

Mayor Anthony Foxx

Michael D. Barnes

Nancy Carter

Andy Dulin

Patsy Kinsey

Edwin B. Peacock III

Mayor Pro-Tem Patrick Cannon

Jason Burgess

Warren Cooksey

David Howard

James E. Mitchell, Jr.

Warren Turner

CITY COUNCIL COMBINED ZONING AND BUSINESS MEETING

Monday, November 14, 2011

3:00PM – City Attorney’s Evaluation – Room CH-14

5:00PM – Council/Manager Dinner – Conference Center

**7:00PM – Awards and Recognitions, Zoning Meeting,
followed by Business Meeting – Meeting Chamber**

**ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org**

REZONING ACRONYMS

Zoning Districts

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district
- **BD** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **I-1** – light industrial district
- **I-2** – general industrial district
- **INST** – institutional district
- **MUDD** – mixed use development district
- **MX-1** – mixed use district
- **MX-2** – mixed use district
- **MX-3** – mixed use district
- **NS** – neighborhood services district
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential – up to 4 dua
- **R-5** – single-family residential – up to 5 dua
- **R-6** – single-family residential – up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential – up to 12 dua
- **R-17MF** – multi-family residential – up to 17 dua
- **R-22MF** – multi-family residential – up to 22 dua
- **R-43MF** – multi-family residential – up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research district
- **RE-2** – research district
- **RE-3** – research district
- **TOD** – transit oriented development
- **TOD-E** – transit oriented development – employment
- **TOD-EO** – transit oriented development – employment - optional
- **TOD-M** – transit oriented development – mixed use
- **TOD-MO** – transit oriented development – mixed use – optional
- **TOD-R** – transit oriented development – residential
- **TOD-RO** – transit oriented development – residential - optional
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UMUD-O** – uptown mixed use district - optional
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential - commercial

Overlay Districts

- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **HW** – hazardous waste overlay
- **LNW** – Lake Norman watershed
- **LNWCA** – Lake Norman watershed – critical area
- **LNWPA** – Lake Norman watershed – protected area
- **LLWW** – Lower Lake Wylie watershed
- **LLWWCA** – Lower Lake Wylie watershed – critical area
- **LLWWPA** – Lower Lake Wylie watershed – protected area
- **MILW** – Mountain Island Lake watershed
- **MILWCA** – Mountain Island Lake watershed – critical area
- **MILWPA** – Mountain Island Lake watershed – protected area
- **MH-** – manufactured home overlay
- **PED** – pedestrian overlay district
- **PED-O** – pedestrian overlay district – optional
- **TS** – transit supportive overlay district

Miscellaneous Acronyms

- **CD** – conditional
- **SPA** – site plan amendment

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3:00 P.M. City Attorney's Evaluation			
Room CH-14			
5:00 P.M. Dinner Briefing			
Conference Center			
1.	Mayor and Council Consent Item Questions		
2.	North Corridor Red Line Regional Rail Project Overview		
3.	Proposed 2012 Federal Legislative Agenda		
4.	Enterprise Resource Planning Update		
5.	Answers to Mayor and Council Consent Item Questions		
7:00 P.M. Awards and Recognitions			
Meeting Chamber			
6.	Blue Star Recognitions		
Zoning Decisions			

3:00 P.M. CITY ATTORNEY'S EVALUATION Room CH-14

5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Jim Schumacher, City Manager's Office

Time: 5 minutes

Synopsis

- Mayor and Council may ask questions about Consent agenda items. Staff will address as many questions as possible at the end of the dinner meeting.

2. North Corridor Red Line Regional Rail Project Overview

Resource: Paul Morris, Deputy Secretary, NCDOT

Time: 45 minutes

Synopsis

- Over one year ago, the Metropolitan Transit Commission established a sub-committee to research and study ways to advance the implementation of the CATS Red Line.
- In November 2010, Jeff Parker & Associates updated the financial plan for CATS confirming that, even with assuming 25% capital funding contributions from NCDOT and CATS each, there would still be a 50% capital funding gap as well as a 75% operating funding gap. Furthermore, CATS capital contribution could not be made from the transit sales tax and would be reliant on the continuation of current federal operating assistance programs that would possibly kick-in after the start of operations.
- The NCDOT engaged a consultant, Greenleaf Strategies, to assist the Red Line Task Force in studying financial mechanisms to fund the estimated \$213 million gap on the project budget.
- Greenleaf Strategies has developed a plan for “value capture” along the line using a number of revenue sources.
- Deputy Secretary Morris will review the work of Greenleaf Strategies and outline the recommended plan for fully funding the Red Line Regional Rail Project.

