the traffic needs or demands on the site.

Councilmember Howard said one of the things the neighbors brought up was about expansion. This property actually has 19 on the way it is laid out which is between 4 and 5 units per acre. Is there anything on expansion?

Ms. Field said we don't have any expansion plans. This is what we are proposing.

Mr. Howard said question for staff, on the traffic counts, any concerns at all on Providence Road and adding 19 units to it, especially since you have right in/right out. The U-turn thing doesn't bother me as people do that all the time on Providence Road because of the median.

Mike Davis, C-DOT said I think I heard two questions, one about the actual traffic and the trip generation. As noted in the staff report they are pretty similar to what could be done under existing versus what is proposed so on that basis it doesn't concern us. As it related to where the location for access would be, in my view this is the best location for access primarily because the safest movements that can be made are right in and right out as opposed to what could be unrestricted left turn movements from Providence Lane onto Providence Road.

Mr. Howard said that would probably be no matter what was there and if it fronted out on Providence Road, you would want it to be right in/right out and not have some cut in the median or something so it could have full movement.

Mr. Davis said that is true.

Councilmember Barnes said I believe my questions has been answered, so Ms. Field you are suggesting that the parcels next to Wendover are not part of your project in the future?

Ms. Field said you can never say never, but it is not something that I'm working on. This is my project.

Mr. Barnes said Mr. Davis, with regard to this public safety issue, the traffic piece, how would someone who lives there go to SouthPark Mall?

Mr. Davis said if they are leaving the site it would be sort of a compound movement. It would be a north bound right turn out of the site and then a subsequent U-turn movement. That would be the most direct way to do that or they could circulate through other routes further to the north if they preferred that.

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Mr. Barnes said is there a safe U-turn movement?

Mr. Davis said yes, there is an opportunity for a U-turn, I don't know how many feet, but fairly directly north of the site. It would actually be at Providence Lane.

Councilmember Kinsey said back to the property along Wendover Road, it is still zoned R-3, is that correct?

Ms. Keplinger said it has not been rezoned, so yes mame it is still R-3.

Ms. Kinsey said it would have to be rezoned and hearing what I've heard tonight I wouldn't be exactly excited about rezoning it for an expansion, having been told that there is no expansion. That concerns me a little bit. Ms. Elsberry said I would like to know exactly where your house is.

Ms. Elsberry said my house is about mid-way between Providence Road and Vernon and South Wendover.

Ms. Kinsey said it is across the street from this property?

Ms. Elsberry said yes, it is not right up to the property.

Ms. Kinsey said I know the area very well and I thought that you were telling me. Mr. Huffstetler owns all of that property along Wendover>

Ms. Elsberry said he owns the four right on the corner.

Motion was made by Councilmember Autry, 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. 2013-046 BY BECO SOUTH FOR A CHANGE IN ZONING FOR APPROXIMATELY 18.22 ACRES LOCATED NEAR THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST W. T. HARRIS BOULEVARD AND I-85, GENERALLY BOUNDED BY IBM DRIVE, GENERALLY BOUNDED BY IBM DRIVE FROM RE-2 TO RE-3.

Motion was made by Councilmember Cooksey, seconded by Councilmember Kinsey, and carried unanimously, to recuse Councilmember Barnes and Mayor Pro Tem Cannon from participating in Item No. 20.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this rezoning is located on the southwest corner of the intersection of West W. T. Harris and I-85, generally bounded by IBM Drive. It is approximately 18.22 acres and you can see on the future land use map the mixed use development that is proposed for this area surrounding the site. In terms of location you can see the build out around IBM Drive. This site is currently a surface parking lot. The proposal is a request from RE-2 to RE-3; RE-3 is by nature a conditional district and that is why you have a site plan that goes along with this petition. It shows a maximum of 300,000 square feet of all uses permitted in the RE-3 district. There are some exclusions and they would include dwelling – single family and multifamily, hotels, motels, nursing homes, homes for the aged and infirmed, drive-in service windows is the accessory uses. The proposal also includes a 200,000 square foot parking deck and a maximum of four principle buildings with a maximum of height of 90 feet or four stories. Staff is recommending approval of this petition. It is consistent with the (URP) mpl

University Research Park area plan recommendation for mixed use, retail or office uses for this area. This rezoning request will help facilitate the transition of the URP area to a mixed use activity center. Most of the outstanding issues we have on this case are technical and staff is recommending approval.

