

*a City-County  
agency providing public Planning  
services to the City of Charlotte and  
the unincorporated areas of  
Mecklenburg County*

# Planning Commission

Dec. 6, 2010  
work session

Charlotte-Mecklenburg  
Government Center

Room 267  
Noon



A stylized graphic consisting of several overlapping, wavy bands in shades of blue, green, and olive. The word "Agenda" is written in a white, cursive font in the center of the blue band.

# Agenda



# Charlotte-Mecklenburg Planning Commission

December 6, 2010 – Noon

CMGC – Conference Room 267

Work Session Agenda

---

## Call to Order & Introductions

Stephen Rosenburgh

## Administration

### Approval of Planning Commission Minutes

Approve the November 1, 2010 work session minutes

*Attachment 1*

## Policy

### Mecklenburg County Community Food Assessment

**Background:** Marilyn Marks (Charlotte Mecklenburg Food Policy Council), Allison Mignery (Carolinas Health Care) and Dr. Elizabeth Racine (UNC Charlotte) will present findings from the 2010 Mecklenburg County Community Food Assessment.

**Action:** Receive as information.

*Attachment 2*

## Text Amendments

### Fresh Produce Markets

Sandy Montgomery

**Background:** This amendment to the Zoning Ordinance deletes current regulations for “Outdoor Seasonal Fresh Produce Stands” and replaces it with new regulations for “Fresh Produce Markets”.

**Action:** Planning staff requesting permission to file text amendment on behalf of the Planning Commission.

*Attachment 3*

## Information

### Planning Director’s Report

### December & January Meeting Schedules

*Attachment 4*

### Planning Department’s Public Outreach Presentations

*Attachment 5*

## Committee Reports

### Executive Committee

Stephen Rosenburgh

- October 18 Approved Minutes

*Attachment 6*

- Future Agenda Items
  - HIRD Text Amendment (January)
  - Capital Improvement Plan (January)
  - UNCC Land Use Study

### Zoning Committee

Stephen Rosenburgh

- Public Hearings
- Zoning Committee Agenda

*Attachment 7*

*Attachment 8*

**Planning Committee**

- October 19 Approved Minutes

Yolanda Johnson  
*Attachment 9*

**Historic District Commission**

- November 10, 2010 Meeting Update

Meg Nealon  
*Attachment 10*

**Communication from Chairperson**

- Update on the Planning Commission Retreat Follow-Up

Stephen Rosenburgh

A stylized graphic featuring the word "Administration" in a white, cursive font. The text is centered within a blue, wavy, brush-stroke-like shape. This blue shape is layered over a green, wavy shape, which is in turn layered over a brownish-green, wavy shape. The overall effect is that of layered, flowing paper or fabric. The word "Administration" is the central focus, written in a clean, white, cursive script.

*Administration*





# Charlotte-Mecklenburg Planning Commission

Attachment 1

November 1, 2010 - Noon

CMGC - Conference Room 267

Action Minutes

---

## Attendance

**Commissioners Present:** Stephen Rosenburgh (Chairperson), Yolanda Johnson (Vice-Chairperson), Tracy Finch Dodson, Steven Firestone, Lucia Griffith, Nina Lipton, Eric Locher, Meg Nealon, Greg Phipps, Joel Randolph, Dwayne Walker, and Andy Zoutewelle

**Commissioners Absent:** Emma Allen and Claire Green Fallon

**Planning Staff Present:** Debra Campbell, Bob Cook, Claire Lyte-Graham, Garet Johnson, Sandy Montgomery, Cheryl Neely, Sandra Stewart, and Dan Thilo

Commissioner Walker arrived at 12:15 pm; Vice-Chairperson Johnson and Commissioner Randolph arrived at 12:17 pm; and Commissioner Griffith arrived at 12:27 pm.

Commissioner Phipps left the meeting at 1:32 pm.

**Others Present:** Wesley Simmons (former Commissioner) and Norm Steinman (Charlotte Department of Transportation - CDOT)

## Call to Order

The Chairperson called the meeting to order at 12:14 pm.

## Administration

### **Certificate of Appreciation**

Chairperson Rosenburgh acknowledged former Commissioner Wesley Simmons, thanked him for service on the Planning Commission, and presented him with a certificate of appreciation. Commissioner Simmons stated that he was honored to serve on the Commission.

### **Approval of Planning Commission Minutes**

Commissioner Locher thanked staff for the minutes and noted that they were “extremely complete”. A motion was made by Commissioner Locher and seconded by Commissioner Lipton to approve the October 4, 2010 work session minutes. The vote was 11 to 0 to approve.

## Policy

### **Text Amendments**

#### ***Affordable Housing***

Sandy Montgomery explained that the purpose of this amendment is to modify the Zoning Ordinance to align with the North Carolina General Statutes regarding new regulations to make it unlawful for a local government to make land use decisions that discriminate based upon the fact that affordable housing is contained in the development. Affordable housing is defined as families and individuals that have incomes below 80% of the area medium income. It is not a violation when making a decision about a development if it is based on considerations of limiting high concentrations of affordable housing.

Some Commissioners expressed concern that the text amendment may be difficult to adhere to since the Commission often discusses affordable housing developments. Commissioner Lipton asked what other North Carolina cities have done regarding the statute. Sandy Montgomery was not sure what other cities have done but noted that the City Attorney's Office suggested that this be placed in the Zoning Ordinance to make everyone aware of the statute.

Commissioner Lipton was concerned that the affordable housing locational policy is under review and this may conflict with the policies. She referenced a recent rezoning petition in the Dilworth community explaining that the rationale for giving more intense development rights on the property was to help enable affordable housing in other parts of the City. The Chairperson responded that the Commission would not violate this policy. He also reminded Commissioners that they attend stakeholder meetings to listen, not to provide their opinions. Commissioner Nina Lipton suggested that the City Attorney's office provide ongoing guidance when there is a petition which includes affordable housing components. The Chairperson agreed, but reminded the Commission that the City Attorney's office represents City Council.

A motion was made by Commissioner Walker and seconded by Commissioner Johnson to grant permission to file the text amendment on behalf of the Planning Commission. The vote was 11 to 0 to approve.

### ***Third Party Rezoning Notifications***

Sandy Montgomery explained that the purpose of this amendment is to modify the Zoning Ordinance to align with the North Carolina General Statutes regarding new requirements for notice of hearings for third party rezonings. The text amendment requires that the petitioner notify the property owner and specifies the different notification methods. Staff will provide the petitioner with a copy of the property owners and neighborhood leaders surrounding the site. Commissioner Lipton asked about a previous rezoning petition on Hermitage Court which involved an incident where the tax records were not updated in a timely fashion and property owners did not receive notification of the rezoning petition. She asked if this text amendment will prevent this from happening. Sandy Montgomery responded that staff does not control updating tax records. Debra Campbell added that staff uses the tax assessor's records and the text amendment speaks specifically to the process, which requires that the petitioner put forth a good faith notification effort.

Commissioner Locher stated that properties are sometimes purchased or sold based on the ability to be rezoned. He asked if the text amendment will impact this. Sandy Montgomery responded that this does not apply.

A motion was made by Commissioner Walker and seconded by Commissioner Lipton to grant permission to file the text amendment on behalf of the Planning Commission. The vote was 12 to 0 to approve.

### **Transportation Planning**

Bob Cook gave an overview of the responsibilities, roles, and structure of the MPO. He explained that it is a forum for cooperative transportation decision making for the metropolitan planning area. The MPO is designated to carry out a "continuing, cooperative and comprehensive" transportation planning process. The group is primarily responsible for the allocation of federal transportation funds

and ensuring that the funds are spent in accordance with federal policy. Anything that is funded with federal dollars is channeled through the MPO process. Another responsibility is to make air quality conformity determinations on programs. He continued by explaining the following core functions of the MPO:

- Establish a setting for effective regional decision-making
- Development of Long Range Transportation Plans
- Prepare Transportation Improvement Programs
- Engage the public
- Develop a Comprehensive Transportation Plan, which is mandated by the state, and basically involves expanding the Thoroughfare Plan

The MPO has a Policy Board with 17 voting members and 3 non voting members. All are elected except the Board of Transportation member who is appointed by the Governor. The MPO's planning area is all of Mecklenburg County, the populated portion of Union and a portion of Iredell County. Based on the 2010 Census MUMPO will be expanded to include more of Iredell County and possibly a portion of Lincoln County.

Bob Cook continued his presentation by discussing the challenges and successes of the MPO. He explained that since the MPO represents 20 different municipalities it is often challenged with integrating land use and transportation. It is especially difficult for areas within Union County because of the different land use visions. For instance, Weddington's land use vision is for single family homes on large lots and doesn't include any additional commercial uses. Bob Cook also reported that the NCDOT is reluctant to get involved in land use planning and doesn't interfere with land use decisions made at the local level.

The I-485 Interchange Analysis developed in 1995 was identified as an example of a successful project that integrated land use and transportation. Another noteworthy success was working with the Town of Davidson to reduce Old Statesville Road from a major thoroughfare to a two lane cross section within the town limits.

Following the presentation, the Chairperson asked Commissioner Randolph (MUMPO Representative) if he had any comments. Commissioner Randolph agreed that working with 20 different municipalities and 20 individual visions is sometimes challenging. He also acknowledged Barry Moose (NCDOT) as a tremendous asset to the group. The Chairperson asked how important is the integration of land use and transportation planning. Bob Cook referenced Independence Boulevard as an example of non coordination of land use and transportation planning. He stated that if Mecklenburg wants a sustainable transportation system, it is imperative to integrate land use and transportation.

