

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

Planning Commission

July 9, 2012
work session

Charlotte-Mecklenburg
Government Center

Room 267
Noon



Agenda

Charlotte-Mecklenburg Planning Commission

July 9, 2012 - Noon

CMGC - Conference Room 267

Work Session Agenda

Call to Order & Introductions

Yolanda Johnson

Administration

Approval of Planning Commission Minutes

Approve the June 11, 2012 work session minutes.

Attachment 1

Information

HUD Regional Grant Update

Councilwoman Patsy Kinsey

Background: Centralina Council of Governments (CCOG) representative, Councilwoman Patsy Kinsey, to provide an overview of the HUD Regional Grant.

Action: Receive as information.

Policy

Park/Woodlawn Area Plan Update

Alberto Gonzalez

Background: Alberto Gonzales to present an update on the Park/Woodlawn Area Plan.

Action: Receive as information.

Planning Director's Report

Debra Campbell

- Planning Department's FY2013 Work Program
- Planning Department's Public Outreach Presentations

Attachment 2

July & August 2012 Meeting Schedules

Attachment 3

Committee Reports

Executive Committee

Yolanda Johnson

- Future Agenda Items

Agenda Items	Work Session
1. Planning Commission Retreat	September
2. BLE Station Area Plans	October
3. Residential Design Standards Text Amendment	October
4. Land Development 101 Brochure	November
5. Alternative Energy/Eco Industrial Text Amendment	November
6. State Sustainability Task Force	December

Zoning Committee

- Upcoming Rezoning Petitions
- Zoning Committee Agenda
- Public Hearings

Yolanda Johnson
Tammie Keplinger

Attachment 4

Attachment 5

Planning Committee

- May 15, 2012 Approved Minutes

Andy Zoutewelle
Attachment 6

Historic District Commission

- June 13, 2012 Meeting Update

Steven Firestone
Attachment 7

Economic Development Committee

Lucia Zapata Griffith

Communication from Chairperson

Yolanda Johnson

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 fabric, with the colors blending into each other at the edges. The background is plain white.

Administration

Charlotte-Mecklenburg Planning Commission

Attachment 1

June 11, 2012 - Noon

CMGC - Conference Room 267

Action Minutes

Attendance

Commissioners Present: Stephen Rosenburgh (Chairperson), Yolanda Johnson (Vice-Chairperson), Emma Allen, Tracy Finch Dodson, Ray Eschert, Karen Labovitz, Tony Lathrop, Greg Phipps, Dwayne Walker and Andy Zoutewelle

Commissioners Absent: Steven Firestone, Lucia Zapata Griffith, Meg Nealon and Deb Ryan

Staff Present: Debra Campbell (Director) Alan Goodwin, Laura Harmon, Tammie Keplinger, Sandy Montgomery, Barry Mosley, Cheryl Neely, Denise Williams (Temporary Staff) and Katrina Young

Other Guest Present: Mr. Bob Hagemann, City Attorney

Call to Order & Introductions

Chairperson Rosenburgh called the meeting to order at 12:15 p.m. followed by introductions.

Approval of Minutes

Commissioner Walker made a motion, seconded by Vice-Chairperson Johnson to approve the May 7, 2012 minutes. The vote was 10-0 to approve the minutes.

Text Amendments

Internet Sweepstakes

The agenda was revised to allow the Internet Sweepstakes presentation to be made prior to the Zoning Ordinance Assessment presentation.

Staff distributed a handout (see Attachment A) which addressed the Commissions' issues and concerns that were identified at the April work session. Mr. Mosley reviewed the handout which focused on:

1. Number of permits issued for Internet Sweepstake establishments in Charlotte and Mecklenburg County
2. Distance requirement between establishments
3. Growth of these establishments in oppressed areas of our community
4. Operational hours for these establishments
5. Possibility of preventing these establishments from operating in our community
6. Decreasing the number of districts proposed for these establishments
7. Involving UNCC to help with collecting data centered on these establishments
8. Calling the establishments what they are, "Internet Gambling"

Commissioner Zoutewelle asked if Internet Sweepstakes were considered more or less intense than nightclubs, bars, lounges and adult entertainment uses. Mr. Mosley explained that the intensity is considered to be equal to or less than; however, there is no data available to support this. Director Campbell added that the intensity concern is related to parking because patrons tend to stay longer at these establishments. However, there are no overall secondary impacts generated from these uses that have been documented.

