

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, July 15th at 5:15 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, Andy Dulin, Claire Fallon, David Howard, LaWana Mayfield, James Mitchell and Beth Pickering.

**Absent Until Noted:** Mayor Patsy Kinsey

**Review of Agenda**

**Tammie Keplinger, Planning** reviewed the Agenda with Council and informed them of any items that has been deferred.

**Debra Campbell, Planning Director** gave a report on the Area Plan status and Text Amendment update.

The dinner briefing was recessed at 6:00 p.m. to move to the Council Chamber for the regularly scheduled Zoning Meeting.

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The Council reconvened at 6:09 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Cannon presiding. Councilmembers present were John Autry, Warren Cooksey, Andy Dulin, Claire Fallon, David Howard, LaWana Mayfield, James Mitchell and Beth Pickering.

**INVOCATION AND PLEDGE**

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

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Mayor Pro Tem Cannon explained the Zoning Meeting process and recognized the Chair of the Zoning Committee, Tracy Dodson, who introduced the Zoning Committee, which will meet on Wednesday, July 24<sup>th</sup> at 4:30 in the Government Center to discuss and make recommendations on the petitions that we hear this evening.

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**DEFERRALS**

Item No. 2, Public Hearing to consider Historic Landmark designation on Tuckaseegee Ford and Trail; Item No. 4, Petition No. 2013-040; Item No. 7, Petition No. 2013-051; Item No. 10, Petition No. 2013-052; Item No. 12, Petition No. 2013-055; Item No. 18, Petition No. 2013-026 and Item No. 19, Petition No. 2013-061 is deferred until September and Item No. 5, Petition No. 2013-047 is deferred for one week.

Motion was made by Councilmember Howard, seconded by Councilmember Barnes, and carried unanimously, to approve the deferral of the above items.
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Councilmember Mitchell said I know we have some residents here for Brookline Residential and we have deferred that until the July 22<sup>nd</sup> meeting. I would like to thank Russell and Anthony Fox for allowing us an additional one week to make sure we get support from the neighborhood on this rezoning. For those residents who are watching, this will be voted on July 22<sup>nd</sup>.

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**ZONING MEETING**

**ITEM NO. 1: PUBLIC HEARING TO CONSIDER HISTORIC LANDMARK DESIGNATION OF THE PROPERTY KNOWN AS THE “LONG CREEK MILL RUIN” LOCATED AT 8508 AND 8604 BEATTIES FORD ROAD, CHARLOTTE, NORTH CAROLINA, AS AN HISTORIC LANDMARK.**

**Stewart Gray, Mecklenburg Historic Landmarks Commission** said the public hearing concerns the Long Creek Mill Ruin which is both a historic site and a potential archeological site. The long Creek Mill Ruin is the site of a water powered mill that dates back to the colonial era. It was significant in the history of Charlotte in that that was the object of the British when they left Charlotte and ran into the battle of the Hornets Nest along Beatties Ford Road. The mill stayed in operation in different buildings, but a mill operated there until around 1918 when it was destroyed by a flood. It was once the commercial and social center of the Long Creek Community and it has been well preserved in terms of an archeological site. We have stone work; we have the ruins; we have a 1,000 foot mill race that are still extent and the property is owned by Mecklenburg County and maybe the future site of a greenway in which case the mill ruin would logically benefit the greenway experience. Currently the property pays no property tax so designation would not involve any deferred taxes.

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

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

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**ITEM NO. 3: ORDINANCE NO. 5160-Z TO AMEND THE OFFICIAL ZONING MAY OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10 ACRES LOCATED ON THE EAST SIDE OF BROOKSHIRE BOULEVARD NEAR THE INTERSECTION OF CALDWELL WILLIAMS ROAD AND BROOKSHIRE BOULEVARD FROM R-4(LWPA) TO I-1(LWPA).**

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, and carried unanimously, to approve the statement of Consistency and Petition No. 2013-034 by William C. Birmingham for the above zoning change as recommended by the Zoning Committee.

The ordinance is recorded in full in Ordinance Book 58, at Page 352-353.

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**ITEM NO. 6: ORDINANCE NO. 5161-Z TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 22.15 ACRES LOCATED ON THE EAST AND WEST SIDE OF LANCASTER HIGHWAY AND AT THE INTERSECTION OF LANCASTER HIGHWAY AND JOHNSTON ROAD FROM R-17MF(CD) AND NS TO O-1(CD).**

Motion was made by Councilmember Cooksey, seconded by Councilmember Barnes, and carried unanimously to approve the Statement of Consistency and Petition No. 2013-048 by Elevation Church for the above zoning change, as modified, and as recommended by the Zoning Committee.

The modifications are:

1. Amended Note 14 to state “prior to approval by the City Council on Rezoning Petition 2013-048, the petitioner and the owner of the property covered by rezoning Petition 2000-02c will file an administrative amendment for Petition No. 2000-02c that will reduce the number of residential units currently approved to an amount that falls within

