

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

Michael Barnes
Nancy Carter
Andy Dulin
Anthony Foxx
Patsy Kinsey

John W. Lassiter
Don Lochman
James Mitchell, Jr.
Patrick Mumford
Warren F. Turner

CITY COUNCIL WORKSHOP

Monday, November 6, 2006

Room 267

- 5:00 p.m. Dinner**
- 5:15 p.m. Transportation: Update on Pending MTC Decisions**
- 5:30 p.m. Mayor's Immigration Study Commission Status Report**
- 6:00 p.m. Community Safety: Sheriff's Office Immigration Processing**
- 6:30 p.m. Environment: Smoke-Free Mecklenburg Presentation**
- 7:00 p.m. Environment and Transportation: Regional Air Quality Board Update**
- 7:15 p.m. Restructuring Government: Community WIFI Proposal**
- 7:30 p.m. Citizens' Forum
Room 267**
- 8:00 p.m. Requests for Council Action:**
- 1. NASCAR Hall of Fame and Office Tower Update**
 - 2. Approval for Rezoning Petition 2006-104**
 - 3. Nominations to Boards and Commissions**
 - 4. CMAQ funding for Clean Air Works! Program**
 - 5. Dixie River Road – Shopton Road West Thoroughfare Plan Amendments**

COUNCIL WORKSHOP AGENDA ITEM SUMMARY

TOPIC: Update on Pending MTC Decisions

COUNCIL FOCUS AREA: Transportation

RESOURCE: Mayor Pat McCrory

KEY POINTS:

- The Mayor has put this MTC update on the Council's agenda for discussion. The review will focus on the North and Northeast Corridor discussions and the ramifications which impact the City's budget and corridor policies.

COUNCIL DECISION OR DIRECTION REQUESTED:

None.

ATTACHMENTS:

None.

COUNCIL WORKSHOP AGENDA ITEM SUMMARY

TOPIC: Mayor's Immigration Study Commission Status Report

RESOURCE: Kim Phillips, Mayor
Huntersville

KEY POINTS:

Kim Phillips will present an overview of the work of the Mayor's Immigration Study Commission since it first began its process in December 2005.

The presentation will include:

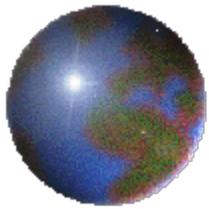
- The list of Study Commission Members
- A Review of the Commission's Charge from the Mayor
- The four focus areas of study (Public Safety, Education, Healthcare, and Economic Development/Workforce)
- Significant and interesting data collected by the Subgroups
- Status of recommendations
- Timeline for final report

COUNCIL DECISION OR DIRECTION REQUESTED:

None.

ATTACHMENTS:

Mayor's Immigration Study Commission Presentation

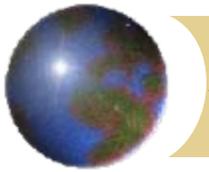


Mayor's Immigration Study Commission

Alan Gordon, Esquire

Chairman

Board Certified Immigration Specialist



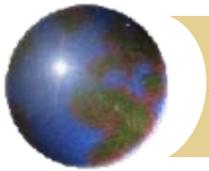
Immigration Study Commission Members

Economic Devel. Subgroup

- *Steve Gennett, Carolinas AGC*
- Francisco Alvarado, Alvacor Construction
- Wayne Cooper, Honorary Consul, Mexico
- Phyllis Primm, Rodgers Builders
- Carlos Sanchez, BellSouth
- Stephen Rosenburgh, US Land Investments

Education Subgroup

- *Dr. Maha Gingrich, CPCC*
- Dr. Joan Lorden, UNCC
- Willie Ratchford, Community Relations Committee
- Wilson McCrory, Davidson College Student
- Kathy Meads, CMS



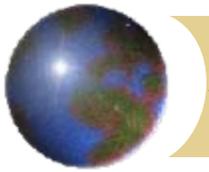
Immigration Study Commission Members

Public Safety Subgroup

- *Mayor Kim Phillips, Town of Huntersville*
- Peter Gilchrist, Mecklenburg District Attorney
- Jim Pendergraph, Sheriff
- Jeff Jordan, DHS - ICE
- Hal Weatherman/Alice Torres, U.S. Rep. Sue Myrick's Office
- Maudia Melendez, Jesus Ministries
- Ray Kaptejna, DHS – CBP
- Darrel Stephens, CMPD Chief

Healthcare Subgroup

- *Dr. John Baker, Carolinas Healthcare*
- Scott Moroney, Carolinas Healthcare
- Amy Vance, Novant Healthcare
- Dr. Wynn Mabry, Health Dept.
- Richard Gottlieb, DHS – CIS
- Elizabeth Thurbee, Catholic Social Services
- Jake Jacobsen, DSS

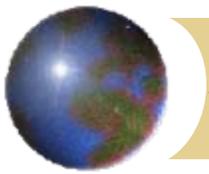


Mayor's Immigration Study Commission

Charge:

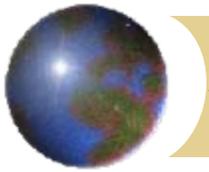
“Analyze the impact of immigration on Charlotte’s (and region) quality of life , public safety, and economic opportunities.”

- Gather Data and Review Existing Policies
- Identify Impacts of legal and illegal immigration
- Make recommendations/options to policy makers



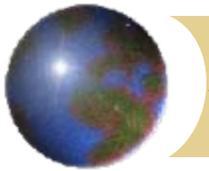
Economic Development Subgroup Data

- 10.1% of Mecklenburg County's population is foreign-born
- 2000 Census shows Hispanics and Asians are the two largest immigrant groups in Mecklenburg County
- In 1990 there were 1,754 Hispanic births in North Carolina, in 2004 there were 16,084 – 817% increase
- In 2004, there were 59,645 Hispanics in Mecklenburg County
- 42% of all Hispanics in North Carolina work in the Construction industry
- 9% of wages in North Carolina are sent to other countries
- Mecklenburg County's unemployment rate in Dec. 2005 was 4.1%
- Public cost of Hispanics (for education, healthcare, corrections, etc) was \$816.5 million
- Hispanics contributed \$755.5 million in income and property taxes
- Net cost to the state of \$61million
- No similar comprehensive study has been done for any other ethnic or racial group in the U.S.
- The DHS testing PILOT and IMAGE employment verification databases



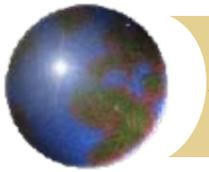
Public Safety Subgroup Data

- 15% of the Mecklenburg Jail population are illegal aliens awaiting a criminal trial/deportation
- It cost \$110 per night to house a prisoner at the Mecklenburg County jail
- Driving Under the Influence (DUI) is a misdemeanor offense, and not high on the list for deportation
- From 5/1/06 – 9/10/06, the Sheriff's Office has processed 1,205 arrestees that were not born in the U.S. and began removal proceedings for 523 through the ICE 287 (g) program.
- Charlotte-Mecklenburg Police currently do not check immigration status of victims of crimes



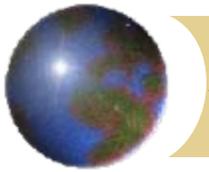
Education Subgroup Data

- CMS cost per student \$8,069
- 13,000 LEP students enrolled in CMS in 05-06, nearly 10% of CMS enrollment. 9,000 of those were Spanish speaking
- No Child Left Behind Act and the State of North Carolina fund based on LEP enrollment. In 05–06 CMS received \$6 million from the State of NC for LEP
- 42% of the LEP students enrolled at CMS over the past 3 years were born in the US
- Last year, 113 of CMS teachers were on J1 (teaching visas) and 10 were employed under H1B visas
- In Fall 2005, 17 CPCC students had no visa status
- In 05 – 06, UNCC had 596 F1 students and 38 J1 students
- In 05 – 06, UNCC had 53 H1 faculty/researchers and 27 J1
- In 03 – 04, the Economic Impact of foreign students and their families on the U.S. economy was \$12.8 billion.
- UNCC foreign students contributed \$21.8 million to the state's economy.