Commissioner Lathrop asked if staff has been able to get any legal information from other municipalities that may be further along with this issue. Mr. Mosley responded that staff has

gathered text amendments and communicated with other communities, but have not found anything substantial. Other communities also feel the need to regulate these establishments, but do not have any current ordinances to regulate. Attorney Hagemann informed the Commission that the State has looked at three areas in these businesses for the pure legality of them and have tried to regulate and prohibit them, but a recent court ruling found the State's law to be unconstitutional. Local government's attempt to tax these uses has been upheld in a couple of cases in the Court of Appeals. To his knowledge, no local land use or zoning regulations have been challenged, so staff really does not know the full extent of what other communities are doing.

Chairperson Rosenburgh asked if the privilege license was an option. Attorney Hagemann stated these uses are taxed except where State law has limited their ability to levy criminal license taxes. They are taxed as retail businesses in our community.

Commissioner Eschert asked if the "win cash" signs are misleading and if restrictions could be placed on the sign's wording. Attorney Hagemann stated he would need to give that more thought.

Commissioner Phipps asked if staff had confirmed whether the other uses advertised, such as faxing, resume writing, copying, etc. actually take place in these establishments. Mr. Mosley explained that during a field trip visit one establishment was actually set up with computers for resume writing, etc. Although some establishments provide these services, it is questionable whether patrons actually use the service. If the service is provided, the establishment can advertise the service.

Vice-Chairperson Johnson asked how the 400 ft. separation distance worked and if these establishments are grandfathered. Mr. Mosley stated there is a clause in the Zoning Ordinance that will allow establishments to be grandfathered if the regulations change.

Vice-Chairperson Johnson asked staff to define secondary impacts. Director Campbell explained that noise, trash and spillover parking into residential neighborhoods are examples of secondary impacts.

Chairperson Rosenburgh stated there has been very little support from the community; however it appears that City Administration is proceeding very tentatively. He asked if it is because of legal challenges. Attorney Hagemann stated he thinks it is more policy related. There are legal issues, but the motivation for land use opposition for a legal business is not supposed to be a moral objection for the business itself. There is a need to articulate a rational basis for why this business is treated differently than a similar type business. Chairperson Rosenburgh noted that the Commission is coming up with technical arguments that describe why this is different. However, the Planning Director has done a great job of explaining that just because we do not like something does not mean it cannot exist.

Commissioner Walker thought it appeared that African American communities are targeted for these kinds of establishments. He asked if these establishments are more prevalent in certain communities. Mr. Mosley explained that the initial study of the 69 establishments revealed that although they are scattered throughout the city, they are more prevalent along major thoroughfares. Director Campbell further explained that these businesses generally locate in marginal type shopping centers, which are usually located in low to moderate income communities. These centers are chosen because parking is already established; the space requires little or no up fitting, and the centers are located on major thoroughfares. There is no evidence that low to moderate income communities are targeted, but data indicates that these uses are drawn to marginal commercial strip centers.

Commissioner Lathrop asked if it is feasible for a group to visit a location once and observe issues with parking, trash, noise, etc. compared to a comprehensive study of several locations over a six month period. Attorney Hagemann explained that the more data you have to support the rationale behind the regulation, the better chance of challenging it. The Planning Director informed the Commission that Neighborhood and Business Services, Legal and the Police departments conducted studies and hoped to obtain data or baseline information about impacts of these uses, but the biggest complaints have been parking overflow and proliferation of these uses.

Commissioner Zoutewelle asked if the businesses are locating in strip shopping centers, and creating overflow parking problems. He also asked if they are attracting other businesses to the strip centers because of the number of patrons visiting these uses. Director Campbell reiterated that the concerns staff heard were related to parking. She further explained that prior to the Citizen Advisory Group process, these uses were being permitted in all kinds of zoning districts. Although the proposed text amendment may not go as far as the Commission thinks it should, we are exponentially further along than we were a couple of months ago when there was nothing related to these types of uses in the Ordinance. Once staff gets additional data and better understand these operations, we will hopefully have another opportunity to revisit this issue. If we are successful in getting these regulations approved and there are secondary impacts that we can document, we will take another look at this text amendment.

Chairperson Rosenburgh thanked both Mr. Mosley and Attorney Hagemann for the presentation. Director Campbell thanked Mr. Hagemann for attending the work session at the last minute in place of Attorney Terrie Hagler-Gray.

