

**Mayor Anthony Foxx**

Michael D. Barnes  
Dr. Jason Burgess  
Nancy Carter  
Warren Cooksey  
Andy Dulin

**Mayor Pro Tem Patrick D. Cannon**

David L. Howard  
Patsy Kinsey  
James Mitchell, Jr.  
Edwin Peacock III  
Warren Turner

## **CITY COUNCIL WORKSHOP**

**Monday, June 6, 2011**

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|------------------|---|
| <b>5:00 p.m.</b> | <b>Dinner</b>   |
| <b>5:15 p.m.</b> | <b>Economic Development: Historic Preservation in Charleston</b>                              |
| <b>6:00 p.m.</b> | <b>HELP: Plan for Foreclosure Prevention in Charlotte-Mecklenburg</b>                         |
| <b>6:15 p.m.</b> | <b>Community Safety and Economic Development: Briefing on Events of May 28 in Center City</b> |
| <b>6:45 p.m.</b> | <b>Economic Development: Ballantyne Area Public/Private Partnership</b>                       |
| <b>7:05 p.m.</b> | <b>Environment: Revisions to the Post-Construction Controls Ordinance</b>                     |
| <b>7:30 p.m.</b> | <b>Citizens Forum<br/>Room 267</b>  |
| <b>8:00 p.m.</b> | <b>RCA: Rezoning Petition No. 2011-020</b>  |
| <b>8:15 p.m.</b> | <b>RCA: Closed Session</b>  |

# ***COUNCIL WORKSHOP AGENDA ITEM SUMMARY***

**TOPIC:** Historic Preservation in Charleston

**COUNCIL FOCUS AREA:** Economic Development

**RESOURCES:** Mayor Joseph P. Riley, Jr.  
Charleston, South Carolina

**KEY POINTS:**

- Mayor Foxx has invited Mayor Riley to make a presentation to Council on Charleston's long-time initiatives to preserve its historical heritage.

**COUNCIL DECISION OR DIRECTION REQUESTED:**

None. This presentation is for informational purposes only.

**ATTACHMENTS:**

None.

# ***COUNCIL WORKSHOP AGENDA ITEM SUMMARY***

**TOPIC:** HELP: Plan for Foreclosure Prevention in  
Charlotte-Mecklenburg

**RESOURCES:** Gerald Taylor

**KEY POINTS:**

- At the April 4 Citizens Forum, representatives of the local chapter of Helping Empower Local People (HELP) made a presentation to Council on foreclosures and how to prevent them in Charlotte-Mecklenburg.
- Due to time limitations, the presentation was cut short.
- Mayor Foxx has asked HELP to come back to Council to make the complete presentation.

**COUNCIL DECISION OR DIRECTION REQUESTED:**

None. This presentation is for informational purposes only.

**ATTACHMENTS:**

None.

# ***COUNCIL WORKSHOP AGENDA ITEM SUMMARY***

**TOPIC:** Briefing on Events of May 28 in Center City

**COUNCIL FOCUS AREA:** Community Safety and Economic Development

**RESOURCES:** Chief Rodney Monroe  
Carolyn Flowers, Director Public Transit/CEO

**KEY POINTS:**

- On June 1, the Council requested a staff briefing on the events that occurred in the Center City on the evening of May 28.

**COUNCIL DECISION OR DIRECTION REQUESTED:**

None. This briefing is for informational purposes only.

**ATTACHMENTS:**

None.

# ***COUNCIL WORKSHOP AGENDA ITEM SUMMARY***

**TOPIC:** Ballantyne Area Public/Private Partnership

**COUNCIL FOCUS AREA:** Economic Development

**RESOURCES:** Smoky Bissell, Bissell Companies  
Ned Curran, Bissell Companies  
Ron Kimble, City Manager's Office  
Peter Zeiler, Neighborhood and Business Services

## **KEY POINTS:**

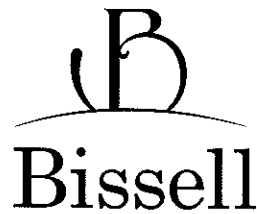
- The Ballantyne Area continues to experience consistent job and tax base growth for the Charlotte/Mecklenburg Region.
- This growth brings pressures upon the existing infrastructure in order to accommodate that growth, i.e. the existing infrastructure is stressed.
- The Bissell Companies will present a request for a public/private partnership that would provide that infrastructure more appropriately timed with its need, which would act as a catalyst for new job and tax base expansion.
- The Mecklenburg County Board of Commissioners is expected to hear this same request at their June 7 meeting and will be asked to consider it as well.