John Carmichael, 101 North Tryon Street said I represent the Petitioner BECO South. With me tonight are Marc Bellet of BECO South and Kathy Kuneyl of Land Design and they are available to answer any questions you may have. This is an 18-acre site, it is part of Innovation Park which is a 200-acre office flex warehouse and technology business park located on the former IBM campus on IBM Drive in the University area. BECO acquired the site in 2010, it is renovated and revitalized the buildings and grounds and added numerous amenities and it has had great success in leasing the office space. The success is the impetus for this petition which BECO is seeking to rezone the site from RE-2 to RE-3 to accommodate up to four buildings that would contain primarily office uses and other uses allowed in the RE-3 District as well as a structured parking facility. We are pleased that staff recommends approval. It is consistent with the area plan and we've met with University City Partners and Ms. Hopper who is here tonight and we are also pleased that they support the approval of the petition. We do have some site plan issues that we will resolve prior to the deadline on Friday. I would point out that Ms. Keplinger indicated that the structure parking facility could be up to 200,000 square feet, it is actually up to 550,000 square feet so we will have to discuss that with them, but I wanted to point that out because it is a significant difference.

Motion was made by Councilmember Fallon, seconded by Councilmember Mitchell 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. 22: HEARING ON PETITION NO. 2012-049 BY CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO MODIFY THE MAXIMUM SIZE OF WALL SIGNS IN THE PED, TOD AND TS ZONING DISTRICTS IF A GROUND MOUNTED OR MONUMENT SIGN IS NOT UTILIZED.

The scheduled public hearing was held on the subject petition.

Sandy Montgomery, Planning said this is a text amendment and the purpose of this text amendment is to clarify and modify the maximum size of wall signs allowed in the PED, TOD and TS Zoning district if a ground mounted or monument sign is not utilized. I'm sorry the picture does not show very well, but this is a wall sign on a building and this is a ground mounted or monument sign. Currently wall signs are allowed to increase in size if a ground mounted or monument sign is not used in these zoning districts. The maximum size in these zoning districts for a monument sign is 20 square feet. The policy objective behind this text amendment and the current provisions is to encourage the use of wall signs, which are more compatible in the urban and pedestrian zoning districts and environment than a ground mounted or monument sign. This clarification is needed for a couple of reasons. I'm going to go over that there is no consistency in these regulations between these districts. There is a lack of clarity in knowing how much total signage size is allowed in the districts and this text amendment does advance the centers, corridors and wedges guiding principles for promoting high quality and context sensitive design.

This is a comparison chart of the existing regulations. If you look at the second and third rows you will see that in the TOD and TS zoning districts, wall signs can be increased by 20 square feet per sign in lieu of a ground mounted or monument sign. However, in the PED zoning district the regulation allows for the wall sign to be increased by 10% per sign in lieu of a ground mounted sign. So there is some discrepancy there for enforcement purposes and knowing what exactly is allowed, there is a discrepancy between these three districts. The 4th and 5th lines show the difference in the regulations in the TOD, TS and PED by showing that wall signs, the

maximum size in TOD and TS is 100 square feet, but it can't exceed 5% of the wall area. When you move to the PED zoning district the same regulation, but not to exceed 10% so there are some different regulations across the zoning districts that we would like to clarify for consistency purposes. I did mention that ground mounted monument signs, the maximum size is 20 square feet and that is the same across all three districts.

This shows an example of some the unintended consequences of these different regulations, particularly in the TOD and TS zoning districts. Right now in the TOD and TS the maximum size of all wall signs on any one wall is 100 square feet. The regulations say that this can be increased by 20 square feet per sign in lieu of a ground mounted sign. What does this really mean? I received a call from someone who wanted to know how many signs they could have and so it calculated out and one sign, if they didn't have that ground mounted sign, they could have the 100 square feet if they met that maximum requirement, plus 20 to get a 120 square foot sign. Then they asked what if I have four signs on one wall and no ground mounted sign, it does say that I can increase each sign per 20 square feet so I could have four signs 25 square feet, increase each one 20 square feet, having 45 square feet and if I had four signs I would end up with 180 square feet. That was not the original intent of these regulations so this is an unintended consequence that multiple wall signs on any one wall ends up with a lot more square footage than what was originally intended.