Zoning Ordinance Assessment

Alan Goodwin provided a detailed overview of the Zoning Ordinance Assessment project. The presentation focused on:

- Project Background and Purpose
- RFP and Selection Process
 - Seven Request for Proposals were received; The top three considered were Clarion, Code Studio and White & Smith
 - Clarion Associates was chosen as the preferred consultant; Clarion will partner with two other firms (Opticos Design and Kittleson & Associates)
- Scope of Services
 - Task A: Zoning Ordinance Assessment
 - Task B: Identification of Zoning Ordinance Models/Typologies

Mr. Goodwin presented the following next steps in the process:

1. Refine contract and scope of services Planning Staff and Consultant – June 2012
2. City Council authorizes contract – June 25, 2012
3. Consultant holds “get acquainted” meetings and City tour – August 2012
4. Staff and stakeholder interviews – September 2012
5. Consultants complete both Tasks A & B – August 2012
6. Final presentation and project deliverables April – 2013

The Consultant shall deliver a presentation of the findings of the Zoning Ordinance Assessment and a discussion of the selected zoning ordinance models/typologies to the Planning Department, Planning Commission, and other City/County staff.

There were no questions following the presentation and the Chairperson thanked Mr. Goodwin.

Information

Director's Report

Director Campbell referred the Commissioners to Attachments 2 and 3 in the agenda packet.

Committee Reports

Executive Committee

Chairperson Rosenburgh shared that recent Executive Committee discussions centered on the Commissions' structure and staff's recommendations. The Committee is considering going back to a system where Zoning and Planning recommendations come to the full Commission for final approval. The Committee also preferred that staff's rezoning petition recommendations be presented at the Zoning Committee meeting first and be presented to City Council at the same time as the Zoning Committee's recommendation, instead of being presented during the Public Hearing.

Zoning Committee

In lieu of a verbal update, the Chairperson suggested that the Commission refer to Attachments 5 and 6 for detailed rezoning petition information.

Planning Committee

Vice-Chairperson Johnson referred the Commission to the Committee minutes, Attachment 7.

Economic Development Committee

Commissioner Lucia Zapata Griffith was absent and there was not a Committee report.

Historic District Commission

Commissioner Firestone was absent and there was not a Commission report. Chairperson Rosenburgh referred the Commission to Attachment 8.

Nominating Committee

Commissioner Phipps indicated that the Nominating Committee nominated Commissioner Yolanda Johnson for Chairperson and Andy Zoutewelle for Vice-Chairperson for FY13. The Chairperson asked if there were any nominations from the floor. There were not any additional nominations. Chairperson Rosenburgh asked for a motion to elect Yolanda Johnson as Chairperson and Andy Zoutewelle as Vice-Chairperson. A motion was made by Commissioner Allen and second by Commissioner Nealon. The vote was 10-0 to elect Yolanda Johnson as Chairperson and Andy Zoutewelle as Vice-Chairperson for FY13.

Communication from Chairperson

Chairperson Rosenburgh thanked Director Campbell, Cheryl Neely, and other Planning staff for their support of the Commission. The Chairperson also thanked Vice-Chairperson Johnson and each of the Commissioners for their time and effort.

Commissioners Walker, Allen, and Eschert thanked Chairperson Rosenburgh for his leadership.

Adjournment

The meeting adjourned at 1:10 p.m.



Internet Sweepstake Text Amendment Planning Commission Discussion & Responses

Issue: Please provide an update on the number of permits that have been issued for internet sweepstake establishments.

Staff Response: Based on information received from the Mecklenburg County Office of the Tax Collector, there are 104 active self-reported Internet Sweepstakes establishments in City of Charlotte and Mecklenburg County. Please note that this information is a snapshot in time and does not reflect establishments that may have closed or recently opened.

Issue: Please review greater distance requirement between establishments.

Staff Response: Four-hundred feet was deemed to be a reasonable distance considering there isn't sufficient documentation of secondary impacts associated with these establishments that would warrant a greater distance separation.

Issue: Curb growth of internet sweepstake establishments in oppressed areas of our community.

Staff Response: Staff recognizes that these establishments have a tendency to locate in low to moderate income areas of our community. However without compelling evidence of other secondary impacts (physical, social or economic) zoning cannot prohibit a property owner from renting, leasing, or operating to an internet establishment if they meet development standards regardless of where they locate.

Issue: Can staff propose operational hours for these establishments?