## **COUNCIL DECISION OR DIRECTION REQUESTED:**

City Council will be asked if they desire to send this request to the Economic Development Committee for further study and recommendation.

## **ATTACHMENTS:**

May 31, 2011 Letter from the Bissell Companies



Commercial Development & Leasing • Investments • Property Management • Hotels • Golf • Spa • Media

May 31, 2011

Re: Ballantyne Public/Private Partnership for Economic Development

Dear Mayor Foxx and Members of Charlotte City Council:

The Bissell Companies remains fully committed to ensuring that Ballantyne Corporate Park continues to serve as an important hub for corporate locations/expansions while creating and maintaining a critical tax base to help pay for community needs such as schools, parks, roads and public safety. We are proud of the role Ballantyne has played in the success of the Charlotte-Mecklenburg Region starting in the early 1990's with the initial rezoning of the over 2,000 acre master planned community to the present day with Ballantyne Corporate Park as the home of over 38 Fortune 500 companies.

Despite the continued success of Ballantyne, we face a challenge that if not addressed will slow down this vital economic engine. Ballantyne Corporate Park must plan now for its long term future by seeking to increase its current zoning entitlements to fulfill its vision as more of an urban center consistent with adopted community plans. In this regard, with the growth of the broader Ballantyne and south Mecklenburg area, nearby transportation infrastructure must be enhanced to address current and future needs.

To address these challenges and provide economic development and tax base benefits for our broader community, we recently filed a Rezoning Petition to increase entitlements for office, hotel and residential development within the 535 acre Ballantyne Corporate Park. In addition, we have been working productively on a preliminary basis with senior staff of the County and City on a public/private partnership to provide needed infrastructure that would act as a catalyst for new job and tax base expansion.

The public/private partnership would provide that our company complete construction of an estimated \$11 million of road improvements by the end of 2014 which will allow critical coordination with NCDOT's current plans for the widening of I-485 near Johnston Road (Hwy 521). These road improvements, to include construction/improvements to North Community House Road and a bridge over I-485, would significantly improve the area transportation network and continue Ballantyne's economic engine.

The Bissell Companies seeks to continue discussions with the County and City on this public/private partnership which we propose to include use of the economic development grant model to reimburse our company for the costs of road improvements using 45% of the revenues from development/increases in value within the Corporate Park. This would result in 55% of the revenues going into the general funds of the County and the City for the grant period (and then 100% thereafter) helping to pay for schools, parks, public safety and other community needs.

Thank you for your consideration of this important opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "Ned Curran". The signature is written in a cursive style with a large initial "N".

Ned Curran  
President

CC: Mr. Curt Walton  
Mr. Ron Kimble  
Mr. Pat Mumford  
Mr. Peter Zeiler  
Ms. Debra Campbell  
Mr. Danny Pleasant  
Mr. H.C. "Smoky" Bissell  
Mr. Jefferson W. Brown

# ***COUNCIL WORKSHOP AGENDA ITEM SUMMARY***

**TOPIC:** Revisions to the Post-Construction Controls Ordinance

**COUNCIL FOCUS AREA:** Environment

**RESOURCES:** Daryl Hammock

**KEY POINTS:**

- The Post-Construction Controls Ordinance (PCCO) has been in effect since July 1, 2008.
- During implementation of the ordinance, staff has identified several areas that should be revised to provide more flexibility, to reflect recent changes in the Tree Ordinance, and to address housekeeping issues.
- The most significant of the proposed changes are:
  - Remove the applicability of natural area (tree) requirements after July 1, 2011. The tree save area required in the revised Tree Ordinance has removed the need for the PCCO to have similar requirements.
  - Allow more sites to be considered for a mitigation fee option for *redevelopment*. Staff has found that some redevelopment projects face substantial economic challenges accommodating water quality measures on the site. More flexibility is needed which will reduce compliance costs in many cases.
- Other less significant or housekeeping changes include:
  - Add language to prevent developers from ignoring State-required 30-foot buffers on some sites.
  - Make a housekeeping change to remove references to County watersheds not within our jurisdiction.

**COUNCIL DECISION OR DIRECTION REQUESTED:**

Proposed Stormwater Advisory Committee Review June 16, Proposed Public Hearing and Council decision on June 27.