- the allowed density. If Rezoning Petition 2013-048 is approved by the City Council, the reduction in the number of allowed units on Rezoning Petition 2000-02c will be binding and may not be added back to Petition 2000-02c through the administrative amendment process. If Rezoning Petition 2013-048 is not approved by the City Council, the administrative amendment will automatically be null and void, and of no effect.”
2. Relabeled the area designated for trash as “solid waste and recycling area.”
  3. Added a note that a low masonry wall and landscaping will be provided to screen parking as shown on the site plan.
  4. Provided a minimum five-foot sidewalk on the eastern side of the main interior driveway that runs perpendicular to the proposed public street.
  5. Illustrated a five-foot internal sidewalk connection to the proposed six-foot public sidewalk along US Highway 521.
  6. Modified the zoning buffer references to indicate a 75-foot Class B buffer.
  7. Addressed C-DOT comments as follows:
    - a. Eliminated the proposed eastbound through-right lane on Lancaster Highway, at the intersection of Johnston Road (US 521) and Lancaster Highway, and let it remain as a through-lane only. Extended the existing right-turn lane on US Highway 521 to provide a total storage of 525 feet.
    - b. Added a note that commits to the installation of pedestrian signals, and high visibility cross-walks on the western approach of the subject intersection.
    - c. Per discussion with C-DOT, petitioner agrees to provide one of the following two roadway improvement options:
      - (I) Extend the northbound left-turn lane storage on Lancaster Highway at Providence Road West from 150 to 225 feet with a 150-foot bay taper plus;
      - (II) Re-mark the existing marked out pavement on Ardrey Kell Road at US Highway 521 to a second westbound left-turn lane with 160 feet of storage and;
      - (III) Provide a 200-foot taper; or
    - d. Petitioner agrees to share the cost estimates with C-DOT for both options “6a) and “6f” above prior to submitting construction plans, in order to identify the costs associated with each option. Provided that the cost to Petitioner to construct the improvements set forth in option “6b” is equivalent to the cost to construct the improvements set forth in option “6a”, Petitioner will construct the improvements set forth in option “6b.” nothing herein shall be construed as requiring Petitioner to provide both options.
  8. Pedestrian and vehicular connections throughout the Site will be provided in a manner generally shown on the Site Plan.
  9. Internal sidewalks shall connect the entrances of the building to the sidewalk along the street.
  10. Petitioner will offer for dedication additional right-of-way along Lancaster Highway to include a minimum 8-foot planting strip and 6-foot sidewalk, generally as depicted on the Site Plan.
  11. Petitioner will provide a sidewalk easement to allow for a 6-foot sidewalk along US Highway 521 as generally shown on the Site Plan.
  12. Petitioner is requesting the abandonment of a portion of Lancaster Highway as shown on the Site Plan.

The ordinance is recorded in full in Ordinance Book 58, at Page 354-355.

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**ITEM NO. 8: ORDINANCE NO. 5162-Z FOR AN MX-2 SITE PLAN AMENDMENT FOR APPROXIMATELY 4.47 ACRES GENERALLY LOCATED ALONG MOUNT CLARE LANE, PARK SOUTH STATION BOULEVARD, AND AT THE INTERSECTION OF PARK ROYAL AVENUE AND ARCHDALE DRIVE.**

Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-054 by Mark Swartz for the subject site plan amendment, as modified, and as recommended by the Zoning Committee.

The modification is:

1. Provided design criteria consistent with the 2012 site plan amendment regarding garage placement for single family detached homes.

The ordinance is recorded in full in Ordinance Book 58, at Page 356-357.

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**ITEM NO. 9: ORDINANCE NO. 5163-Z FOR AN O-1(CD) SITE PLAN AMENDMENT, FOR APPROXIMATELY 6.82 ACRES LOCATED ON THE EAST SIDE OF MCALPINE PARK DRIVE NEAR THE INTERSECTION OF MCALPINE STATION DRIVE AND MCALPINE PARK DRIVE AND TO THE WEST OF MONROE ROAD.**

Motion was made by Councilmember Dulin, seconded by Councilmember Cannon, and carried unanimously, to approve the Statement of Consistency and Petition No. 2013-062 by 8601 McAlpines, LLC for the subject site plan amendment, as modified, and as recommended by the Zoning Committee.

The modifications are:

1. Note 3(A) and 3(B) have been modified to read that lighting fixtures will be downwardly directed.
2. Note 3(B) has been removed from the site plan.
3. Note 3(E) under design standards has been modified to read that large expanses of uninterrupted walls will not exceed 25 feet in length.
4. Note 1 has been modified to specify all permitted uses on the site as listed under the site data table.
5. Transportation comments have been addressed.

The ordinance is recorded in full in Ordinance Book 58, at Page 358-359.

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**HEARINGS**

**ITEM NO. 11: HEARING ON PETITION NO. 2013-053 BY BRIAN A. CRUTCHFIELD FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.94 ACRES LOCATED ON THE EAST SIDE OF SHARON ROAD AT THE INTERSECTION OF EASTBURN ROAD AND SHARON ROAD FROM R-3 TO NS.**

The scheduled public hearing was held on the subject petition.

A protest petition has been filed, however sufficiency has not been determined at this time.

**Tammie Keplinger, Planning** said this property is south of SouthPark Mall on Sharon Road, Sharon Towers located in this area. There is a utility water tank on this site right across from Eastburn. The future land use map calls for residential with utilities for the subject property and the property behind it and then institutional for the area where Sharon Towers is located. There is an existing building on the site. It was built in 1971 and the property is zoned R-3 and in 1971 you could have large day-care centers in an R-3 zoning district. This building has been occupied  
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over the years but has not been occupied with a day-care in the past year so it has lost its grandfathering clause, so a day-care currently cannot go back into this site, only R-3 uses can. That brings us to why we are here tonight. The proposed rezoning would allow a new day-care to operate in this center. The rezoning requested is NS which is a Neighborhood Services District. If you look at the site plan the existing building will remain; a small addition to the rear; the facility drive-through will move from the front of the building to the rear of the building with a child drop-off area to the rear. Parking will be moved to the north between the facility and the Presbyterian Church. The expansion is 1,900 square feet. There is a maximum building height of 26 feet. One thing I would like to point out is the right-of-way dedication along the frontage of Sharon Road, this site is at an area where we have two curves back to back on Sharon Road and this right-of-way will help us in the future to correct that situation.