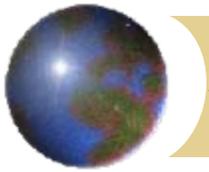
Healthcare Subgroup Data

- Hispanics make up 26% (17,500) of the total patients at the Mecklenburg County Health Department
- 30% of patients seen at CMC clinics are Hispanic
- 54% of all Latino adults in North Carolina are uninsured compared to 22% for African American and 11% for non-Latino whites
- For non-bilingual staff, caring for a Spanish speaking patient takes 17.6% longer than caring for an English speaking patient
- The Health Department has six full-time interpreters on staff at a cost of \$300,000 per year
- CMC clinics employ 11 full-time interpreters at a cost of \$440,000
- Paradox – Mexicans are generally healthy, but health decreases as they acculturate – diabetes, obesity, STDs, etc



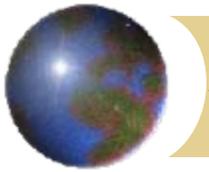
Mayor's Immigration Study Commission

- Immigration law is Federal Law, but impact is state and local
- State of North Carolina and other states have taken limited action
- Local jurisdictions, such as Hazelton, PA, are also taking action



Mayor's Immigration Study Commission

- Why Don't People Just "Get Legal?"
 - Could be Decade-long process
 - Bars to citizenship
 - Temporary Protected Status



Mayor's Immigration Study Commission

- Final Report to be Completed in December 2006
 - Will provide “local perspective”
 - Will include recommendations
 - Will be presented to all public policy makers and elected bodies

COUNCIL WORKSHOP AGENDA ITEM SUMMARY

TOPIC: Sheriff's Office Immigration Processing

COUNCIL FOCUS AREA: Community Safety

RESOURCE: Sheriff Jim Pendergraph

KEY POINTS:

- In February 2006, Mecklenburg County Sheriff Jim Pendergraph entered into a partnership with the Department of Homeland Security to identify individuals arrested in Mecklenburg County who are in the county illegally. By doing so, the Sheriff's Office became the first Sheriff's Office east of Phoenix to perform this function.
- During March, Immigration and Customs Enforcement (ICE) officials trained ten deputies to carry out certain duties traditionally handled by federal immigration officers. The MCSO deputies now operate within the Mecklenburg County Jail facilities to interview foreign national inmates to determine whether there is probable cause for an immigration violation; complete the processing for criminal aliens, including fingerprinting; prepare documentation to place aliens in deportation proceedings concurrent with their prison term; and prepare documentation to deport aliens following their terms. In addition, they refer criminal aliens to the ICE Office of Investigations for potential criminal prosecutions.
- Using equipment and technology provided by Immigration and Customs Enforcement, deputies now fingerprint and photograph all non US born arrestees. This information is submitted directly to the Law Enforcement Support Center in Vermont, which is a single national point of contact that provides timely immigration status and identity information to local, state, and federal law enforcement agencies on aliens suspected, arrested, or convicted of criminal activity.
- Through August 2006, deputies processed over 1,200 individuals using the specialized Ident system, with 523 placed in removal proceedings.
- The voluntary initiative authorizing state and local law enforcement agencies to work with ICE to identify and detain immigration offenders is found in Section 287(g) of the "Immigration and Nationality Act." After the successful implementation of the 287(g) program, law enforcement agencies nationwide have contacted Sheriff Pendergraph about starting their own programs.

- The mission of the Mecklenburg County Sheriff's Office is to protect the citizens of Mecklenburg County. Identifying illegal immigrants who commit crimes in our community is just one way we do that.

COUNCIL DECISION OR DIRECTION REQUESTED:

None.

ATTACHMENTS:

None.

COUNCIL WORKSHOP AGENDA ITEM SUMMARY

TOPIC: Regional Air Quality Board Update

COUNCIL FOCUS AREA: Environment and Transportation

RESOURCES: Peter Pappas, Chair, Regional Air Quality Board
Dave Franchina

KEY POINTS:

- The Charlotte region was designated by the EPA as “non-attainment” for ozone in April 2004. Ozone affects the area’s quality of life and public health and directly impacts a sensitive local population estimated at least 220,000 people. Air quality ratings can also impact efforts to recruit new businesses to the region.
- The County led voluntary efforts to encourage businesses to reduce emissions on high ozone days in the summers of 2004 and 2005. Approximately 25 businesses participated in 2005.
- The Regional Air Quality Board was established in December 2005 to facilitate public and private collaboration to improve air quality in the Charlotte Region. The board includes representation from the Regional Planning Alliance, Charlotte Chamber, City of Charlotte, Mecklenburg County, and the Centralina and Catawba Councils of Government. The City’s representative is Mayor McCrory.
- This past summer, the Board sponsored a pilot program called Clean Air Works! The goal of the program was to enlist at least 50 businesses throughout the non-attainment region to actively engage in encouraging their employees to use air-friendly commuting and operational practices.
- Clean Air Works! was funded by \$500,000 in Federal Congestion Mitigation and Air Quality (CMAQ) Funds and \$500,000 in Mecklenburg County funds. The County contracted with URS, a consultant with considerable experience in air quality programs, to provide marketing and implementation assistance.
- The pilot initiatives were positioned to leverage existing programs marketed by CATS, the County and the two COGS.
- At the workshop, Peter Pappas will provide the results of the successful pilot program and the estimated impact on the air quality. He will also discuss the potential for support of an enhanced public-private program in 2007.

- The Mecklenburg-Union Metropolitan Planning Organization (MUMPO) is expected to take action on 2007 CMAQ funding at its November 15 meeting. It is anticipated that the Technical Coordinating Committee will recommend reallocating \$500,000 for Clean Air Works! in summer 2007. Council will be asked to direct Council member Mumford's vote later in the evening. (See separate request for Council Action #4 in this agenda.)

COUNCIL DECISION OR DIRECTION REQUESTED:

Council will be asked later tonight to direct Council member Mumford's vote at the MUMPO meeting regarding future CMAQ funding for Clean Air Works!

ATTACHMENTS:

Preliminary Results and Findings for Clean Air Works!
Employer Partner Locations Map
List of Clean Air Works! Partners



SUMMARY PRELIMINARY RESULTS & FINDINGS

Project Purpose

To conduct an Air Pollution Reduction Pilot Project (referred to hereafter as “Clean Air Works”) with the primary purpose of testing what organizational approach and implementation elements and methods will produce quantifiable reductions in ozone-forming pollutants (nitrogen oxide) above those obtained through current efforts. Air pollution reductions were obtained from mobile, non-road mobile and operational sources through promotion of alternate modes of transportation (e.g. carpooling, vanpooling, telecommuting, riding transit, walking and biking) and/or changes in business operations (e.g. cleaner fleets, delaying or postponing high-emission activities such as construction work, lawn maintenance). Upon completion local government and business will be able to assess the potential impact and feasibility of a full-scale program targeting larger numbers of businesses.