**ATTACHMENTS:**

None.



## 1. Rezoning Petition No. 2011-020

**Action:** Render a decision on proposed rezoning 2011-020 by Percival McGuire Commercial Real Estate Development for a change from R-3, single family residential to NS, neighborhood service district for approximately 23.96 acres located on the south side of West W.T. Harris Boulevard between Interstate 485 and Reames Road.

**Staff Resource:** Tammie Keplinger

**Focus Area:** Transportation

### Explanation

- Due to an advertising error by the Charlotte Observer, the public hearing on this petition was deferred from April 25 to May 16.
- At their May 18, 2011 meeting, the Zoning Committee voted 3-2 to recommend approval of this petition with modifications. Because the petition did not receive a majority vote, it was automatically deferred to the May 25, 2011 Zoning Committee meeting.
- At the May 23, 2011 City Council meeting, the decision on this petition was scheduled for June 6, 2011 to avoid any further delays for the petitioner.
- On May 25, 2011, the Zoning Committee found the mix of nonresidential uses and designated open space of this petition to be consistent with the Northlake Area Plan but the proposed amount of retail square footage to be inconsistent with the plan by a vote of 5-2. This petition was found to be reasonable and in the public interest by a vote of 5-2.
- The Zoning Committee recommended **APPROVAL** of this petition with the following amendments by a vote of 5-2 (Fallon and Phipps dissenting):
  - A second greenway amenity area along the internal private street, near Building A, has been provided such that the overall development has better access and better relates to the future Dixon Branch and Long Creek greenways.
  - The typical 100-foot section along W.T. Harris Boulevard on sheet RZ-1 has been modified to indicate three street trees within the eight-foot planting strip and two trees behind the six-foot sidewalk.
  - Note 6 has been modified to include the following wording: "In the event that Building E is not developed as herein described, then the area vacated by the use shall become a combination of undeveloped open space and/or additional parking, vehicular circulation, service/utility functions, uninhabitable improvements (i.e.: mobile medical unit) and similar functions."

### Attachments

Zoning Committee Recommendation  
Vicinity Map  
Location Map  
Site Plan

<b>REQUEST</b>	Current Zoning: R-3, single family residential Proposed Zoning: NS, neighborhood services
<b>LOCATION</b>	Approximately 23.96 acres located on the south side of West W.T. Harris Boulevard between Interstate 485 and Reames Road.
<b>SUMMARY OF PETITION</b>	The petition proposes a 62,000 square foot mixed use nonresidential development.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Russell Kakaley and Floreine F. Burt Family, L.P. Percival McGuire Commercial Real Estate Development Bob Young/Robert G. Young, Inc.
<b>COMMUNITY MEETING STATEMENT OF CONSISTENCY</b>	Meeting is required and has been held. Report available online. The mix of nonresidential uses and the designated open space are found to be consistent with the <i>Northlake Area Plan</i> , but the proposed amount of retail square footage to be inconsistent with the plan's 10,000 square foot limit. The overall development is found to be reasonable and in the public interest, by a 5-2 vote of the Zoning Committee (motion by Commissioner Firestone seconded by Commissioner Lipton).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5-2 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Provided a second greenway amenity area along the internal private street, near Building A, such that the overall development has better access and better relates to the future Dixon Branch and Long Creek greenways.</li> <li>2. Modified the typical 100-foot section along W.T. Harris Boulevard on sheet RZ-1 to indicate three street trees within the eight-foot planting strip and two trees behind the six-foot sidewalk.</li> <li>3. Modified Note 6 to add the following wording: "In the event that Building E is not developed as herein described, then the area vacated by the use shall become a combination of undeveloped open space and/or additional parking, vehicular circulation, service/utility functions, uninhabitable improvements (i.e. mobile medical unit) and similar functions."</li> </ol>
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<b>VOTE</b>	<table border="0"> <tr> <td>Motion/Second:</td> <td>Dodson/Walker</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Firestone, Lipton, Rosenburgh, and Walker</td> </tr> <tr> <td>Nays:</td> <td>Fallon and Phipps</td> </tr> <tr> <td>Absent:</td> <td>None</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Dodson/Walker	Yeas:	Dodson, Firestone, Lipton, Rosenburgh, and Walker	Nays:	Fallon and Phipps	Absent:	None	Recused:	None
Motion/Second:	Dodson/Walker										
Yeas:	Dodson, Firestone, Lipton, Rosenburgh, and Walker										
Nays:	Fallon and Phipps										
Absent:	None										
Recused:	None										