Commissioner Walker asked how the MPO engages the public in projects. Mr. Cook responded that during a recent project a consultant was hired to reach out to the community through churches, fraternal organizations, and a festival for the Latino population. The MPO worked with these groups to identify concerns.

Commissioner Griffith asked if the MPO uses social media networks to reach out to the community. Bob Cook responded that MUMPO does have a website, but has not utilized social media networks such as Facebook and Twitter. Mr. Cook stated that public outreach is a challenge and agreed that staff may explore using social media networks. Commissioner Locher suggested posting information on U-Tube.

Commissioner Lipton asked for an example of a strong MPO. Bob Cook responded that California, Ohio and Oregon have strong MPOs. Commissioner Lipton asked if Portland has the ability to raise money through issuing bonds. Bob Cook was not sure if the state of Oregon had that authority, but noted that some states have the authority to do so. Commissioner Lipton asked if the federal government allows for super MPOs and who would be the driving force for this to happen. Bob Cook responded yes and explained that often times the Chamber is the driving force; however the official action comes from the Governor.

Commissioner Walker asked if the 20 municipalities with 20 different visions contribute to the “weakness” of the MPO. Bob Cook responded that he did not think so.

Chairperson Rosenburgh thanked Mr. Cook for the presentation and suggested that staff follow up on using social media networks for community outreach.

Norm Steinman discussed CDOT’s efforts to integrate transportation and land use. He noted that many are based on a variety of plan initiatives such as the Centers Corridors and Wedges Growth Framework (CCW), Transportation Action Plan (TAP), Urban Street Design Guidelines (USDG), Bicycle Plan, and the Center City Transportation study. The TAP was adopted 5 years ago and CDOT is working on updating this plan which contains the following 5 goals, enabling CDOT to do long range planning in an organized manner:

1. **Continuing the implementation of CCW.** The framework is applied in recent area plans. CDOT and Planning staffs track whether they are meeting CCW goals.
2. **Providing the right kind of design** for the transportation projects which are implemented. In the past CDOT focused on moving vehicles, but the USDG encourages staff to focus on land use context and make sure actions provide a good network for motorists, pedestrians and cyclists. CDOT works to determine how to create the best kinds of thoroughfares to include wider sidewalks, bike lanes and on-street parking. Norm Steinman indicated that CDOT staff works with Planning staff to develop rezoning recommendations for streets, sidewalks and bicycle lanes.
3. **Working with CMS, Parks, CATS, NCDOT and other partners** to accomplish the transportation and land use vision for the City. CDOT works closely with MUMPO to provide technical support. They are constantly reminded that the region should provide choices so that all people do not drive and use bicycles or walking for short trips. CDOT is required to work with MUMPO to determine if there should be a consolidation or a new way of organizing the Long Range Transportation Plan (LRTP) process. They also work with NCDOT to help implement the Complete Streets Policies. The intent of the policy is for NCDOT to design and build projects that make it possible for pedestrian and bicyclist to travel.

4. **Communicating the results of challenges to customers and stakeholders.** CDOT prepares an annual report which describes what CDOT is doing. They also conduct a survey for Mecklenburg County residents to gauge their awareness of transportation and land use. The survey asks residents to describe whether the route they take from work is congested. It asks if residents are aware of the CCW growth strategy and if they believe roads should be designed to accommodate all users.
5. **Seeking the funding to make things happen.** CDOT created a new category of funding to convert the farm to market roads to city streets. The department carefully monitors state and federal legislation to identify additional funding sources to build necessary projects. Bond funding is also used to build projects. In the past there has been an 80 million funding gap, which has been narrowed because of 2006 and 2008 bonds.

Commissioner Zoutewelle asked how are transportation projects identified and initiated. Norm Steinman responded that it depends on the kind of project. In some cases staff reviews area plans to decide which projects should be placed on the potential funding lists, if the project wasn't there before; considerations include how well it supports the land use vision. Staff makes the list/recommendations. Council decides on the total amount of funding available for the total number of programs.

Commissioner Locher asked why the South Boulevard/Woodlawn Road intersection was designed with planting strips and if double left turn lanes will eventually be installed. Norm Steinman explained that when it was decided that this would be a transit area, the intersection was modified to include the planting strips to make it easier for pedestrians and cyclists to cross. No future widenings are planned for this intersection.

Commissioner Griffith asked if CDOT plans for the transportation of goods. Norm Steinman explained that CDOT manages the use of curbs, installation of parking meters, installation and enforcement of truck loading zones. CDOT takes into account land use information about where trucking terminals and warehouses are located and takes modal facilities into consideration. Commissioner Griffith asked if CDOT coordinates with large companies that deliver goods when they move to Charlotte. CDOT's Development Services Division coordinates with these companies.

Commissioner Finch Dodson referenced a slide which illustrated the results of the 2010 survey which asked about congested routes to work. She asked if the survey drilled down further to determine where residents were traveling to and from and if it asked specifically what routes were taken. The survey didn't drill down, but it did ask what residents want local government and the state to do about congestion.

Chairperson Rosenburgh thanked Norm Steinman for the presentation and asked that CDOT staff keep the Commission enlightened of any issues that he thinks they should be informed of.

## **Information**

### **Planning Director's Report**

#### ***Center City 2020 Vision Plan Update***

Dan Thilo (Planning staff) provided a brief update on the Center City 2020 Vision Plan, noting that the steering committee is made up of approximately 40 people representing various community groups, including the business community and religious institutions. The process included 4

workshops and the next workshop is November 18, 2010 at 6:00 pm at the Convention Center. The Planning Director clarified that the consultant will present recommendations at this workshop.

Chairperson Rosenburgh asked for an updated schedule of community meetings. Debra Campbell reminded the Commission that they receive an updated schedule of community meetings as part of the Department's monthly report.

Commissioner Walker stated that his religious institution is located within Uptown and has not been invited to participate in the process. He indicated that he was frustrated that his church was not invited to participate in this and other processes in Uptown. The Planning Director responded that staff will check the mailing list and suggested that she and/or Dan Thilo would be happy to meet with him and other local churches to discuss the plan and plan recommendations.

### **November & December Meeting Schedules**

The Chairperson announced that Commissioner Griffith is hosting the Commission's Holiday party on December 16, 2010 from 5:00 – 7:00 pm at her office. The Chairperson asked Cheryl Neely to send an e-mail invitation to all Commissioners and "senior" Planning Department staff.

### **Committee Reports**

#### ***Executive Committee***

Chairperson Rosenburgh noted that the September 20, 2010 approved minutes are included in the agenda packet and reminded Commissioners that they are invited to attend Executive Committee meetings.

#### ***Zoning Committee***

The Chairperson stated that there was good discussion at the last Zoning Committee meeting and indicated that the public hearings and zoning committee agenda attachments references the petitions.

#### ***Planning Committee***

Vice-Chairperson Johnson noted that the Planning Committee is dealing with three area plans: Elizabeth, Steele Creek and Independence Boulevard. The Committee will tour the Independence Boulevard area following the work session.

The Vice-Chairperson also mentioned the fall 2010 Planning Coordinating Committee (PCC) meeting. She recognized the great work of Chairperson Rosenburgh who facilitated the recent PCC meeting and discussion. She wanted to go on record and recognize the chair for his effort. Commissioner Lipton asked for a copy of the minutes from the PCC meeting. The Chairperson announced that the topic for the spring meeting is Economic Development and the Secretary of Commerce will be invited as the keynote speaker. Chairperson Rosenburgh invited the full Commission to the Spring Joint Luncheon.

### **Communication from Chairperson**

#### ***Retreat Follow up***

The Chairperson shared that he and the Planning Director have asked Whitehead Associates, Inc. to come back with a memorandum of understanding of how the Commission will operate. The consultants understand this operating agreement will be done at no additional cost to the department. The Executive Committee will review and present at the December work session.

### **Adjournment**

The meeting adjourned at 2:08 pm.







# Mecklenburg County Community Food Assessment 2010

## Summary of Findings

By:

Elizabeth Racine, DrPH, RD, Qingfang Wang, PhD, and Christina Wilson, CHES

University of North Carolina at Charlotte

High rates of obesity and diabetes have spurred research to understand the causes and to identify prevention strategies. Evaluation of the neighborhood environment as it relates to food access is a growing area of research. Many studies have found that residents in low income and minority communities have poor access to grocery stores and healthy food products. Residents that live in “food deserts” have been found to be at higher risk of food insecurity and obesity. Food deserts are areas with no nutritious food stores, generally in low income neighborhoods. In addition, research suggests that areas with a high concentration of food stores may also be associated with poor health.

This study examined food store available within Mecklenburg County census block groups (CBG) to determine the existence of food deserts. We examined the types of foods in stores and classified those that offer fresh produce, fresh meat, fresh dairy, and processed foods as full service food stores. We also examined the relationship between physical access to food stores and community demographics; specifically population density, income, race/ethnicity, and premature deaths to heart disease and diabetes. Finally we examined whether the concentration of food stores was associated with these demographic and health characteristics.