This text amendment will do several things, it will standardize the wall sign regulations in these three zoning districts to comply with our community vision; it will clarify the language to eliminate those unintended consequences and level the playing field. The new language would read that the maximum sign surface area for wall signs on any building wall would not exceed 5% of the building wall area up to 100 square feet, and in lieu of a ground mounted or monument sign the area of wall signs can be increased to a maximum of 120 square feet. For enforcement purposes and understand and simplicity, this has gone a long way towards that in the purpose of this text amendment.

This is a graphic that might show you the different size of a wall sign at 100 square feet and one that might be 120 square feet. The lettering might be a little large and you could have a little bit more area and still not have that margin of impasse. Staff is recommending approval.

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, 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. 23: HEARING ON PETITION NO. 2013-050 BY CHARLOTTE MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO ADD BREWERIES AS A USE ALLOWED UNDER THE PRESCRIBED CONDITION IN THE MUDD, UMUD, TOD-E AND TOD-M ZONING DISTRICTS AND IN THE PED AND TS OVERLAY ZONING DISTRICTS, WITH PRESCRIBED CONDITIONS.

The scheduled public hearing was held on the subject petition.

Bridget Dixon, Planning said to give a little bit of background I was here in March to go over a text amendment for Micro Breweries and for the past few years local, existing and potential businesses have been looking to locate breweries where they could both manufacture and have a tasting room on site. They faced a lot of difficulty in locating in residential and industrial areas. Staff was asked to respond to this issue by drafting a text amendment so back in January we formed a Citizens Advisory Group. What we are currently looking at is the first of the six breweries we have were started in 2009. Local breweries still only make up only 1% of the total market share and at this point staff is aware of at least 9 potential breweries or micro-breweries that are looking to locate in one of these urban districts in the next year or so. During the first text amendment that you approved in March it was established that a brewer was an

establishment that manufacturers beer. This text amendment works to support the community vision by supporting a livable community, providing choices and helping our local businesses grow. The purpose of the text amendment is to respond to this emerging industry that fell into alcoholic beverage manufacturing. When we came to you the first time it was only allowed to manufacture beer where alcoholic beverage production was permitted which was in the I-1 and I-2 districts. We are trying to build upon that first text amendment and allow breweries with an associated use such as a bar, restaurant, nightclub or lounge to get into the urban areas. Otherwise we wouldn't really be looking at putting a manufacturing use in the urban districts without that associated use that would work to serve the community that they are located in. The goal is encourage the reuse of an existing building to create an active street level use and to energize urban areas while promoting new businesses as a local brand.

In summary this text amendment works to permit breweries in districts beyond the industrial areas. The secondary use has to meet all of the conditions for that use based on the location. The secondary use being a nightclub, bar, restaurant or lounge in the proximity to residential. The maximum building size for this use is 15,000 square feet which limits the amount of manufacturing that you could have outside of an industrial area. If the opt to go the adoptive reuse route it has to be in a building that was constructed prior to 1980 and still limits the square footage to 25,000 square feet. The text amendment also allows beer that is produced on site to be distributed to other locations and all of the breweries have to be located on non-residential streets. In summary the difference in this is similar to what we talked about in the TS district earlier. When they are going into these urban districts they have to meet the design standards of the urban district. There are streetscape improvements, clear vision glass, attention to blank walls and other details that you might not expect to find with micro-breweries. We are also encouraging that if they are located on a public street right-of-way or transit corridor that at least 30% of that frontage has an active street opening, again to encourage active uses in these areas and not focus on the manufacturing component.

Councilmember Barnes said Gentlemen, where are you opening up next? You are the only people left so you must be here about this item.

Jason Alexander 824 East 36th Street, said my brother and myself have been working for the greater part of the past two years to open up a small brewery/restaurant in an urban district. We choose an urban district because of what drives what we do beyond our love for the industry and the art that we create through beer. It is the connection to the community that we create, not only by partnering with local service providers but also by providing jobs.

Mr. Barnes said I was asking in gest because you guys are the only four people here who aren't really affiliated with anything else, where you are opening your next facility.

Mr. Alexander said we are hoping to open our first facility in Plaza/Midwood on Central Avenue. Other than that we feel can add value to our community by creating a place in the community that people can use to connect with, not only to partake in our services but use to help promote community awareness through the service we provide through food, through beer, through entertainment, through a location that just overall increases the value and opportunity to live, work and play all in one place, thought something most folks can relate to and if it is not beer, it is food.

