

COMMUNITY MEETING REPORT  
**Petitioner: Ninety-Eight and Three Quarters Holdings, LLC**  
Rezoning Petition No. 2017-081

This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte-Mecklenburg Planning Commission pursuant to the provisions of the City of Charlotte Zoning Ordinance.

**PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:**

A representative of the Petitioner mailed a written notice of the date, time and location of the Community Meeting to the individuals and organizations set out on Exhibit A-1 attached hereto by depositing such notice in the U.S. mail on May 25, 2017. A copy of the written notice is attached hereto as Exhibit A-2.

**DATE, TIME AND LOCATION OF MEETING:**

The Community Meeting was held on Monday, June 5, 2017 at 6:30 p.m. at CCS Construction Staffing, 3600 North Tryon Street, Charlotte, North Carolina.

**PERSONS IN ATTENDANCE AT MEETING (see attached copy of sign-in sheet):**

The Community Meeting was attended by those individuals identified on the sign-in sheet attached hereto as Exhibit B. The Petitioner's representatives at the Community Meeting were Matt Telmanik (Ninety-Eight and Three Quarters Holdings, LLC), Kevin Ammons and Casey Werner (ColeJenest & Stone), and John Carmichael and Ty Shaffer (Robinson, Bradshaw & Hinson, P.A.).

**SUMMARY OF ISSUES DISCUSSED:**

Mr. Carmichael, in response to a question, explained the process by which the Petitioner provided notice of the Community Meeting. He explained that the City sent the Petitioner a list of neighbors within a 300 foot radius of the Property, which the Petitioner notified. The City usually provides a list of registered neighborhood associations and interested persons who have requested notice of rezonings in a particular area, but the City provided no such list and the Petitioner confirmed with Planning Staff that there were no registrants to contact for this petition. Mr. Carmichael noted that the NODA Neighborhood Association has invited the Petitioner to attend their monthly meeting on June 6, 2017.

Mr. Shaffer opened the official Community Meeting relating to Rezoning Petition No. 2017-081 and introduced the Petitioner's representatives. He explained that the petition requests a rezoning for the rear portion of 3600 N. Tryon Street.

Mr. Shaffer summarized the rezoning schedule (all meetings at the Charlotte-Mecklenburg Government Center):

- **Public Hearing:** Monday, July 17, 2017 at 5:30 PM
- **Zoning Committee Work Session:** Tuesday, August 1, 2017 at 4:30 PM
- **City Council Decision:** Sept. 18, 2017 at 5:30 PM

Mr. Shaffer noted that these dates can be deferred, and that the Petitioner will let the attendees know of any deferral by e-mail to their address provided on the sign-in sheet. He then explained that the Public Hearing is the opportunity for members of the community to speak for or against the Rezoning Petition. Mr. Shaffer noted that the public can visit the Planning Department's webpage to view the site plan and the comments from Planning Staff.

Mr. Shaffer then introduced the property and the request. The entire parcel at 3600 N. Tryon Street stretches from North Tryon Street to Ritch Avenue. He noted that the property has a split zoning: the front portion (fronting North Tryon Street) is zoned B-2 and the rear portion is zoned R-5 (up to 5 single-family detached dwelling units per acre). He explained that the Petitioner is requesting that the rear portion be rezoned to B-2 (CD) to allow for off-street parking for the uses on the front half of the property.

Mr. Shaffer then explained that this is a "conditional" rezoning request, meaning that it includes a site plan that will govern the specific use that is allowed on the site. A request to rezone to B-2 (CD) is not a request to allow the Petitioner to use the property for any and all of the uses permitted in the B-2 zoning district, but the Petitioner would be limited to the specific use and the design set forth on the approved site plan.

An attendee asked if seeking the B-2 zoning now would open up the property to other uses allowed in the B-2 zoning district at a later date. Mr. Shaffer explained that any change in use would require the Petitioner or a subsequent owner to go back through the rezoning process all over again. The attendee asked if an approval of this rezoning petition would make it easier for a subsequent owner to obtain an amendment to the site plan to allow a different use. Mr. Shaffer said that likely would depend on the surrounding uses and considerations of Planning Staff and Council about the appropriateness of the requested changes at that time. Mr. Shaffer also noted that Planning Staff has requested that the Petitioner consider a change in the request to O-1 (CD), which provides for different allowed uses than under B-2. Mr. Werner added that the existing Duke Energy power easement across the rear portion of the property, as a practical matter, limits any potential development on the rear portion of the site, and that the proposed parking lot use is one of the very few options that are compatible with that easement.

