

City of Charlotte

*Charlotte-Mecklenburg Government Center
600 East 4th Street
Charlotte, NC 28202*



Zoning Minutes

Monday, July 17, 2017

5:30 PM

Council Chambers

City Council Zoning Meeting

*- Mayor Jennifer W. Roberts -
- Mayor Pro-Tem Vi Lyles -
- Dimple Ajmera -
Ed Driggs - Julie Eiselt
Claire Fallon - Patsy Kinsey
LaWana Mayfield - James Mitchell
Greg Phipps - Kenny Smith*

3:30 P.M. SPECIAL MEETING, CH-14**CALL TO ORDER**

This City Council of the City of Charlotte, North Carolina convened for a Special Meeting on Monday, July 17, 2017 at 3:38 p.m. in CH-14 of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding.

ROLL CALL

Present: 10 - Mayor Jennifer Roberts, Council Member Dimple Ajmera, Council Member Ed Driggs, Council Member Julie Eiselt, Council Member Claire Fallon, Council Member Patsy Kinsey, Council Member Vi Lyles, Council Member LaWana Mayfield, Council Member Greg Phipps, and Council Member Kenny Smith

Absent: 1 - Council Member James Mitchell

CLOSED SESSION

A motion was made by Council Member Driggs and seconded by Council Member Eiselt to Go into Closed Session pursuant to GS 143-318.11 (a) (3) to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling or settlement of: - City of Charlotte v. RI Charlotte Property, LP - 13 CVS 10769; - BMP v. Neighboring Concepts and City of Charlotte v. Western Surety - 16 CVS 7648; - Matthew Formanek v. City of Charlotte - 14 CVS 2306; - Crystal Eschert v. City of Charlotte - 3:16-CV-295; and, Timothy Scott Bridges v City of Charlotte et al. - 3:16-CV-564. The motion carried unanimously.

RECESS

The meeting recessed at 3:39 p.m. to go into closed session in CH-14. The meeting recessed at 5:09 p.m. to begin the regularly scheduled Dinner Briefing.

5:00 P.M. DINNER MEETING, CH-14**CALL TO ORDER**

This City Council of the City of Charlotte, North Carolina reconvened for a Dinner Briefing on Monday, July 17, 2017 at 5:22 p.m. in CH-14 of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding.

ROLL CALL

Present: 10 - Mayor Jennifer Roberts, Council Member Dimple Ajmera, Council Member Ed Driggs, Council Member Julie Eiselt, Council Member Claire Fallon, Council Member Patsy Kinsey, Council Member Vi Lyles, Council Member LaWana Mayfield, Council Member Greg Phipps, and Council Member Kenny Smith

Absent: 1 - Council Member James Mitchell

1. [15-6112](#) Meeting Agenda

This item was For Information Only.

2. [15-6111](#) Dinner Meeting Agenda
This item was For Information Only.
3. [15-6113](#) Follow Up Report
This item was For Information Only.

RECESS

The meeting recessed at 5:35 p.m. to move to the Meeting Chamber for the regularly scheduled Zoning Meeting.

5:30 P.M. ZONING MEETING, COUNCIL CHAMBERS

CALL TO ORDER

This City Council of the City of Charlotte, North Carolina reconvened for a Zoning Meeting on Monday, July 17, 2017 at 5:45 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding.

ROLL CALL

Present: 10 - Mayor Jennifer Roberts, Council Member Dimple Ajmera, Council Member Ed Driggs, Council Member Julie Eiselt, Council Member Claire Fallon, Council Member Patsy Kinsey, Council Member Vi Lyles, Council Member LaWana Mayfield, Council Member Greg Phipps, and Council Member Kenny Smith

AUN: 1 - Council Member James Mitchell

INTRODUCTIONS

INVOCATION

Council member Kinsey led the Invocation.

PLEDGE OF ALLEGIANCE

EXPLANATION OF A ZONING MEETING

Mayor Roberts explained the rules and procedures of the Zoning Meeting.

INTRODUCTION OF THE ZONING COMMITTEE

John Fryday, Chairperson of the Zoning Committee, introduced members of the Zoning Committee and said the Committee will meet Tuesday, August 1, 2017 at 5:30 p.m. at the Government Center. At that meeting the Zoning Committee will make recommendations on the Zoning Petitions that have public hearings tonight. The public is welcome to come to the Committee meeting on June 29, 2017, but it is not a continuation of the public hearing being held tonight. Before the meeting the public is welcome to contact the Zoning Committee to provide input on these zoning petitions. Contact information and information on each of the petitions is on the City's website at charlotteplanning.org.