Building elevation of the proposed building; if this site is rezoned they will have façade improvements to the building as you can see is indicated here. The request is inconsistent with the South District Plan because the South District Plan recommends utility uses for this site based on the adjacent C-MUD property. The area plans as we know typically do not tell us locations for institutional uses. The reason that staff is supporting this request is because it allows for the re-use and improvement of an existing vacant building and site. It provides right-of-way for the future construction and improvements to Sharon Road and the outstanding issues are mostly technical in nature.

**John Carmichael, 101 North Tryon Street** said I am here on behalf of the petitioner, Brian Crutchfield and with me tonight are Mr. Crutchfield and his wife, Debbie. If this zoning petition is approved Mr. & Mrs. Crutchfield will own and operate the child care center that is proposed for the site. Also with us tonight is Mr. Fauchier who is one of the current property owners of the site. This is a .94 acre site located on the east side of Sharon Road, immediately south of Sharon Presbyterian Church Road. A child care center previously operated on the site from 1973 to 2001. I'm advised of that Mr. Fauchier so that is about 38 years. About a year or so that use was discontinued and that caused the site to lose its legal non-conforming status, therefore in order to reestablish a child care center on the site it must be rezoned from R-3 to a district that allows large child care center. The Neighborhood Services District does allow large child care centers hence Mr. Crutchfield is asking that the site be rezoned to the Neighborhood Services District. That district also allows some of the things he is going to do with respect to the dedication of right-of-way, but I'll get to that shortly.

Under the rezoning plan the use of the site is limited to a child care center that could accommodate a maximum of 125 children. That would be the only use allowed on the site if it is rezoned. The site is also limited to the reuse of existing 5,100 square foot building and the existing parking areas and playground facilities. It also allows for an addition to the building of approximately 1,900 square feet, such that the total size of the building if the petition is approved would be a maximum of 7,000 square feet. The site plan calls for an entrance only drive way here and an exit only drive-way north of the site next to Sharon Presbyterian Church. You would enter the site circulate around the building, parents would drop the children off here, then continue out of the facility. There is also 29 parking spaces on the side of the site.

Elevations have been submitted and are part of the rezoning request. If the petition is approved it would require the renovation of the front façade of the building as it faces Sharon Road. We think this is a significant aesthetic approval for this building and then the building addition would be located here and it would have to look substantially similar to the rendering that you have before you. This northern drive-way has been relocated from its existing location. It has been relocated to the northern edge of the site and this was done to improve sight distance as you exit the site. We feel this is certainly an operational improvement over the facility that operated previously. Ms. Keplinger talked about the dedication of the right-of-way. Mr. Crutchfield worked very diligently with C-DOT and we met with C-MUD as well because they own the property to the rear of the site. We discussed many scenarios to accommodate a future realignment of Sharon Road to try to straighten out this curve. In fact Mr. Crutchfield took a deferral to give us time to work through that process. The end result is that Mr. Crutchfield, if the rezoning petition is approved, would dedicate this portion of the site as right-of-way to the City of Charlotte. He would also install a 6-foot sidewalk and an 8-foot planting strip along the frontage of the site and it is located on the site in a position that contemplates the future

realignment of Sharon Road. C-DOT has looked at this and they have determined that the trip generation under the existing zoning is about 404 trips per day and under the proposed rezoning it is 560 trips per day. We understand that there are concerns about traffic and the curve and we will not minimize that whatsoever, but what we are trying to do is reestablish a use that was there for 38 years. Once again we think the site has been improved aesthetically and operationally and when I say operationally I mean because of the way the drive-ways are located and the circulation through the site. The parking, as you can see, has been moved from the front of the building as it currently exists today and is now to the side and to the rear. This will function as a green area until such time as the road, if ever, is realigned and when it is realigned you will have a building fronting the street rather than a parking lot. We did talk to C-DOT about crash data for this segment of Sharon Road and certainly Mr. Davis is here and will be able to answer any questions you may have. According to the information we have received there have been 15 curve influenced crashes during the 5-year interval. That is about 2.86 crashes per year. One crash is too many of course, but I point that out just to say that according to C-DOT this stretch of road is not on their high accident list. So while there are concerns about the curve, according to C-DOT's information it is not on their high accident list and I can break down the types of accidents that have occurred; 11 were people that run off the road; but once again we think this is a dramatic improvement of the site in terms of aesthetically, operationally. We've worked hard to set up to allow a future realignment of the road and Mr. & Mrs. Crutchfield are hopeful that they can reestablish the child care center on the site and serve the community just as the site has done for about 38 years.

**George Caudle, 3421 Sunnybrook Drive** said we've had the great pleasure of meeting with Mr. Carmichael and also Mr. Crutchfield and Mr. Dulin. We've had some meetings with our Neighborhood Association which is directly across from the entrance if you see there the road Eastburn. That is Fair Meadows Subdivision. We are not in opposition per se mind you of a daycare center. The problem that exist, that road has been very tricky. As you just mentioned there have been 5 accidents there in the past few years. A few years back there was one that was a deadly accident where the person hit the telephone pole. If the road can get straightened out it may be okay, but I spoke to C-DOT a few years ago about straightening out the road, putting some type of flashing light there, etc. I was told no way, it is not on the agenda, it won't be done. Then the daycare center that had been there; it was on again/off again, it was gone – closed. Then Mr. Crutchfield comes and I had the pleasure of meeting with him and we discussed it and I mentioned it to him that we need to give up some land on either side perhaps to get the road straightened out. Unless that happens you are going stand the great tragedy of possibly having a child or person hurt coming onto that road because Sharon Road gets very busy. In the mornings you can't get back out to go left if you are coming out of our development to go toward town. In the afternoons it is even worse to come back and get out to go right as those persons coming out of the daycare center would be doing. It is going to be cumbersome and it is going to be perhaps tragic unless the road can first get straightened out. As Mr. Carmichael mentioned, C-DOT right now don't have it on their plans to do anything about it. There is another young lady here who lives there right at the corner of Sharon Road and Rutherford.