Mr. Telmanik of the Petitioner explained that the Petitioner purchased the property in 2015, at which time it was overgrown and occupied by squatters. Since that time, the property has been renovated and is occupied by CCS Construction Staffing, which has 35 employees. Mr. Telmanik noted that the Petitioner thought that the entire property was zoned for a commercial use and thought it could pave the rear portion to provide parking for the business. The Petitioner received a Notice of Violation after installing the parking lot, and is pursuing the rezoning in order to cure that issue. Mr. Telmanik noted that the business operates Monday-Friday, 8:00am-

5:00pm and has no overnight parking. He also noted that the Petitioner intends to fence and gate access to the property, in order to keep the public from using the lot as a pass-through.

Mr. Werner then reviewed the site plan with the attendees. He reviewed the abutting uses and explained the buffers that will be provided along the adjoining property lines because those parcels are zoned for residential use. He noted that the Petitioner will have to add additional plantings and that a 75% opaque fence will be installed on the Petitioner's side of the buffer area. Mr. Werner also noted that the Petitioner is considering a request to gate the site, in order to prevent unauthorized use of the parking area.

Mr. Werner explained that the Petitioner will need to obtain a permit for the parking lot if the Rezoning Petition is approved, and that portions of the lot currently on the site will have to be removed to make the site comply with the buffering requirements in the zoning ordinance. Finally, Mr. Werner noted that the Petitioner is not requesting an increase in the number of parking spaces currently on the site, but rather asks to keep the same number of spaces (24) currently on the site.

The meeting opened for questions. Both attendees noted that a primary concern among neighbors is stopping unauthorized access to the site, and foot traffic across the site from N. Tryon Street to Ritch Avenue. Mr. Telmanik noted that the Petitioner also has had issues with unauthorized access and crime on the site. He noted that fencing the rear buffer areas and adding additional vegetation should help cut down on cut-through foot traffic. Mr. Ammons echoed this thought, and Mr. Werner added that gating the property (with key access for Duke Power to access its easement) also would help to limit foot traffic across the site.

Mr. Telmanik added, in response to further discussions about the proposed use, that the parking area will not be lighted, and that his company's hours of operation are Monday-Friday, 8:00 a.m.-5:00 p.m.

Mr. Carmichael and Mr. Shaffer offered, on behalf of the Petitioner, to answer any addition questions and provided their contact information to the attendees. The meeting adjourned and the Petitioner and its representatives thanked the attendees for their time.

**CHANGES MADE TO THE PETITION AS A RESULT OF THE COMMUNITY MEETING AS OF THE DATE HEREOF:**

No changes have been made to the Conditional Rezoning Plan or to the Rezoning Petition as of the date of this Community Meeting Report solely as a result of the Community Meeting.

Respectfully submitted, this 12<sup>th</sup> day of June, 2017.

**Ninety-Eight and Three Quarters Holdings, LLC, Petitioner**

cc: Mr. Richard Hobbs, Charlotte-Mecklenburg Planning Department (via e-mail)