A number of data sources were used to gather information on food stores, population density, income, race/ethnicity, deaths to diabetes and heart disease, and Special Nutrition Assistance Program (SNAP) participation at the CBG level. Food stores were verified by phone or on-site inspection to determine that they were open for business and to obtain information about the types of food sold in each store. Food deserts were defined as low income CBG that did not contain a full service store. To measure the concentration of less healthy to healthier stores, a ratio between non full service stores and full service stores that accept SNAP benefits was created. Multivariate analysis was used to examine the relationship between the availability of food stores and population density, income, race/ethnicity, and premature deaths to heart disease and diabetes.

The 373 CBG in Mecklenburg County contain approximately 940,000 residents. We identified 721 food stores; of these 186 are full service stores. We found that half of the residents in Mecklenburg County do not have a full service food store in their CBG.

*Are there food deserts in Mecklenburg County?* Yes, 60 CBG were designated as food deserts. There are 72,793 residents living in these food deserts, with a median income of approximately \$31,000; one third of the residents are SNAP participants and the majority live in the northwest section of Charlotte. While the food desert census block groups do not have full

service stores many do have non full service stores. There are 89 non full service stores in the food deserts; 1 of these sells fresh produce and it is a farmers' market that is open limited hours, days and times of the year.

*Is there a relationship between the number of food stores in a CBG and population density?* Yes, the number of food stores increases in a CBG as the number of residents decreases.

*Is there a relationship between the number of food stores in a CBG and income?* Yes, as the number of non full service food stores increases, the median income decreases. Also, having more non full service stores compared to full service stores is more common in lower income areas. We found that the number of full service stores in a CBG was not associated with income.

*Is there a relationship between the number of food stores in a CBG and race/ethnicity?* Yes, we found that CBG with higher proportions of Asian and Hispanic residents are likely to have more full service and non full service food stores. We also found that the number of food stores increases as the proportion of Black, Hispanic and Asian residents increases. The food store ratio was greater in census blocks with more Black residents and lower in census blocks with more White residents.

*Is there a relationship between the number of food stores in a CBG and health?* Yes, CBG with full service food stores had a lower rate of premature death to heart disease. Each full service food store in a CBG is associated with 23 fewer premature deaths to heart disease per 100,000 residents. We also found that the food store ratio was associated with premature deaths to heart disease. As the number of non full service stores increase in relation to full service food stores in a CBG there are 18 more premature deaths to heart disease per 100,000 residents. The availability of full service food stores and other types of food stores was not related to the premature death rate to diabetes.

Over 72,000 residents in Mecklenburg County live in food deserts. They are more likely to participate in SNAP and may not have reliable transportation. While they do not have close access to a full service food store, many have access to non full service stores. The findings suggest that having greater access to non full service stores compared to full service stores is associated with greater rates of premature death to heart disease. Initiatives to improve the availability of full service stores in food deserts may benefit the health of citizens residing in these communities.

**TEXT AMENDMENT SUMMARY: FRESH PRODUCE MARKETS**  
**9-17-2010**

**2010-080**

**Purpose/Background:** The purpose of this text amendment is to remove the current regulations of Outdoors Seasonal Fresh Produce Stands which only allows fresh fruit and produce to be sold as an accessory use in a limited number of zoning districts. The new requirements for Fresh Produce Markets would replace Outdoors Seasonal Fresh Produce and allow Fresh Produce Markets in all districts with new and flexible requirements.

Current Regulations	Proposed Regulations	Rationale
<p>Outdoors Seasonal Fresh Produce Stands -Section 12.539:</p> <ul style="list-style-type: none"> <li>• Only allows fresh Produce Sales in UR-C, B-1, B-2 and CC zoning districts.</li> <li>• Located on a lot occupied by another non-residential use.</li> <li>• The produce stand area cannot exceed 360 square feet.</li> <li>• Can only operate for 180 days at a time on one site, from April 1 to October 15.</li> <li>• Hours of operation shall be from one half hour after sunrise to one half hour after sunset.</li> <li>• Five off-street parking spaces are required for the use.</li> <li>• One attached identification sign up to 15 square feet.</li> <li>• Design standards for produce stands.</li> </ul>	<p>Deletes” Outdoors Seasonal Fresh Produce Stands” and replaces it with new regulations for “Fresh Produce Markets” in Section 12.539:</p> <ul style="list-style-type: none"> <li>• Add a definition to the Ordinance for Fresh Produce Markets:  “ A specified location on a parcel of land which vendors gather to sell fresh produce, fruit and vegetable derived products, and plants on an approved parcel of land.”</li> <li>• Allowed in all zoning districts with prescribed conditions. However, the use shall only be allowed in residential, institutional and office zoning districts as an accessory use to an institution or office use.</li> <li>• A land use permit is required from Neighborhood &amp; Business Services.</li> <li>• Evidence of property owner’s permission is required for permit.</li> <li>• Hours of operation limited to 8:00 AM to 9:00 PM.</li> <li>• Minimum lot size is that required for principal use.</li> <li>• Setback for all sale items and parking shall be the setback of the district, but not less than 20 feet from the right-of-way.</li> <li>• One identification sign not exceeding 15 square feet with a maximum height of seven feet.</li> <li>• Permanent buildings are not allowed in residential, office, or institutional districts. However, temporary structures are allowed but must be removed within 7 days from the date the permit expires.</li> <li>• No more than one fresh produce market, outdoor seasonal sales, or periodic retail sales event is allowed per site at one time.</li> <li>• Other Federal, State, and local codes apply</li> </ul>	<ul style="list-style-type: none"> <li>• This text amendment connects farmers and growers directly to consumers and encourages greater consumption of fruits and vegetables, thereby improving the quality of life and contributing to the nutritional health of our citizens.</li> <li>• Adds flexibility by removing size restrictions, limitations on days of operation, and design standards for the produce stands.</li> <li>• Adds flexibility by allowing Fresh Produce Markets in every zoning district, with prescribed conditions.</li> </ul>



## FRESH PRODUCE MARKET FOLLOW-UP QUESTIONS FROM EXECUTIVE COMMITTEE MEETING ON 10-18-10

ISSUE	STAFF RESPONSE
<ul style="list-style-type: none"> <li>Should staff limit the number of farmers and growers allowed to participate in a fresh produce market?</li> </ul>	<ul style="list-style-type: none"> <li>Staff does not recommend limiting the number of farmers allowed at a fresh produce market, because the locations that would allow the use are commercial in nature.</li> <li>The number of farmers that could participate would be limited by the size of the parcel and the number of parking spaces that must be provided.</li> <li>More farmers or growers would ensure a large selection of produce.</li> <li>It is unpredictable what variety and amount of fresh food may be brought to the site by one farmer/grower.</li> </ul>
<ul style="list-style-type: none"> <li>Should the differences between a fresh produce market and a farmer's market be better defined? How is a fresh produce market different from a farmer's market?</li> </ul>	<ul style="list-style-type: none"> <li>There is not a separate definition for "Farmer's Market" in the Zoning Ordinance. The use is considered by the Zoning Administrator to be a "retail establishment", whose purpose is the sale of goods, products, or merchandise directly to the consumer. Retail uses are permitted in certain zoning districts by right, and in other districts with prescribed conditions. All retail uses must meet the Ordinance requirements, including parking, screening, and buffering.</li> <li>A Farmers Market would be allowed to sell fresh produce as well as many other retail items such as, plants, equipment, clothes, etc.</li> <li>Fresh Produce Market is defined by such characteristics:               <ul style="list-style-type: none"> <li>The sale of fresh produce, plants and vegetable derived products.</li> <li>Allowed in all zoning districts with prescribed conditions. However, the use is only allowed in residential, institutional, and office zoning districts as an accessory use to an institutional or office use.</li> <li>The property owner must give permission for the farmer/grower to operate on the property.</li> <li>Parking is required.</li> <li>Construction of a permanent building is not permitted in residential, office or institutional districts, but a temporary structure is permitted, but must be removed when the use ends.</li> <li>A permanent building may be constructed in other zoning districts.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>Can the terminology be clarified to prevent unintentional consequences for current markets, such as the Kings Drive market?</li> </ul>	<ul style="list-style-type: none"> <li>Current markets are classified as a retail use in the Zoning Ordinance. This amendment would not affect a retail use.</li> <li>The Kings Drive market is currently a legal nonconforming use and this text amendment will not impact it at all.</li> </ul>

<ul style="list-style-type: none"><li>• Should buffers be required for Fresh Produce Markets? How can this be clarified?</li></ul>	<ul style="list-style-type: none"><li>• If a Fresh Produce Market is located in a residential, institutional, or office zoning district, it must be an accessory use to an institution or office use. The principal building on the site will have required buffers on the site, unless the use predates the requirements for buffers.</li><li>• If a Fresh Produce Market is the principal use on a site, it would be considered a retail use and a buffer may be required per the buffer requirements.</li></ul>
--	--

**AN ORDINANCE AMENDING APPENDIX A  
OF THE CITY CODE –ZONING ORDINANCE**

**ORDINANCE NO.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 2: DEFINITIONS

1. PART 2: DEFINITIONS

- a. Amend Section 2.201, "Definitions", to define and add Fresh Produce Markets to the definitions. The text shall read as follows:

Fresh Produce Markets:

A specified location on a parcel of land in which vendors gather to sell fresh produce, fruit and vegetable derived products, and plants on an approved parcel of land.

B. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Delete Section 12.539, "Outdoors Seasonal Fresh Produce Stands", in its entirety, and replace it with a new section titled, "Fresh Produce Markets", that adds requirements to allow fresh produce markets as an accessory use in residential, office and institutional districts and as a use with prescribed conditions in other zoning districts. The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 12.539. ~~Outdoors Seasonal Fresh Produce~~ Markets Stands.**

~~Because outdoors seasonal fresh produce stands encourage greater consumption of fruits and vegetables, thereby improving the quality of life in the communities within the city and contributing to the nutritional health of the people of Charlotte, they are treated as a special case in the Charlotte Zoning Code. Regulations for these activities are specific. Furthermore, the 90-day limit at a site, which is associated with "temporary use," is expanded to 180 days (April 15 to October 15) for, and only for, outdoors seasonal fresh produce stands.~~

~~Outdoors seasonal fresh produce stands are limited to the natural season~~

~~time span, and may sell all types of fresh produce, including but not limited to tomatoes, squash, corn, cucumbers, beans, berries, melons, apples, pears, peaches, citrus fruit, root vegetables, green vegetables, pie pumpkins, nuts, or other fruits or vegetables. In addition to fresh produce, up to 10% of the total sales area may be used to sell fruit or vegetable derived products or baked goods. Outdoor seasonal fresh produce stands are not intended to include the sale of Christmas trees, Halloween pumpkins, plants or flowers, which are regulated in Section 12.519. Outdoors seasonal fresh produce stands shall be subject to the following prescribed conditions:~~

- ~~(1) — The produce stand operator must obtain a permit from the Zoning Administrator, which describes the type of sales involved, the location, and the duration of the sales operation.~~
- ~~(2) — Outdoors seasonal fresh produce stands are permitted in the UR-C, B-1, B-2 and CC zoning districts.~~
- ~~(3) — The outdoors seasonal fresh produce stand operator/owner must be located on a lot occupied by another non-residential use.~~
- ~~(4) — The owner of the property, if not the same as the outdoor seasonal fresh produce stand operator/owner, shall give written permission to the operator/owner.~~
- ~~(5) — The use shall be located on a Class III, III-C, or IV street.~~
- ~~(6) — Outdoor seasonal fresh product stands may operate at a site for up to 180 days, but only between April 15 and October 15.~~
- ~~(7) — The use shall not involve or require the construction of a permanent building.~~
- ~~(8) — Five off-street parking spaces shall be provided for the use. Shared parking agreements are permitted, as per Section 12.203.~~
- ~~(9) — The produce stand must not exceed 360 square feet in area, but may include awnings that extend up to 5 feet beyond the base area.~~
- ~~(10) — The produce stand shall be open on two or more sides and shall be consistent with the design and architecture of surrounding structures.~~
- ~~(11) — Customers shall purchase from the outside perimeter of the stand, while only operators are permitted inside.~~



- ~~(12) Permitted produce stand designs for stands allowed up to 90 days include 1) a grouping of display counters, without walls, that are sheltered by a fabric covered roof, or tent, and 2) a stand mounted on a licensed and road worthy trailer (wheels may remain in place, but the towing hitch and tongue shall be covered or removed so it does not pose a safety hazard and is not visible on the perimeter of the stand).~~
- ~~(13) Permitted produce stand designs allowed up to 180 days is limited to a stand mounted on a licensed and road worthy trailer. The following requirements apply to the produce stand:~~
- ~~(a) The stand portion shall consist of a finished wooden structure with a pitched roof, built on a steel trailer with wheels and axles remaining in place.~~
  - ~~(b) During setup, the towing hitch and tongue shall be covered or removed so it does not pose a safety hazard and is not visible on the perimeter of the stand.~~
  - ~~(c) During setup, finished, wooden display counters and skirting materials shall be provided to conceal tires, axles, and the tongue for a more aesthetic appearance. Finished display counters may be added around the perimeter of the trailer, in such a way that they are integrated into the design of the stand.~~
  - ~~(d) The license plate shall remain visible at all times.~~
  - ~~(e) A commercially manufactured refrigerator or walk-in cooler may be provided inside the stand.~~
  - ~~(f) A removable or folding awning may be added or erected during setup to shield the produce from sun and rain.~~
- ~~(14) Hours of operation shall be from one-half hour after sunrise to one-half hour after sunset.~~
- ~~(15) One identification sign not exceeding 15 square feet may be attached to the produce stand. This sign may remain in place throughout the sales season.~~
- ~~(16) The use, including all sale items, parking, and maneuvering shall observe a setback of 20 feet and shall not be located in the sight distance triangle.~~

- (17) ~~There shall be only one Outdoors Seasonal Fresh Produce Stand or Periodic Retail Sales Event (either off-premise or on-premise), or Outdoor Seasonal Sales event held at any one time on a lot.~~
- (18) ~~The produce stand operator is responsible for the removal of all trash and spoiled product on a daily basis, and, at the conclusion of the season, must remove all vestige of the operation, including tents, tables, counters, coolers, trailers and signs.~~

**Fresh Produce Markets:** The market's purpose is to connect farmers and growers directly to consumers and encourage greater consumption of fruits and vegetables, thereby improving the quality of life in the city and contributing to the nutritional health of the people of Charlotte.  
Fresh produce markets are not intended to include the sale of manufactured items such as furniture, bedding, automobile parts, computers, household goods, electronic items or other similar items.

Fresh Produce Markets shall meet the standards and regulations listed in Table 12.539, below:

**Table 12.539**

	<b><u>Fresh Produce Market</u></b>
<b><u>Zoning Districts Allowed</u></b>	<u>Allowed in all districts with prescribed conditions. However, the use shall only be allowed in residential, institutional and office zoning districts as an accessory use to an institution or office use.</u>
<b><u>Hours of Operation</u></b>	<u>Limited to 8:00 AM to 9:00 PM</u>
<b><u>Permit Required</u></b>	<u>A permit shall be obtained from Neighborhood &amp; Business Services that describes the type of event involved and the duration of time. As part of the application, the operator shall submit to Neighborhood &amp; Business Services Department proof of property owner's permission to use the property.</u>
<b><u>Minimum Lot Size</u></b>	<u>Minimum lot size is required for principal use.</u>
<b><u>Setbacks</u></b>	<u>The setback for all sale items and parking shall be the setback of the district, but not less than 20 feet from the right-of-way.</u>
<b><u>Signage</u></b>	<u>One identification sign not exceeding 15 square feet with a maximum height of 7 feet. (Sign permit required)</u>
<b><u>Allowed Structures</u></b>	<u>The construction of a permanent building</u>

	is not permitted in residential, office, or institutional districts; however temporary structures are allowed but must be removed within seven days from the date the permit expires.
<b><u>Termination</u></b>	The operator is responsible for the removal of all materials upon termination of the market including signage.
<b><u>Number of events allowed on parcel(s)</u></b>	No more than one fresh produce market, outdoor seasonal sale, or periodic retail sales event is allowed per site at one time.
<b><u>Other Codes</u></b>	All other applicable Federal, State and Local Codes shall be met for the use and items sold.

C. CHAPTER 9: GENERAL DISTRICTS

1. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

- a. Amend Table 9.101, “Table of Uses” by adding “Fresh Produce Markets” as a permitted use with prescribed conditions in all zoning districts, under the “Other Uses” category. The revised table insertion shall read as follows:

Other Uses:									
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF
<u>Fresh Produce Markets</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Other Uses:									
	R-43MF	UR-1	UR-2	UR-3	UR-C	MX-1	MX-2	MX-3	INST
<u>Fresh Produce Markets</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Other Uses:										
	O-1	O-2	O-3	RE-1	RE-2	B-1	B-2	BD	BP	CC
<u>Fresh Produce Markets</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Other Uses:								
	MUDD	UMUD	UI	I-1	I-2	TOD-M	TOD-R	TOD-E
<u>Fresh Produce Markets</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

- b. Amend Table 9.101, “Table of Uses” by removing Outdoor Seasonal Fresh Produce Stands from allowed uses under prescribed conditions.

	B-1	B-2
<del>Outdoor Seasonal Fresh Produce Stands</del>	<del>PC</del>	<del>PC</del>

2. PART 2: SINGLE FAMILY DISTRICTS

- a. Amend Section 9.203, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order, as a new item “8.5”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 9.203. Uses permitted under prescribed conditions.**

(8.5) Fresh Produce Markets, subject to the regulations of Section 12.539.

D. CHAPTER 9: GENERAL DISTRICTS

1. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.303, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “11.5”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 9.303. Uses permitted under prescribed conditions.**

(11.5) Fresh Produce Markets, subject to the regulations of Section 12.539.

E. CHAPTER 9: GENERAL DISTRICTS

1. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.404, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “2.15”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 9.404. Uses permitted under prescribed conditions.**

(2.15) Fresh Produce Markets (UR-1 only), subject to the regulations of Section 12.539.

F. CHAPTER 9: GENERAL DISTRICTS

1. PART 5: INSTITUTIONAL DISTRICTS

- a. Amend Section 9.503, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “6.5”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 9.503. Uses permitted under prescribed conditions.**

(6.5) Fresh Produce Markets, subject to the regulations of Section 12.539.

G. CHAPTER 9: GENERAL DISTRICTS

1. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.603, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “4.05”.. The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 9.603. Uses permitted under prescribed conditions.**

(4.05) Fresh Produce Markets, subject to the regulations of Section 12.539.

