

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

Planning Commission

Nov 7, 2011
work session

Charlotte-Mecklenburg
Government Center

Room 267
Noon

A stylized graphic consisting of several overlapping, wavy bands of color. The top band is a dark blue, the middle is a lighter blue, and the bottom is a green. The word "Agenda" is written in a white, cursive font in the center of the blue bands.

Agenda

Charlotte-Mecklenburg Planning Commission

November 7, 2011 - Noon

CMGC - Conference Room 267

Work Session Agenda

Call to Order & Introductions

Stephen Rosenburgh

Administration

Approval of Planning Commission Minutes

Approve the October 3, 2011 work session minutes.

Attachment 1

Policy

Assisted Multi-Family Housing at Transit Stations

Alan Goodwin

Background: Provide an update on the Assisted Multi-Family Housing at Transit Stations Policy.

Action: Receive as information.

Rules of Procedure Amendments

Background: During the retreat, the Commission discussed amending the Rules of Procedure to include a reference to the Interlocal Agreement, remove the disclosure statement requirement, and add the Communication Committee and its role. Other proposed changes to the Rules include the quorum requirements for the Zoning and Planning committees, and an update to the duties of the Planning Director to reflect Planning staff duties.

Action: Discuss and vote on language to amend the Rules of Procedure.

Attachment 2

Text Amendments

Fresh Produce

Solomon Fortune

Background: Receive an update on the Fresh Produce Text Amendment process.

Action: Receive as information.

Surface Parking in UMUD/MUDD

Claire Lyte-Graham

Background: Staff to provide an update on the Surface Parking in UMUD/MUDD Text Amendment.

Action: Receive as information.

Information

Planning Director's Report

Debra Campbell

- Planning Department's Public Outreach Presentations

Attachment 3

November & December 2011 Meeting Schedules

Attachment 4

Committee Reports

Executive Committee

Stephen Rosenburgh

- September 19, 2011 Meeting Summary & October 3, 2011 Approved Minutes

Attachment 5

- Future Agenda Items

Agenda Items	Work Session
1. Incentive Based Inclusionary Zoning Text Amendment	December 2011
2. Internet Sweepstakes / Internet Café Text Amendment	December 2011
3. Nightclubs, Bars and Lounges Text Amendment	December 2011
4. Development Review Board	January 2012
5. Zoning Board of Adjustment Overview	January 2012
6. Residential Design Standards Phase II Text Amendment	February 2012
7. Alternative Energy/Eco-Industrial Text Amendment	February 2012
8. Mobile Food Vendors Text Amendment	TBD
9. Land Development 101 Brochure	TBD
10. Zoning Ordinance Policy Assessment	TBD

Zoning Committee

- Zoning Committee Agenda
- Upcoming Rezoning Petitions

Stephen Rosenburgh
Attachment 6
 Tammie Keplinger

Planning Committee

- September 20, 2011 Approved Minutes

Yolanda Johnson
Attachment 7

Historic District Commission

- October 12, 2011 Meeting Update

Steven Firestone
Attachment 8

Economic Development Committee

Lucia Zapata Griffith

Communication from Chairperson

- Operating Agreement

Stephen Rosenburgh
Attachment 9

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, torn paper or brush strokes. The background is plain white.

Administration

Charlotte-Mecklenburg Planning Commission

Attachment 1

October 3, 2011 – Noon

CMGC – Conference Room 267

Action Minutes

Attendance

Commissioners Present: Stephen Rosenburgh (Chairperson), Yolanda Johnson (Vice-Chairperson), Emma Allen, Tracy Finch Dodson, Claire Green Fallon, Dwayne Walker, Lucia Zapata Griffith, and Andy Zoutewelle

Commissioner Zoutewelle arrived at 12:12 pm, Commissioner Dwayne Walker arrived at 12:18 pm, and Commissioner Tracy Finch Dodson left the meeting at 1:05 pm.

Commissioners Absent: Steven Firestone, Karen Labovitz, Tony Lathrop, Meg Nealon, and Greg Phipps

Staff Present: Pontip Aphayarath, Alberto Gonzalez, Laura Harmon, Crissy Huffstickler, Tammie Keplinger, Cheryl Neely, Jonathan Wells, and Katrina Young

Guests: Dana Fenton (City Manager's Office), Keith Richardson (Corporate Communications), John Muth (CATS), Danny Rogers (CATS)

Call to Order & Introductions

Due to a lack of a quorum, the meeting began with presentations. Following the CATS Update, the Chairperson called the meeting to order at 12:49 pm.

Administration

Approval of Planning Commission Minutes

Commissioner Allen made a motion to approve the September 6, 2011 minutes, seconded by Commissioner Walker. The vote was 8 to 0 to approve the minutes.

Policy

CATS Update

John Muth gave an update on the North Corridor Red Line. He explained that a task force had been formed to look at alternative financing options. For instance, one alternative considers using the line for freight, as well as passengers. The intent of this alternative is to attract Norfolk Southern to use the line to assist with generating funds to contribute to the rail project. He encouraged Commissioners to attend upcoming meetings where the consultant will present a preliminary report of the recommendations.

Commissioner Green Fallon stated that the commuter lines would be used only in the mornings and the afternoons. She asked why the rail line could not be used throughout the day to help alleviate traffic along I-77. Mr. Muth responded that collaboration would be required to boost potential rail line customers. Freight business could potentially be located along the line to decrease truck traffic on I-77.

Danny Rogers provided the update on the Lynx Blue Line Extension (BLE). He explained that the BLE links Uptown and UNCC, while the continuous LYNX Blue Line will provide direct transportation from the south to the northeast area of the County. Similar to the South Line, the BLE will create new income and business opportunities in revitalizing the North Tryon Street area, strengthening neighborhoods along the alignment and providing new jobs in the community.