**EXHIBIT A-1**

Pet_No.	taxpid	ownerlastn	ownerfirst	cownerfirs	cownerlast	mailaddr1	mailaddr2	city	state	zipcode
2017-081	09111408	AGOSTINI	NICOLAS A			3525 RITCH AVE		CHARLOTTE	NC	28206
2017-081	09111419	ALMONTE	ANTHONY L			3609 RITCH AVE		CHARLOTTE	NC	28206
2017-081	09111407	ANDERSON	BRIAN P			3521 RITCH AVE		CHARLOTTE	NC	28206
2017-081	09111307	ANDERSON	MICHELLE L	DAVID	ANDERSON	220 LINVILLE DR		MATTHEWS	NC	28105
2017-081	09111314	ANDERSON	MICHELLE L	DAVID	ANDERSON	220 LINVILLE DR		MATTHEWS	NC	28105
2017-081	09111412	BENINATI	MICHAEL J			3621 RITCH AV		CHARLOTTE	NC	28206
2017-081	09111413	CAROLINA DIESEL SERVICE OF	CHARLOTTE INC			3620 N TRYON ST		CHARLOTTE	NC	28206
2017-081	09111311	CAROLINA MILLER GIRLS LLC				6000 RED CARRIAGE LN		CHARLOTTE	NC	28212
2017-081	09111250	COLE	STEPHANIE L			3604 BENARD AVE		CHARLOTTE	NC	28206
2017-081	09111248	CUSHMAN	CAMILLE P			3612 BENARD AVE		CHARLOTTE	NC	28206
2017-081	09111410	DIGGS	ANDREW A			3605 RITCH AVE		CHARLOTTE	NC	28206
2017-081	09111406	DUKE	JOSEPH P	CHRISTINE M	DUKE	819 SUNNYSIDE AVE		CHARLOTTE	NC	28204
2017-081	09111313	DUTHIE	MEGHAN			3610 RITCH AVE		CHARLOTTE	NC	28206
2017-081	09111414	HARRINGTON	MARIA C			3618 N TRYON ST		CHARLOTTE	NC	28206
2017-081	09111415	HARRINGTON	MARIA C			3608 N TRYON ST		CHARLOTTE	NC	28206
2017-081	09111308	HEBERT	ROWENA			3536 RITCH AVENUE		CHARLOTTE	NC	28206
2017-081	08503104	HISTORIC ROSEDALE	FOUNDATION INC THE			3427 NORTH TRYON ST		CHARLOTTE	NC	28206
2017-081	09111404	KINNEY	RYAN LEE			2758 LAKE SHORE RD S		DENVER	NC	28037
2017-081	09111304	LCZ HOLDINGS LLC				8608 CARLYNN DR		BETHESDA	MD	20817
2017-081	09111245	MCBROOM	PAUL L	SHARON	PATE	2929 FOREST PARK AV		CHARLOTTE	NC	28209
2017-081	09111214	MCCORD LANDHOLDERS LLC				PO BOX 669185		CHARLOTTE	NC	28266
2017-081	09111417	MESELE	ZEBENE	SARA	MESELE	10510 STALLIONS GLEN LN		CHARLOTTE	NC	28277
2017-081	09111418	MESELE	ZEBENE	SARA D	MESELE	10510 STALLIONS GLEN LN		CHARLOTTE	NC	28277
2017-081	09111405	MURRAY	KIMBERLY R			3515 RITCH AVE		CHARLOTTE	NC	28206
2017-081	09111403	NANTZ	RHONDA E			3503 RITCH AVE		CHARLOTTE	NC	28206
2017-081	09111409	NINETY-EIGHT AND THREE QUARTERS HOLDINGS LLC				PO BOX 242024		CHARLOTTE	NC	28224
2017-081	09111310	POE	WENDY STOUT			3512 RITCH AVE		CHARLOTTE	NC	28206
2017-081	09111244	POWERS	DONALD W	JOAN B	POWERS	3700 BENARD AVE		CHARLOTTE	NC	28206
2017-081	09111303	PRIDE	JAMES A SR			3507 BENARD AVE		CHARLOTTE	NC	28206
2017-081	09111305	RAY	THOMAS JR	AMY L	FARRIS	3525 BENARD AVE		CHARLOTTE	NC	28206
2017-081	09111498	RMT & ASSOCIATES				2240 E INDEPENDENCE BLVD		CHARLOTTE	NC	28205
2017-081	09111416	SEARLES	EDISON	ANITA L	SEARLES	217 NEAL DR		CHARLOTTE	NC	28213
2017-081	09111217	SECHLER	WILLIAM EARL			3600 BENARD AVE		CHARLOTTE	NC	28206
2017-081	09111309	SINGTHO	PHOUR	KATHY	SINGTHO	3516 RITCH AVE		CHARLOTTE	NC	28216
2017-081	09111249	SOLOFF	TAYLOR S	JESSE M	SOLOFF	518 CLARICE AVE UNIT 102		CHARLOTTE	NC	28204
2017-081	09111411	SORJEN BUILDERS INC				10025 EILBREN LN		MATTHEWS	NC	28105
2017-081	09111401	TSOULOS	DIMITRIOS E	VIVIA D	TSOULOS	844 BURNLEY RD		CHARLOTTE	NC	28210
2017-081	09111246	WADDEN	PATRICK	ERIN	FINGER	3620 BENARD AVE		CHARLOTTE	NC	28206
2017-081	09111247	WEISNER	MATTHEW	JENNIFER	WEISNER	3616 BERNARD AVE		CHARLOTTE	NC	28206
2017-081	09111312	WELT	KRISTIN A			3605 BENARD AVE		CHARLOTTE	NC	28206
2017-081		JOHN CARMICHAEL AND TY SHAFFER (ROBINSON BRADSHAW)				101 N. TRYON STREET, SUITE 1900		CHARLOTTE	NC	28246