H. CHAPTER 9: GENERAL DISTRICTS

1. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.703, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “10.2”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 9.703. Uses permitted under prescribed conditions.**

(10.2) Fresh Produce Markets, subject to the regulations of Section 12.539.

I. CHAPTER 9: GENERAL DISTRICTS

1. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.803, “Uses permitted under prescribed conditions”, by removing “Outdoor /Seasonal Fresh Produce s” and adding “Fresh Produce

Markets” as a permitted use with prescribed conditions, in alphabetical order as a new item “13.2”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 9.803. Uses permitted under prescribed conditions.**

(13.2) Fresh Produce Markets, subject to the regulations of Section 12.539.

~~(26.1) Outdoors Seasonal Fresh Produce Stands (B-1 and B-2 only) subject to Section 12.539.~~

J. CHAPTER 9: GENERAL DISTRICTS

1. PART 8.5: MIXED USE DEVELOPMENT DISTRICTS

- a. Amend Section 9.8503, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item. The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 9.8503. Uses permitted under prescribed conditions.**

Fresh Produce Markets, subject to the regulations of Section 12.539.

K. CHAPTER 9: GENERAL DISTRICTS

1. PART 9: UPTOWN MIXED USE DEVELOPMENT DISTRICTS

- a. Amend Section 9.903, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “12.1”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 9.903. Uses permitted under prescribed conditions.**

(12.1) Fresh Produce Markets, subject to the regulations of Section 12.539.

L. CHAPTER 9: GENERAL DISTRICTS

1. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1003, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “4.3”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 9.1003. Uses permitted under prescribed conditions.**

(4.3) Fresh Produce Markets, subject to the regulations of Section 12.539.

M. CHAPTER 9: GENERAL DISTRICTS

1. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1103, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “18.1”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 9.1103. Uses permitted under prescribed conditions.**

(18.1) Fresh Produce Markets, subject to the regulations of Section 12.539.

N. CHAPTER 9: GENERAL DISTRICTS

1. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1206, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “7.1”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 9.1206. Uses permitted under prescribed conditions.**

(7.1) Fresh Produce Markets, subject to the regulations of Section 12.539.

O. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED-USE DISTRICTS

- a. Amend Section 11.203, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “10.2”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 11.203. Uses permitted under prescribed conditions.**

(10.2) Fresh Produce Markets, subject to the regulations of Section 12.539.

P. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 4: COMMERCIAL CENTER DISTRICT

- a. Amend Section 11.403, “Uses permitted under prescribed conditions”; to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “6.2”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 11.403. Uses permitted under prescribed conditions.**

(6.2) Fresh Produce Markets, subject to the regulations of Section 12.539.

Q. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 7: RESEARCH DISTRICT

- a. Amend Section 11.703, "Uses permitted under prescribed conditions", to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item "2". The remaining subsections shall remain unchanged. The revised text shall read as follows:

**Section 11.703. Uses permitted under prescribed conditions.**

- (2) Fresh Produce Markets, subject to the regulations of Section 12.539.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

\_\_\_\_\_  
City Attorney

I, \_\_\_\_\_, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the \_\_\_\_ day of \_\_\_\_, 2010, the reference having been made in Minute Book \_\_\_\_, and recorded in full in Ordinance Book \_\_\_\_\_, Page(s)\_\_\_\_\_.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this \_\_\_\_ day of \_\_\_\_\_, 2010.







## Meeting Schedule

December 2010

<b>Date</b>	<b>Time</b>	<b>Purpose</b>	<b>Location</b>
<b>Full Planning Commission</b>			
12-06-10	Noon	Work Session	Conference Room 267 2nd Floor – CMGC
<b>Planning Committee</b>			
12-14-10	5:00 p.m.	Work Session <sup>1</sup>	Innovation Station 8 <sup>th</sup> Floor - CMGC
<b>Zoning Committee</b>			
12-20-10	5:00 p.m.	Dinner with City Council	Conference Room CH-14 Basement – CMGC
12-20-10	6:00 p.m.	City Rezoning	Meeting Chamber Lobby Level – CMGC
01-10-11	10:00 a.m.	Zoning Work Session <sup>2</sup>	Conference Room 267 2nd Floor – CMGC
<b>Executive Committee</b>			
12-20-10	4:00 p.m.	Work Session	Conference Room 266 2nd Floor – CMGC
<b>Other Committees</b>			
12-08-10	3:00 p.m.	Historic District Commission	Conference Room 267 2nd Floor – CMGC

<sup>1</sup> Due to the holidays, the regularly scheduled December 21, 2010 Planning Committee work session has been rescheduled to December 14, 2010 at 5:00 pm.

<sup>2</sup> Due to the holidays, the regularly scheduled December 29, 2010 Zoning Committee work session has been rescheduled to January 10, 2011 at 10:00 am.



# Charlotte-Mecklenburg Planning Commission

## Meeting Schedule

January 2011

<b>Date</b>	<b>Time</b>	<b>Purpose</b>	<b>Location</b>
<b>Full Planning Commission</b>			
01-10-11	Noon	Work Session <sup>1</sup>	Conference Room 267 2nd Floor – CMGC
<b>Planning Committee</b>			
01-18-11	5:00 p.m.	Work Session	Conference Room 280 2nd Floor – CMGC
<b>Zoning Committee</b>			
01-10-11	10:00 a.m.	Zoning Work Session <sup>2</sup>	Conference Room 267 2nd Floor – CMGC
01-18-11	5:00 p.m.	Dinner with City Council <sup>3</sup>	Conference Room CH-14 Basement – CMGC
01-18-11	6:00 p.m.	City Rezonings <sup>3</sup>	Meeting Chamber Lobby Level – CMGC
01-26-11	4:30 p.m.	Zoning Work Session	Conference Room 280 2nd Floor – CMGC
<b>Executive Committee</b>			
01-18-11	4:00 p.m.	Work Session <sup>4</sup>	Conference Room 266 2nd Floor – CMGC
<b>Other Committees</b>			
01-12-11	3:00 p.m.	Historic District Commission	Conference Room 267 2nd Floor – CMGC
01-19-11	7:00 p.m.	MUMPO	Conference Room 267 2nd Floor – CMGC

<sup>1</sup> Due to the New Year's holiday, the regularly scheduled January 3, 2010 Planning Commission work session was rescheduled to January 10, 2011 at Noon.

<sup>2</sup> Due to the holidays, the regularly scheduled December 29, 2010 Zoning Committee work session was rescheduled to January 10, 2011 at 10:00 am.

<sup>3</sup> Due to the MLK holiday, the regularly scheduled January 17, 2010 Zoning Committee Dinner with City Council and City Rezonings were rescheduled to January 18, 2011 at 5:00 & 6:00 pm respectively.

<sup>4</sup> Due to the MLK holiday, the regularly scheduled January 17, 2010 Executive Committee meeting was rescheduled to January 18, 2011 at 4:00 pm.



# Charlotte-Mecklenburg Planning Department

## FY2010 Community Outreach Presentations

#	Date	Presentation	Staff
1	09/02/10	St. Petersburg Times Presentation	D. Campbell
2	09/13/10	Guest Lecture at UNCC	D. Campbell
3	09/13/10	Clemson University Landscape Architecture Class - TOD Background and Class Project Site Discussion	Kent Main/Alan Goodwin
4	09/16/10	Leadership Charlotte Presentation on Planning	D. Campbell
5	09/17/10	North Carolina Arc Users Group (NCAUG)	L. Quinn
6	09/24/10	UNCC Seminar Class	L. Quinn
7	10/07/10	Ace Mentoring Program - Eastland Mall Presentation	L. Harmon
8	10/07-09/10	MTA Mini Revolution Conference - Baltimore, MD	D. Campbell
9	10/12/10	Waxhaw Board of Commissioners - Waxhaw Parkway Project	B. Cook
10	10/14-15/10	ULI Panel - Washington, DC	D. Campbell
11	10/19/10	Coventry Woods Neighborhood Meeting - Independence Area Plan	G. Johnson
12	10/27-28/10	ULI Hampton Roads Keynote Speaker - Norfolk, VA	D. Campbell
13	11/09/10	UNCC Institute of Transportation Engineers (Student Chapter) - MUMPO 101	B. Cook
14	11/17/10	GIS Day at Spirit Square	M. Sigmon
15	11/21/10	Dalebrook Community Meeting - Beatties Ford Road Area Update	J. Howard
16	11/23/10	Piedmont Middle School 6th Graders - City Planning Presentation	D. Campbell
17	11/23/10	Glenlea Park Neighborhood Association - Future Land Use Recommendations	M. McCullough





# Charlotte-Mecklenburg Planning Commission

Executive Committee Meeting

October 18, 2010 - 4:00 pm

Action Minutes

Attachment 6

Approved November 23, 2010

## Attendance

**Executive Committee Members Present:** Stephen Rosenburgh (Chairperson), Yolanda Johnson (Vice-Chairperson), Tracy Finch Dodson, and Andy Zoutewelle

**Other Commissioner(s) Present:** Steven Firestone

**Planning Staff Present:** Debra Campbell, Solomon Fortune, Laura Harmon, Claire Lyte-Graham, and Cheryl Neely

## Call to Order

The Chairperson called the meeting to order at 4:00 pm.

## Approval of Executive Committee Minutes

A motion was made by Commissioner Finch Dodson and seconded by Vice-Chairperson Johnson to approve the September 20, 2010 Executive Committee meeting minutes. The vote was 4 to 0 to approve the minutes.