**Susan Harris, 5422 Sharon Road** said I live on the corner of Sharon Road and Rutherford Drive which is just south of the proposed new daycare facility and my concern really is with traffic. We all know that traffic in Charlotte is bad anywhere, but Sharon Road here is two-lanes in both directions without a turn lane and the traffic, when it is congested, obviously slows to a crawl, but most of the time is moving very fast. The road is narrow and when cars zip around those corners they don't always stay in their lanes so adding more traffic here might not be a really good idea. What did they say, 560 cars per day is a lot of traffic for that road which is already between 7:00 and 8:00 backs up way back from there. The traffic is a real concern and it could be some deadly consequences so that is what we are worried about.

Mr. Caudle said if I am not mistaken the City has been thinking about opening up Police Stations at various spots throughout the City. Seen as how the City owns the land right behind that area and they own the road that is right beside it as well, that might be a great location for a police station. Please take this into consideration because I would hate to see another accident similar to what they had on South 49 a couple of years ago when the lady prayed for a traffic light there and it never happened.

Mayor Pro Tem Cannon said the current zoning generates 404 trips per day and is proposed to generate 560 trips per day if this is approved.

In rebuttal Mr. Carmichael said obviously, the Crutchfield's certainly don't want to see any accidents and that really goes without saying, but one thing that is unique about childcare centers, and I recently was involved in one that was approved on Ballantyne Commons Parkway and at the quest of C-DOT we really looked at the distribution of trips during the course of the day. A childcare Center is not like a school. It doesn't start at one time and it doesn't end at one time. It is distributed throughout the course of the day. I'm not going to sit here and tell you it is not heaviest at rush hour because you know it certainly is, but we can provide the information that we provided C-DOT about 6 months ago when we did analysis and it does show that there is a distribution over several hours so it doesn't all hit at once. The impact on the road is not quite the same as a school or some other facility that opens at the same time and closes at the same time. The petitioner has worked hard with C-DOT and the City to try to accommodate a future realignment and this zoning helps too because it doesn't have a large setback. The building can be closer to the road. We feel like this site plan accomplishes a lot of things and it also allows the child care center to be reestablished. We are appreciative of the fact that the Planning staff supports this and the outstanding site plan issues will not be a problem; they will be addressed sooner than Friday of this week. We are happy to answer any questions you may have.

Councilmember Howard said Tammie, I want to go back to your presentation. I think you said that this property was a day care for how many years before it lost its grandfathering?

Ms. Keplinger said the property was built in 1971 and from they just said the day care ceased to exist in 2011.

Mr. Howard said was it a day care from the beginning when it was built?

Ms. Keplinger said I believe so.

Mr. Howard said so it operated as a day care until a year and a half ago.

Ms. Keplinger said sometime in 2011.

Mr. Howard said is there any reason why it was non-conforming for so long? Was this permitted at some point and then we made it illegal at some point?

Ms. Keplinger said in 1971 it probably was permitted by the Zoning Ordinance in an R-3 District and then when we transferred to the new Zoning Ordinance in 1992 it became non-conforming.

Mr. Howard said it was designed to be a day care, it was opened as a day care and it is set up right now to be a day care?

Ms. Keplinger said correct.

Councilmember Dulin said it is me that dances when I come see you folks. You are a well-organized neighborhood and I appreciate you coming down and letting us know. This is a pretty good plan; its got some work to be done still but I'm pleased with C-DOT. I am very interested in making sure we can straighten out Sharon Road a little bit. I drove through there today and it just wierds me out to have to drive through there and I do it two or three times a day all my life, like you all do when you live there. Mr. Carmichael is really good at what he does and he is an honorable guy so keep working with him and his clients. I'll come to the meetings, all you have to do is call me and you know how to get to me. We've got two months to work on this because we won't vote on it until September and I think it is a pretty good plan, but we can make it better. It gets made better by your involvement and I really appreciate it. If you had 30 seconds do you have anything you wanted to add?

Mr. Caudle said one of the problems that I see is when I spoke to C-DOT just last week, they told me the idea is good, but they said it is not on their radar to do anything about it at this time. Mr. Dulin said that is something I can work with C-DOT on and Council can work with C-DOT because there is a clear need to do two things – straighten that out and slow folks down some. I do have one question. It is right only out of the exit as the drop-off traffic comes through, it is right out only.

Mr. Carmichael said we are willing to make that commitment.

Mr. Dulin said I think it has to be. That would be a big safety boost for your customers too, Mr. Crutchfield.

Mr. Carmichael said we are happy to do that.