<b>ZONING COMMITTEE DISCUSSION</b>	<p>Staff reviewed the petition and noted all outstanding issues had been addressed.</p> <p>One Commissioner asked staff to explain how the proposed retail square footage, which exceeds that recommended by the <i>Northlake Area Plan</i>, is appropriate. Staff stated that of the overall mixed use nonresidential development there is not a large amount of retail square footage that exceeds the 10,000 square foot limit. Staff continued by stated the site layout and design, which includes greenway amenity areas and an internal street network, resulted in an interconnected development which relates to and enhances the proposed greenway corridors. Also, the existing roadway design for W.T. Harris Boulevard makes it difficult to implement the purest</p>
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recommendation of the *Northlake Area Plan*.

In closing remarks, a Commissioner indicated the proposed amount of greenway area to be dedicated by the rezoning exceeds the amount recommended by the adopted plan.

**MINORITY OPINION**

The minority of the Zoning Committee indicted their disappointment that the recently adopted *Northlake Area Plan* would be amended to increase the amount of retail square footage and stated no compelling case was made to justify an increase in the retail square footage limit.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW****• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- A 62,000 square foot nonresidential development which includes the following land uses:
    - Office 26,200 square feet (Buildings C and D)
    - Retail 12,500 square feet (Buildings C and D)
    - Restaurant (sit down) or bank 9,000 square feet (Building A)
    - Restaurant (with accessory drive-through) 4,300 square feet (Building B)
    - Daycare 10,000 square feet (Building E)
  - If the 9,000 square feet allocated to Building A, which is proposed as a restaurant (sit down) or a bank, is not utilized, the remaining square footage can be transferred to Buildings C and D for office, retail and restaurant uses.
  - If the 10,000 square foot daycare use allocated to Building E is not constructed, this square footage can be transferred to Buildings C and D for additional office and retail square footage. Retail space would be limited to 2,500 square feet.
  - A maximum of two uses with accessory drive-through windows with a limit of only one restaurant with a drive-through window.
  - Internal street network to include a private street extending from the signalized intersection on W.T. Harris Boulevard to the abutting property to the east and a public street running along the eastern property line of the subject site.
  - A setback along W.T. Harris Boulevard, measuring from 30 to 35 feet from the future back of curb, which is similar to the building setback directly across W.T. Harris Boulevard.
  - Greenway dedication along both Long Creek and Dixon Branch greenway corridors.
  - Two greenway amenity areas containing various features (i.e. benches, picnic tables, etc.) abutting the greenway dedication area.
  - Lighting fixtures shall have a maximum height of 30 feet and will be capped and shielded.
  - No "wall pak" lighting will be permitted.
  - Commitments on building materials and complementary colors within the development.
- 
- **Public Plans and Policies**
    - The *Northlake Area Plan* (2008) recommends a mix of retail, office, residential and open space land uses. Retail square footage is limited to 10,000 square feet. The Plan recommends that buildings orient to the street or public/common open space and provide pedestrian access to the street. When a development is on a thoroughfare, reverse frontage is acceptable if appropriate screening and pedestrian access to the thoroughfare is provided. For development fronting a thoroughfare, provision of a secondary access point is encouraged. Buildings should also orient toward Dixon Branch and Long Creek greenways and other natural areas when feasible.
    - The proposed mix of nonresidential uses and the designated open space are consistent with the *Northlake Area Plan*. However, the proposed amount of retail square footage is inconsistent with the maximum 10,000 square feet indicated by the adopted plan.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Charlotte Department of Transportation:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** No issues.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
    - Protects environmentally sensitive areas by providing approximately 16.5 acres of undisturbed open space with the majority being dedicated as greenway.
    - Minimizes impacts to the City's tree canopy by preserving existing trees in excess of minimum tree ordinance requirements.
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**OUTSTANDING ISSUES**