## September 20, 2010 Executive Committee Meeting Follow-up Assignments

### **Rules of Procedure / Call-in Procedures**

Vice-Chairperson Johnson stated that she is further researching this item and will inform staff when to place this on a future meeting agenda.

### **Bicycle Text Amendment**

The Chairperson acknowledged that staff would provide follow-up at the October Zoning Committee meeting. He also asked if Commissioner Finch Dodson had checked the Center City Partners transportation study to determine if it included information about bicycle commuters.

### **Fresh Produce Markets Text Amendment**

The Planning Director informed the Committee that staff would like to proceed with filing this text amendment. She stated that staff understands the competition with the large farmer's market, but is concerned that everyone does not have access to the large market. She shared that Mecklenburg County Department of Social Services and the Health Department performed an analysis on food deserts in Mecklenburg County which indicated that fresh produce is not available in several communities. There are also major institutions, such as Carolinas Medical Center who would like to have produce markets on site and the Zoning Ordinance doesn't allow this. The text amendment will allow these institutions to do so.

Chairperson Rosenburgh asked if the Committee could get a copy of the food study. The Planning Director responded that staff had invited County staff to attend the Zoning Committee meeting and the Public Hearing and will ask them to provide copies of the food study.

Chairperson Rosenburgh asked if staff had mapped the existing farmer's market locations. Debra Campbell responded that fresh produce markets are different from farmer's markets. Laura Harmon further explained that these are replacing what was previously referred to in the Zoning Ordinance as

outdoor seasonal fresh produce stands. This amendment will allow one or two farmers to locate in a neighborhood business district, a church or a major employer a few days a week to make their produce accessible. The Chairperson asked if the number of farmers will be regulated to discourage several farmers from participating. Laura Harmon responded that the uses can currently locate in retail zoning classifications and staff anticipates that there will not be an issue with the number of farmers participating in the community locations. If so, staff will revisit the text amendment. Chairperson Rosenburgh suggested that staff address the number of farmers allowed now instead of revisiting this in the future. Commissioner Finch Dodson suggested that instead of limiting the number of farmers, staff should define the difference between a fresh produce market stand and a farmer's market. The Chairperson was concerned that the farmer's market on Yorkmont Road is substandard and is not working. The Planning Director explained that nationally the local community usually takes a role in promoting markets to make them more of a destination. She further explained that the Charlotte market is not currently well managed and not easily accessed.

The Chairperson asked staff to better define the terminology, i.e. fresh produce market. The Director agreed that staff will clarify how to distinguish this from a larger farmer's market. The Chairperson acknowledged that the Commission supports the concept of the text amendment.

Commissioner Finch Dodson was concerned that this amendment may create unintentional consequences for current markets, such as the Kings Drive site. Laura Harmon responded that the market on Kings Drive is zoned retail and the language in the proposed text amendment does not allow that use. Staff will include clarifying terminology in the text amendment.

Commissioner Zoutewelle asked if there will be landscape buffer requirements for these uses. Laura Harmon responded there are not buffer requirements; however there are setback requirements and staff will clarify the requirements in the text amendment.

The Planning Director asked if the Commission would like a presentation on food deserts at the November work session. The Chairperson agreed that the presentation would help the Commission understand the impact of the text amendment. Debra Campbell replied that she would invite appropriate staff to present this information.

Vice-Chairperson Johnson asked if the text amendment is for a fresh produce stand, a fresh produce market or if it defines a fresh produce market. Laura Harmon responded that the text amendment defines a fresh produce market. Vice-Chairperson Johnson indicated that Part 5 a of the text amendment is misleading because the text states that the text amendment will delete Section 12.539 "Outdoors Seasonal Fresh Produce Stands" and replace with a new section titled, "Fresh Produce Stands". Laura Harmon replied that this should read replace with a new section titled "Fresh Produce Markets". She indicated that staff will correct the text.

#### **October 4, 2010 Work Session Follow-up Assignments** **Urban Street Design Guidelines (USDG) Text Amendments Update**

The Chairperson asked about the status of the response to the question about how setbacks are measured when there is on street parking. The Planning Director indicated that staff would provide a response at the Zoning Committee's November meeting.

Chairperson Rosenburgh informed the group that Commissioner Firestone has been assigned to monitor Planning Commission follow-up items. The Planning Director responded that this is the purpose of the Follow-up Assignments portion of the Executive Committee agenda. Staff utilizes this portion of the meeting agenda to respond to follow-up items. The Chairperson responded that these issues are important to the Commission and sometimes it takes a month or two for staff to respond, therefore the Commission would like to review outstanding follow-up items at the end of the meeting and decide what needs to be addressed. Commissioner Finch Dodson added that it also provides a way for the Commission to track follow-up items.

### **Heating, Ventilation and Air Conditioning (HVAC) Text Amendment**

The Chairperson asked about the status of this follow-up response to the question about newer energy efficient units being higher than the 42 inch proposed height limitation for nonconforming units that are in a setback or required yard along a public street. The Planning Director responded that staff has researched this issue and will provide a response during the Zoning Committee review process as previously agreed upon.

### **Approval of the November 1, 2010 Work Session Agenda**

The Executive Committee discussed the following November 1, 2010 work session agenda items:

#### **Certificate of Appreciation for Wesley Simmons**

The Chairperson asked Cheryl Neely if former Commissioner Wesley Simmons was invited to the November work session. She indicated that he will attend the work session to receive his Certificate of Appreciation.

#### **Transportation Planning (MUMPO)**

The Planning Director reminded the Committee that this would be a comprehensive presentation related to transportation planning. Bob Cook (Planning staff) will present information about MUMPO's role and how the Commission interacts with the MPO. Norman Steinman (CDOT staff) will discuss the CIP process, road design, the area planning and rezoning processes, including the integration of land use and planning.

#### **Fresh Produce Markets Text Amendment**

This agenda item was discussed at length under the September 20, 2010 Executive Committee Meeting Follow-up Assignments portion of the meeting.

#### **Affordable Housing Text Amendment**

Commissioner Andy Zoutewelle expressed concern about the Affordable Housing Text Amendment. In particular he questioned the fact that the City Attorney's Office staff had previously advised the Commission that the State law changed and the Commission should not discuss affordable housing. He asked how the text amendment relates to this direction from the City Attorney's Office. Laura Harmon responded that the General Statute language states that the Planning Commission, in making its written recommendations, shall not discriminate against affordable housing units for families or individuals with incomes below eighty percent (80%) of area median income. A written recommendation by the Planning Commission based on considerations of limiting high concentrations of affordable housing is permissible. Laura Harmon interpreted this to mean that the

Commission cannot support a development simply because it is affordable housing. Debra Campbell explained that when affordable housing is opposed, the fact that it is affordable housing cannot be used as the basis for the opposition.

Commissioner Zoutewelle again stated that City Attorney's Office staff advised the Commission not to discuss affordable housing at all. The Planning Director reiterated that the law states that a written recommendation by the Planning Commission based on considerations of limiting high concentrations of affordable housing is permissible.

Vice-Chairperson Johnson agreed with Commissioner Zoutewelle and added that City Attorney's Office informed the Commission to "stay away" from affordable housing discussions. The Planning Director acknowledged the advice from the Attorney's Office, but thought it was too rigid of a perspective since adopted policies in the General Development Polices and the Centers, Corridor and Wedges Growth Framework encourage a mixture of housing for a range of incomes. She suggested that the legislation is more about discrimination of affordable housing simply because it is affordable housing.

Commissioner Zoutewelle indicated that the language in the text amendment invites discussing the concentration of affordable housing, which conflicts with the Attorney's Office advice. Vice-Chairperson Johnson stated that the Commission could not adopt the text amendment if it was in conflict with the General Statue and she doesn't think the text amendment conflicts with the statue. Laura Harmon suggested that City Attorney's staff attend Zoning Committee meetings when affordable housing petitions are on the agenda.

The Planning Director asked the Zoning Committee members how the recent Housing Authority's Strawn Apartments rezoning petition was handled. Commissioner Finch Dodson responded that there was no discussion about the affordable housing aspect since everyone was in support of the petition. The Planning Director indicated that the legislation did not apply because there was no opposition to this petition based on it being an affordable housing project. She suggested that the Commission use their judgment and refer to the City Attorney's Office if needed. The Chairperson reminded Committee members that the City Attorney represents City Council.

### **Third Party Rezoning Notifications Text Amendment**

The Planning Director shared that the third party rezoning notification process is being changed to conform to the General Statue requirements. Laura Harmon noted that staff will continue their current notification process, but there is a higher standard of notification required by the third party submitting the petition.

### **2010 Retreat Follow-up Update**

The Chairperson announced that he and the Planning Director had a conference call scheduled with staff from Whitehead Associates, Inc. to discuss how to proceed with finalizing the deliverables from the Planning Commission retreat. Vice-Chairperson Johnson, Commissioners Allen and Finch Dodson will review any future deliverables and report back to the Executive Committee. This item will be placed on the December work session agenda for discussion.

### **Center City 2020 Vision Plan Update**

The Vice-Chairperson asked that the 2020 Vision Plan Update be removed from the Planning Committee Report portion of the agenda, since the Planning Committee does not cover this report at their monthly meetings. The Planning Director stated this plan update will be provided by Dan Thilo (Planning staff) as part of the Planning Director's Report. She also indicated that a community meeting to present final plan recommendations will be scheduled for mid-November.