The Federal Government has demonstrated support of this project. The Mecklenburg Congressional delegation supports this project as essential to the economy. The Chamber of Commerce has designated this as their high priority project for attracting businesses to the Region. Likewise, the University and the Hospital are major supporters and technical contributors – with major support from the Northeast Neighborhood Coalition. Mr. Rogers shared the following schedule:

- September 2011 FTA New Starts Update
- December 2011 Record of Decision (ROD)
- December 2011 State Full Funding Grant Agreement (SFFGA)
- December 2011 Begin Right-of-way Acquisition
- February 2012 Final Design Request
- May 2012 Final Design Approval
- Late 2012 Federal Full Funding Grant Agreement (FFGA)
- September 2013 Start Construction
- Early 2017 Rail Line Open

The presentation continued with information about the Final Environmental Impact Statement, Risk Assessment, New Starts Update and Cost Estimate Update. The Chairperson thanked both John Muth and Danny Rogers for their presentations.

Legislative Liaison Report

Dana Fenton gave an overview of the 2011 NC General Assembly, including information about the following new statutes:

- Annexation Reform (SL 2011-396/HB 845)
- Farm Property (SL 2011-363/HB 168)
- Vegetation Removal Around Billboards (SL 2011-397/SB 183)
- Development Moratorium (SL 2011-286/HB 332)
- Zoning Stature of Limitations (SL 2011-384/HB 806)
- Municipal Abuse of Authority (SL 2011-299/HB 687)

Crossover bills presented included:

- Zoning /Aesthetic Controls (SB 731)
- Temporary Family Health Care Structures (HB 887)
- Shooting Range Relocation (SB 560)

Mr. Fenton also shared that State legislative studies include ETJ (HB 218) and Property Owners Protection Act (HB652).

The Chairperson thanked Mr. Fenton for his very informative presentation and stated that the Commission is looking forward to future Legislative updates.

Retreat Follow-up

The Chairperson stated there were no specific issues from the retreat. Vice-Chairperson Johnson thanked all Commissioners who volunteered for the text amendment CAGs. She also stated that she and Cheryl Neely were working to update the Rules of Procedure, based on the discussion at the

retreat. This document will be placed on a future work session agenda for review and adoption. Vice-Chairperson Johnson, Commissioner Allen and Commissioner Finch Dodson are working on developing a calendar of deliverables for the Communication and Economic Development committees.

Information

Planning Director's Report

The Planning Director was not in attendance because she was participating in the Deputy City Attorney interviews.

Ms. Harmon stated that as part of the Department's commitment to involve the Commission early in planning processes, Alberto Gonzalez would provide an update on the Park Road Woodlawn Area Plan. Mr. Gonzalez began by explaining why the Department is doing a plan for this area. He presented the area plan boundaries and the following preliminary schedule:

1. Data Collection and Analysis – Fall 2011
2. Public Kickoff Meeting – November 2011
3. Citizen Advisory Group Meetings – Winter/Spring 2012
4. Public Meeting – Summer 2012
5. Draft Document Public Meeting – Fall 2012
6. Review and Adoption Fall/Winter – 2012/2013

Mr. Gonzalez asked if there were any questions or feedback since this was the first time the Department involved the Commission early in the area planning process. The Chairperson stated that Commissioner Labovitz is assigned to this area plan.

Commissioner Green Fallon asked if the plan boundaries included the Madison Park neighborhood. Mr. Gonzalez replied that Madison Park is located in the southern portion of the study area.

Commissioner Zoutewelle asked that staff consider transportation improvements to make the area along Park Road, between Kenilworth/Scott and Selwyn avenues, more pedestrian friendly. Mr. Gonzalez stated that CDOT has three staff representatives assigned to this project and transportation is a main issue in this area. Transportation issues will be addressed as part of the planning process.

Commissioner Zapata Griffith asked if staff could possibly include the small business community and Phieffer College representatives in the CAG. She asked if Commissioners can get a list of the CAG attendee's zip codes. Mr. Gonzalez stated that in addition to encouraging citizens to sign up for the CAG at the public meeting, the Department will invite key property owners and area stakeholders to participate in the CAG process. Vice-Chairperson Johnson asked if the sign in sheets from the CAG meetings can be posted on the Department's website so the Commission can have an idea as to who is participating in the process. Commissioner Zapata Griffith also asked if staff could place signs in the area to indicate that a public meeting will be held. She suggested that staff use a sign similar to the "Z" rezoning signs – something eye catching to get the public's attention, such as an "A" sign for area plan.

The Chairperson thanked Mr. Gonzalez for the presentation and asked Ms. Harmon if there was any additional information for the Director's Report. Laura Harmon stated that Ms. Campbell wanted her to remind the Commission of two upcoming meetings – the Fresh Produce Text Amendment CAG meeting on October 4th at 6:00 pm and the NCAPA conference which begins on October 5th.

October & November 2011 Meeting Schedules

The Chairperson stated that since Commissioner Lipton resigned others may be asked to attend committee meetings in order to have quorums.

The Chairperson asked if there is a Zoning Committee meeting with Council in November. Ms. Keplinger responded that the November meeting is combined with the Council Business Meeting on November 14th.

Ms. Keplinger then proceeded with a brief update on the upcoming rezoning cases, as requested at the Retreat. She noted that there are 15 items for decisions in October and gave an overview of the items.

Committee Reports

Executive Committee

The Chairperson asked Commissioners to forward any future agenda topics to the Executive Committee.

Zoning Committee

The Chairperson noted that the rezoning information is included in attachments 4 and 5 in the agenda packet.

Planning Committee

The Chairperson reminded Commissioners to attend the area plan and text amendment meetings that they are assigned so that the Commission can support staff's initiative of involving the Commission early in planning processes.

Economic Development Committee

Commissioner Zapata Griffith stated that the Committee is focusing on the Land Development 101 brochure. She would like to include other stakeholders such as a representative from the Charlotte Chamber and an economic development representative from the City.