- No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

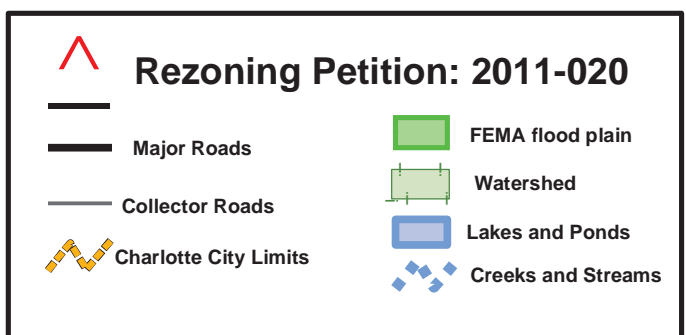
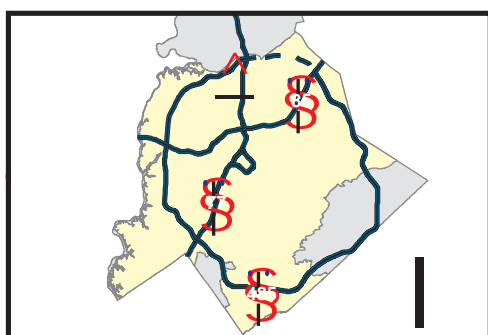
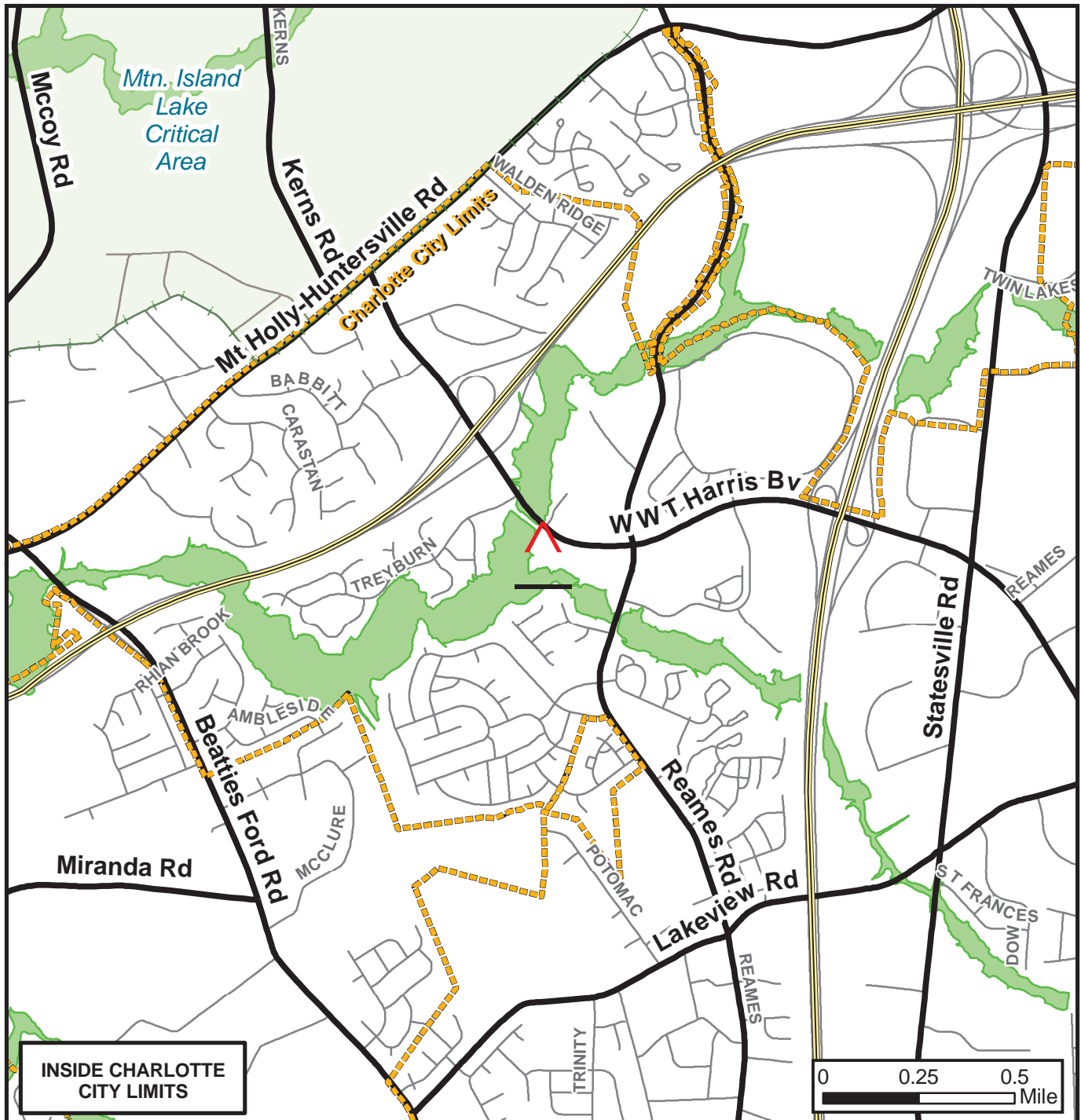
- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

**Planner:** Shad Spencer (704) 353-1132

Petition #: **2011-020**

# Vicinity Map

**Acreege & Location :** Approximately 23.96 acres located on the south side of West W.T. Harris Boulevard between Interstate 485 and Reames Road.