Mayor Pro Tem Cannon said traveling that road for decades; it is dangerous; it is very dangerous and I remember way back in the day, I won't say how many years ago, but you actually have people drag racing on that dangerous part of our roads and I will tell you it is very dangerous and we ought to seek any calming devices that we can. I hear the right out and I think that is good, but that road really, really needs to be reconfigured. It is very bad and anybody that travels it will tell you that. If you travel that road right now you are very close to other cars so don't stick your arm out the window. It is really dangerous so all that can be done, Mr. Dulin I'm with you, I think the rest of the Council is, but that road is problematic and it scares me to think what could happen over there and what hasn't happened, thank goodness, over the years repeatedly in the way of fatalities.

Motion was made by Councilmember Dulin, seconded by Councilmember Autry, 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. 13: HEARING ON PETITION NO. 2013-056 BY BATANDPIC PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.21 ACRES LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH CHURCH STREET AND LINCOLN STREET FROM TOD-MO TO I-1(TS).**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning** said Tryon Street is located in the bottom corner of the map that is on the overhead; Carson Boulevard to the north. The property is at Lincoln Street and South Church Street. If you recall last month on June 17<sup>th</sup> you approved a rezoning for the adjacent site from TOD-MO to I-1(TS). I guess this is the sister case to that rezoning. In 2008 all of the property was rezoned to TOD-MO. At that time they had a development planned for transited supported retail, office and residential uses, but that plan never developed. The request now is to go to I-1(TS). The I-1(TS), as we talked about a couple months ago, having the TS Overlay is something a little bit different. It allows a transition for areas that are close to our transit station, but have not seen any transition in the recent past. This is done by allowing additional uses but allowing design standards so in your agenda there is a list of uses that are allowed in the I-1 District that are also permitted in the TS and then there is a list of uses that are excluded from the TS Overlay. This is a conventional request. There is no site plan associated with it. It is consistent with the South End Transit Station Area Plan and staff is recommending approval.

**Brooks Whitesides, 301 Queens Road, Apt. 208** said I'm Brooks Whiteside of Whiteside Industrial Properties and I represent a local retired business man Cal Kardous and his son Paul Kardous of Batandpick Partners, LLC. As you know this is the sister case as Tammie said to the 1327 South Mint and 309 Lincoln Street rezoning from TOD-MO to I-1(TS). The TOD-MO was the zoning of all three parcels which only allowed for an office building that was never built in 2007. We would like all three parcels to have the same I-1(TS) and just to give you an update on



the 1327 South Mint and 309 Lincoln Street rezoning, since last month we have signed Micro Brewery for 22,500 square feet at 1327 South Mint and an antique store at 309 Lincoln Street which occupies about 10,000 square feet. Thanks to you guys we've got 32,500 square feet of occupied property that was previously vacant for 4 or 5 years so hopefully that will bring some good character and life to the neighborhood.

We hope you think this is the right move for the last parcel that was part of the conditional plan for a proposed office building and look forward to working with you. I'll be happy to answer any questions that you may have.

Motion was made by Councilmember Mayfield, 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. 14: HEARING ON PETITION NO. 2013-057 BY O'LEARY GROUP WASTE SYSTEMS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.59 ACRES LOCATED ON THE NORTH SIDE OF ODUM AVENUE BETWEEN CENTRE STREET AND IDAHO DRIVE FROM I-1 TO I-2.**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning** said just to orient everyone the property is located on Odum Avenue just to the southwest of Brookshire Freeway and Idaho Drive. The future land use, as you can see, for this area is brown which indicates industrial and there is some mixed use across the street. There is a railroad track that is immediately across Odum Avenue from this site. This site is actually proposing rezoning from I-1 to I-2. It is a conventional request for 1.59 acres. In 2012 Council rezoned the adjacent property surrounding this site to I-2(CD). The purpose of that was for a resource recovery center. That site plan actually prohibited many of the heavy industrial uses that could be allowed in the I-2 District. The request before you tonight is a little bit different. It is 1.59 acres and because of the size of the parcel the street classification along Odum Avenue and because of the proximity to residential most of the heavy industrial uses in the I-2 district will not be permitted on this site. That is why staff is comfortable with the I-2 zoning. The request is consistent with the Central District Plan and I'll be happy to answer any questions.

**Keith MacVean, 100 North Tryon Street** said I am with Moore and Van Allen and with me tonight is Brian O'Leary with O'Leary Group Waste Systems. I want to thank the staff for their assistance with this rezoning petition. As Tammie mentioned this is a conventional rezoning from I-1 to I-2 and this fits in nicely with the other property that was previous rezoned to I-2. We need to rezone it to I-2 so it can be used in conjunction with that prior rezoning.

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

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

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**ITEM NO. 15: HEARING ON PETITION NO. 2013-058 BY CENTRAL PIEDMONT COMMUNITY COLLEGE FOR A CHANGE IN ZONING FOR APPROXIMATELY 13.57 ACRES LOCATED ON THE SOUTH SIDE OF MORRIS FIELD DRIVE BETWEEN CPCC HARRIS CAMPUS DRIVE AND CAPITOL DRIVE FROM R-5 TO INST(CD), 5 YEAR VESTED RIGHTS.**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning** said to orient everyone, this is Billy Graham Parkway with Morris Field Drive. The site in the purple is CPCC's current site on Morris Field Drive. You have a residential neighborhood off Capitol Drive. The proposed area for rezoning is shown in yellow with hatching. You can see on the future land use map that this area is shown in the future land use as residential. In terms of this request, it is an INST(CD) request and you can see that the site plan shows the possible access points, some to the existing CPCC Campus and some to Morris Field Drive. There will not be vehicular access to Capitol Drive and in fact there will be a 50-foot Class C buffer along Capitol Drive to protect the single family residential properties which are across the street. To the south there will be a 75-foot Class B buffer. The site plan proposes 170,000 square feet of building size. That would be the maximum. The building styles and materials are to be similar to those that are of the existing campus next door and in addition one thing they are doing along Capital Drive is providing a sidewalk and a planting strip even though there will be no vehicular access to that street.