Councilmember Kinsey said where in Plaza/Midwood?

Mr. Alexander said we've got two locations that we are interested in and that are interested in giving us a home. The one that is looking the most probably is an older industrial building at 1212 Central Avenue, pretty close to Hawthorne Lane. We are small and we are different from most folks. We don't want to be a large brewery, we want to be a small place that is a family oriented, neighborhood facility so 5,000 square feet is a good fit for us, up to 10,000. We may not be the norm but I think we are a strong offering for the folks to come.

Ms. Kinsey said welcome to Plaza/Midwood.

Motion was made by Councilmember Barnes, 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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MAYOR AND COUNCIL TOPICS

Councilmember Cooksey said a request to staff getting back to that I-1 TS straight up petition. Unless Councilmembers think it is an actually good idea, looking through the TS I notice that it has certain provisions that override uses that are available in the existing I-1 and it also actually does allow residential in spite of an I-1 prohibition so it would probably be helpful if we could get some kind of memo clarifying if we are going to be answering questions of people. I wouldn't want to send people to the Zoning Ordinance just to look at the I-1 and look at that list and say oh, that is what could be done. We need to look at the I-1 and the TS together, something from staff to help that would probably be welcomed. I want to make that request if I could.

Ms. Keplinger said we will be glad to do that.

Councilmember Barnes said I want to make the announcement about the shredding event on June 8th, 9:00 a.m. to 12:00 p.m. at Smokey Bones parking lot at the corner of W. T. Harris Boulevard and North Tryon Street. Folks are welcome to come and shred any sensitive information they want. The paper will be shredded on site. Secondly, a little while back I had a meeting with Walter Fields and Laura Harmon about some land off of John Adams Drive and the issue is how best to plan the use of that land. We are kind of at not a stopping point, but we've slowed down on it because I haven't really asked them to do anything, but could we ask staff to come back with a recommendation on how to proceed. It is a rather large parcel of land and the owners are trying to figure out what to do with it.

Mayor Pro Tem Cannon said if there is no opposition to that we will expect that to come back from Staff.

Councilmember Kinsey said I want to thank Councilmember Autry and Councilmember Pickering for joining me today at the groundbreaking for the Eastway Division Police Station. It is underway. Our new Manager was there and all of the Assistance City Managers, it was a big turnout but it was hot as heck out there. Everybody is excited about this and looking forward to other Police Stations coming along once we get this CIP passed.

Councilmember Pickering said in the same vain I want to thank the neighbors coming out yesterday to a Town Hall in Ms. Fallon's Home District. She organized it and we had a nice turnout of Councilmembers, County Commissioners, City Manager and State Representative, but what really struck all of us I think was the number of neighbors that came out from the University district, Derita, certainly 50 people and I want to thank those folks for coming out. In addition to the Police Station opening today I thought it was important to make note of a piece of history here in Charlotte that I think we should really be proud of. You may have seen it this week is actually the 50th anniversary of desegregation here in Charlotte. I went over to Johnson C. Smith University today and they were having a re-enactment of a march from 50 years ago. In 1963 this country was going through some really turbulent times as we all know, certainly in the south, but this City chose to go a different way because this City was fortunate enough to have some leaders who chose to work and do everything they could to avoid any kind of violence. The Mayor at that time was Stan Brookshire and he chose to ask white business leaders to take ..

Mayor Pro Tem Cannon said to take two at a time with African Americans they decided to pare up with and go into different restaurants during sit-ins etc.

Ms. Pickering said I think that is important to know for this city. I think that is unique to this city and I think that goes to the character of this city and I think that shows a progressive city and while things aren't perfect and we know that I think when we have issues it is nice for us to look

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back and say we came together at a very difficult time we can come together. That is who we are, we are about bringing people together in Charlotte.

Councilmember Mayfield said I want to congratulate St. Luke's Missionary Baptist Church. Yesterday they celebrated their 63rd anniversary and the third pastoral anniversary of Pastor Clifford so thank you for all that you have done for the church and the community and also want to thank Bishop George E. Battle, III for being the speaker yesterday and bringing a strong message that ties into what Ms. Pickering was talking about regarding our history and where we should be looking to go with our future.

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ADJOURN

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously, to adjourn the meeting at 8:07 p.m.



Ashleigh M. Price, Acting Deputy City Clerk

Length of Meeting: 2 Hours, 47 Minutes
Minutes Completed; August 16, 2013.