HISTORIC LANDMARK DECISION

4. [15-6000](#) The Red Front Department Store
- A motion was made by Council Member Kinsey and seconded by Council Member Driggs to Approve this Historic Landmark. The motion carried unanimously.

DEFERRALS

5. [15-6007](#) Rezoning Petition: 2017-067 by The Committee to Restore and Preserve Third Ward, Inc.
- A motion was made by Council Member Phipps and seconded by Council Member Ajmera to Defer the decision on this Rezoning Petition to September 18, 2017. The motion carried unanimously.
6. [15-6059](#) Rezoning Petition: 2017-058 by The Keith Corporation
- A motion was made by Council Member Phipps and seconded by Council Member Ajmera to Defer the decision on this Rezoning Petition to September 18, 2017. The motion carried unanimously.
9. [15-5921](#) Rezoning Petition: 2015-093 by 1351 Woodlawn (Melrose), LLC
- A motion was made by Council Member Phipps and seconded by Council Member Ajmera to Defer the decision on this Rezoning Petition to September 18, 2017. The motion carried unanimously.
10. [15-6043](#) Rezoning Petition: 2016-139 by Charter Properties, Inc./Browder Group Real Estate, LLC
- A motion was made by Council Member Phipps and seconded by Council Member Ajmera to Defer the decision on this Rezoning Petition to October 16, 2017. The motion carried unanimously.
- A motion was made and seconded by Council Member Ajmera to schedule this Rezoning Petition for a New Public Hearing on September 18, 2017. The motion carried unanimously.
23. [15-5961](#) Rezoning Petition: 2017-059 by Saturday Night LLC
- A motion was made by Council Member Phipps and seconded by Council Member Ajmera to Defer the hearing on this Rezoning Petition to September 18, 2017. The motion carried unanimously.
27. [15-6061](#) Rezoning Petition: 2017-070 by Saussy Burbank, LLC
- A motion was made by Council Member Phipps and seconded by Council Member Ajmera to Defer the hearing on this Rezoning Petition to September 18, 2017. The motion carried unanimously.
- A motion was made by Council Member Phipps and seconded by Council Member Ajmera to Schedule this Rezoning Petition for a decision at the September 25, 2017 Business meeting. The motion carried unanimously.

ZONING DECISIONS

7. [15-6090](#) Rezoning Petition: 2017-034 by Saussy Burbank, LLC
- A motion was made by Council Member Mayfield and seconded by Council Member Ajmera to Approve this Rezoning Petition. The motion carried unanimously.
- A motion was made by Council Member Mayfield and seconded by Council Member Ajmera to Adopt the Statement of Consistency for this Zoning Decision. The motion carried unanimously.
8. [15-5990](#) Rezoning Petition: 2017-038 by Childress Klein Properties, Inc.
- A motion was made by Council Member Mayfield and seconded by Council Member Smith to Approve this Rezoning Petition. The motion carried unanimously.
- A motion was made by Council Member Mayfield and seconded by Council Member Driggs to Adopt the Statement of Consistency for this Zoning Decision. The motion carried unanimously.
11. [15-5923](#) Rezoning Petition: 2017-053 by Hopper Communities, Inc.
- A motion was made by Council Member Smith and seconded by Council Member Mayfield to Approve this Rezoning Petition. The motion carried unanimously.
- A motion was made by Council Member Smith and seconded by Council Member Ajmera to Adopt the Statement of Consistency for this Zoning Decision. The motion carried unanimously.
12. [15-6057](#) Rezoning Petition: 2017-076 by Laurel Street Residential, LLC
- A motion was made by Council Member Mayfield and seconded by Council Member Driggs Not to Refer this Rezoning Petition back to the Zoning Committee. The motion carried unanimously.
- A motion was made by Council Member Mayfield and seconded by Council Member Kinsey to Approve this Rezoning Petition. The motion carried unanimously.
- A motion was made by Council Member Mayfield and seconded by Council Member Driggs to Adopt the Statement of Consistency for this Zoning Decision. The motion carried unanimously.
13. [15-6001](#) Rezoning Petition: 2017-068 by Hopedale Builders, Inc.
- A motion was made by Council Member Kinsey and seconded by Council Member Driggs to Approve this Rezoning Petition. The motion carried unanimously.
- A motion was made by Council Member Kinsey and seconded by Council Member Driggs to Adopt the Statement of Consistency for this Zoning Decision. The motion carried unanimously.