Staff Response: Currently we do not regulate operating hours for nightclubs, bars, lounges, and adult entertainment, or retail establishments. Since these uses are less intense, we cannot find a reason to treat these uses any differently and isn't recommending regulating operating hours.

Issue: Is it possible to prevent these establishments from operating in our community?

Staff Response: No. However, cities can regulate these establishments through zoning. These operations are not considered to be illegal gambling establishments under State law because operators have created a predetermined prize system to avoid being considered illegal "games of chance."

Issue: **The number of districts proposed for these establishments are excessive. Decrease number of districts.**

Staff Response: In staff's review of the proposed districts there are similar or more intense uses that are allowed. Staff could not find a compelling reason to reduce the number of districts.

Issue: **Involve UNCC to help with collecting data centered on these establishments.**

Staff Response: These establishments are new to our community which means it may take some time before data is available to demonstrate positive or negative impacts. Also, staff has already undergone a public involvement process and has collected information (including field visits) on these establishments.

Issue: **Call the establishment what they are "internet gambling".**

Staff Response: These establishments have been deemed not to be illegal gambling operations under State law. However staff is proposing to rename these establishments to from Internet Sweepstakes to Electronic Gaming Operations to reflect similar language used by most other cities.



Charlotte-Mecklenburg Planning Department

FY2012 Community Outreach Presentations

#	Date	Presentation	Staff
1	04/25/12	UNCC Transportation Engineering Class - MUMPO 101	R. Cook
2	04/26/12	NODA Community - Local Historic District Designation	J. Rogers/W. Birmingham
3	05/04/12	Quality of Life Project - Planning for Neighborhoods	D. Campbell
4	05/09/12	ULI Inner City Council Mixed Use That Has Transformed a City	D. Campbell
5	05/10/12	ULI Public Development and Infrastructure Council - South Corridor Light Rail Tour	K. Main
6	05/10/12	ULI Mixed Use Product Council - Bus Tour of South End and Midtown	K. Main
7	05/15/12	East Chapter of the Charlotte Chamber - Independence Area Plan	G. Johnson
8	05/15/12	Joint Use of Public Facilities - Healthy Weight Healthy Child Community Summit	J. Wells
9	05/21/12	Charlotte Regional Realtor Association Diversity Council - Eastland Mall/Independence Corridor	A. Osborne
10	05/24/12	CondoCanDo.com Podcast - Zoning	T. Keplinger
11	06/06/12	Neighborhood & Business Services Department Community and Commerce Team - Area Planning	M. McCullough
12	06/19/12	Rockwell Park Neighborhood Association - Adopted Future Land Use	M. McCullough
13	06/28/12	Indianapolis Public Policy Transit System Panel	D. Campbell
14	06/28/12	ULI Partnership Forum Young Leaders - Public/Private Partnerships	D. Campbell

Meeting Schedule

July 2012

Date	Time	Purpose	Location
Full Planning Commission			
07-09-12	Noon	Work Session ¹	Conference Room 267 2 nd Floor – CMGC
Executive Committee			
07-16-12	4:00 p.m.	Work Session	Conference Room 266 2 nd Floor – CMGC
Planning Committee			
07-17-12	5:00 p.m.	Work Session	Innovation Station 8 th Floor – CMGC
Zoning Committee			
07-16-12	5:00 p.m.	Dinner with City Council	Conference Room CH-14 Basement – CMGC
07-16-12	6:00 p.m.	City Rezoning	Meeting Chamber Lobby Level – CMGC
07-25-12	4:30 p.m.	Work Session	Conference Room 280 2 nd Floor – CMGC
Other Committee(s)			
07-11-12	3:00 p.m.	Historic District Commission	Conference Room 267 2 nd Floor – CMGC
07-18-12	7:00 p.m.	MUMPO	Conference Room 267 2 nd Floor – CMGC
Charlotte-Mecklenburg Planning Department Meetings			
Incentive Based Inclusionary Housing Text Amendment			
07-26-12	6:00 p.m.	Citizen Advisory Group	Conference Room 280 2 nd Floor – CMGC

¹ Due to the July 4th Holiday, the regularly scheduled July 2nd Planning Commission work session was rescheduled to July 9th.

Charlotte-Mecklenburg Planning Commission

Meeting Schedule

August 2012

Date	Time	Purpose	Location
Full Planning Commission No Meetings Scheduled			
Executive Committee			
08-20-12	4:00 p.m.	Work Session	Conference Room 266 2 nd Floor – CMGC
Planning Committee No Meetings Scheduled			
Zoning Committee No Meetings Scheduled			
Other Committee(s)			
08-08-12	3:00 p.m.	Historic District Commission	Conference Room 267 2 nd Floor – CMGC

Charlotte-Mecklenburg Planning Department Meetings

Planning Department Staff Retreat Date to Be Determined

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm 280
June 27, 2012
4:30 P.M.

