

COMMUNITY MEETING REPORT
Petitioner: The Duke Endowment
Rezoning Petition No. 2012-044

Filed
5/4/12
✓ 12:45 pm

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 April 11, 2012. 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, April 23, 2012 at 7:00 PM in the Fellowship Hall at Covenant Presbyterian Church located at 1000 East Morehead Street, Charlotte, North Carolina.

PERSONS IN ATTENDANCE AT MEETING (see attached copies of sign-in sheets):

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 Arthur Morehead of The Duke Endowment, John Gaulden and Kelly Schlenker of Gensler Architects and John Carmichael of Robinson Bradshaw & Hinson, P.A.

SUMMARY OF ISSUES DISCUSSED:

John Carmichael opened the Community Meeting by introducing himself and the Petitioner's representatives.

John Carmichael stated that this is the Community Meeting relating to Rezoning Petition No. 2012-044. The site subject to this Rezoning Petition is an approximately 1.76 acre site located on East Morehead Street between Myrtle Avenue and Oriole Avenue. The site is currently zoned B-1, and The Duke Endowment is seeking to rezone the site to the MUDD-Optional zoning district.

John Carmichael stated that prior to John Gaulden reviewing the rezoning plan and discussing the rezoning request in detail, he would provide the schedule of events relating to this rezoning request. John Carmichael stated that the Public Hearing before the Charlotte City Council and the Zoning Committee will be held on Monday, May 14, 2012 at 4:00 p.m. at the Charlotte-Mecklenburg Government Center. The Zoning Committee Work Session will be held on Wednesday, May 30, 2012 at 4:30 p.m. at the Charlotte-Mecklenburg Government Center, and City Council is scheduled to make a decision on this rezoning request on Monday, June 18, 2012 at 6:00 p.m. at the Charlotte-Mecklenburg Government Center.

Arthur Morehead of The Duke Endowment then addressed the Community Meeting and provided information on the history of The Duke Endowment and its mission and purpose.

Arthur Morehead stated that The Duke Endowment was founded by James Duke, the founder of Duke Energy, in 1924, and it is a private fund that makes funding grants to non-profit entities in North Carolina and South Carolina. The Duke Endowment has four areas of concentration, which are at-risk children, healthcare, rural Methodist churches and higher education. With respect to higher education, The Duke Endowment provides grants to four universities and colleges. They are J.C. Smith University, Davidson College, Duke University and Furman University. Arthur Morehead stated that if anyone wants more information on The Duke Endowment, it is available on The Duke Endowment's website at www.dukeendowment.org.

Arthur Morehead stated that The Duke Endowment's offices are currently located in the Bank of America Corporate Center, and The Duke Endowment has 37 employees, soon to be 38. The typical workday at the office is 9:00 a.m. to 5:00 p.m.

With respect to the new office building for The Duke Endowment proposed under this rezoning request, Arthur Morehead stated that the first floor of the building would be devoted primarily to meeting space, and the second and third floors would be devoted primarily to staff offices. Arthur Morehead stated that the building could accommodate up to 50 offices.

Arthur Morehead stated that The Duke Endowment has been happy with its uptown office space, however, there are three items driving the relocation of The Duke Endowment's offices. These items are security, parking and meeting space. In the design of the proposed new building, there is abundant meeting space.

Arthur Morehead stated that The Duke Endowment is looking forward to being in the Dilworth neighborhood, and that there is a lot of history in the neighborhood and with The Duke Endowment. Arthur Morehead stated that The Duke Endowment wants to be a good neighbor and an active participant in the community.

John Gaulden of Gensler Architects then addressed the meeting. In doing so, John Gaulden utilized the powerpoint presentation attached hereto as Exhibit C. An individual at the meeting stated that the Charlotte City Council had recently adopted a small area plan for the Morehead Street corridor that anticipates a zoning district for the site that is similar to what is being proposed under this Rezoning Petition. John Gaulden stated that the recently adopted Midtown Morehead Cherry Area Plan contemplates a pedestrian overlay district being applied to the site and the Morehead Street corridor. John Gaulden stated that this area plan anticipates this type of pedestrian-friendly development.

John Gaulden showed an aerial photograph of the site that depicts the existing conditions. John Gaulden then described the existing site conditions.

John Gaulden then shared the site plan associated with this rezoning request. He stated that his firm has been working for over six months with The Duke Endowment on the site plan and the design of the proposed building. John Gaulden stated that The Duke Endowment is not a typical organization, as it plans to be in existence for perpetuity.