**EXHIBIT A-2**

**NOTICE TO INTERESTED PARTIES  
OF COMMUNITY MEETING**

**Subject:** Community Meeting—**Rezoning Petition No. 2017-081** filed by Ninety-Eight and Three Quarters Holdings, LLC to request the rezoning of an approximately 0.38 acre site located between North Tryon Street and Ritch Avenue and east of Guy E. Suddreth Avenue

**Date and Time of Meeting:** Monday, June 5, 2017 at 6:30 p.m.

**Place of Meeting:** CCS Construction Staffing  
3600 North Tryon Street  
Charlotte, North Carolina 28206

We are assisting Ninety-Eight and Three Quarters Holdings, LLC (the “Petitioner”) in connection with a Rezoning Petition it has filed with the Charlotte-Mecklenburg Planning Department requesting the rezoning of an approximately 0.38 acre site located between North Tryon Street and Ritch Avenue and east of Guy E. Suddreth Avenue. The site is the rear portion of Tax Parcel No. 091-114-09 located at 3600 North Tryon Street, and the Petitioner is requesting that it be rezoned from the R-5 zoning district to the B-2 (CD) zoning district. The purpose of this rezoning request is to accommodate off-street vehicular parking to serve the uses allowed on the front portion of the parcel that is zoned B-2 and fronts on North Tryon Street.

The Petitioner will hold a Community Meeting prior to the Public Hearing on this Rezoning Petition for the purpose of discussing this rezoning proposal with nearby property owners and organizations. The Charlotte-Mecklenburg Planning Department’s records indicate that you are either a representative of a registered neighborhood organization or an owner of property that adjoins, is located across the street from, or is near the site.

**Accordingly, on behalf of the Petitioner, we give you notice that representatives of the Petitioner will hold a Community Meeting regarding this Rezoning Petition on Monday, June 5, 2017 at 6:30 p.m. at CCS Construction Staffing, 3600 N. Tryon Street in Charlotte.** Representatives of the Petitioner look forward to sharing this rezoning proposal with you and to answering your questions.

In the meantime, should you have any questions or comments, please call John Carmichael at (704) 377-8341 or Ty Shaffer at (704) 377-8142.

Robinson, Bradshaw & Hinson, P.A.

cc: Ms. Patsy Kinsey, Charlotte City Council District 1 (via email)  
Ms. Tammie Keplinger, Charlotte-Mecklenburg Planning Department (via email)  
Ms. Sonja S. Sanders, Charlotte-Mecklenburg Planning Department (via email)  
Mr. Richard Hobbs, Charlotte-Mecklenburg Planning Department (via email)

Date Mailed: May 25, 2017

**EXHIBIT B**



Ninety-Eight and Three Quarters Holdings, LLC (Rezoning Petition No. 2017-081)  
Community Meeting Sign-in-Sheet

CCS Construction Staffing, 3600 North Tryon Street, Charlotte, NC 28206

Monday, June 5, 2017  
6:30 P.M.

	<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>E-MAIL ADDRESS</u>
1.	Alecia Corte	3524 Benard Ave	248-939-3880	alecia.corte@gmail.com
2.	Meghan Duthie	3610 Ritch Avenue	203-536-1420	mduth7ek@gmail.com
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