The Committee agreed with the modifications to the November 1, 2010 work session agenda.

### **Future Work Session Agenda Items**

#### **Heights In Residential Districts (HIRD) Text Amendment**

The Chairperson stated that Commissioner Zoutewelle had been involved in the community meetings and he will summarize, from the Commission's point of view, and send to staff for review. The Chairperson thanked Commissioner Zoutewelle for his assistance in this process. Commissioner Zoutewelle asked if staff would send him the final recommendations so that he can prepare his comments based on staff's recommendations. The Chairperson suggested that Commissioner Zoutewelle submit his comments to staff so that staff can incorporate his comments into the final recommendations. Commissioner Zoutewelle indicated that he would have comments to staff within the next week.

#### **Capital Improvement Plan**

The Planning Director explained that the Capital Improvement Plan is a policy/procedural presentation to update the Commission on Capital Planning. The Chairperson stated that the State is experiencing funding issues which will lead to downsizing. He asked if the State's financial problems will impact local staff. The Planning Director responded that State funding does impact local municipalities, however the County is impacted more than the City.

#### **Approval of the November and December 2010 Meeting Schedules**

The Chairperson indicated that he may have a conflict with the November 15<sup>th</sup> Executive Committee meeting and will coordinate with Cheryl Neely to reschedule the meeting to November 23<sup>rd</sup> at 11:00 am if necessary.

Vice-Chairperson Johnson will poll the Planning Committee members and staff to determine if the regularly scheduled December 21<sup>st</sup> Planning Committee meeting can be changed to January 11<sup>th</sup>.

The Chairperson indicated that a Commissioner had planned to host a Christmas Party for the Commission. He asked the Committee members if they were available on Sunday, December 19<sup>th</sup>. All Committee members indicated that they were available on this date. The Chairperson will follow up with the Commissioner and inform the full Commission at the November work session.

The calendars were agreed upon with the recommended modifications.

#### **Adjournment**

The meeting adjourned at 4:55 pm.



**NOTICE OF PUBLIC HEARINGS ON PETITIONS  
FOR ZONING CHANGES BY CITY COUNCIL  
OF THE CITY OF CHARLOTTE, N.C.**

NOTICE is hereby given that public hearings will be held by the City Council in the Meeting Chamber located in the Charlotte-Mecklenburg Government Center, 600 East Fourth Street beginning at 6:00 P.M. on **Monday, the 20th day of December, 2010** on the following petitions that propose changes to the Official Zoning Maps of the City of Charlotte, North Carolina:

**Petition No. 2010-067 by Mecklenburg County Park & Recreation Department** for a change in zoning of approximately 1.64 acres located on the south side of Bevington Place between Elm Lane and Rea Road from R-15(CD) to NS.

**Petition No. 2010-068 by Lightway Properties, LLC, Car Providence Commons, LLC, and Scott B. Retzloff & Associates** for a change in zoning of approximately 6.50 acres located on the north side of Ballantyne Commons Parkway between Annalexa Lane and Providence Promenade Drive North from UR-2(CD) and R-3 to O-1(CD) and O-1.

**Petition No. 2010-069 by Patrick Dillion** for a change in zoning of approximately 13.98 acres located on the east side of the intersection of Mallard Creek Road and Penninger Circle and located across from Mason Drive from R-3 to INST(CD).

**Petition No. 2010-072 by Quail Corners Associates, LLC** for a site plan amendment of approximately 14.40 acres located at the southwest corner of the intersection of Park Road and Sharon Road West from CC to CC SPA.

**Petition No. 2010-075 by Woodie Enterprises, Inc** for a change in zoning of approximately 0.474 acres located on the east side of Carmel Road near the intersection of Carmel Road and Pineville-Matthews Road (HWY 51) from B-1(CD) and O-1 to B-1(CD) SPA and B-1(CD).

**Petition No. 2010-076 by Anders Platt** for a change in zoning of approximately 3.40 acres located at the northeast corner of the intersection of West Boulevard and Dr. Carver Road from R-22MF and I-1 to INST(CD).

The City Council may change the existing zoning classification of the entire area covered by each petition, or any part or parts of such area, to the classification requested, or to a higher classification or classifications without withdrawing or modifying the petition.

Interested parties and citizens have an opportunity to be heard and may obtain further information on the proposed changes from the Charlotte-Mecklenburg Planning Department Office, Charlotte-Mecklenburg Government Center, 600 East Fourth Street, 704-336-2205. [www.rezoning.org](http://www.rezoning.org)

To file a written petition of protest which if valid will invoke the 3/4 majority vote rule (General Statute 160A-385) the petition must be filed with the City Clerk no later than the close of business on **Wednesday, November 10, 2010**.

---

**NOTICE OF PUBLIC HEARINGS ON PETITIONS  
FOR ZONING ORDINANCE CHANGES BY CITY COUNCIL  
OF THE CITY OF CHARLOTTE, N.C.**

NOTICE is hereby given that public hearings will be held by the City Council in the Meeting Chamber located in the Charlotte-Mecklenburg Government Center, 600 East Fourth Street beginning at 6:00 P.M. on **Monday, the 20th day of December, 2010** on the following petitions that propose changes to the City of Charlotte Zoning Ordinance:

**Petition 2010-078** Text Amendment to the City of Charlotte Zoning Ordinance to add a new definition and revise the regulations for heating, ventilation, and air conditioning units (HVAC).

**Petitioner: Charlotte Mecklenburg Planning Commission.**

**Petition 2010-079** Text Amendment to the City of Charlotte Zoning Ordinance to add a new use, definition, and prescribed conditions for an eco-industrial facility. **Petitioner: Charlotte-Mecklenburg Planning Commission.**

Interested parties and citizens have an opportunity to be heard and may obtain further information on the proposed changes from the Charlotte-Mecklenburg Planning Department Office, Charlotte-Mecklenburg Government Center, 600 East Fourth Street, 704-336-2205. [www.rezoning.org](http://www.rezoning.org)

---



**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, Rm 280**  
**November 23, 2010**  
**12:00 P.M.**

<p><b>1. Petition No. 2008-032 by Myers Park Home Owners Association</b> for a change in zoning of approximately 38.79 acres located on both sides of Selwyn Avenue and Roswell Avenue from Lorene Avenue, north to Bucknell from R-22MF to R-8MF.</p>
<p><b>2. Petition No. 2010-045 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify and clarify the regulations for pedestrian oriented information pillars and information pillar signs.</p>
<p><b>3. Petition No. 2010-050 by DavidLand, LLC</b> for a change in zoning of approximately 1.95 acres located at the southeast corner of the intersection of Interstate 485 and Interstate 77 and to the west of Statesville Road from B-D to I-1.</p>
<p><b>4. Petition No. 2010-051 by Habitat for Humanity of Charlotte, Inc.</b> for a change in zoning of approximately 3.629 acres located on the west side of Bingham Drive near North Tryon Street from I-2 to UR-2(CD).</p>
<p><b>5. Petition No. 2010-070 by Fairview Plaza Associates LTD Partnership</b> for a change in zoning of approximately 1.06 acres located on the south side of Fairview Road between Park South Drive and Piedmont Row Drive from MUDD(CD) to MUDD-O.</p>
<p><b>6. Petition No. 2010-071 by Covenant Presbyterian Church</b> for a change in zoning of approximately .324 acres located on the north side of Arose Avenue between East Morehead Street and Dilworth Road from R-4(HD-O) to UR-C(CD)(HD-O).</p>
<p><b>7. USDG TEXT AMENDMENTS</b></p> <p><b>A. Petition No. 2010-074SUB by Charlotte Department of Transportation</b> for the adoption of a text amendment to the City of Charlotte Subdivision Ordinance, Chapter 20 to implement the Urban Street Design Guidelines.</p> <p><b>B. Petition No. 2010-073 by Charlotte Department of Transportation</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to implement the Urban Street Design Guidelines.</p> <p><b>C. Tree Ordinance Text Amendment by Charlotte Department of Transportation</b> for the adoption of a text amendment to the City of Charlotte Tree Ordinance, Chapter 21 to allow trees to be planted in the public right-of-way.</p>



APPROVED  
November 16, 2010

**Charlotte-Mecklenburg Planning Commission  
Planning Committee Meeting Minutes  
CMGC – Innovation Station, 8<sup>th</sup> Floor  
October 19, 2010**

**Commissioners Present:** Yolanda Johnson (Chairperson), Andy Zoutewelle (Vice-Chairperson), Eric Locher, Joel Randolph, and Lucia Griffith

**Commissioners Absent:** Margaret Nealon and Emma Allen

**Planning Staff Present:** Alberto Gonzalez, John Howard, Sonda Kennedy, Michelle Jones, Kent Main, Melony McCullough, Bryman Suttle, and Jonathan Wells

**Staff Resources Present:** Tim O'Brien and Robert W. Drayton, City Real Estate and Jacqueline McNeil, Mecklenburg County Real Estate Services

**Call to Order**

Chairperson Johnson called the meeting to order at 5:25 p.m.

**Approval of Meeting Minutes**

*A motion was made by Commissioner Griffith and seconded by Commissioner Randolph to approve the September 21, 2010 minutes with the change below recommended by Commissioner Zoutewelle:*

Commissioner Zoutewelle stated that he would like all Planning Committee members to be included in meeting notices for all area plans, text amendments, and other Citizen Advisory Groups. The Committee agreed and clarified that although all Committee members will be notified of meetings, a commissioner and a substitute will be assigned to each area plan.