John Gaulden described in detail the features of the site plan, and he stated that the proposed building along Myrtle Avenue would be The Duke Endowment's new headquarters. This building would be three stories in height with a one story component along Morehead Street. A

green roof would be located on top of the one story portion of the building. John Gaulden pointed out and described the driveway in front of the building and the passenger drop off area. This passenger drop off area would be used by guests visiting The Duke Endowment's offices. John Gaulden stated that visitors would be coming to The Duke Endowment's offices from all over North Carolina and South Carolina, and it would be convenient for them to be able to be dropped off in some instances in front of the building. There would not be permanent parking for vehicles in the drop off zone.

John Gaulden pointed out and described the underground parking deck. John Gaulden stated that the underground parking deck would contain two levels of parking, and that there would not be surface parking on the site. John Gaulden stated that the site drops twelve feet from Myrtle Avenue to Oriole Avenue, and the underground parking deck takes advantage of that change in elevation. A usable open space area would be installed on top of the parking deck.

John Gaulden pointed out on the site plan proposed Building B located at the corner of Morehead Street and Oriole Avenue. John Gaulden advised that there are no current plans to build Building B. Building B is proposed for some unknown date in the future if additional space is ever required by The Duke Endowment. Until such time that Building B is ever developed, this portion of the site would be green space.

With respect to the elevations of the building proposed to be located along Myrtle Avenue, John Gaulden shared and discussed the slides that depict each elevation of this building. John Gaulden stated that the building would be clad in limestone and that the building would utilize classical materials. A standing seam metal roof screen would be located on top of the building that would screen the mechanical equipment. The building would look as if it had been on the site for years. The height of the building would be 49 feet to the parapet and 64 feet to the top of the standing seam metal roof screen.

With respect to the Morehead Street elevation, John Gaulden described the arcade for the entryway into the building and the one-story portion of the building. John Gaulden stated that the one-story portion of the building would be a conference center and it would have a green roof. John Gaulden also stated that a water feature would be incorporated into the site.

Regarding the rear elevation of the building, John Gaulden stated that the building abuts single-family and multi-family residential uses to the rear of the site. He stated that the narrowest portion of the building was placed along the rear property line to minimize the impact of the building on the property owners to the rear of the site.

John Gaulden stated that this building would have a true north/south orientation to minimize solar impact. John Gaulden stated that The Duke Endowment would be pursuing a LEED certification for the building.

John Gaulden stated that the building may possibly be shifted to the north a little towards Myrtle Avenue to be sensitive to the single-family homes located to the rear of the site. In the event that this occurs, the rezoning plan would be updated to reflect the shift of the building to the north.

An individual asked what would be the height of the wall located near the rear property line of the site, and John Gaulden stated that the property slopes from Myrtle Avenue to Oriole Avenue,

and that the wall would be eight feet in height at its tallest point. John Gaulden stated that the wall is currently planned to be clad in bluestone. The wall would be set off from the rear property line by at least ten feet. John Gaulden stated that landscaping would be located between the wall and the rear property line.

The Community Meeting was then devoted to a question, answer and comment session. Set out below is a summary of the responses to the questions and the comments that were received at the meeting.

- In response to a question, John Gaulden stated that the parking deck would accommodate the parking required for both proposed buildings.
- An individual stated that if there is no current need for Building B, why get it approved at this time? John Gaulden stated that it makes sense from The Duke Endowment's perspective to rezone the site for both buildings in the event that Building B is needed in the future. A scenario for Building B is that The Duke Endowment's investment arm is located in Building B in the future. Arthur Morehead stated that the Trustees of The Duke Endowment are looking at a 100 year time horizon, and they are protecting The Duke Endowment's investment in the site for the future.
- In response to a question, John Gaulden stated that because this is a conditional rezoning, if the rezoning request is approved, the site may only be used for office purposes as provided on the conditional rezoning plan. The site cannot be sold to a third party for a different use absent another rezoning of the site.
- In response to a question, John Carmichael stated that under the conditional rezoning plan, the maximum size of Building A would be 47,500 square feet of floor area, and the maximum size of Building B would be 37,000 square feet of floor area.
- In response to a question, John Gaulden stated that a traffic signal would not be installed at the intersection of Myrtle Avenue and Morehead Street in connection with this project. John Gaulden described the driveway into the site as a two-way driveway. He stated that CDOT would have the ability to require the driveway to be converted to a one-way driveway if CDOT determines that it is necessary from a traffic-safety standpoint.
- John Gaulden then described the roll-out garbage option that would be utilized by The Duke Endowment.
- In response to a question, John Gaulden stated that the height of the building to the parapet is 49 feet, and it is 64 feet to the top of the standing seam metal roof.
- Individuals expressed a concern about the building height.
- In response to a question, John Gaulden stated that the driveway located in front of the building would be a two-way driveway that could be entered and exited from either end. John Gaulden stated that he anticipates vehicles entering the driveway from Myrtle

Avenue and then taking a right hand turn onto Morehead Street and then a right hand turn onto Oriole Avenue to enter the parking deck.