- | |
|---|
| <p>1. Petition No. 2012-067 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to:</p> <ul style="list-style-type: none"> • allow duplex dwellings on R-3, R-4, R-5, and R-6 zoned lots with prescribed conditions; • modify the prescribed conditions for duplex units located in the R-3, R-4, R-5, and R-6 zoning districts; • add a new use, "accessory dwelling units" (ADU's) as an accessory use to a single-family detached dwelling, with new prescribed conditions in the R-3, R-4, R-5, R-6, R-8, R8-MF, R-12MF, R-17MF, R-22MF, R43-MF, UR-1, UR-2, UR-3, UR-C, MX-1, MX-2, MX-3, O-1, O-2, O-3, B-1, and B-2 zoning districts, without tenant restrictions; and • delete two uses titled, "elderly and disabled housing" and "guest houses and servants quarters" along with their prescribed conditions and regulations. |
| <p>2. Petition No. 2012-040 by K & P Development, LLC for a change in zoning for approximately 0.65 acres located on the west side of Park South Drive between Fairview Road and Royal Crest Drive from R-3 to MUDD(CD).</p> |
| <p>3. Petition No. 2012-043 by Seaboard Street Condominiums, LLC for a change in zoning for approximately 3.62 acres located on the north and south sides of NC Music Factory Boulevard near the intersection of Interstate 277 and North Graham Street from I-1, I-1(CD), and I-2 to MUDD(CD).</p> |
| <p>4. Petition No. 2012-044 by The Duke Endowment for a change in zoning for approximately 1.76 acres located on the west side of East Morehead Street between Myrtle Avenue and Oriole Avenue from B-1 to MUDD-O.</p> |
| <p>5. Petition No. 2012-048 by GCI Acquisitions, LLC for a change in zoning for approximately 16.20 acres located on the west side of Lancaster Highway between Springwell Street and Johnston Road from MX-2 to R-17MF(CD).</p> |
| <p>6. Petition No. 2012-050 by Charlotte-Mecklenburg Planning Department for the establishment of the Pedestrian Overlay District for approximately 374 acres located on the southwest side of I-277 beginning at Caldwell Street following south along Morehead Street then continuing north along North Kings Drive to East 3rd Street ending at Queens Road (underlying zoning will not change).</p> |
| <p>7. Petition No. 2012-051 by Charlotte-Mecklenburg Planning Department for a change in zoning for approximately 2.3 acres located on the north side of South Torrence Street between Luther Street and East 3rd Street from R-22MF to R-8.</p> |
| <p>8. Petition No. 2012-052 by EVP Properties, LLC for a change in zoning for approximately 2.24 acres located on the west side of Kenley Lane near the intersection of Griffith Road and Westpark Drive from I-2 to I-1.</p> |
| <p>9. Petition No. 2012-053 by Joy Greear for a MUDD-O site plan amendment, for approximately 0.90 acres located on the west corner of the intersection of East 4th Street, South Caswell Road, Randolph Road, and North Caswell Road.</p> |

<p>10. Petition No. 2012-054 by Charlotte-Mecklenburg Planning Department for a Text Amendment to the City of Charlotte Zoning Ordinance to 1) clarify how requirements for screening and streetscape improvements in the Pedestrian Overlay District are determined when there is a change of use from one-non-residential use to another non-residential use, with no expansion, and 2) clarify the applicability of the PED urban design standards along the street frontage of structured parking facilities.</p>
<p>11. Petition No. 2012-056 by Selwyn Property Group Investments, LLC for a change in zoning for approximately 1.13 acres located on the southwest corner at the intersection of Park Road and Drexel Place from MUDD(CD) to MUDD-O Five Year Vested Rights.</p>
<p>12. Petition No. 2012-059 by SBG Properties, Inc. for a change in zoning for approximately 5.46 acres located on the east side of Steele Creek Road at the intersection of Dixie River Road and Steele Creek Road from R-3 to NS.</p>
<p>13. Petition No. 2012-060 by Lincoln Harris for a UMUD-O site plan amendment, for approximately 2.60 acres located on the east corner at the intersection of South Tryon Street and East Trade Street.</p>
<p>14. Petition No. 2012-061 by Gateway West-FCA, LLC for a MUDD-O site plan amendment, for approximately 2.80 acres located on the north side of West 4th Street Extension at the intersection of Johnson and Wales Way and West 4th Street Extension.</p>
<p>15. Petition No. 2012-062 by Carolina Sporting Arms Company, Inc. for a Text Amendment to the City of Charlotte Zoning Ordinance to allow "Indoor Training and Shooting Facility as an allowed use with prescribed conditions in the B-2, I-1 and I-2 zoning districts.</p>
<p>16. Petition No. 2012-063 by Francis Obeng for a change in zoning for approximately 0.54 acres located on the south side of Monroe Road between Ross Moore Avenue and Summey Avenue from B-1(CD) to O-2(CD).</p>