Communication from Chairperson

The Chairperson informed the Commission that the Executive Committee will review the current Planning and Zoning Committee assignments and follow up with the full Commission about rotations.

Chairperson Rosenburgh also stated that the text amendment filing process will be discussed further and information will be forwarded to the Commission soon.

Adjournment

The meeting adjourned at 1:46 pm



Proposed amendments to the CMPC Rules of Procedure – submitted November 7, 2011

A RESOLUTION TO AMEND THE RULES OF PROCEDURE OF THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO INCLUDE A REFERENCE TO THE INTERLOCAL AGREEMENT, REMOVE THE DISCLOSURE STATEMENT REQUIREMENT, ADD THE COMMUNICATION COMMITTEE AND ITS ROLE, INCLUDE THE QUORUM REQUIREMENTS FOR THE ZONING AND PLANNING COMMITTEES, AND UPDATE THE DUTIES OF THE PLANNING DIRECTOR TO REFLECT PLANNING STAFF DUTIES.

BE IT RESOLVED That a sentence be added to the beginning of the Rules of Procedure of the Charlotte-Mecklenburg Planning Commission to reference the Interlocal Agreement and that Articles III, V & VII are amended as follows, with parts to be removed crossed through and parts to be added underlined:

These Rules of Procedure are derived from the Interlocal Agreement which indicates that the Planning Commission shall adopt such Rules of Procedure as it shall see fit for the transaction of its business (Section 3.53).

ARTICLE I - OFFICERS

No recommended amendments to Article I.

ARTICLE II - COMMISSION MEETINGS

No recommended amendments to Article II.

ARTICLE III - CONFLICT OF INTEREST

Section 1. No member of the Commission shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Commission which may result in a private benefit to themselves, their relatives or their business interest. In applying this rule the following procedure shall govern:

- (a) A Commissioner who determines there exists a conflict of interest shall declare the existence of a conflict and shall refrain from any deliberation on the matter and shall leave any chamber in which such deliberations are to take place.
- (b) A Commissioner who believes there may exist a conflict of interest shall declare his possible conflict and ask for a determination by the Commission. A majority vote of the Commission shall determine whether or not a conflict of interest exists.
- (c) A challenge of the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Commission. Such a challenge may be an appeal for a review of the finding of the Commission or may be for the purpose of alleging an undeclared conflict of

interest. Any challenge made to the Commission shall be supported by competent evidence and shall be submitted to a properly convened meeting of the Commission. The Commission shall hear all evidence and shall, by majority vote, make the final determination as to the existence of a conflict of interest.

- (d) Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of considerations because of the business or profession with which a member is associated.

~~Section 2. Each Commission member shall file a disclosure statement in accordance with the following:~~

- ~~(a) The statement shall be filed annually at the regular meeting of the Commission in July. A newly appointed member shall file an initial statement within sixty days of the effective date of the appointment and thereafter shall file at the regular annual time. Each statement shall become part of the minutes for the meeting at which it is filed.~~
- ~~(b) The disclosure statement shall include the following information for the Commission and their immediate household: (Spouse and dependent children)~~
 - ~~(1) A listing of all real property in Mecklenburg County in which there is held any legal or beneficial interest including a contract to buy or sell.~~
 - ~~(2) The identity, by name and address, of any business entity with which there is an association. For purposes of this code "association" shall mean an owner, officer, director or employee of the business entity, or beneficial ownership of 40% of the voting stock of any corporation.~~

ARTICLE IV - RECORDS OF COMMISSION BUSINESS

No recommended amendments to Article IV.

ARTICLE V - COMMITTEES

Section 1. There shall be three ~~(4)~~ Standing Committees:

- (a) Planning Committee as provided by the Interlocal Agreement.
- (b) Zoning Committee as provided by the Interlocal Agreement.
- (c) Executive Committee composed of the Planning Commission Chair and Vice Chair and the Vice Chairs of the Planning and Zoning Committees. The Executive Committee shall be responsible for coordination of Planning Commission and Committee activities and agendas. Further, the Executive Committee is responsible for working with the Director in assuring coordination of staff and Commission work.

(d) The Communication Committee shall consist of three Commissioners. The Chairperson shall be an Executive Committee member. This committee is responsible for producing the Commission's Annual Report every July as well as a statement to City Council each January outlining its recommendations for planning priorities in the upcoming fiscal year.

Section 2. Other Committees or Commission representatives on Committees may be appointed as needed to expedite the work and further the aims and objectives of the Commission or its Standing Committees.

Section 3. A quorum for the Planning and Zoning Committee meetings shall consist of at least five (5) members present.

Section ~~43~~. Commission members are to inform the Chairperson of the respective Committee or staff if they are not able to attend any regularly scheduled meeting of the Commission. If staff is notified of the absence, he/she should call the Chairperson of the respective Committee to inform them of the absence. In the event that a quorum is not obtained, the Chairperson of the respective Committee will contact their Committee member(s) to inquire about their availability to attend the meeting in order to obtain a quorum.

In the event that a quorum cannot be obtained with the assigned Committee members, the Chairperson of the Commission retains the authority to make temporary assignments as needed as per article 3.74 of the Interlocal Cooperative Agreement.

Section ~~54~~. Public Hearings: In regards to the Planning and Zoning Committee's attendance at Public Hearings, it is vitally important for Commissioners to be present and receive input from the public regarding the cases before them. The attendance policy still holds for each of these meetings. However, Public Hearings are not official meetings, and therefore do not require a quorum.

It is strongly recommended that absent Commissioners review the video/audio tape of the Hearing to insure they are familiar with the current information regarding each case. In addition, per article 3.74 of the Interlocal Cooperative Agreement, the Chairperson retains the authority to make temporary assignments.