Project success will be determined by evaluating data collected during the project. Data collected includes, but is not limited to the following:

- number companies implementing plans,
- number employees reached, number of employees participating,
- daily tons NOx reduced through commute and operational changes

Pilot Goals and Summary Results: February – August 2006

To secure participation by 50 of the largest companies representing a minimum of 100,000 employees in the 8-county Metrolina Region ozone non-attainment region. At least one business should be located in each of the eight counties of the non-attainment region .

52 Employer partners secured

56,283 Employees reached

7 Counties represented

To track worksite/employee participation.

13,875 Baseline Surveys completed (response rate = 25%)

31 Companies required or encouraged commute behavior reporting

2,821 Individuals reporting commute type (5%)

To establish employer-based action plans. To motivate employers to change their business practices and lower NOx emissions.

40 Employee Action Plans completed

110 Worksite programs implemented

34 Incentive programs implemented

120% increase in commute trips reported – from 6,354 in June to 14,027 in July

Trip-Reduction Strategies	Number Partners
Educational Programs	43 Partner sites
Try It Days	13 Partner sites
Preferential Parking	10 Partner sites
Vanpool/Transit Financial Incentives	9 Partner sites
Gas Cap Check events	8 Partner Sites
Anti-Idling Programs	7 Partner sites
Raffles	7 Partner sites
Operational Programs	10 Partner sites
Alternative Scheduling	varied

To achieve quantifiable emission reductions.

Average daily total of reported tons/pounds of NOx reduced - 0.4 tons / 795 pounds

Total reported tons/pounds of NOx reduced (June – August) – 26 tons / 51,400 pounds

To design and produce region specific marketing materials

The name Clean Air Works! was selected as a distinct project name and logo to aid in creating regional awareness and to strengthen the link between clean air and employer/business participation

Web Site developed and implemented

Additional Marketing Support: Over 20 pieces of Clean Air Works specific materials were developed

To highlight successes through media coverage

Secured over 68 placements in print, radio, television and online

Advertising equivalency of placements - \$76,400

The editorial value of placements - \$230,000

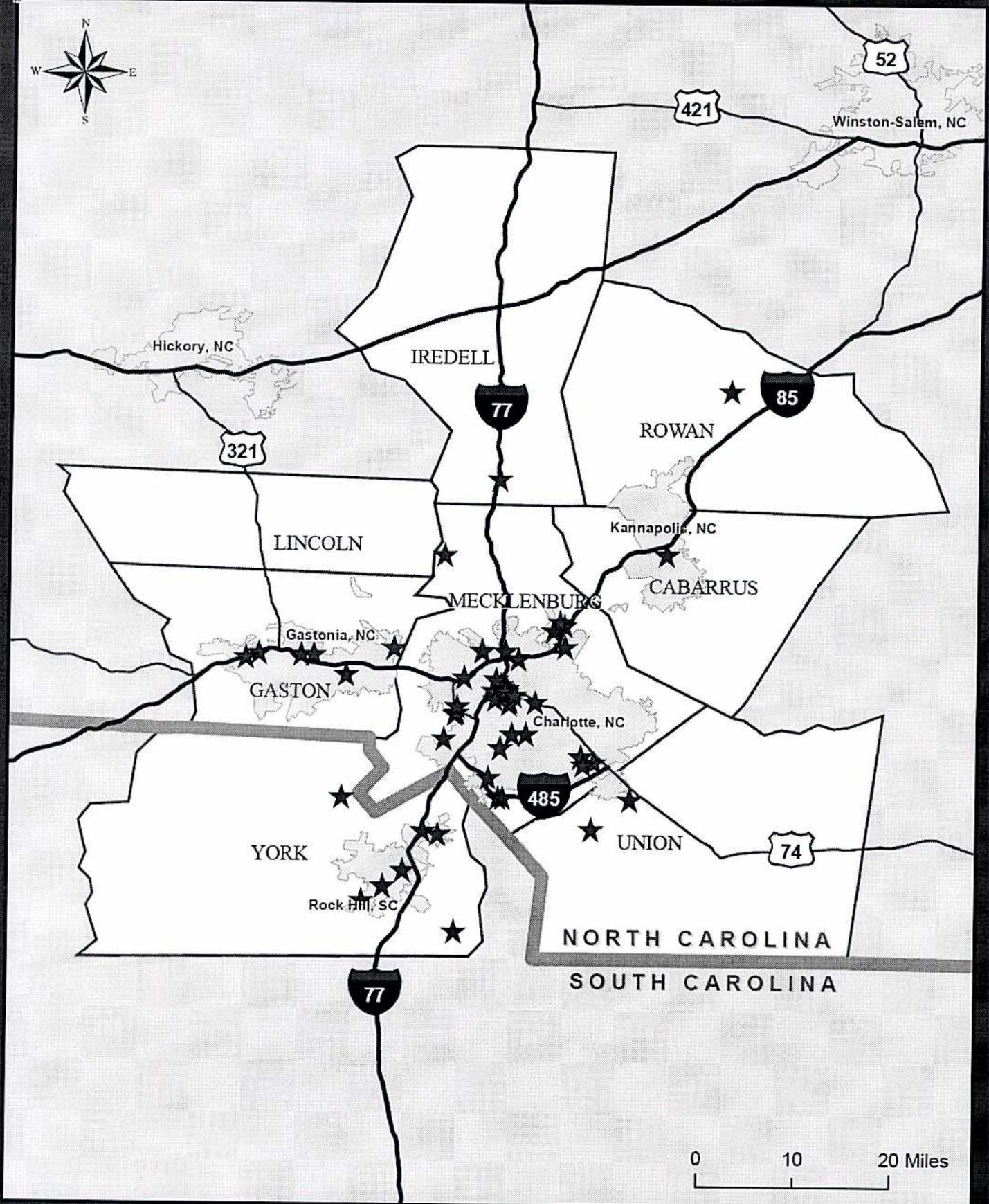
97 % of media coverage reflected positively on Clean Air Works

Summary Findings

To evaluate air pollution reductions and to determine the best approaches to encourage employees to change commuting behaviors.