This request is inconsistent with the Central District Plan recommendation for single family land use, but the area plan typically do not tell us where institutional districts should locate and they let us look at those individually. The proposed institutional use is compatible with the adjacent development. The buffers, the limited access points help protect the adjacent single family residential neighborhoods and the outstanding issues are all technical and we feel those will be resolved prior to going to the Zoning committee so staff is recommending approval upon resolution of those issues.

**Susan Todd, 10165 East Morehead Street** said Rich Rosenthal is here with me on behalf of CPCC and this is our petition. This is simply property that became available for purchase and CPCC is good stewards of funds in the community is looking at this property as possible future expansion. Thanks to Councilmember Mayfield for attending our Community meeting and thank you to staff as well as we work through the remaining issues and try to reach resolution on those.

Mayor Pro Tem Cannon said the meeting with the area residents, how did that go?

Councilmember Mayfield said I was pleasantly surprised, it was standing room only and all of the residents were in support of this rezoning request and was really excited with the additional; we are adding a sidewalk for access to Capitol Drive. Everyone was in support of the rezoning for the school and would love to see it grow.

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

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**ITEM NO. 16: HEARING ON PETITION NO. 2013-059 BY CLACHAN PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.0 ACRES LOCATED ON THE NORTH SIDE OF THE SEABOARD COAST LINE RAILROAD BETWEEN LOUISE AVENUE AND HAWTHORNE LANE FROM I-2 TO MUDD-O.**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning** said this is Central Avenue; this is the Salvation Army Store and you have Louise Avenue and the site is located here. It is actually located abutting residential properties in the Belmont Neighborhood. This site is a historic landmark, I believe part of the building is. The proposed request from I-2 to MUDD-O will allow the reuse of the Hawthorne Mill. It would allow 150 multifamily units and 10,000 square feet of professional or business offices. As you can see from the aerial there is a small office building located here and that is the office building that is to remain. Portions of the building will be demolished that don't have any historical significance. This is one area and there some areas around what will be the future court yard. In terms of the site plan this is the existing building which forms sort of a U around

the common open space. There will be a 34-foot Class C buffer which will be reduced to 25.5 feet. The proposed zoning line actually splits the property. The property owner is not sure what is going to happen with the remaining portion of the property so that will come back at a later date. There is an optional request to allow parking at the rate of .5 spaces per each residential unit. Ms. Keplinger pointed out areas where parking would be allowed. Staff is recommending approval upon the resolution of the outstanding issues. It is consistent with the Belmont Area Revitalization Plan which recommends mixed use. It is a historic landmark and it allows the reuse of the existing mill and most of the outstanding issues are technical.

**Walter Fields, 1919 South Boulevard** said I am representing Clachan Properties, LLC. Mr. Herb Coleman of Clachan is here if there are questions that you might have that I am unable to answer. This will be a fairly short presentation; I have put before you down on the floor a rendering of how we think the Hawthorne Mill or Louise Mill if you prefer will look once it has gone through this renovation process. That building has been standing there; all or portions of it since 1897. Many of the windows have been bricked in and it went through the same sort of cycle of use that a lot of our textile heritage buildings have gone through, but we've seen a resurrection of these buildings recently and this is another one in that list. As Tammie said this would be for residential development of 150 multifamily units. It is a great example of restoration and reuse. Clachan is also submitting an application for both state and federal designation as a historic property and that is not just for window dressing, it is a critical component of the development plan itself because there are tax implications for a landmark designation. We believe we've got strong community support here. Our community meeting had 5 or 6 people. We had already met with the Belmont Community Board and gotten their endorsement. Vicky Jones was going to be here tonight but she ended up having another meeting right at 7:00 and I told her not to come. We are also intrigued by the fact that it appears that now the streetcar conversations in this area might actually involve streetcar installation along a portion of Hawthorne Lane so we are sort of in a building that has been there well over 100 years and it looks like now there may be some access to the streetcar.

There are some site plan issues and I think some of these are fairly minor. We are trying to understand the implications of some of them and I believe we will be meeting with Tammie and her staff later on in the week. We are very confident that we can resolve those issues and hope to be back to you with this petition for your consideration in September.

Councilmember Howard said I'm always excited when I see the possibility of saving one of our old buildings so kudos to you guys for trying to do that.

Councilmember Cooksey said I want to make sure I understood the presentation correctly; so the building at 111 Hawthorne Lane is not part of this proposal?

Mr. Fields said if you are talking about the building down on the corner, that property is not involved in this rezoning. At some point in the future, if those properties can be assembled then we would be back with you with the remainder of site for development.

Motion was made by Councilmember Cooksey, 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. 17: HEARING ON PETITION NO. 2013-060 BY LANDNET, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.56 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF SOUTH TRYON STREET AND STEELECROFT PARKWAY FROM R-3 TO NS.**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning** said this property is located on South Tryon Street just at Steele Creek Road. The hospital is located in the area that is purple; the fire station is actually blue for institutional and our site is shown in this area. The future land use does call for it to redevelop as a mixed use residential, retail or office. Currently on the site we have two single family homes and you can see the hospital across the street. In terms of this proposal, the request is for 30,000 square feet of non-residential or commercial uses with a minimum of 10,000 square feet of office or for a maximum of 25,000 square feet of retail with no office component so there are two options in terms of development. All of the uses in the NS District would be allowed. Two of the three uses as you see on the site plan could have drive-thru facilities. The building facades will be 50% brick; brick veneer; stone; simulated stone or cementitious board. There are three buildings and the parking surrounds all of the buildings.