Future Action

- The value capture strategies recommended for the project would involve a Joint Powers Authority created through the agreement of all involved municipal and county governments. The schedule calls for the local governments to consider those actions between January and June, 2012.

3. Proposed 2012 Federal Legislative Agenda

Committee Chair: Nancy Carter

Resources: Ron Kimble, City Manager's Office
Dana Fenton, City Manager's Office

Time: 15 minutes

Synopsis

- Annually the City Council prepares a Federal Legislative Agenda to communicate its policy preferences to the US Congress. The US Congress convenes its next legislative session on January 4, 2012.
- The following positions are presented for inclusion in the Agenda:
 1. Blue Line Light Rail Extension Project
 2. Federal Surface Transportation Program
 3. EPA Stormwater Rulemaking
 4. Competitive Grants
- On October 3, 2011, the proposed 2012 Federal Legislative Agenda was approved by the Government Affairs Committee (3-0, Carter, Cannon and Dulin).

Future Action

City Council will be asked to approve the Proposed 2012 Federal Legislative Agenda at its November 28, 2011 meeting.

Attachment

2012 Federal Legislative Agenda Position Statements

4. Enterprise Resource Planning Update

Resources: Jeff Stovall, Office of the Chief Information Officer
David North, Office of the Chief Information Officer

Time: 30 minutes

Synopsis:

- Staff will present an update on the status of the City's Enterprise Resource Planning (ERP) project and next steps.
- ERP integrates internal and external management information across an entire organization. Its purpose is to manage and facilitate the flow of information – typically financially and/or customer related – among all business functions within an organization.
- ERP would reduce organizational risk by replacing the City's 37 year old financial system and many of the hundreds of "shadow" systems with a modern, integrated system covering the City's Financial, Procurement, Project Cost Accounting, and Grant Cost Accounting information management needs.

Future Action

A request to authorize the City Manager to negotiate and execute contracts for ERP software, implementation, maintenance, and other supporting contracts will be on Council's November 28 agenda.

5. Answers to Mayor and Council Consent Item Questions

Resource: Jim Schumacher, City Manager's Office

Time: 10 minutes

Synopsis

- Staff response to questions from the beginning of the dinner meeting.

7:00 P.M. AWARDS AND RECOGNITIONS MEETING CHAMBER

6. Blue Star Recognitions

Action:	Mayor Pro Tem Cannon to recognize three City employees who have deployed in support of military operations by presenting them with their Blue Stars from the City's service flag.
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ZONING DECISIONS

<p>Deferral (to January)</p>	<p>2. <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>The Zoning Committee voted unanimously to DEFER this petition to the January 04, 2012 Zoning Committee meeting.</p> <p>Staff recommends a deferral of this petition.</p> <p>Attachment 2</p>
<p>Council is required to vote to whether or not to send back to Zoning Committee, due to changes to this petition</p>	<p>3. <u>Petition No. 2011-036</u> by Crescent Resources for a change in zoning for approximately 62.70 acres located on the south side of West Mallard Creek Church Road between Claude Freeman Drive and Legranger Road from RE-1 to RE-3(O), and 5-Year Vested Rights.</p> <p>This petition is found to be consistent with the <i>University Research Park Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. (Commissioner Zoutewelle was recused.) The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. All notes have been placed on Sheet RZ-3. 2. Amended the third paragraph under "General Provisions" (formerly Note 2 on Sheet RZ-2) to state that all changes to the Schematic Plan will be reviewed and approved as allowed by Section 6.207). 3. Amend Note 5(c) under "Access and Transportation Design" (formerly Note 3 on Sheet RZ-)1 to state "The number and locations of driveways connecting to the interior public streets is not limited by what is indicated on the Technical Data Sheet. The location and number will be determined during the Land Development process." 4. Amended Note 8(c)(ii, iii iv, and v) under "Architecture and Design Controls" (formerly Note 6(c)(ii),(iii), (iv)) to specify how interconnectivity will be provided between buildings and through parking areas; explain that architectural compatibility will be achieved by using similar or compatible architectural styles, building materials, landscape elements, plants, and signage treatments; and specify the variety of building materials to be used and provide a minimum percentage of brick, stone, synthetic stone, precast stone or precast concrete for each building façade on Parcels A, B, C, and D. 5. Amended Note 8(c)(vii) under "Architectural and Design Controls", (formerly Note 6(c)(vii)), to state that final building elevations will be reviewed and approved by the Planning Department to assure that the proposed buildings are consistent with the specified design. 6. Amended Note 9(b) under "Connectivity" (formerly Note 7b) to explain that a network of streets and pedestrian walkways or paths will be provided as depicted on the Technical Data Sheet.