**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 16th day of July, 2012** on the following petitions that propose changes to the Official Zoning Maps of the City of Charlotte, North Carolina:

Petition No. 2012-045 by Woodfield Acquisitions, LLC for a change in zoning for approximately 3.20 acres located on the northeast corner of Barclay Downs Drive and Morrison Boulevard across from Carnegie Boulevard from O-2(CD) to MUDD-O.

Petition No. 2012-049 by Faison-Hollow, LLC, for a change in zoning for approximately 34.0 acres located on the west side of Carmel Road between Quail Hollow Road and Bridgewood Lane from MX-2(INNOV) to R-12MF(CD).

Petition No. 2012-055 by Charlotte Portfolio of Three, LLC for a change in zoning for approximately 12.93 acres located along Beam Road between Cross Beam Drive and Associates Lane from BD(CD) to I-2(CD).

Petition No. 2012-065 by City of Charlotte for a change in zoning for approximately 4.02 acres located on the north side of Central Avenue between Merry Oaks Road and Saint Andrews Home Place from R-4 and R-22MF to NS.

Petition No. 2012-068 by Sterling Fox Group, LLC for a change in zoning for approximately 1.72 acres located on the northeast corner at the intersection of Ballantyne Commons Parkway and Rea Road from B-1SCD to NS.

Petition No. 2012-069 by Joe Murphy for a MX-2 site plan amendment, for approximately 7.08 acres generally located along Rockefeller Lane, Kensington Station Parkway, Katy Flyer Avenue, and Mount Clare Lane.

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

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, July 11, 2012**.

**Charlotte-Mecklenburg Planning Commission
Planning Committee Meeting Minutes
CMGC – Conference Room 280, 2nd Floor
May 15, 2012**

APPROVED
June 26, 2012

Commissioners Present: Chairperson Johnson, Commissioners Ray Eschert, Karen Labovitz, Deb Ryan, and Dwayne Walker

Commissioners Absent: Vice-Chairperson Margaret Nealon and Commissioner Tony Lathrop

Planning Staff Present: Sonda Kennedy, Melony McCullough, and Jonathan Wells

Other Staff Present: Dennis LaCaria (CMS Real Estate) and Jacqueline O'Neil (County Real Estate)

Call to Order

Chairperson Johnson called the meeting to order at 5:10 p.m.

Approval of Meeting Minutes

A motion was made by Commissioner Labovitz and seconded by Commissioner Walker to approve the March 20, 2012 minutes. The vote was 5-0 to approve the March 20, 2012 minutes.

A motion was made by Commissioner Ryan and seconded by Commissioner Walker to approve the May 7, 2012 minutes. The vote was 5-0 to approve the May 7, 2012 minutes.

M.R. #11-15: Proposal by Charlotte-Mecklenburg Schools (CMS) to Accept Donated Land near J. T. Williams School

Mr. Jonathan Wells (Planning) presented M.R. #11-15, a proposal by CMS to accept a 2.8 acre parcel of vacant land located on Tipton Drive adjacent to J. T. Williams School. The acquisition could serve a number of purposes in the future. Mr. Dennis LaCaria (CMS Real Estate) provided the Committee with a brief update on the proposal. He explained that late last year CMS experienced pressure from the family donating the land to complete the transaction prior to the end of the year for tax purposes. He explained that progress is being made and that he hopes to bring closure to this mandatory referral soon. Chairperson Johnson reiterated the Committee's concern about an environmental assessment of the land and maintenance of the easement.

No action taken, this update was for information only.