- *Recruitment by business leaders and "Top Down" corporate support were critical*
- *On-site presence generated greater survey participation (baseline data)*
- *Strategies implemented depended upon corporate culture, other factors*
- *Need to allow time for internal decision-making (budgeting)*
- *Operational programs made an important contribution to the pollution reduced and provided a necessary option for many businesses*
- *Financial incentive programs generated greater travel outcomes*
- *Commute reporting without meaningful financial incentives resulted in lower levels of reporting*
- *Participation increased steadily as the program evolved (programs launched through September/October)*

CLEAN AIR WORKS! EMPLOYER PARTNER LOCATIONS



LEGEND

- ★ Company Locations
- Interstate
- US Highway
- ▭ Cities
- ▭ Counties



CLEAN AIR WORKS PARTNERS

ALLTEL	Johnson C. Smith University
American & Efird	Johnson & Wales University
Bank of America	Kennedy Covington
Belk, Inc.	Lash Group
BellSouth	Loftin Printers
Bissell Companies	Lowe's
Bowater	Moore & Van Allen
Burchette & Associates	National Gypsum
Carolinas Medical Center	Northeast Medical Center
Carolinas Medical Center - Pineville	Pharr Yarns
CaroMont Health	Piedmont Natural Gas
Central Piedmont	PSNC Energy
Community College	Quaero Corporation
Charlotte Chamber of Commerce	Radiator Specialty Company
The Charlotte Observer	Spivak Homes
Charlotte Pipe & Foundry	Springs Industries
Citigroup	SPX
Coca-Cola Consolidated	Superior Seeding
Compass Group	Terracon
Dixon Hughes	Time Warner Cable
Duke Energy	Tuscan Development
Family Dollar Stores	University of North Carolina Charlotte
First Charter Bank	Wachovia
Food Lion	Winthrop University
Froehling & Robertson	York County Chamber of Commerce
Harris Teeter	York Technical College
Hospitality Tourism Alliance	

COUNCIL WORKSHOP AGENDA ITEM SUMMARY

TOPIC: Smoke-Free Mecklenburg Presentation

COUNCIL FOCUS AREA: Environment

RESOURCES: Dr. Michael Sloan, Chair of Smoke-Free Mecklenburg
Anson Marcotte

KEY POINTS:

- At the July 24, 2006 Citizens Forum, representatives of Smoke-Free Mecklenburg appeared before Council. They asked that Council consider approval of a resolution to support State enabling legislation to authorize local governments to adopt regulations for smoking in enclosed, indoor public places.
- The Council initially referred this request to the Council Environment Committee. Last month the Council concurred with Chair Anthony Foxx's request to have the detailed presentation made to the full Council.
- Smoke-Free Mecklenburg is a local grassroots coalition of health care professionals, advocacy groups and individuals committed to bringing smoke-free restaurants, bars and workplaces to Mecklenburg County.
- The Mecklenburg County Commission adopted the proposed resolution on October 17. The towns of Cornelius, Davidson, Mint Hill and Pineville have also adopted it.
- Smoke-Free Mecklenburg plans to send a bill to the legislature requesting local authority during the 2007 session.

COUNCIL DECISION OR DIRECTION REQUESTED:

This presentation is for Council's information. Council may wish to ask for more information, refer to Committee or direct staff to come back with an action item at the next business meeting of November 27.

ATTACHMENTS:

Smoke-Free Mecklenburg Summary
Resolution proposed by Smoke-Free Mecklenburg



Smoke Free Mecklenburg is a local grassroots coalition of health care professionals, advocacy groups and individuals committed to bringing smoke-free restaurants, bars and workplaces to Mecklenburg County. Our coalition is not anti-smoker! We support the rights of those who wish to smoke, as long as their smoking does not harm others around them. We are working toward protecting people from the dangerous effects of secondhand smoke.

In 1993, the North Carolina General Assembly passed a law preventing any local government from regulating smoking in public places within their county, city or town. Smoke Free Mecklenburg is seeking an exemption from this state law, General Statute 143-595-601, to allow the citizens of Mecklenburg County to have their voices heard on this issue. We refer to this as “local control”. **We will send a bill to the state legislature during the 2007 legislative session requesting an exemption for Mecklenburg County from the state law.**

To date, four of the towns in Mecklenburg County (Cornelius, Davidson, Mint Hill and Pineville) have adopted this local control resolution. In October, Mecklenburg County Commissioners also adopted the local control resolution.

Smoke Free Mecklenburg hired an independent research firm to conduct a poll of Mecklenburg County registered voters in June 2006. The poll found that 80.6% of those polled supported having local control for Mecklenburg County to regulate smoking in enclosed public places. It further found that 75.5% of those polled wanted comprehensive smoke free workplaces throughout the county.

Our website (www.smokefreemecklenburg.org) contains a great deal of information on our initiative and supporting health related documents. It also has an online petition for people who support smoke free workplaces to sign on. To date, we have over 7,200 petition signers!

Our “ask” for the City of Charlotte is simply to sign onto our local control resolution showing that they support bringing control on this issue back to the local level.

**Resolution Supporting Local Legislative Authority
To Enact Local Smoking Regulations**

WHEREAS, the majority of North Carolinians and other Americans support local decisions and authority to protect public health and smoke free air in workplaces and public places;

WHEREAS, protecting people from the harmful effects of secondhand smoke is best accomplished by local communities working directly with the people most affected by local regulations; and

WHEREAS, the State legislature should enable local governments to have the authority to protect people from the harmful effects of secondhand smoke as they choose to regulate it; and

WHEREAS, the people in local communities believe they should have the right to have local regulations to protect themselves against the harmful effects of secondhand smoke; and

WHEREAS, secondhand smoke is a leading cause of preventable death in the country, causing the deaths of 35,000 Americans each year and nearly 1,220 to 2,180 North Carolina adults, children and babies; and

WHEREAS, the latest Surgeon General's report concludes that there is NO safe level of exposure to secondhand smoke and that ventilation systems and separate smoking and non smoking sections in restaurants do NOT protect non smokers from the dangers of secondhand smoke;

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Charlotte that the NC General Assembly enact appropriate legislative enabling authority in order to authorize local governments (counties and municipalities) to develop and adopt their own regulations of their choice with regard to smoking in enclosed, indoor public places.

Adopted this ____ day of _____, 2006.

Patrick McCrory, Mayor

ATTEST:

Brenda Freeze, Town Clerk

COUNCIL WORKSHOP AGENDA ITEM SUMMARY

TOPIC: Community WIFI Proposal

COUNCIL FOCUS AREA: Restructuring Government

RESOURCE: Susan Johnson, Business Support Services

KEY POINTS:

- The City has been approached by Earthlink Municipal Networks with an offer to work with the City on the installation of a community-wide WIFI (Wireless Broadband) network in areas of the city where population density meets their requirements.
- The proposal does not require any capital investment by the City or any special considerations for access to the City right-of-way. All construction and maintenance costs would be born by Earthlink.
- The proposal offers four classes of service to the community: 1) wholesale resale of system capacity to other private sector firms; 2) individual subscriber sales; 3) special pricing for economically disadvantaged citizens; and 4) free access for tourism and visitor purposes. A wireless broadband network of this sophistication would place Charlotte in the top 20 of technology savvy cities and offer citizens access at a rate almost 50% less than the current market providers.
- Special rates for state and local government access will be available.
- The build out of the system is contingent on Earthlink's ability to attach to Duke Energy poles. Earthlink is already working with Duke on this process.
- Staff will brief the Council on the proposal and outline the process for moving forward with Earthlink. Although the City has been approached by Earthlink, the process moving forward will include a notification to other vendors of Charlotte's interest in receiving other proposals.

COUNCIL DECISION OR DIRECTION REQUESTED:

None at this time.

ATTACHMENTS:

None.

COUNCIL WORKSHOP AGENDA ITEM SUMMARY

TOPIC: NASCAR Hall of Fame and Office Tower Update

COUNCIL FOCUS AREA: Economic Development

RESOURCES: Ron Kimble, City Manager's Office
Jim Schumacher, City Engineer
Tom Flynn, Economic Development Office
Bob Hagemann, City Attorney's Office

KEY POINTS:

- Staff and members of the design team will update City Council on the status of the design of the NASCAR Hall of Fame and ballroom.
 - Yvonne Szeto, Pei Cobb Freed & Associates (Architect)
 - Ralph Applebaum, Ralph Applebaum & Associates (exhibit designers)
- NASCAR officials will comment on the design, on the design process, and the office tower.
- Staff will review with City Council the business terms on the NASCAR Office Tower Development Agreement.