7. Amended Note 4(b)(i) under "Permitted Uses" to state that retail and restaurant uses must be integrated into buildings that contain at least 25,000 square feet of gross floor area other than retail and restaurant uses. Retail and restaurant uses will be limited to the ground floor of buildings and to no more than 10,000 gross square feet per building. In the aggregate, no more than 25,000 square feet of gross floor area of retail and restaurant uses may be developed on Parcel C. The square footage of any retail and restaurant uses developed on Parcel C will be part of the maximum allowed square footage of gross floor area allowed on Parcel C.
8. Amended Note 8(c)(viii) under "Architectural and Design Controls", (formerly Note (c)(viii)), to specify that if breezeways are included in the proposed multi-family buildings the breezeways shall be framed with architectural elements such as columns and brick quoining, creating a dominant central element of the architectural façade. Other proposed architectural elements include entry portals with an engaged classical portico integrated with modified window screens above to combine into one refined, cohesive architectural feature to provide the appearance of an enclosed breezeway.
9. Amended Note 14 under "Phasing" to specify that a building permit for 25,000 square feet of gross floor area of office uses must be issued on Parcel C.
10. Placed Notes 13 and 14 in numerical order.
11. Added tax parcel 04742106 under the Site Data Table on Sheet RZ-1.
12. Corrected the subject tax parcels listed under Development Data Table on Sheet RZ-3.
13. Amended Note 8(a)(i) under "Architectural Standards", (formerly Note 6(a)(i)), to reflect a 35-foot side or rear yard requirement.
14. Deleted Note 9 under "Streetscape and Landscaping", (formerly Note 7(a)).
15. Multi-use path/trail shown and labeled.
16. Amended Note 4(a)(iv) to indicate that the only restaurants providing the following types of food and beverage: ice cream, yogurt, coffee, juices, bagels, muffins, pastries and similar items are permitted a drive-through service window.
17. Amended Note 4(a)(v) to delete restaurants with accessory drive-through windows as a prohibited use.
18. Amended Note 13 under "Lighting", (formerly Note 12(a)), to clarify that all lighting fixtures will be full cut-off, with the exception of lighting that is not visible from residentially zoned or used property.
19. Amended Note 11(c) under "Parks, Greenways and Open Space", (formerly Note 9c), to state that links from adjoining properties to the six-foot wide multi-use path/trail will be allowed to provide for an eventual connection to the Greenway located within the University Research Park as shown on the Schematic Plan, Sheet RZ-2.
20. Added Note 11(b) under "Signage" to state that a sign identifying the University Research Park may be placed on the Site as recommended by the adopted University Research Park Area Plan.
21. Amended Sheet RZ-2 to provide a label for urban open space and open space, as defined in the Zoning Ordinance.
22. Amended Note 4(b)(i) to clarify that the square footage of any retail and restaurant uses developed on Parcel C will be part of the maximum allowed square footage of gross floor area allowed on Parcel C. Amended Development Data Table on Sheet RZ-3 to refer to conversion rights specified permitted for Parcels A and B.
23. Deleted the following notes:
 - a. Notes 1, 2 and 3 from Sheet RZ-1.
 - b. Notes 1, 2 and 3 from Sheet RZ-2.
 - c. The fifth paragraph under Note 2 on Sheet RZ-3.
 - d. Note 4(c)(ii).
 - e. Note 5(f).
 - f. Notes 6(a)(iv) and (v).
 - g. Note 6(b)(i) and (ii).
 - h. Note 10 Note 12b as it does not meet ordinance standards.