14. [15-6002](#) Rezoning Petition: 2016-126 by Luxity, LLC

A motion was made by Council Member Mayfield and seconded by Council Member Driggs to Approve this Rezoning Petition. The motion carried by the following vote:

Yea: 8 - Council Member Ajmera, Council Member Driggs, Council Member Eiselt, Council Member Kinsey, Council Member Lyles, Council Member Mayfield, Council Member Phipps, and Council Member Smith

Nay: 1 - Council Member Fallon

A motion was made by Council Member Mayfield and seconded by Council Member Driggs to Adopt the Statement of Consistency for this Zoning Decision. The motion carried unanimously.

15. [15-6003](#) Rezoning Petition: 2017-039 by Beacon Partners

A motion was made by Council Member Mayfield and seconded by Council Member Driggs to Approve this Rezoning Petition. The motion carried unanimously.

A motion was made by Council Member Mayfield and seconded by Council Member Driggs to Adopt the Statement of Consistency for this Zoning Decision. The motion carried unanimously.

16. [15-6005](#) Rezoning Petition: 2017-061 by LBP Berryhill, LLC

A motion was made by Council Member Mayfield and seconded by Council Member Driggs to Approve this Rezoning Petition. The motion carried unanimously. :

A motion was made by Council Member Mayfield and seconded by Council Member Driggs to Adopt the Statement of Consistency for this Zoning Decision. The motion carried unanimously.

17. [15-6006](#) Rezoning Petition: 2017-066 by Craig Calcasola

A motion was made by Council Member Mayfield and seconded by Council Member Ajmera to Approve this Rezoning Petition. The motion carried unanimously.

A motion was made by Council Member Driggs and seconded by Council Member Mayfield to Adopt the Statement of Consistency for this Zoning Decision. The motion carried unanimously.

18. [15-6041](#) Rezoning Petition: 2017-055 by Duke Energy

A motion was made by Council Member Mayfield and seconded by Council Member Ajmera to Approve this Rezoning Petition. The motion carried unanimously.

A motion was made by Council Member Fallon and seconded by Council Member Driggs to Adopt the Statement of Consistency for this Zoning Decision. The motion carried unanimously.

19. [15-6055](#) Rezoning Petition: 2017-073 by The Gold District of Charlotte
- A motion was made by Council Member Mayfield and seconded by Council Member Ajmera to Approve this Rezoning Petition. The motion carried unanimously.
- A motion was made by Council Member Mayfield and seconded by Council Member Driggs to Adopt the Statement of Consistency for this Zoning Decision. The motion carried unanimously.
20. [15-6056](#) Rezoning Petition: 2017-078 by Courtney E. Parker
- A motion was made by Council Member Mayfield and seconded by Council Member Driggs to Approve this Rezoning Petition. The motion carried unanimously.
- A motion was made by Council Member Mayfield and seconded by Council Member Ajmera to Adopt the Statement of Consistency for this Zoning Decision. The motion carried unanimously.
21. [15-6058](#) Rezoning Petition: 2017-082 by Griffbrew Investments, LLC
- A motion was made by Council Member Mayfield and seconded by Council Member Driggs to Approve this Rezoning Petition. The motion carried unanimously.
- A motion was made by Council Member Mayfield and seconded by Council Member Driggs to Adopt the Statement of Consistency for this Zoning Decision. The motion carried unanimously.
22. [15-6060](#) Rezoning Petition: 2017-084 by Cheer Athletics
- A motion was made by Council Member Fallon and seconded by Council Member Driggs to Approve this Rezoning Petition. The motion carried unanimously.
- A motion was made by Council Member Fallon and seconded by Council Member Driggs to Adopt the Statement of Consistency for this Zoning Decision. The motion carried unanimously.

ZONING HEARINGS

ROLL CALL

Council member James Mitchell arrived at 6:35 p.m.

Present: 11 - Mayor Jennifer Roberts, Council Member Dimple Ajmera, Council Member Ed Driggs, Council Member Julie Eiselt, Council Member Claire Fallon, Council Member Patsy Kinsey, Council Member Vi Lyles, Council Member LaWana Mayfield, Council Member James Mitchell, Council Member Greg Phipps, and Council Member Kenny Smith

24. [15-5959](#) Rezoning Petition: 2017-054 by ATCO

The following speaker(s) addressed City Council regarding this petition:

Jeff Brown
Damon Hemmerdinger
Adrienne Martinez
Darryl Gaston

A motion was made by Council Member Mayfield and seconded by Council Member Phipps to Close the Public Hearing this Zoning Hearing. The motion carried unanimously.

25. [15-5962](#) Rezoning Petition: 2017-062 by Doggett Concrete, Inc.

The following speaker(s) addressed City Council regarding this petition:

Walter Fields

A motion was made by Council Member Mitchell and seconded by Council Member Mayfield to Close the Public Hearing. The motion carried unanimously.