COUNCIL DECISION OR DIRECTION REQUESTED:

- City Council is requested to approve an extension to December 12, 2006 of NASCAR's option to lease the land for the office tower.
- Council will be asked to approve the NASCAR Office Tower Development Agreement and Ground Lease before December 12, 2006.

ATTACHMENTS:

None.

2. Request for Approval for Rezoning Petition 2006-104

Action: Decision on rezoning Petition 2006-104 by Don Henderson for a change in zoning of approximately 7.3 acres located on the north side of McLean Road, west of Middle Acres Road from R-3 to R-4(CD).

Staff Resource: Keith MacVean

Explanation

- A protest petition has been filed and is sufficient to require affirmative votes of three-fourths of the Mayor and Council, not excused from voting, in order to rezone the property.
- This item was deferred from the October 18, 2006 Zoning Meeting and the October 23, 2006 Business Meeting due to the fact that the full Council was not present.
- A majority of the Zoning Committee voted to recommend APPROVAL of this petition.
- The Zoning Committee voted to find this proposal to be consistent with the Rocky River Area Plan and the General Development Policies Design Criteria.
- Staff agrees with the recommendation of the Zoning Committee.

Attachments

- Zoning Committee Recommendation
- Staff Analysis
- Site Map

**ZONING COMMITTEE
RECOMMENDATION
September 27, 2006**

Rezoning Petition No. 2006-104

Property Owner: John E. McCabe, Jr.

Petitioner: Don Henderson

Location: Approximately 7.3 acres located on the north side of McLean Road, west of Middle Acres Road

Request: R-3, single family residential, up to three dwelling units per acre to R-4(CD), single family residential, up to four dwelling units per acre, conditional district request

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Vote:

Yeas:	Carter, Cooksey, Loflin, Randolph, Ratcliffe, Sheild and Simmons
Nays:	None
Absent:	None

Summary of Petition

This petition seeks to rezone approximately 7.3 acres to R-4(CD) to allow development of 26 single family lots, at an overall density of 3.56 dwelling units per acre.

Zoning Committee Discussion/Rationale

Mr. MacVean reviewed the plan and noted that there are no outstanding site plan issues. He added that the petitioner has agreed to a CDOT request to show curb, gutter and sidewalk improvements along the frontage on McLean Road, but reserves the right to seek a waiver through the Subdivision review process. He noted that the proposed petition is consistent with *The Rocky River Area Plan*, which recommends residential dwellings up to six dwelling units per acre. This request proposes 26 single-family detached dwelling units, at an overall density of 3.56 dwelling units per acre. Approximately 2.08 acres will be designated as common open space and 1.31 acres will be dedicated as tree save areas. The petitioned site lies within the 100-year floodplain and will accommodate a proposed greenway along Back Creek, which runs across the southeastern portion of the site.

Statement of Consistency

Commissioner Randolph made a motion to find this petition consistent with the Rocky River Area Plan and to be reasonable and in the public interest. Commissioner Ratcliffe seconded the motion, which was approved unanimously.

Vote

Upon a motion made by Commissioner Simmons and seconded by Commissioner Randolph, the Zoning Committee unanimously recommended approval of this petition.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-104

Property Owner: John E. McCabe, Jr.

Petitioner: Don Henderson

Location: Approximately 7.3 acres located on the north side of McLean Road, west of Middle Acres Road

Request: R-3, single family residential, up to three dwelling units per acre to R-4(CD), single family residential, up to four dwelling units per acre, conditional district request

Summary

This petition seeks to rezone approximately 7.3 acres to R-4(CD) to allow development of 26 single family lots, at an overall density of 3.56 dwelling units per acre.

Consistency and Conclusion

The proposed petition is consistent with *The Rocky River Area Plan*, which recommends residential dwellings up to six dwelling units per acre. This request proposes 26 single-family detached dwelling units, at an overall density of 3.56 dwelling units per acre. Approximately 2.08 acres will be designated as common open space and 1.31 acres will be dedicated as tree save areas. The petitioned site lies within the 100-year floodplain and will accommodate a proposed greenway along Back Creek, which runs across the southeastern portion of the site. Therefore, upon clarification of outstanding site plan issues, this petition is considered appropriate from a land use perspective.

Existing Zoning and Land Use

The subject property is zoned R-3 and is vacant. Properties north of McLean Road are zoned R-3, R-8 and R-12(CD) and developed primarily with single family residential dwellings. South of McLean Road exists single family and multi-family residential dwellings in R-12MF(CD) and R-17MF(CD) zoning districts.

Rezoning History in Area

Petition 99-16(C) rezoned approximately 18.6 acres located on the east side of East W. T. Harris Boulevard south of McLean Road and east of Old Concord Road from R-3 to R-12MF(CD) and O-1(CD).

Public Plans and Policies

Rocky River Small Area Plan (2006). The *Rocky River Area Plan* recommends residential dwellings up to six dwelling units per acre.

General Development Policies (2003). The General Design Guidelines for the Residential Development section of the *General Development Policies* provide design guidelines for single-family detached development for which this petition would apply.

The Northeast District Plan (1996). The Northeast District Plan recommends a mixture of uses for the subject parcel, including mixed housing up to eight dwelling units per acre and park and greenway land uses.

Proposed Request Details

The petition proposes to allow 26 lots for single family detached residential dwellings. The site plan accompanying the petition contains the following details:

- 28.5 percent common open space will be provided
- 18 percent tree save area will be provided.
- Pedestrian scale lighting will be installed along public streets
- Access to the site will be provided from one entrance on McLean Road
- A public street stub will be provided to the abutting property located west of the site.
- The site plan includes area that has been dedicated to Mecklenburg County Park and Recreation Department for the Back Creek Greenway.
- Pedestrian and bicycle access to the greenway will be provided

Public Infrastructure

Traffic Impact / CDOT Comments. This site could generate approximately 200 trips per day as currently zoned. Under the proposed zoning the site could generate approximately 270 trips per day. This will have a minor impact on the surrounding thoroughfare system. CDOT has the following specific comments that are critical to CDOT's support of the rezoning petition:

- Please note that sidewalk will be required by the Subdivision Ordinance to be constructed to the site's property lines and will likely involve extending the culvert to construct the sidewalk to the southern property line.
- The 60-foot "assumed" right-of-way along McLean Road needs to be verified.

CATS. There is currently no direct transit service provided to this site.

Connectivity. The site plan proposes a public street stub to the abutting R-3 zoned property located west of the site. Connectivity will be addressed as a part of the subdivision review process.

Storm Water. Storm Water Services notes that no significant downstream impacts are foreseen due to this rezoning request.

School Information. Adequacy of existing school capacity in this area is a significant problem. Approval of this petition will increase overcrowding and/or reliance upon mobile classrooms at University Meadows Elementary School, Martin Middle School and Vance High School. This development will add approximately 17 students to the three schools in this area (8 elementary, 4 middle school, 5 high school). See attachment.