Section ~~65~~. The chair of a Committee has the authority to cancel a meeting in any one of the following two circumstances:

- (a) A sufficient number of Committee members have informed the chair or staff advisor that they will not be able to attend the meeting, such that a quorum cannot be obtained.
- (b) The agenda is deemed insubstantial, such as the approval of minutes and/or mandatory referrals for which the timing of the approvals is not critical based upon the information available to the Planning staff. The chair shall inform the Committee at the next regularly scheduled meeting of the chair's reasons for the cancellation of the meeting for an agenda deemed insubstantial.

ARTICLE VI - VOTING PROCEDURE FOR ZONING COMMITTEE AND PLANNING COMMITTEE

No recommended amendments to Article VI.

ARTICLE VII - DUTIES OF THE PLANNING DEPARTMENT STAFFDIRECTOR

Section 1. The Planning ~~Staff~~Director shall ~~be responsible for the execution of policies established by the Commission, and shall direct the work of the Commission's staff. He/she shall~~ serve as secretary of the Commission and shall be responsible for maintaining records of its business, issuing notices of meetings and notifying parties having interest in matters to be considered at Commission meetings.

ARTICLE VIII – PROCEDURE

No recommended amendments to Article VIII.



Charlotte-Mecklenburg Planning Department

FY2012 Community Outreach Presentations

#	Date	Presentation	Staff
1	07/11/11	Matthews Town Board of Commissioners - ULI Independence Boulevard Study	D. Campbell
2	07/12/11	Commercial Real Estate Women (CREW) - The Evolution of the Myers Park Corridor	L. Harmon
3	07/21/11	Stallings & Other Union County Representatives - ULI Independence Boulevard Study	D. Campbell
4	07/26/11	Cherry Neighborhood Association Meeting - MMC Area Plan Process Update	K. Main/J. Howard
5	08/20/11	Back to School Youth Empowerment Summit	D. Campbell
6	08/26/11	UGA Planning Graduate Students - BLE and 9th Street Station Area	D. Thilo/K. Cornett
7	08/26/11	APA Webinar - "Creating More Active Communities with Joint Use Agreements"	J. Wells
8	08/30/11	Echo Hills Neighborhood Association - Independence Plan	D. Campbell/A. Osborne
9	09/30/11	Columbus, GA Chamber of Commerce Inter-City Leadership Conference	B. Cook
10	10/05/11	NCAPA Conference - Independence Boulevard Mobile Tour	A. Osborne
11	10/05/11	NCAPA Conference - Integrating Transit & Land Use with Light Rail - LYNX Blue Line Mobile Tour	K. Main
12	10/06/11	NCAPA Conference - Center City Walking Tour	D. Thilo/J. Dhindaw
13	10/07/11	NCAPA Conference - Area Plan Implementation	G. Johnson/L. Quinn
14	10/18/11	Rockwell Park Neighborhood Association Community Forum - Adopted Area Plans	M. McCullough
15	10/25/11	Association of Pedestrian & Bicycle Professionals - Urban Design Workshop	D. Thilo/J. Dhindaw/M. Jones
16	10/26/11	Association of Pedestrian & Bicycle Professionals - LYNX Blue Line Mobile Tour	K. Main

Meeting Schedule

November 2011

Date	Time	Purpose	Location
Full Planning Commission			
11-07-11	Noon	Work Session	Conference Room 267 2 nd Floor – CMGC
Executive Committee			
11-14-11	4:00 p.m.	Work Session ¹	Conference Room 266 2 nd Floor – CMGC
Planning Committee			
11-15-11	5:00 p.m.	Work Session	Innovation Station 8 th Floor - CMGC
Zoning Committee²			
No Meetings Scheduled			
Other Committee(s)			
11-09-11	3:00 p.m.	Historic District Commission	Conference Room 267 2 nd Floor – CMGC
11-16-11	7:00 p.m.	MUMPO	Conference Room 267 2 nd Floor – CMGC
Charlotte-Mecklenburg Planning Department Meetings			
Incentive Based Inclusionary Housing Text Amendment			
11-29-11	6:00 p.m.	Citizen Advisory Group	Conference Room 280 2 nd Floor – CMGC
Internet Sweepstakes/Internet Cafes Text Amendment			
11-10-11	6:00 p.m.	Citizen Advisory Group	Conference Room 280 2 nd Floor – CMGC
Elizabeth Area Plan			
11-14-11	7:00 p.m.	City Council Action	Meeting Chamber Lobby Level – CMGC
Midtown Morehead Cherry Area Plan			
11-15-11	5:00 p.m.	Planning Committee	Conference Room 280 2 nd Floor – CMGC
Restaurant, Nightclubs, Bars and Lounges Text Amendment			
11-17-11	6:00 p.m.	Citizen Advisory Group	Conference Room 267 2 nd Floor – CMGC
Park Road Area Plan			
11-17-11	6:00 p.m.	Public Kickoff Meeting	Park Road Montessori School 3701 Haven Drive – Auditorium

¹The November 21, 2011 Executive Committee meeting was rescheduled to November 14, 2011.

²There are no Public Hearings scheduled in November; therefore, the Zoning Committee will not have a work session in November.

Charlotte-Mecklenburg Planning Commission

Meeting Schedule

December 2011

Date	Time	Purpose	Location
Full Planning Commission			
12-05-11	Noon	Work Session	Conference Room 267 2 nd Floor – CMGC
Executive Committee			
12-12-11	4:00 p.m.	Work Session ¹	Conference Room 266 2 nd Floor – CMGC
Planning Committee			
12-20-11	5:00 p.m.	Work Session	Conference Room 280 2 nd Floor - CMGC
Zoning Committee			
12-12-11	5:00 p.m.	Dinner with City Council ²	Conference Room CH-14 Basement – CMGC
12-12-11	6:00 p.m.	City Rezoning ²	Meeting Chamber Lobby Level – CMGC
01-04-12	4:30 p.m.	Work Session ³	Conference Room 280 2 nd Floor - CMGC
Other Committee(s)			
12-14-11	3:00 p.m.	Historic District Commission	Conference Room 267 2 nd Floor – CMGC
Charlotte-Mecklenburg Planning Department Meetings			
Steele Creek Area Plan			
12-12-11	7:00 p.m.	City Council Action	Meeting Chamber Lobby Level – CMGC
Incentive Based Inclusionary Housing Text Amendment			
12-13-11	6:00 p.m.	Citizen Advisory Group	Conference Room 280 2 nd Floor – CMGC
Restaurants, Nightclubs, Bars and Lounges Text Amendment			
12-15-11	6:00 p.m.	Citizen Advisory Group	Conference Room 267 2 nd Floor – CMGC

¹ Due to the Holiday, the regularly scheduled December 19, 2011 Executive Committee Meeting was rescheduled to December 12.