The petition is consistent with the land use that is associated with the Steele Creek Area Plan, however modifications need to be made to the site plan to address the community design guidelines that are established in that plan. The plan recommends pedestrian amenities; a safe pedestrian access; interconnectivity and what the site plan actually shows at this point is three pads that are not interconnected and would be vehicular oriented. As you can see as I pointed out the location of the parking, parking surrounds all of these buildings and is actually in between the buildings so we don't have that feeling of a sense of place. Staff has provided the petitioner with these outstanding issues and we will continue to work with them; however at this point we feel that we cannot support the petition as it is currently proposed.

**Walter Fields, 1919 South Tryon Street** said I'm representing LandNet; Kimberly Young is my client and she is here to answer any questions that I might not be able to answer. Tammie, if you could put the aerial photo back up or perhaps the land use map would be better. This is literally the last piece of residentially zoned property that is part of this large complex at the intersection of Highway 49 and Highway 160. I recall years and years ago; probably more accurate to say decades and decades, we were able as member of the Planning Staff back in the dark ages to work with all of the property owners on these four corners and created the first comprehensive small area plan for the four quadrants of this intersection back before there were small area plans. What you see today is actually the continuation of that philosophy up to the present day and every plan that has been done since then has included identifying the 160/49 intersection as the focal point for retail and services in this portion of the community. You see that in the Southwest District Plan and the revision of the Southwest District Plan; you see it in the Steele Creek Small Area Plan which I worked on along with many of the community members. This area is actually a success story of how a lot of long-term planning 30 years ago has created the focal point for this development that you see today. What we have now is the last piece. It is the last tooth in the smile that is not there and I'm not entirely sure how you fold that in, but that is part of what we are working through with the Planning staff right now. I wish we had 11 acres or 15 acres or 30 acres like some of the much larger developments out in this area because then you really have something to work with in terms of all of the amenities and all of the design criteria that Tammie was talking about in the small area plan. I've gone through the small area plan; I worked on that small area plan and there is nothing in that small area plan that says you can't have uses that have drive-thru windows, but it says if you do you have to design to create a pedestrian environment that takes that into account. We thought we had done that; we got this staff analysis on Thursday and we see now that there are some additional things that we need to be working on and we've asked for a meeting with the staff to be able to do that.

A small site by its very nature ends us being used for smaller uses. We really don't think it is appropriate to try to put more than three uses on this site. It is right across from the hospital. There is a bus stop on the front of the property and we've been asked by CATS to create a bus stop shelter pad location there and we think that makes perfectly good sense because that is not only an amenity for the community, it is an amenity for this site as well. At the Steele Creek Community meeting we have spoken to the neighborhood association two or three times, dating back almost a year on this project and they have asked us a lot of the same questions but I think are generally supportive. We had one gentlemen show up at our community meeting and he was supportive. So where we are now is with a site plan that we've put a lot of time and energy into but we are going to have to put some more time and energy into it in working with the staff in the next week or so before the site plan deadline. One thing that is important to think about with this petition; because it is the last piece of the puzzle, it is also the last piece that makes a

contribution towards transportation improvements. Many will recall that when the hospital went through its rezoning, and it has been through a couple out there, there were some transportation improvements that the hospital will make when other things happen. Some of those other things happened with this petition. It involves taken the intersection of Steelescrot and converting that from a left over type intersection to a fully signalized intersection which will serve this part of the community, and if you look at the map that Tammie has up on the screen, Steelescrot is actually a part of a circular road that serves all four quadrants of this intersection so those transportation improvements which are triggered by this petition and installed in cooperation with improvements that the hospital will make are a critical part of making that loop road connection in this entire four quadrant portion of the community. As I said, we got these comments from Tammie on Thursday; we've gone through them; we've had a team meeting and tried to analyze what we think they mean. I've gone back to the small area plan again and hopefully we will be sitting down with staff in the next day or so and literally going point by point through what we have on the plan and what they see in the Steele Creek Plan and let us see how we can match those things up. I'm confident we can come to a resolution and unless there are any questions from you that is all the comments I had. I'll be happy to answer any questions about this or the process that we've been through.

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, 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. 20: HEARING ON PETITION NO. 2013-063 BY CHARLOTTE-MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO ADD SPECIAL SIGN REGULATIONS FOR DETACHED BUSINESS IDENTIFICATION SIGNS IMPACTED BY A GOVERNMENT SPONSORED TRANSPORTATION PROJECT.**

The scheduled public hearing was held on the subject petition.

**Sandra Montgomery, Planning** said during the Blue Line Extension Project staff became aware of some unintended consequences that the project was having on existing business detached signs located along that line so the purpose of this text amendment is to create some special regulations for any type of government sponsored transportation project. We are talking about three different types of detached business signs in this text amendment. We have the ground mounted signs, monument signs and pole signs which are all considered to be detached signs. This text amendment does provide several options; there are several different parts to this text amendment for business impacted by these projects we hope that it creates some flexible opportunities for affected properties and provides property owners that have conditionally approved plans the ability to move their signs; relocate them or convert them to another type of detached sign without incurring the cost of a rezoning for a site plan amendment.