26. [15-6104](#) Rezoning Petition: 2017-069 by Heydon Hall II, LLC

The following speaker(s) addressed City Council regarding this petition:

Colin Brown
Jonathan Mullen

A motion was made by Council Member Smith and seconded by Council Member Ajmera to Close the Public Hearing. The motion carried unanimously.

28. [15-6062](#) Rezoning Petition: 2017-072 by SMS Catering Service, Inc.

The following speaker(s) addressed City Council regarding this petition:

Colin Brown

A motion was made by Council Member Ajmera and seconded by Council Member Driggs to Close the Public Hearing. The motion carried unanimously.

29. [15-6102](#) Rezoning Petition: 2017-074 by Fine Plaza, LLC

There being no speakers, either for or against, a motion was made by Council Member Kinsey and seconded by Council Member Driggs to Close the Public Hearing. The motion carried unanimously.

30. [15-6063](#) Rezoning Petition: 2017-077 by TTR Investments, LLC
- The following speaker(s) addressed City Council regarding this petition:
- John Carmichael
- A motion was made by Council Member Mayfield and seconded by Council Member Ajmera to Close the Public Hearing. The motion carried unanimously.
31. [15-6064](#) Rezoning Petition: 2017-080 by Griffith Equities, LLC / E.C. Griffith Company
- The following speaker(s) addressed City Council regarding this petition:
- John Carmichael
- A motion was made by Council Member Mayfield and seconded by Council Member Ajmera to Close the Public Hearing. The motion carried unanimously.
32. [15-6067](#) Rezoning Petition: 2017-081 by Ninety-Eight and Three Quarters Holdings, LLC
- The following speaker(s) addressed City Council regarding this petition:
- Ty Shaffer
- A motion was made by Council Member Kinsey and seconded by Council Member Driggs to Close the Public Hearing. The motion carried unanimously.
33. [15-6069](#) Rezoning Petition: 2017-085 by Mark Eisenbeis-Stolz Partners
- The following speaker(s) addressed City Council regarding this petition:
- Mark Eiserbeis
- A motion was made by Council Member Mayfield and seconded by Council Member Driggs to Close the Public Hearing. The motion carried unanimously.
34. [15-6070](#) Rezoning Petition: 2017-087 by Regions Bank
- The following speaker(s) addressed City Council regarding this petition:
- Keith MacVean
Terry Katon
- A motion was made by Council Member Driggs and seconded by Council Member Kinsey to Close the Public Hearing. The motion carried unanimously.

35. [15-6071](#) Rezoning Petition: 2017-088 by Trevi Partners, LLC
- The following speaker(s) addressed City Council regarding this petition:
- Casey Werner
- A motion was made by Council Member Phipps and seconded by Council Member Smith to Close the Public Hearing. The motion carried unanimously.
36. [15-6072](#) Rezoning Petition: 2017-089 by Laurel Street Residential
- The following speaker(s) addressed City Council regarding this petition:
- Walter Fields
 Wayne Johnson
- A motion was made by Council Member Driggs and seconded by Council Member Kinsey to Close the Public Hearing. The motion carried unanimously.
37. [15-6073](#) Rezoning Petition: 2017-090 by Childress Klein Properties, Inc.
- The following speaker(s) addressed City Council regarding this petition:
- Bridget Grant
- A motion was made by Council Member Driggs and seconded by Council Member Smith to Close the Public Hearing. The motion carried unanimously.
38. [15-6074](#) Rezoning Petition: 2017-091 by Colony at Piper Glen, LLC
- The following speaker(s) addressed City Council regarding this petition:
- Walter Fields
- A motion was made by Council Member Driggs and seconded by Council Member Mitchell to Close the Public Hearing. The motion carried unanimously.
39. [15-6088](#) Rezoning Petition: 2017-092 by Direct Power
- The following speaker(s) addressed City Council regarding this petition:
- Walter Fields
- A motion was made by Council Member Mayfield and seconded by Council Member Smith to Close the Public Hearing. The motion carried unanimously.
40. [15-6075](#) Rezoning Petition: 2017-093 by Carowinds, LLC
- The following speaker(s) addressed City Council regarding this petition:
- James Haden
- A motion was made by Council Member Mitchell and seconded by Council Member Driggs to Close the Public Hearing. The motion carried unanimously.

41. [15-6076](#) Rezoning Petition: 2017-094 by MM&R Investments, LLC

The following speaker(s) addressed City Council regarding this petition:

Ty Shaffer

A motion was made by Council Member Smith and seconded by Council Member Mitchell to Close the Public Hearing. The motion carried unanimously.

MAYOR AND COUNCIL TOPICS

There were no topics raised by the Mayor or City Council.

ADJOURNMENT

The meeting was adjourned at 9:07 p.m.