² Due to the Holiday, the regularly scheduled December 19, 2011 Zoning Meeting was rescheduled to and combined with the December 12, 2011 City Council Business Meeting.

³ Due to the Holiday, the regularly scheduled December 28, 2011 Zoning Committee Work Session was rescheduled to January 4, 2012.

Executive Committee Meeting

September 19, 2011

Meeting Summary

Attendance

Executive Committee Members Present: Stephen Rosenburgh (Chairperson) and Meg Nealon

Executive Committee Members Absent: Yolanda Johnson (Vice-Chairperson) and Emma Allen

Staff Present: Debra Campbell, Crissy Huffstickler and Cheryl Neely

Due to the lack of a quorum, the Committee discussed the agenda items but did not take any action. The meeting was rescheduled to October 3, 2011 at 11:50 am to approve the August 22, 2011 Executive Committee minutes, the October 3, 2011 work session agenda, and the November 2011 meeting schedule.

The following is a summary of the discussion.

September 6, 2011 Retreat Follow-up Items

Rules of Procedure – Proposed Amendments

Ms. Neely stated that Vice-Chairperson Johnson recommended that the Rules of Procedure be amended to include the Communication Committee and its role. She also stated that there are some routine activities in the Interlocal Agreement which are not included in the Rules of Procedure. The Chairperson asked Ms. Neely to coordinate with Vice-Chairperson Johnson to develop the proposed amendments and bring them back to the October 17th Executive Committee meeting for review.

Rules of Procedure – Disclosure Statements

The Chairperson asked if Commissioners are required to submit Disclosure Statements on an annual basis. Ms. Neely stated that it is not required by the City Clerk's office but is included in the Planning Commission's Rules of Procedure. Ms. Campbell stated that it is not required for other appointed boards and recommended that it be removed from the Commission's Rules of Procedure. The Chairperson agreed and suggested that the Rules of Procedure be amended to remove the reference to Disclosure Statements.

Zoning Committee Updates

Ms. Campbell stated that Commissioners previously asked if staff could provide overviews of key rezoning petitions during or immediately following the work sessions. She informed the Committee that staff will provide a 5 minute update of potentially controversial rezonings as part of the Zoning Committee Report portion of future work sessions. The Planning Director indicated that these updates will include factual information and are not intended to mirror the Zoning Committee's review and discussion of rezoning petitions and therefore will not be as detailed as the formal review. The Chairperson agreed with this proposal which will begin at the October 3rd work session.

Proposed Change to Text Amendment Filing Process

The Planning Director reminded the Committee that the Department will change the text amendment filing process. The Department will file future text amendments in its name, as opposed to filing on behalf of the Commission. Commissioner Nealon asked how Commissioner's concerns will be conveyed to Council. The Planning Director explained that this change in process is simply a change in the paperwork process. The text amendment review process will be the same. The petition will go to the full Commission for input. By the time the petition is filed the final recommendation will have

already been presented to the Commission. Commissioner Nealon stated that this is consistent with staff's recent policy of bringing projects to the Commission sooner. Chairperson Rosenburgh agreed and stated that he would remind the Commission of this process change as part of the Communication from the Chairperson portion of the October 3rd work session agenda.

Text Amendment & Special Assignments

Chairperson Rosenburgh reviewed the Commissioner assignments. Staff noted that assignments were still needed for the Residential Design Standards, Alternative Energy/Eco-Industrial, and Mobile Food Vendors Ordinance Assessment text amendments. Commissioner Zapata Griffith was assigned to Residential Design Standards Phase 2. Commissioner Firestone was assigned to Alternative Energy/Eco-Industrial and Commissioner Lathrop was assigned to the Mobile Food Vendors Ordinance Assessment.

Stephen Rosenburgh asked when the Nightclubs, Bars and Lounges Text Amendment would begin. Ms. Campbell replied that the kickoff meeting is scheduled for September 22, 2011 at 6:00 pm.

Commissioner Labovitz was assigned to the Park Road Woodlawn Area Plan and Commissioner Nealon was assigned to Planning 101. The Economic Development Committee was assigned to the Land Development 101 Brochure with Ms. Campbell as the staff representative. Staff will engage the full Commission in the Zoning Ordinance Policy Assessment.

Ms. Campbell stated that the Elizabeth, Steele Creek, and Midtown Morehead Cherry area plans are in the adoption process and asked if new Commissioner assignments were needed for these plans. The Committee decided against assignments since these plans are so far along in the planning process.

Operating Agreement

Chairperson Rosenburgh stated that he will remind Vice-Chairperson Johnson to update the Operating Agreement to revise the text to read that when Commissioners are contacting staff they will send an email, and a phone call only if necessary.

Future Work Session Agenda Items

The Committee agreed on the following future agenda items:

- Park Road Area Plan – October
- Development Review Board – November
- Zoning Board of Adjustment Overview – November
- Assisted Multi-Family Housing at Transit Stations – November
- Incentive Based Inclusionary Zoning Text Amendment – November
- Sweepstakes Gaming and Internet Café Text Amendment
- Nightclubs, Bars and Lounges Text Amendment
- Surface Parking In UMUD/MUDD Text Amendment
- Fresh Produce Text Amendment
- Residential Design Standards Text Amendment
- Alternative Energy/Eco-Industrial Text Amendment
- Mobile Food Vendors Text Amendment

Executive Committee Meeting

October 3, 2011

Action Minutes

This meeting was rescheduled from September 19, 2011.