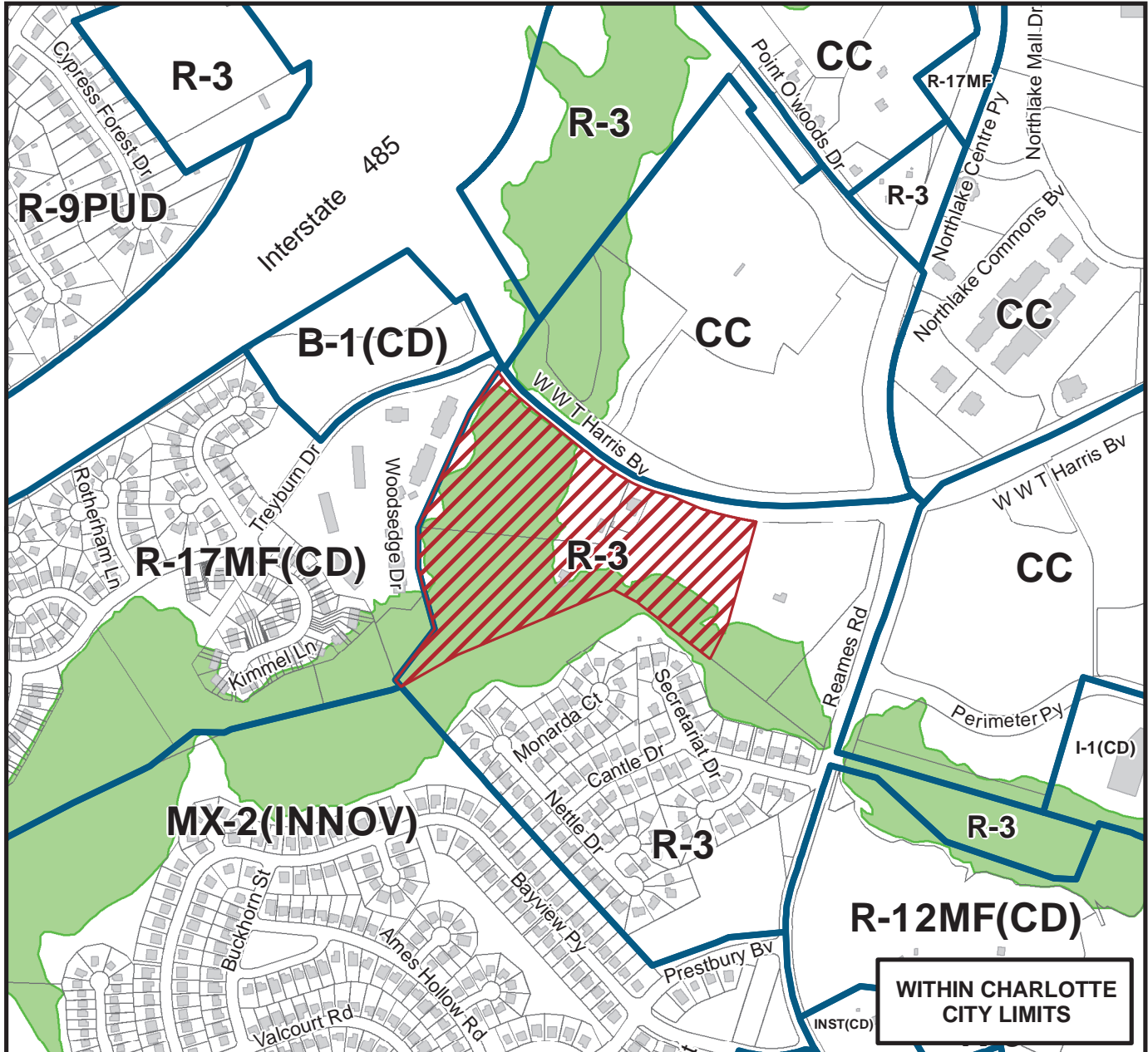
Petition #: **2011-020**

Petitioner: Percival McGuire Commercial Real Estate Development

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

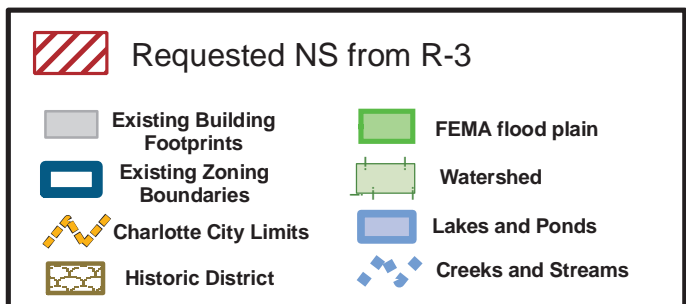
Zoning Classification (Requested): NS  
(Neighborhood Services)

Acreage & Location : Approximately 23.96 acres located on the south side of West W.T. Harris Boulevard between Interstate 485 and Reames Road.