M.R. #12-04: Proposal by CMS to Lease Portions of Several School Sites for Cell Towers

Mr. Wells explained that CMS proposes to lease portions of seven school sites for the construction, operation, and maintenance of cell towers. Commissioner Labovitz asked if CMS has done this before. Mr. LaCaria answered yes and said that there are cell towers at some school sites now. He gave Quail Hollow Middle School and Providence High School as examples of school sites that currently have cell towers located on them.

Commissioner Labovitz asked if there have been any problems with cell towers on school sites. Mr. LaCaria stated that there are terms and conditions that the cell tower companies must adhere to and there have not been any problems. Commissioner Labovitz asked how the money that the companies pay for the use of the school sites will be used. Mr. LaCaria answered for capital expenditures and improvements.

Commissioner Ryan asked if there has been any research to determine if the cell towers will harm children. Mr. LaCaria replied that there were concerns but there is no cause for worry. Commissioner Ryan inquired about the placement, operation, and appearance of the towers. Mr. Wells stated that there are regulations in the zoning ordinance that govern the location and design of the towers.

Commissioner Walker asked why the cell tower industry is interested in school sites for this use. Mr. LaCaria explained that CMS is contacted regularly by businesses that are interested in co-locating cell towers on school sites. Also, *Request for Expressions of Interest (REI)*, asking respondents to identify specific sites upon which they desire to lease land for cell tower construction/cell service are posted on the CMS website. He added that there is a very concentrated demand for cell tower locations.

Commissioner Walker asked how this benefits the schools. Mr. LaCaria said that it provides for the joint and community use of school sites as well as revenue for CMS. Commissioner Labovitz asked if the money goes into a general fund. Mr. LaCaria said that the money goes where it is needed most.

Commissioner Labovitz asked if there is any community involvement in the approval process to locate cell towers on a site. Mr. LaCaria replied that community involvement depends on the municipality. Chairperson Johnson asked what determines the buffer. Ms. McCullough answered the zoning district.

A motion was made by Commissioner Ryan and seconded by Commissioner Walker to approve Planning staff's recommendation for Mandatory Referral #12-04. The vote was 5-0 to approve Planning staff's recommendation for Mandatory Referral #12-04.

M.R. #12-06: Proposal by Mecklenburg County to Exchange Land Located along Little Sugar Creek Greenway in the Belmont Neighborhood with Duke Energy

Ms. McCullough stated that Mecklenburg County proposes to exchange a portion of a County owned parcel located on 13th Street east of N. Alexander Street (PID 081-082-04) with Duke Energy for a portion of a parcel located at the corner of Belmont Avenue and N. Alexander Street (PID 081-082-01). This land exchange will allow Duke Energy to construct a substation.

Chairperson Johnson stated that the Belmont Community has made great changes. She asked if there is anything that Duke Energy can do to make a substation look good and if there is anything that the Planning Committee can do other than make a suggestion. Mr. Wells reminded the Committee that mandatory referrals are strictly advisory.

Commissioner Ryan explained that the City and County have an obligation to allocate one percent of the cost of capital projects to public art . This public art program is through the Public Art Commission and it is possible for Duke Energy to participate. Chairperson Johnson said that Duke has made some substations look nice and this could be an additional investment. Commissioner Ryan noted that she doesn't know if Duke Energy will install art if it's not a requirement. However, she suggested that it be included in the recommendation. Commissioner Johnson added that it would be nice for Duke Energy to make an art investment in the community.

Commissioner Eschert asked about use of the property that the County receives for parking. He stated that the property could possibly be in the FEMA floodplain and that could prevent parking. Ms. McNeil told him that they would not build in a floodplain and the use has not been determined. Commissioner Eschert asked if the floodplain and topography would impede accessibility into the greenway area. Ms. McNeil replied that the land is relatively flat and the greenway design will take place in the future.

A motion was made by Commissioner Walker and seconded by Commissioner Eschert to approve Planning staff's recommendation for Mandatory Referral #12-06. The vote was 5-0 to approve Planning staff's recommendation for Mandatory Referral #12-06.

Overview of the Plan Assessment Process

Ms. McCullough gave an overview of the area plan assessment process. She explained that it is an analytical process used to help staff identify where future planning efforts should be focused and the type of planning effort that is needed. She further stated that the Plan Assessment Team includes members from other City and County departments.