- An individual stated that the lighting on the site is currently like a football stadium and asked what the lighting would be like on the site. John Gaulden stated that this will be a sustainable building and that the site will not be lit up like a football stadium. John Carmichael stated that the maximum height of any free-standing lighting fixture on the site under the conditional rezoning plan is twenty feet. The conditional rezoning plan requires that all lights be capped and fully shielded as well.
- An individual stated that she was concerned about the amount of traffic on Oriole Avenue that would be generated by this proposed development. John Gaulden stated that only 37 people are currently employed at The Duke Endowment.
- An individual asked if the building would be rented out for social or other functions. John Gaulden stated that the intention today is that periodically The Duke Endowment would bring in experts in one of their four areas of concentration to make presentations. The conference facilities would be utilized for this purpose. However, these types of activities would not be a daily or weekly occurrence. They would only occur periodically.
- A question was asked about the accessibility of the neighborhood to the green space. John Gaulden stated that there would be stairs from Morehead Street into the site leading to the green space above the parking deck. John Gaulden also stated that The Duke Endowment would like to animate the wall next to the site of Building B. Additionally, there will be an entry point into the green area above the parking deck from the rear of the site.
- In response to a question, John Gaulden stated that the parking deck would not be open to vehicular traffic at all hours. There would be a gate that would be lowered to prevent vehicles from entering the parking deck during certain hours of the day. John Gaulden also stated that the open space on top of the parking deck would be monitored as well.
- In response to a question, John Gaulden confirmed that the building would have a catering kitchen in the one-story portion of the building, and there would be a service elevator from the parking deck to the catering kitchen. Arthur Morehead stated that unlike The Foundation for the Carolinas that solicits funds, The Duke Endowment does not solicit funds. Arthur Morehead said that renting space to other non-profits is less than ideal from The Duke Endowment's perspective. That being said, if Duke University wanted to host an event in the building, then The Duke Endowment would certainly consider it. Nevertheless, The Duke Endowment does not anticipate weddings and special events being held in the building.
- An individual asked what the height of Building B would be if it is constructed. This individual expressed the concern that the height of Building B would set a precedent for the Art's Barbecue site. John Gaulden stated that Building B could be no taller than Building A.

- An individual asked what is the height of the Elliott Davis Building located down the street. John Gaulden stated that it is 66 feet at the top of the building as he understands it.
- An individual asked about the height of the buildings in Dilworth Crescent and the height of the adjacent townhome building. John Gaulden stated he was not sure of the height of these structures.
- An individual stated that one reason why the neighborhood is pushing the PED district is that it limits the height of buildings next to single-family residential. Dilworth Crescent is a multi-family project.
- In response to a question, John Gaulden discussed the philosophical reasons for the architectural style of the proposed building. John Gaulden also mentioned that his firm designed the Johnston Allison & Hord Building located on Morehead Street.
- An individual asked if this building would look like the funeral home located on Morehead Street, and John Gaulden stated that it would not look like the funeral home.
- An individual asked how the neighbors were notified about the prior meetings held regarding this rezoning request. John Carmichael stated that The Duke Endowment has held two previous meetings with abutting property owners regarding this project. John Carmichael stated that the owners of the immediately abutting properties were notified for the prior meetings because they would be the most impacted by the proposed project.
- In response to questions and concerns about storm water, John Gaulden stated that storm water run-off from the site would have to be detained.
- A general discussion took place about the opening up of Lexington Avenue and storm water improvements within the area.
- In response to another comment or question regarding storm water, John Gaulden stated that there would be less impervious area on the site under this plan than currently exists on the site. The proposed development creates a better storm water run-off situation than the existing conditions.
- In response to a question about height, John Gaulden confirmed that the proposed height of the building does not comply with the requirements of the PED overlay zoning district.
- In response to a question regarding the Planning Staff's position with respect to this Rezoning Petition, John Carmichael stated that the Planning Staff is comfortable and supportive of the office uses proposed under this rezoning request, but that there are four outstanding site plan issues from the Planning Staff's perspective. One of the outstanding site plan issues is the height of the building, as the Planning Staff has requested that the height of the building be reduced to comply with the HIRD height requirements. The Planning Staff is not supportive of the currently proposed height of the building.