Outstanding Issues

Land Use. The proposed petition is consistent with *The Rocky River Area Plan*, which recommends residential dwellings up to six dwelling units per acre. This request proposes 26 single-family detached dwelling units, at an overall density of 3.56 dwelling units per acre. Approximately 2.08 acres will be designated as common open space and 1.31 acres will be dedicated as tree save areas. The petitioned site lies within the 100-year floodplain and will accommodate a proposed greenway along Back Creek, which runs across the southeastern portion of the site. Therefore, upon clarification of outstanding site plan issues, this petition is considered appropriate from a land use perspective.

Site plan. The following site plan issues are outstanding:

- Illustrate the pedestrian and bicycle access from the eastern cul-de-sac to the greenway area and label the minimum dimension of 40-feet, as requested per the recommendation from Mecklenburg County Parks and Recreations.
- Provide a shared driveway off McLean Road for Lots 25 and 26.
- Provide a six-foot sidewalk and 8-foot planting strip along McLean Road.

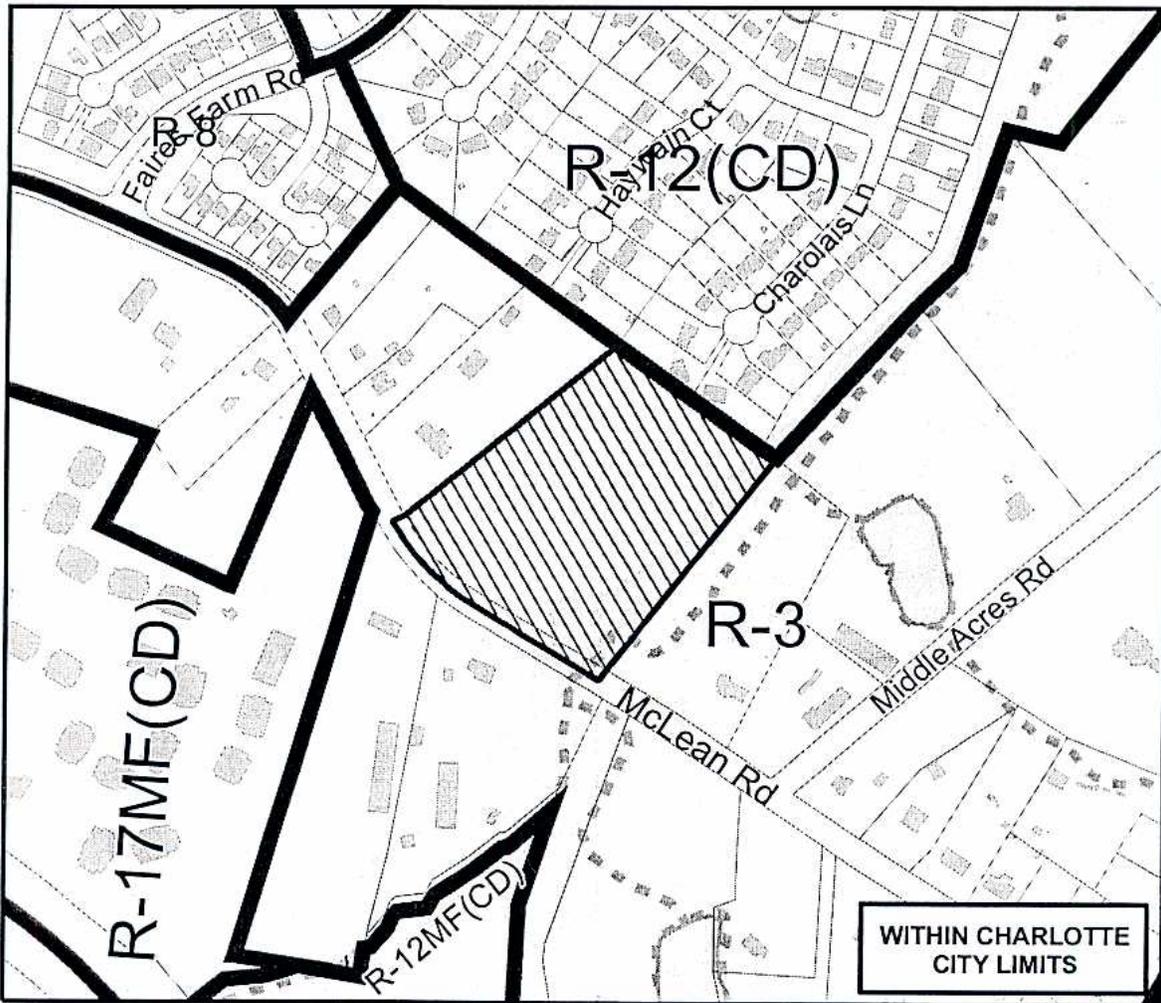
Petition #: **2006-104**

Petitioner: Don Henderson

Zoning Classification (Existing): R-3
(Single-family residential, up to 3 dwelling units per acre)

Zoning Classification (Requested): R-4 (CD)
(Single-family residential, up to 4 dwelling units per acre, conditional)

Acreage & Location : Approximately 7.3 acres located on the north side of McLean Road west of Middle Acres Road



Zoning Map #(s) **72**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
06-30-2006



3. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified.

A. TREE ADVISORY COMMISSION

- Two appointments for three year terms beginning December 14, 2006.
 - Richard Roti is not eligible for reappointment.
 - Ronald Shearin is eligible for reappointment, but does not wish to serve another term.

Attachment
Applications

. Appointments to Boards and Commissions

Action: Vote on blue paper ballots and give to the City Clerk at dinner.

A. BICYCLE ADVISORY COMMITTEE

- Three appointments for three year terms beginning January 1, 2007.
 - William Alford by Council member Mumford
 - Frank Burns by Council member Carter
 - Patrick Crile by Council member Burgess
 - Gregory J. Johnson by Council member Mumford
 - Frank Larsen by Council member Kinsey
 - D.C. Lucchesi by Council members Burgess and Carter
 - Eric Sanderson by Council member Dulin

Attachment
Applications

B. CHARLOTTE MECKLENBURG DEVELOPMENT CORPORATION

- One appointment for a three year term for an at-large member beginning November 1, 2006.
 - Mary Lou Cagle by Council member Carter
 - Todd Mansfield by Council members Kinsey and Foxx

Attachment
Applications

C. COMMUNITY RELATIONS COMMITTEE

- One appointment for an unexpired term beginning immediately and ending June 30, 2007.
 - Caroline Cook Frers by Council member Kinsey

- George A. Metz by Council member Burgess
- Yannrick Paraison by Council member Barnes
- Michael Keith Proctor by Council member Carter

Attachment
Applications

D. HOUSING AUTHORITY

- One appointment for a three year term for an at-large representative beginning December 18, 2006.
 - Stephanie Carter by Council member Kinsey
 - Randall F. Eaton by Council member Turner
 - William M. Miller by Council member Dulin
 - Rodney W. Moore by Council members Barnes and Carter
 - Lucille Puckett by Council member Burgess

Attachment
Applications

E. PLANNING COMMISSION

- One appointment for an unexpired term beginning immediately and ending June 30, 2007.
 - John Eller by Council member Lassiter
 - Claire G. Fallon by Council member Barnes
 - Zandra Yolanda Johnson by Council member Turner

Attachment
Applications

F. SISTER CITIES COMMITTEE

- One appointment for an unexpired term beginning immediately and ending April 5, 2008.
 - Janet Boone by Council member Barnes
 - Regina Tisdale by Council member Kinsey
 - Gail H. VanDerVeer by Council member Burgess

Attachment
Applications

G. WASTE MANAGEMENT ADVISORY COMMITTEE

- One appointment for a three year term beginning November 4, 2006 for recommendation to Board of County Commissioners.
 - Collette Alston by Council member Kinsey

Attachment
Applications

4. CMAQ funding for Clean Air Works! Program

Action: Receive the recommendation of the Technical Coordinating Committee (TCC), and direct the vote of the City of Charlotte Mecklenburg-Union Metropolitan Planning Organization (MUMPO) Representative on the proposed use of Congestion Mitigation and Air Quality (CMAQ) funds to fund Clean Air Works! Program activities.