Zoning Map #(s) **44**

Map Produced by the  
Charlotte-Mecklenburg Planning Department  
1-27-2011



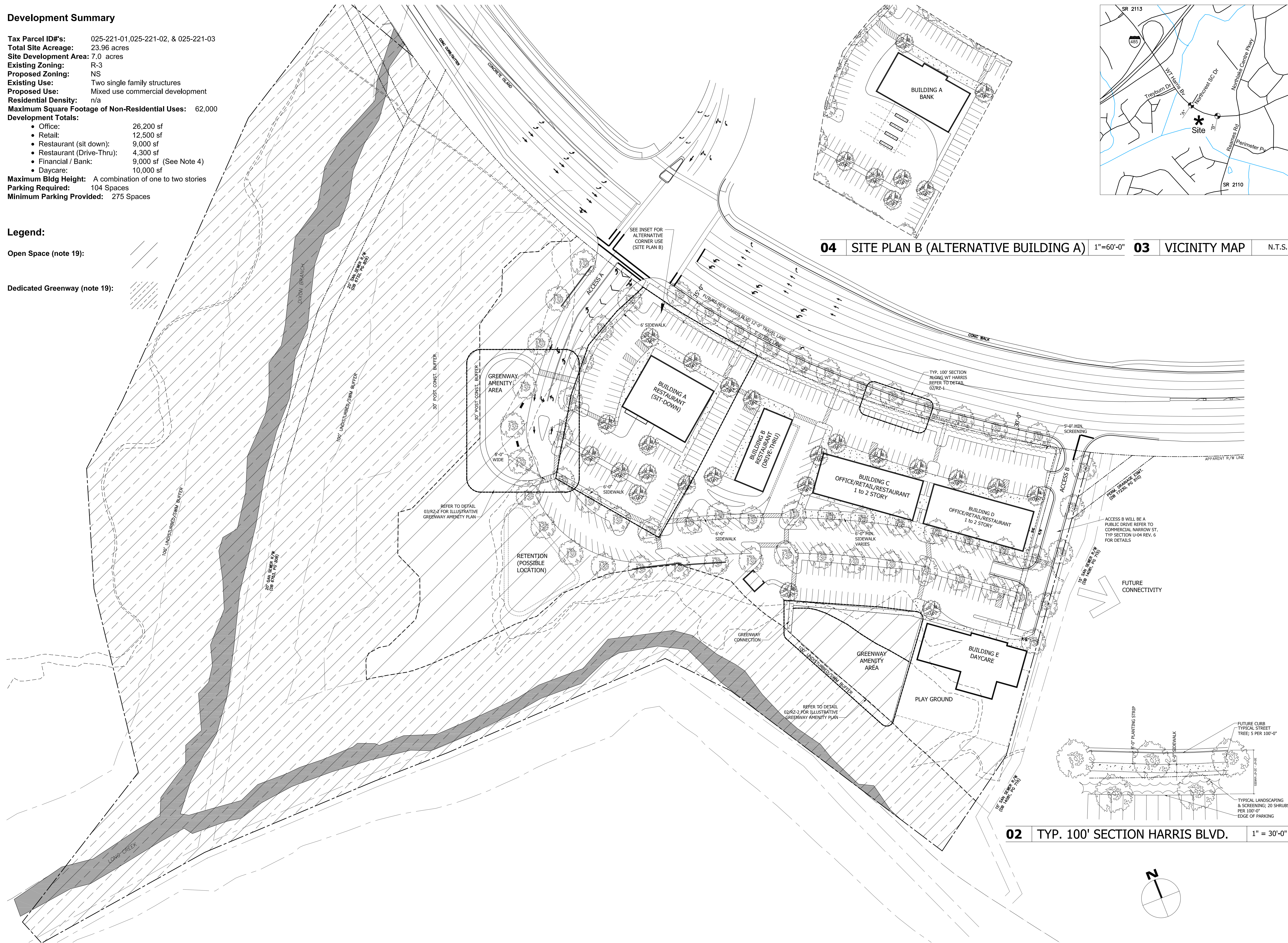
**Development Summary**

Tax Parcel ID#s: 025-221-01, 025-221-02, & 025-221-03  
 Total Site Acreage: 23.96 acres  
 Site Development Area: 7.0 acres  
 Existing Zoning: R-3  
 Proposed Zoning: NS  
 Existing Use: Two single family structures  
 Proposed Use: Mixed use commercial development  
 Residential Density: n/a  