- In response to a question as to whether or not a protest petition has been filed regarding this rezoning request, John Carmichael stated that to his knowledge, a protest petition has not been filed, but he has not checked with the City Clerk's office.
- In response to a question as to whether or not a neighbor could see the proposed building from her house, John Gaulden stated that he did not know the answer to that question.
- In response to a question as to whether or not the building would be taller than the Elliott Davis Building, John Gaulden stated that the proposed building would be slightly lower in height than the Elliott Davis Building.
- In response to a question, John Gaulden stated that at this time, there are 130 parking spaces planned to be in the parking deck.
- In response to a question about the amount of parking that is required for the site under the zoning ordinance, John Carmichael stated that the required parking in the MUDD zoning district and in the PED overlay zoning district is 1 parking space per 600 square feet of floor area.
- In response to a question regarding whether there would be conference rooms in addition to the meeting rooms located in the one-story portion of the building, John Gaulden stated that yes, there would be additional conference rooms. There would be a board room and other conference rooms.
- In response to a question, John Gaulden estimated that the maximum occupancy of the building would be between 150 to 160 people as the building is currently designed.
- In response to a question regarding the location of the proposed water feature, John Gaulden stated that rivers run northeast to southeast and the design idea is to introduce water at the top of the plaza and have it cascade down the site and over the wall located near proposed Building B. The water would be self-contained and would be recirculated.
- In response to a question, John Gaulden reiterated that the storm water runoff would be regulated.

In closing, John Gaulden stated that The Duke Endowment is excited about the possibility of locating its headquarters in the Dilworth community. John Gaulden stated that The Duke Endowment is a quiet use and that The Duke Endowment would be excellent neighbors. The Duke Endowment is always looking for the right way to do things.

John Gaulden thanked the area residents for attending the Community Meeting.

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 as a result of the Community Meeting.

Respectfully submitted, this 4th day of May, 2012.

THE DUKE ENDOWMENT, Petitioner

cc: Ms. Tammie Keplinger, Charlotte-Mecklenburg Planning Commission (via email)
Mr. Shad Spencer, Charlotte-Mecklenburg Planning Commission (via email)
Mr. Arthur Morehead, The Duke Endowment (via email)

EXHIBIT

BD

The Duke Endowment, Petitioner
Rezoning Petition No. 2012-044

Community Meeting Sign-in Sheet

Fellowship Hall at Covenant Presbyterian Church
1000 East Morehead Street
Charlotte, NC 28204

Monday, April 23, 2012
7:00 P.M.

	NAME	ADDRESS	TELEPHONE	EMAIL ADDRESS
1.	TRAYLOR RENFRO	811 E. Morehead / 101 Royal Ct #109	704 575-3494	traylor@msn.com
2.	JOHN FRYPPIN	1119 BEAVER POCE	704-372-0001	john@fryppin-dogie.com
3.	Cindy Raby	1121 MYRTLE AVE #66	704-334-4404	
4.	Susie Serrano	919 Mt Vernon Ave	704-333-5917	SOSIE@carolina.rr.com
5.	Jenny Gennigan	"	"	jerry@carolina.rr.com
6.	Charles C. Wilson	1023 Oriole St	704-358-0609	
7.	GEORGETTE R. WILSON	"	"	grew37@earthlink.net
8.	Matt Sharp	3430 Abbey Hill Lane	704-930-9033	msharp@alumni.stanford.edu
9.	KAYLA ELLIOTT	817 E. MOREHEAD ST.	704-301-0956	KAY@KILLIANANDASSOCIATES.COM
10.	SARAH ANDRUE	1001 Mt Vernon Ave	ON AVE SCURME	
11.	KAREN PHILLIPS	912 LEXINGTON AVE		CAROLINA.PUR
12.	Stacy Phillips	812 Lexington Ave	813-394-2928	stacyshim1@aol.com, CN
13.	Cynthia Schwartz	409 REXSLAER AVE	704-904-2939	cynthia.schwartz@intere.
14.	Ernstine Reynolds	1121 Myrtle Avenue #2	704-534-0853	Reynolds68@charleston.com
15.	DAVID HODGKINS	816 LEXINGTON AVE	704-375-0589	DH006@charleston.com
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