Committee Chair: Patrick Mumford

Staff Resource: Norm Steinman, Transportation

Focus Area: None

Policy

None

Explanation

- Last year, the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) approved a Congestion Mitigation and Air Quality (CMAQ) project list that included \$500,000 for a Truck Stop Electrification Project. Since that time, the contractor for that project has withdrawn and there are no other viable candidates to implement this project.
- Mecklenburg County Air Quality has asked that the \$500,000 be reallocated to the Clean Air Works! Program to fund air quality activities for the 2007 ozone season.
- Council will receive an update on the results of the 2006 Clean Air Works! Program at the Council Workshop on November 6.
- The Technical Coordinating Committee (TCC) will review this request at its November 2 meeting and make a recommendation to the MUMPO Board.
- We are asking Council to receive the recommendation of the TCC and to direct the vote of their MUMPO Representative, Council member Mumford.
- The MUMPO Board will be asked to vote on this request at their November 15 meeting.

5. Dixie River Road-Shopton Road West Thoroughfare Plan Amendments

Action: Receive the recommendation of the MUMPO Technical Coordinating Committee (TCC) and direct the vote of the City of Charlotte's MUMPO Representative to amend the MUMPO Thoroughfare Plan for Dixie River Road and Shopton Road West.

Committee Chair: Patrick Mumford

Staff Resources: Derrel Poole, Engineering & Property Management
Mike Davis, Transportation
Tim Gibbs, Transportation

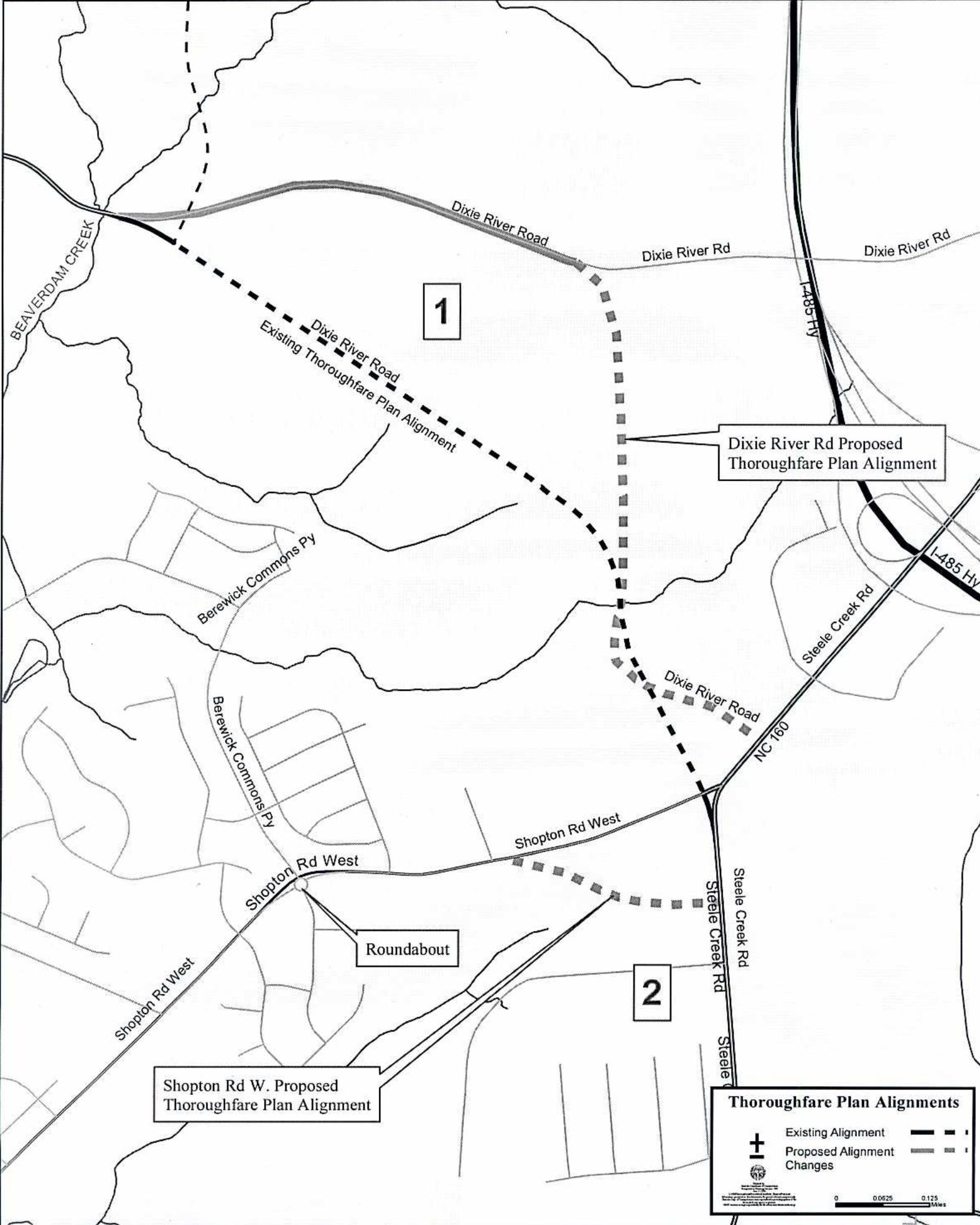
Explanation

- This item is being returned to Council's agenda after the direction of Council and MUMPO to have staff work with property owners to determine a mutually agreed upon alignment for New Dixie River Road (as it is proposed to intersect Steele Creek Road (NC 160)).
- Meetings are ongoing between affected property owners to determine precisely the location of the New Dixie River Road northwest of its new intersection with Steele Creek Road (just south of the I-485/Steele Creek Road interchange).
- As part of the Thoroughfare Plan amendments in this area, Shopton Road West will be relocated to intersect Steele Creek Road just south of the current intersection.
- Construction of the new roadways and intersections will occur as a result of a public-private venture between the City and the developer associated with Rezoning Petition 2006-078.
- In July, the Technical Coordinating Committee (TCC) voted to recommend alignment 2C-1 to MUMPO for adoption. Also, the Transportation Committee voted to support the recommendation of the TCC.
- The TCC is expected to vote at its November 2 meeting to recommend that the MUMPO Board amend the Thoroughfare Plan to include the new Dixie River Road and Shopton Road West alignments at the November 15 meeting.
- We are asking Council to receive the recommendation of the TCC and to direct the vote of their MUMPO Representative (Council member Mumford).