Attendance

Executive Committee Members Present: Stephen Rosenburgh (Chairperson), Yolanda Johnson (Vice-Chairperson) and Emma Allen

Executive Committee Members Absent: Meg Nealon

Staff Present: Laura Harmon, Crissy Huffstickler and Cheryl Neely

Call to Order

The Chairperson called the meeting to order at 11:55 am.

Approval of August 22, 2011 Executive Committee Minutes

The Chairperson asked for a motion to approve the August 22, 2011 Executive Committee minutes. Vice-Chairperson Johnson made a motion, seconded by Commissioner Allen to approve the minutes. The minutes were approved unanimously.

Approval of the October 3, 2011 Work Session Agenda

Chairperson Rosenburgh asked for a motion to approve the October 3, 2011 work session agenda. Vice-Chairperson Johnson made a motion, seconded by Commissioner Allen to approve the work session agenda. The agenda was approved unanimously.

Approval of the November 2011 Meeting Schedule

The Chairperson asked for a motion to approve the November 2011 meeting schedule. Vice-Chairperson Johnson made a motion to approve the meeting schedule, seconded by Commissioner Allen. The November meeting scheduled was unanimously approved.

Future Worksession Agenda Items

Chairperson Rosenburgh asked for a motion to approve the future work session agenda items. Vice-Chairperson Johnson made a motion, seconded by Commissioner Allen to approve the future work session agenda items. The agenda items were unanimously approved.

Committee Assignments

The Chairperson stated that since Commissioner Lipton had resigned changes needed to be made to the Planning and Zoning Committee assignments. He asked if the Executive Committee would need to schedule a meeting or if they could hold a conference call to discuss the assignments. Cheryl Neely responded that the Committee could discuss Committee assignments over the phone without scheduling an official meeting.

Ms. Neely stated that the Chairperson may need to announce to the full Commission that in the interim some Commissioners may need to fill in if there are issues with quorums.

Adjournment

The meeting adjourned at Noon.

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm 280
October 26, 2011
4:30 P.M.

<p>1. <u>Petition No. 2010-080</u> by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the regulations for "Outdoor Seasonal Fresh Produce Sales" by 1) renaming them to "Outdoor Fresh Produce Stands", 2) expanding the zoning districts in which they are permitted with prescribed conditions, and 3) modifying the prescribed conditions.</p>
<p>2. <u>Petition No. 2011-060</u> by Ronald E. Shaver for a change in zoning for approximately 0.55 acres located on the north side of North Alexander Street and east of the intersection of East 37th Street and North Alexander Street from I-2 to R-5.</p>
<p>3. <u>Petition No. 2011-061</u> by Robert D. Smith for a change in zoning for approximately 10.46 acres located on Browne Road and across from Amber Glen Drive from R-3 and INST(CD) to INST(CD) and INST(CD) SPA.</p>
<p>4. <u>Petition No. 2011-062</u> by Kempo Corporation for a change in zoning for approximately 3.69 acres located on the east side of Statesville Road between Cindy Lane and Nevin Road from B-1 to B-2.</p>
<p>5. <u>Petition No. 2011-063</u> by Tyvola Oak Lake, LLC for a change in zoning for approximately 2.99 acres located on the north side of Yorkmont Road between Oak Lake Boulevard and West Tyvola Road from I-1 to NS.</p>
<p>6. <u>Petition No. 2011-066</u> by 52 Eighty, LLC for a BD(CD) site plan amendment for approximately 4.15 acres located on the south side of Cross Beam Road between Beam Road and Rose Lake Drive.</p>
<p>7. <u>Petition No. 2011-067</u> by Twilight Caribbean Restaurant for a change in zoning for approximately 0.32 acres located on the north side of Berkeley Place Drive near the intersection of West Mallard Creek Church Road and Berkeley Place Drive from CC to MUDD(CD).</p>
<p>8. <u>Petition No. 2011-069</u> by Charlotte Mecklenburg Planning Department for the establishment of B-2 (PED) zoning for approximately 0.43 acres located near the southeast corner at the intersection of Pecan Avenue and Commonwealth Avenue.</p>
<p>9. <u>Petition No. 2011-070</u> by Hunter's Affordable Bonding for a change in zoning for approximately 0.10 acres located on Charlottetowne Avenue at the intersection of Fox Street and Charlottetowne Avenue from R-22MF to O-1.</p>
<p>10. <u>Petition No. 2010-079</u> by Charlotte-Mecklenburg Planning Commission for a text amendment to the City of Charlotte Zoning Ordinance regarding eco-industrial facilities.</p>

Approved October 18, 2011

**Charlotte-Mecklenburg Planning Commission
Planning Committee Meeting Minutes
CMGC – Conference Room 280, 2nd Floor
September 20, 2011**

Commissioners Present: Stephen Rosenburgh (Chairperson), Margaret Nealon (Vice-Chairperson), Tracy Finch Dodson, Karen Labovitz, and Tony Lathrop

Commissioners Absent: Steven Firestone and Dr. Dwayne Walker

Planning Staff Present: Kathy Cornett, Alberto Gonzalez, Alan Goodwin, Sonda Kennedy, Melony McCullough, Bryman Suttle, Jonathan Wells, and Brent Wilkinson

Others Staff Present: Brian Horton (Transportation) and Jacqueline McNeil (County Real Estate)

Call to Order

Chairperson Rosenburgh asked Vice-Chairperson Nealon to chair the meeting. Vice-Chairperson Nealon called the meeting to order at 5:10 p.m.

Approval of Meeting Minutes

A motion was made by Chairperson Rosenburgh and seconded by Commissioner Tracy Finch Dodson to approve the July 19, 2011 minutes. The vote was unanimous (5-0) to approve.