<p>2011-036 continued</p>	<p>24. Addressed CDOT comments as follows:</p> <ul style="list-style-type: none"> a. Amended Note 5(e) to state that the petitioner will construct a public street that will connect Legranger Road through Parcel D to Senator Royall Drive. b. Amended Note 5(a) to state that a five-foot bike lane, curb and gutter, and eight-foot planting strip and six-foot sidewalk will be provided along the site's W. Mallard Creek Church Road frontage. c. Amended Note 5(a) to remove the provision for bike lanes in either direction on Senator Royall Drive. d. Added Note 5(g) to state that three raised pedestrian refuge islands within the two-way left turn land on Senator Royall Drive will be provided. e. Added Note 6(d) to reflect continuance of the existing southbound outside travel lane from Mallard Creek Church Road to the second access point on Senator Royall Drive. <p>25. Added Notes 6 and 7 to address the timing and completion of road improvements and right-of-way.</p> <p>26. Added Note 4(c) to state that no more than 24 three bedroom units will be developed on Parcel D, added to address concerns expressed to the petitioner.</p> <p>27. Added Note 4(c) regarding gross floor area</p> <p>The following changes have been made since the Zoning Committee has made their recommendation:</p> <ul style="list-style-type: none"> 1. Amended number of multi-family dwellings from 330 to 320 2. Note 8(a)(iv) added verbiage in bold below to the existing note: Trees may be removed to allow the installation of required roadway & streetscape improvements as well as allowed signage. 3. Added Note 8 c ix " The club house/amenity building constructed on Parcel D as part of the development of proposed residential units will be designed to include a cupola or similar roof top architectural feature to create additional interest and enhance the character of the community." 4. Added Note 10(b) "The storm water/water quality pond constructed on Parcel D will be designed as a wet pond." 5. The elevations submitted with the 110311 submittal are the same as submitted with the 092611 submittal. Dated the same, showing a revision made 092311. 6. Note 3(iii) requesting an optional for signage will also be deleted. <p>Staff recommends approval of this petition.</p> <p>Attachment 3</p>
	<p>4. <u>Petition No. 2011-060 by Ronald E. Shaver</u> 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>This petition is found to be inconsistent with the <i>North Charlotte Plan</i> but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p>

	<p>5. <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>The petition is found to be inconsistent with the residential land use recommendation on a portion of the site but to be consistent with the institutional land use recommendation on the remainder of the site set forth in the <i>Northeast District Plan</i> but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The Class C buffer abutting residential zoning to the south and east is shown on the site plan. 2. The scale is noted on the site plan. 3. The unrequired tree save shown at rear of the property has been deleted. 4. Hatching as delineation of rezoning area has been removed. <p>Staff recommends approval of this petition.</p> <p>Attachment 5</p>
	<p>6. <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>This petition is found to be consistent with the <i>Northeast District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 6</p>
	<p>7. <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>This petition is found to be inconsistent with the <i>Southwest District Plan</i> but consistent with the current land use objective of the <i>Westside Strategic Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>
<p>Deferral (to January)</p>	<p>8. <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>The Zoning Committee voted 5-1 to DEFER this petition to the January 4, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 8</p>

<p>Deferral (to January)</p>	<p>9. <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>The Zoning Committee voted unanimously to DEFER this petition to the January 4, 2012 Zoning Committee meeting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 9</p>
	<p>10. <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>This petition is found to be consistent with the intent of the <i>Plaza Central Pedscape Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 10</p>
	<p>11. <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>This petition is found to be inconsistent with the <i>Cherry Small Area Plan</i> but consistent with the draft <i>Midtown Morehead Cherry Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>