Attachment

Maps of existing and proposed roadway alignments

Dixie River Road & Shopton Road West Thoroughfare Plan Amendment



1

Dixie River Rd Proposed Thoroughfare Plan Alignment

Roundabout

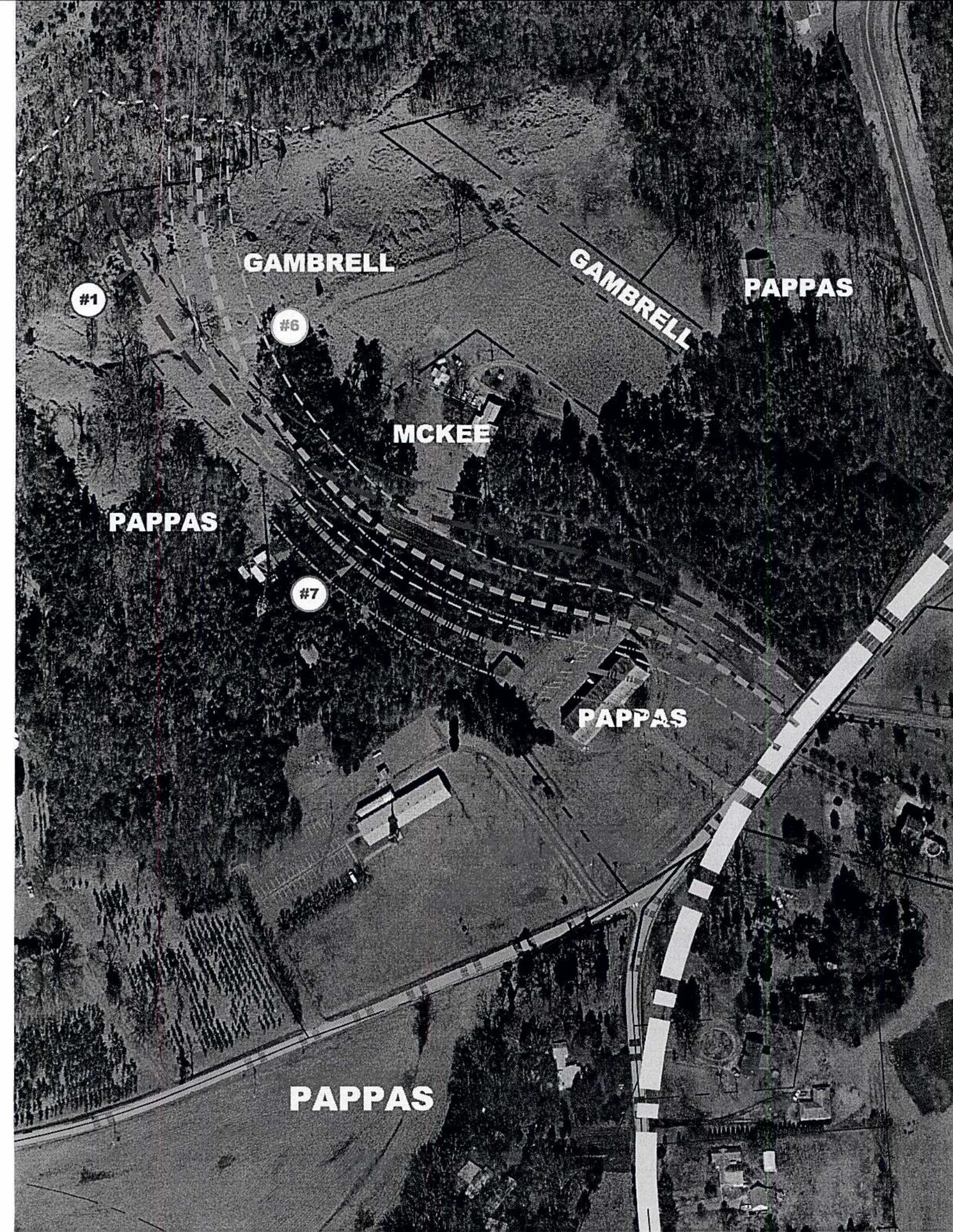
Shopton Rd W. Proposed Thoroughfare Plan Alignment

2

Thoroughfare Plan Alignments

- Existing Alignment
- Proposed Alignment
- Changes

0 0.0625 0.125 Miles



GAMBRELL

GAMBRELL

PAPPAS

#1

#6

MCKEE

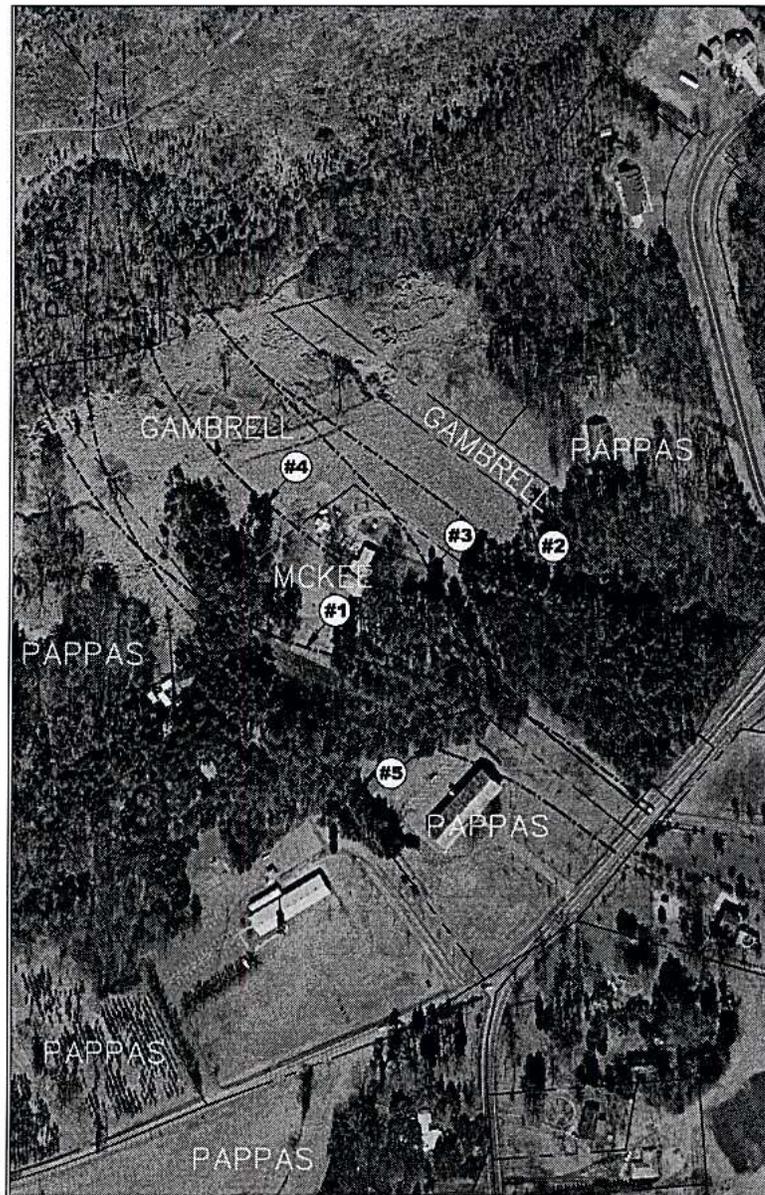
PAPPAS

#7

PAPPAS

PAPPAS

This Figure shows several potential alignments for Dixie River Road, labeled 1-5



Possible Alignments for New Dixie River Road