*The vote was unanimous (5-0) to approve the minutes with the change noted above.*

**Receive Public Comments on the draft Plaza-Central Pedscape Plan Amendment**

Michelle Jones (Planning staff) gave a brief overview of the *Plaza-Central Pedscape Plan* (2003). The plan amendment allows a reduction in the 400-foot separation required between residential uses and nightclubs to 225 feet within the plan area. She reminded the Committee that she shared detailed information about the plan at their previous meeting. This included information about how the plan guides land use and public investment decisions. She noted that the pedscape plan focuses on enhancing the pedestrian environment and that the Pedestrian Overlay Zoning District (PED) provides standards for form and design but does not change land use.

Commissioner Griffith asked if the character of Central Avenue differs from that of other parts of the plan area and if staff has received feedback from area residents. Ms. Jones stated that area residents support the plan amendment. Commissioner Randolph asked about the origin of the 225 foot distance. Ms. Jones stated that this is the distance that the property owner requested. Kent Main (Planning staff) added that the 225 foot distance works well for the area. Commissioner Randolph inquired about the notification process. Mr. Main stated that all property owners within 400 feet of the plan area receive notification letters two weeks prior to meetings.

Ms. Jones outlined the next steps in the process. Commissioner Zoutewelle asked why the Planning Committee is being asked to make a recommendation prior to City Council receiving public comments. Chairperson Johnson added that this was mentioned at the last meeting. Mr. Main explained to the Committee that the process for plan amendments is essentially the same as the area plan adoption process. Both Ms. McCullough and Mr. Main explained how the steps in the plan adoption process may vary.

### **Public Comments**

Brian Horton (area resident) spoke briefly in support of the plan. He stated that he lives within 100 feet of the plan amendment area and that he purchased a home in this area because of the vibrant activity as well as the potential future development. Allyson Speakes, one of the property owners who requested the plan amendment, stated that she totally supports the project.

### **M.R. #10-016: Proposal to Transfer City-Owned Properties to Various Non-Profit Corporations**

John Howard (Planning Staff) presented the mandatory referral for the City of Charlotte's Neighborhood and Business Services Key Business Unit's (NBS) proposal to transfer 22 city-owned parcels to various nonprofit organizations. Some of the parcels are located in urban areas while others are located in more suburban areas. The land use and zoning of the parcels range from residential to business and thirteen of the parcels have houses and nine are vacant.

Planning staff recommends the transfer of the majority of the parcels zoned for single family use but notes that the any improvements should adhere to the single family residential design guidelines outlined in the area plan for the subject parcel or *General Development Policies (GDP)*, adopted by City Council in 2003. However, three vacant parcels on North Summit Avenue, near Johnson C. Smith University (JCSU), are within the *West End Land Use and Pedscape Plan* (2005). The plan recommends a master planned mixed use of multi-family development in conjunction with the nearby Charlotte Housing Authority property. Planning staff recommends delaying the sale of these properties until a credible master plan for the larger area is developed.

Commissioner Griffith asked how close the property is to JCSU. Mr. Howard replied that it is within one-half mile. Commissioner Griffith asked if JCSU should be contacted to find out if they are interested in the homes for student housing. Mr. Howard replied that the school is aware of the proposed transfer and participates in a group that includes representatives from several agencies that have initiatives in the area.

The vacant parcels on Avant Street are located within the Midtown, Morehead, Cherry Area Plan boundary. The future land use for these parcels will be discussed during the plan development process. Planning staff recommends delaying the transfer or sale of these properties until the draft plan is developed.

Mr. Howard stated that the property located on West Boulevard is zoned for business. Planning staff does not support the transfer of the dwelling located at 2409 West Boulevard and recommends the site be reconsidered for non-residential use due to the commercial character of the block. Also, the Central District Plan recommends commercial land uses for the site. Commissioner Griffith asked if NBS is working with small businesses that may have an interest. Tim O'Brien (City Real Estate) stated that the property that is zoned for business will likely be sold.

Commissioner Zoutewelle asked for feedback from NBS about Planning staff's modification of their original request. Denice Beteta, (NBS ) stated that the changes are acceptable.

*A motion was made by Commissioner Griffith to approve Planning Staff's recommendation as modified for M.R. #10-016, The motion was seconded by Commissioner Randolph. The vote was 5-0 to approve.*

**M. R. #10-017: Proposed Sale of City-Owned Land located at 922 Louise Avenue**

Melony McCullough (Planning Staff) presented the mandatory referral for the City's proposal to sale a .72 acre site located at 922 Louise Avenue, behind The Salvation Army located on Central Avenue. The Salvation Army approached the City about purchasing the surplus land to create a wooded outdoor environment for counseling those struggling with addictions. Commissioner Griffith asked if consideration was given to transferring this property to The Salvation Army, a non-profit organization. Tim O'Brien (City Real Estate) explained that The Salvation Army is willing to purchase the property and that this is an economic generator for the city.

*A motion was made by Commissioner Randolph to approve Planning Staff's recommendation for M.R. #10-017 and seconded by Commissioner Zoutewelle. The vote was 5-0 to approve.*

**M.R. #10-018: Proposal to Purchase Land for a New Police Station in Steele Creek**

Alberto Gonzalez (Planning Staff) presented the proposal to purchase land for a new Steele Creek Division headquarters. Commissioner Randolph asked about the location of the nearest police station. Mr. Gonzalez explained that this facility will replace the current facility located at 1790 Shopton Road, Charlotte Police and Fire Training Academy. Commissioner Randolph also asked if there is a station close to Nations Ford Road or Arrowood Road. He expressed interest in the police response time for the area and stated that he would like to see new stations located in areas that are blighted, economically challenged, and crime ridden. Bryman Suttle (Planning Staff) shared that a feasibility study considered a number of sites before this site was selected. Commissioner Randolph said that it would be good to have maps similar to those presented by the Fire Department for their mandatory referrals. Commissioner Zoutewelle asked if the design of the facility takes the road right of way and road location into consideration. Mr. Gonzalez replied that the design does consider the street. Commissioner Randolph stated he does not think this is the best location for this facility and another use is better suited for this site.

*A motion was made by Commissioner Locher to approve Planning Staff's recommendation for M.R. #10-018 and seconded by Commissioner Griffith. The vote was 4-1 to approve. Commissioner Randolph voted not to approve.*

**M.R. #10-019: Proposed Land Exchange between Mecklenburg County, City of Charlotte, and a Developer in the Metropolitan Area**

Commissioner Zoutewelle recused himself from this mandatory referral after disclosing that his survey company provided the survey and recorded the plat for this proposal. There was not a quorum present and the Committee voted to defer this mandatory referral.

Commissioner Zoutewelle left at 6:15

**Area Plan Status and Meeting Report**

Steele Creek Area Plan – A Citizen Advisory Group meeting is planned for November 9, 2010.

**November and December Meeting Schedule**

The Planning Committee will meet as scheduled on November 16<sup>th</sup>. The meeting scheduled for December 21<sup>st</sup> has been tentatively rescheduled to December 14<sup>th</sup>. Ms. McCullough will notify Chairperson Johnson if there are mandatory referrals or other agenda items that require action in December. If there are none, the December 14<sup>th</sup> meeting will be cancelled.

**Area Plan Information and Tours**

The Committee will have an information session on the draft *Independence Boulevard Area Plan* at 2:00 p.m. on November 1<sup>st</sup> followed by a tour of the area at 3:00 p.m. The draft *Steele Creek Area Plan* tour has been rescheduled for 2:00 p.m. on Monday, December 6<sup>th</sup>.

**Adjourn**

The meeting adjourned at 6:30 p.m.

**Charlotte Historic District Commission Update****November 22, 2010**

---

At their November 10, 2010 meeting, the Charlotte Historic District Commission made the following rulings on Applications for Certificates of Appropriateness.

---

A.	1560 Merriman Avenue, Wilmore Local Historic District Repair of Vinyl Siding & Windows, Elimination of One Façade Entrance Charles Dibiazue, Applicant	HDC 2010-098	<b>Approved W/ Conditions</b>
B.	528 East Kingston Avenue, Dilworth Local Historic District Partial Screening of Front Porch Joe & Sara Spencer, Applicants	HDC 2010-099	<b>Deferred by Applicant</b>
C.	1824 South Mint Street, Wilmore Local Historic District Renovation Mark & Kristin Santo, Applicants	HDC 2010-104	<b>Approved W/ Conditions</b>
D.	2100 Charlotte Drive, Dilworth Local Historic District Rear Hipped Roof Addition Robert & Sheila Rondeau, Applicants	HDC 2010-109	<b>Deferred</b>
E.	524 East Worthington Avenue, Dilworth Local Historic District Rear Addition Kent Lineberger, Applicant	HDC 2010-110	<b>Deferred</b>

Also, the Historic District Commission saw a demonstration of the new electronic distribution system that will be used starting in January, 2010. This new system will eliminate the need for printing and mailing the agenda packet to the HDC members prior to the meeting each month. Using the City of Charlotte's secure web site, all materials can be made available to each Commissioner electronically as a read-only pdf file. Once the agenda distribution is working smoothly, we will begin to make all the agenda items available to the public online prior to each meeting.