The first part of this text amendment is businesses can request the relocation of a business identification sign on a conditional site plan if the sign visibility has been impacted due to the transportation project or the relocation is required by the project. The review would be by the Planning Director and approval also. The new location would not need to be updated on an approved site plan. This is an example of a situation where a pole sign before is located on the business property; the impact is that the property has now been acquired by the transportation project and the sign needs to be moved. That can be approved through Planning Director approval.

The next option that a business has, they can request the conversion of a ground mounted or monument sign to a pole sign if the visibility to the adjacent lane of travel is impacted. This may be allowed even if pole signs are not allowed in that zoning district, again subject to approval by the Planning Director.

Councilmember Barnes said with respect to that previous slide regarding the first bullet point are the height restrictions still applicable to that scenario?

Ms. Montgomery said if the pole signs are not permitted, what would be reviewed by the Planning Director are the conditions you would look for would be the minimal height necessary to make that sign visible so it wouldn't be necessarily a full very tall pole sign, it would be just that needed to make the sign visible to the adjacent lane of travel.

Mr. Barnes said meaning the traffic that would be going north or south, depending upon the side of the street?

Ms. Montgomery said correct.

Mr. Barnes said if you've got the bridges along that alignment which there will be a few bridges, the pole might have to be very tall.

Ms. Montgomery said all the different conditions and the context would be looked at by the Planning Director to minimize the impact and make this close to the original location if it is on a conditional site plan, minimize the size to approximately what was approved on the site plan so all of those factors will be looked at in the approval.

**Mayor Kinsey arrived at 7:14 p.m.**

Mr. Barnes said obviously you guys understand this proposed regulation better than I do. What I'm hoping to guard against in a situation where because of a bridge structure being built, there is one in District 1 for example near NoDa, and you might need an 80-foot or 60-foot sign or whatever to provide for that. I'm just saying that you all should make sure that it doesn't get out of hand.

Ms. Montgomery said common sense certainly will be looked at I'm sure in the review.

Mr. Barnes said common sense in government?

Ms. Montgomery said yes, definitely; Planning Director absolutely.

Mr. Barnes said with you guys yes, but not in government necessarily.

Ms. Montgomery said this is an illustration showing the conversion of a ground mounted sign to a pole sign. In this situation the impact is the street elevation has been lowered with some retaining walls making that monument sign not visible and requiring the need for a pole sign request.

The third part of this text amendment is that a business can request modification to the height of the sign if it is impacted by the transportation project if the sign's visibility is impacted. It may be allowed even if the height is greater than allowed in the conditional site plan and only if the sign can't be relocated to another location to allow visibility to that adjacent lane of travel. Here is an example of that where the right-of-way has been elevated so the pole sign is showing that it is a little higher so the business can request this also.

The application and approval process is the application will be submitted to the Planning Department. Considerations that the Planning Director will have in reviewing and approving would be the need for the relocation, actual loss of visibility. If there are some relocated utility lines impacting the project, what were the original purpose and intent of restrictions on a conditional site plan, etc.

Councilmember Cooksey said I'm reading the application and approval process, if an approval is denied what, if any, appeal process would there be?

Ms. Montgomery said the appeal process would be the normal appeal process in the Zoning Ordinance.

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Mr. Cooksey said does it have to go to court or would it go to a hearing of the Zoning Committee first?

Ms. Montgomery said it would go locally first.

Motion was made by Councilmember Howard, 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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## MAYOR AND COUNCIL TOPICS

Councilmember Barnes said I have an announcement that on Thursday, July 18<sup>th</sup> at 10:00 a.m. please join me and the Mayor and my colleagues for the ground breaking and ribbon cutting of the Blue Line Extension. It will be taking place near the 9<sup>th</sup> Street Trolley Station. Also on the evening of July 18<sup>th</sup> at 6:30 at IKEA up in Bellgate we will be having another meeting regarding the Blue Line Project only. A lot of people have asked questions about when the construction will begin and what to expect when the roads will be blocked, etc. We will have our professional staff there from CATS to discuss that so feel free to come to that at 6:30, July 18<sup>th</sup> at IKEA.

Mayor Kinsey said I want to make a comment; this last week we had some flooding and I want to thank our Fire Department; our Emergency Management; Police Department; Corporate Communications; CATS; Storm Water – City and County and multiple City Departments for taking care of that for us and responding appropriately. I was out of town that day and by the time I got home I think the creeks receded, thank Heavens, but I really appreciate the work they do day in and day out and I wanted to acknowledge that tonight.

Mayor Pro Tem Cannon said last night hundreds gathered in Marshall Park for a rally in the wake of the jury's decision in the Travon Martin case. While some rallies in some other cities across the country became pretty violent in some situations, we are proud right here in the City of Charlotte that the rally was a very peaceful one. Those Charlotteans who participated in the rally emphasized non-violent demonstrations and of course on behalf of the Mayor and Council and all representatives with the City we certainly want to thank you all for that. We really appreciate it in the wake of what took place. We all want our community to be a place of course where everyone can express their views openly and feely as well as peacefully and those Charlotteans who participated in last night's rally indeed helped our community uphold those standards. Again thank you for letting your voice be heard and letting it be heard in a way that is acceptable throughout all of Charlotte.

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## CLOSED SESSION

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield and carried unanimously, to go into closed session pursuant to NC General Statute 143-318-11(a) (3) to consult with an attorney employed by the City in order to preserve the attorney client privilege and to consider and give instructions to our Attorney concerning the handling of a claim or a judicial action.

The meeting was adjourned at 7:22 p.m. to go into closed session.

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Stephanie C. Kelly, City Clerk

Length of Meeting: 2 Hours, 7 Minutes  
Minutes Completed: September 24, 2013

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