Continuation of Public Comment and Recommendation on the draft *Elizabeth Area Plan*

Alan Goodwin (Planning Staff) stated that tonight the Committee will be asked to continue to receive public comment and make a recommendation on the draft *Elizabeth Area Plan*. He gave an overview of the planning process, public input process, concept plan, and draft plan policies. A final public meeting was held in the Elizabeth community on May 12, 2011 to present the draft plan. However, staff continued to meet with the Citizen Advisory Group over the past several months to address concerns about the draft plan. Public concerns centered on the plan vision, goals, neighborhood preservation, transportation, infrastructure, East Seventh Street PED Overlay, and transit station areas.

Planning staff met with area residents to discuss their concerns about the draft plan. As a result of these meetings, a list of potential revisions to the draft plan was developed. City Council is scheduled to receive public comment on the draft plan along with the proposed revisions on September 26 and take action on November 14. There was no one signed up to comment on the draft *Elizabeth Area Plan* and the Committee thanked staff for their hard work and working with the community to address their concerns.

Commissioner Rosenburgh asked about valet parking at the Epicentre. He shared his observation of valet parking's impact on traffic flow around the EpiCentre and asked if there are guidelines for valet parking on busy streets. Brian Horton (Transportation) stated that a curbside study of Uptown streets is underway and updates will be given to the Council's Transportation Committee.

Action Requested: A motion was made by Chairperson Rosenburgh and seconded by Commissioner Finch Dodson to recommend adoption of the draft Elizabeth Area Plan with recommended revisions.

Overview of the Draft Steele Creek Area Plan

Melony McCullough (Planning Staff) provided background information on the draft plan and recognized other staff members who worked with her on this plan. She reminded the Commissioners that the Committee received public comment on the draft plan in April. Although some citizens spoke in support of the plans, others expressed concern about the plan. Council Transportation and planning Committee directed staff to continue working with citizens to address their concern. Staff met with the Citizen Advisory Group 4 times since that time and worked with staff to develop a list of potential revisions to the draft plan. Concern centered around references to South Tryon Street/York Road (NC 49), boundaries of the Westinghouse Industrial Center and Whitehall/Ayrsley Mixed Use Activity Center, and the community design guidelines.

City Council is scheduled to receive public comment on September 26 and the Planning Committee will be asked to make a recommendation on the draft plan at their October 18th meeting.

Overview of the Draft Midtown, Morehead and Cherry Area Plan

Kent Main (Planning Staff) described the plan area boundaries and shared background information on the plan area. He noted that the Midtown Morehead Cherry plan area includes three adjoining neighborhoods just outside of Uptown and I-277 encompassing about 455 acres. It is bounded generally on the north by South Tryon Street and the John Belk Freeway (I-277); to the east by East Fourth Street and Queens Road; to the south by Henley Place; and to the west by the rear property lines of various properties along East Morehead Street that abut the Dilworth plan area.

The plan establishes a vision for the area and provides policy direction to guide future growth and development, while preserving historic and natural features important to the community. He stated that there was a strong proponent group for a historic district; however, it may have to be approached as a conservation district. He mentioned that the proposed PED Overlay received good support from the CAG. Important components include building height plane, streetscape, round-a-bouts in the Cherry neighborhood, and bike lanes along Kenilworth. The hospital zone allows for more intensive uses. Committee members asked about pedestrian crossings, underground utility lines, and proposed retail uses. Mr. Main explained that underground utilities are cost prohibitive. The Planning Committee will receive public comments on the draft plan at their October meeting.

M.R. #11-12: Proposed Land Exchange Involving County Owned Land at Hillside Avenue at Little Sugar Creek

Alberto Gonzalez (Planning Staff) presented the mandatory referral request received by Mecklenburg County Real Estate for a property exchange with a private development interest. The property is located along Little Sugar Creek, Willow Oak Road and Hillside Avenue. This exchange allows for the private developer to build a subdivision with better connectivity. The land that the County will receive is located in the floodplain along Little Sugar Creek.

Mr. Gonzalez stated that the proposed development is consistent with recommendations in adopted land use plans for the area. Committee members had questions about the lots, access to driveways/greenways and buffers. A site plan was not available for review. Chairperson Rosenburgh asked if the County will keep development rights with the land swap. Ms. Jacqueline McNeil (Mecklenburg County Real Estate) stated that she did not know and that the transfer of development rights was not discussed.

A motion was made by Chairperson Rosenburgh to approve Planning staff's recommendation for M.R. #11-12 and seconded by Commissioner Lathrop. The vote was 3-2 to approve. Chairperson Rosenburgh, Vice Chairperson Nealon, and Commissioner Lathrop voted to approve. Commissioners Finch Dodson and Labovitz were opposed.

Area Plan Status and Meeting Report

Commissioner Finch Dodson stated that she attended the Midtown, Morehead and Cherry Area Plan public meeting on Thursday, September 15th.

Adjourn

Vice Chairperson Rosenburgh thanked everyone for attending and the meeting adjourned at 7:00 p.m.