The staff team develops a list of considerations that includes some of the following: development pressure, rezoning activity, environmental features, tree canopy, transportation/infrastructure, socio-economic and other factors. It was noted that all requests for area plans are considered during the Plan Assessment process. Commissioner Eschert asked if foreclosures and rental properties are tracked since rentals can lower property values. Ms. McCullough stated that economic factors considered are the same as those included in the *Charlotte Neighborhood Quality of Life Study* as well as foreclosures.

The following summarizes some of the data layers used during the assessment: building permits, quality of life, vacant land, rezoning petitions, transportation projects, infrastructure projects, environmental features, and socio-economic changes.

Ms. McCullough gave a summary of recently completed planning initiatives which include the following areas: Catawba, Steele Creek, Independence Boulevard Corridor, University Research Park, Center City, Elizabeth, and the Morehead, Midtown and Cherry area. Planning initiatives are currently underway for the following areas Park/Woodlawn, Blue Line Extension, and Prosperity Church Road.

Commissioner Ryan asked if the Plan Assessment information is shared with the public and if not, could it be made public because it is very informative. Ms. McCullough stated that staff will consider ways to share this information with the public in the future.

Chairperson Johnson stated that Vice-Chairperson Nealon is chairing the subcommittee for Planning 101 and will announce her volunteers from the Planning Committee. Commissioner Labovitz stated that area plans were very important. Commissioner Eschert asked if there are areas that are not covered by an area plan. Ms. McCullough explained that every area is covered by a district plan and in addition, some areas are covered by a more detailed area plan.

Area Plan Status and Meeting Report

Commissioner Labovitz gave a brief update on the Park Woodlawn area planning process. She stated that she has attended most of the meetings. The Noell Consultant Group from Atlanta shared information about the market analysis at the last meeting. This included information about the current market and its implication on the Park Road area. It was stated that the area is stable and there are great assets close by such as SouthPark and SouthEnd. Montford Drive was identified as a great entertainment area with realistic values. Overall, this is a good area in which to invest. The next meeting will be a design workshop on June 5th. Commissioner Labovitz stated that she is really impressed with the turnout at these meetings. Commissioner Lathrop also attended the last two meetings.

Commissioner Walker made a motion to adjourn and Commissioner Ryan seconded. Meeting adjourned.

Adjourned 6:20 p.m.

CHARLOTTE HISTORIC DISTRICT COMMISSION UPDATE JUNE 25, 2012

At their June 13, 2012 Regular Meeting, the Charlotte Historic District Commission made the following rulings on Applications for Certificates of Appropriateness:

A.	<i>417/419 East Kingston Avenue, Dilworth Local Historic District Addition William & Leigh Smith, Applicants</i>	<i>HDC 2012-046</i>	<i>Approved</i>
B.	<i>1309 Lexington Avenue, Dilworth Local Historic District New Front Entry Cover Kraig Magus of Don Duffy Architecture, Applicant</i>	<i>HDC 2012-047</i>	<i>Approved</i>
C.	<i>524 East Worthington Avenue, Dilworth Local Historic District Addition Kent Lineberger, Applicant</i>	<i>HDC 2012-059</i>	<i>Approved</i>
D.	<i>824 Lexington Avenue, Dilworth Local Historic District Addition Michael Glaser, Applicant</i>	<i>HDC 2012-064</i>	<i>Withdrawn</i>
E.	<i>315 West 9th Street, Fourth Ward Local Historic District Remodeling of Front Porch & Rear Addition Brian and Brittani Phillips, Applicants</i>	<i>HDC 2012-070</i>	<i>Deferred to Design Review Committee</i>
F.	<i>814 East Boulevard, Dilworth Local Historic District Addition Angie Lauer of ABL Architecture, Applicant</i>	<i>HDC 2012-071</i>	<i>Approved</i>
G.	<i>612 East Worthington Avenue, Dilworth Local Historic District Extension & Modification of Rear Porch Angie Lauer of ABL Architecture, Applicant</i>	<i>HDC 2012-072</i>	<i>Approved</i>
H.	<i>1423 Lexington Avenue, Dilworth Local Historic District Removal and Replacement of Previous Addition John Phares, Architect/Applicant</i>	<i>HDC 2012-075</i>	<i>Approved</i>

In addition, the HDC also:

- ***Reelected the current Commission Officers to serve for another year, until June 30, 2013***
 - ***Commission Chair – Mary Ellen George***
 - ***First Vice Chair – Dominick Ristaino***
 - ***Second Vice Chair – Debra Glennon***

- ***Recognized Outgoing HDC Members Babs Highfill and Karen Rush for their Six Years of Service***