Charlotte Historic District Commission Update

October 27, 2011

At their October 12, 2011 Regular Meeting, the Charlotte Historic District Commission made the following rulings on Applications for Certificates of Appropriateness:

A.	725 Woodruff Place, Wesley Heights Local Historic District Use of <i>Artisan HardiPlank</i> on an Addition Nancy Montague, Applicant	HDC 2011-083	Approved
B.	2012, 2016 & 2020 Euclid Av, Dilworth Local Historic District New Construction – Multi-Family Brian Trexler, Applicant	HDC 2011-097	Approved in Concept
C.	808 East Kingston Avenue, Dilworth Local Historic District Rear Porch Addition Jeanine DeVaney, Applicant ⁴	HDC 2011-106	Approved
D.	901 East Worthington Avenue, Dilworth Local Historic District Demolition Josh Allison, Applicant	HDC 2011-107	1 Year Delay of Demolition Imposed
E.	1555-1557 Merriman Avenue, Wilmore Local Historic District Demolition Darius Johnson, Applicant	HDC 2011-108	Approved
F.	1555-1557 Merriman Avenue, Wilmore Local Historic District New Construction – Replacement of Duplex Darius Johnson, Applicant	HDC 2011-110	Approved with Conditions
G.	401 Hermitage Court, Hermitage Court Local Historic District Replacement of Garage Roof Deck Ambreen Younus, Applicant	HDC 2011-111	Approved
H.	1226 Myrtle Avenue, Dilworth Local Historic District Rear Addition Jim Barwick, Applicant	HDC 2011-112	Approved with Conditions
I.	600 Hermitage Court, Hermitage Court Local Historic District Demolition & Proposed New Construction Alan Simonini Homes, LLC, Applicant	HDC 2011-113	1 Year Delay of Demolition Imposed

The HDC also was briefed on an upcoming training workshop led by David Owens of the UNC Chapel Hill Institute of Government for members of quasi-judicial boards and commissions in Charlotte. The workshop is being held on Tuesday, November 8th in the Charlotte-Mecklenburg Government Center. Members of the HDC, the Charlotte Zoning Board of Adjustment, the Charlotte-Mecklenburg Development Review Board and the Charlotte Tree Commission will be attending.

BACKGROUND

At the September 2010 Planning Commission (“Commission”) Annual Retreat, the Commission identified opportunities to increase positive collaboration among its members, Planning Director (“Director”) and Planning Department (“Staff”) , as well as with its appointing bodies: City Council and Board of County Commissioners. The Commission seeks to herein establish an agreement among its members that is consistent with the Interlocal Agreement and Rules of Procedure, while promoting an intentional culture that increases the Commission’s efficacy. The intent of the Operating Agreement is to serve as an “umbrella of clarification”, which outlines the purpose of the Interlocal Agreement, Rules of Procedure and Planning Commission Public Input Process, as well as replace the Communication Plan (*as amended April 5, 2010*) and Education Plan (*as amended May 7, 2010*) by incorporating the objectives of each herein.

AGREEMENT

The Commission is committed to operating under the following agreements:

I. Increase Commissioners’ understanding of their roles and responsibilities:

Commissioners agree to review, and understand the following governing documents and policies:

Interlocal Agreement (*as amended September 9, 2009*): Legislation outlining interlocal cooperation in establishing a joint planning agency. The document provides for its organization, administration and general terms of the agreement. This document can only be amended by mutual consent of the governing bodies as explained in the agreement.

Rules of Procedure (*as amended April 5, 2010*): A Planning Commission adopted policy that outlines daily responsibilities of Commissioners and Staff. This document may be amended at any work session by an affirmative vote of two-thirds of the serving members of the Planning Commission.

Planning Commission Involvement in Public Input Processes (*as adopted February 4, 2008*): A Planning Commission adopted policy that outlines opportunities for Commissioners to offer public input in area and neighborhood plans. This document can be amended at any Commission work session with majority vote.

Education Objectives (*as stated in the Education Plan adopted May 7, 2007*):

- Ensure Commissioners understand the lines of communication that the Staff maintains with the public in general and with parties interested in planning and zoning matters in particular
- Ensure Commissioners understand ways in which the Commission is similar to and different from planning boards in other jurisdictions
- Ensure new Commissioners receive an orientation to the roles and responsibilities of the Planning Commission
- Ensure the Commission seeks additional sources of information regarding land use planning
- Ensure the Commission understands how it interacts with other boards and commissions

Communication Objectives (as stated in the Communication Plan adopted May 7, 2007):

- Encourage additional channels of communication with elected bodies
- Improve understanding by the Charlotte general public of the planning and rezoning processes in general and the role of the Commission in particular
- Identify and encourage channels of communication with planning boards of adjoining jurisdictions
- Encourage relevant, timely feedback to the Commission from the Commission Executive Committee

II. Promote positive collaboration: Commissioners agree to diligently work toward clear, candid and direct dialogue that promotes an inclusive environment among its members, Director, Staff and other working/governing bodies it advises. More specifically Commissioners agree to :

- Approach each other as partners with shared purpose
- Have candid, direct, and respectful conversations that include accepting candid feedback as the basis for change
- Commit to carrying on constructive conversation with careful listening and evaluation, while being aware of maintaining an intentional culture
- Work strategically to resolve conflicts efficiently and effectively, understanding that there is not always complete agreement

Specific to promoting positive collaboration and efficiency with Staff, the Commission will work to adhere to the following best practices:

- When a Commissioner asks questions of Staff related to Committee matters (rezoning petitions, area plans, mandatory referrals, text amendments, etc.) outside of a meeting, the Commissioner is asked to send an email, and a phone call only if necessary. The email should be sent to the assigned Staff representative, while copying the head of the particular department and Committee members.
- While Staff is committed to engaging the Commission as early as practicable on matters such as text amendments and major planning initiatives to allow for constructive conversation; the Commission understands its recommendation may not be in complete agreement with Staff's, and Staff can, when necessary, proceed to Council with two opposing or different recommendations – one from Staff, the other from the Commission.

III. Maintain a relevant operating plan: Commissioners agree to evaluate and modify, when necessary, the Commission's action plan no less than once a year for relevance. The Commission with the support of Staff should follow the steps below to identify initiatives and create collaboration and relevance throughout the year.

- At the beginning of each fiscal year (July), the Commission work session should dedicate time for the Director to review the department's Strategic Operating Plan for the next fiscal year
- In the Executive Committee meeting of the same month, Commissioners and Staff should discuss and identify specific initiatives to take forward as discussion items in the Commission's annual retreat each September
- At the annual retreat, Commission should discuss priorities and establish an action plan for the year based on initiatives established by the Commission, as well as the responsibilities outlined in the governing documents and policies