 Maximum Square Footage of Non-Residential Uses: 62,000  
 Development Totals:  
 • Office: 26,200 sf  
 • Retail: 12,500 sf  
 • Restaurant (sit down): 9,000 sf  
 • Restaurant (Drive-Thru): 4,300 sf  
 • Financial / Bank: 9,000 sf (See Note 4)  
 • Daycare: 10,000 sf  
 Maximum Bldg Height: A combination of one to two stories  
 Parking Required: 104 Spaces  
 Minimum Parking Provided: 275 Spaces

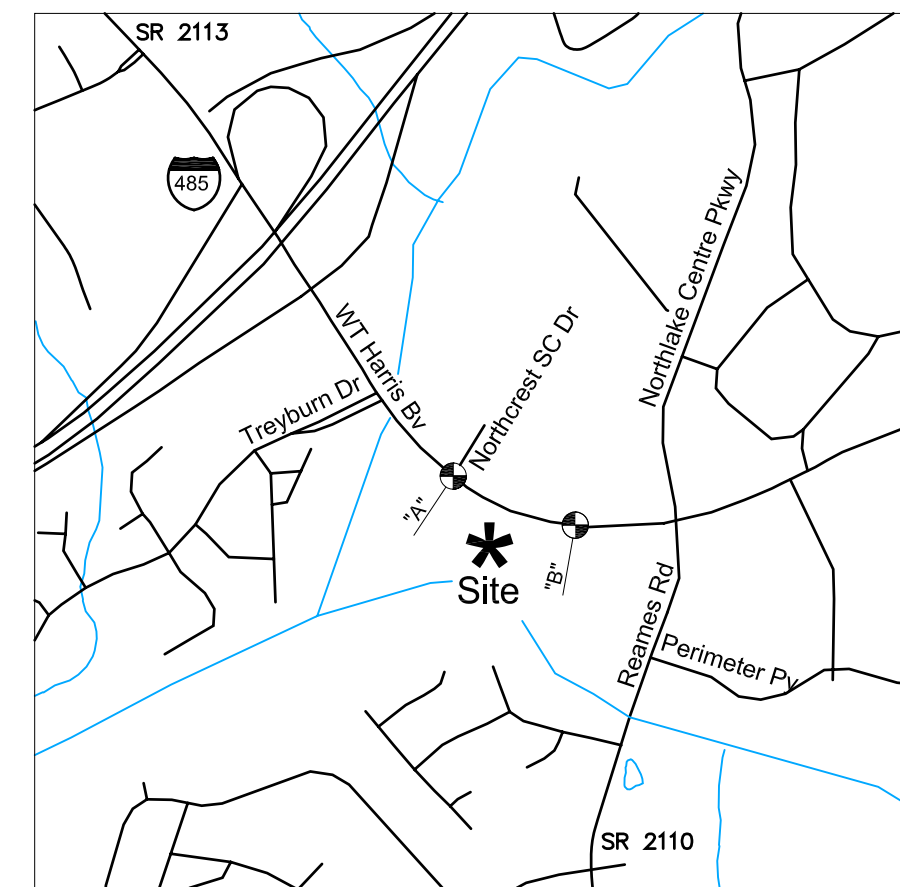
**Legend:**

Open Space (note 19):

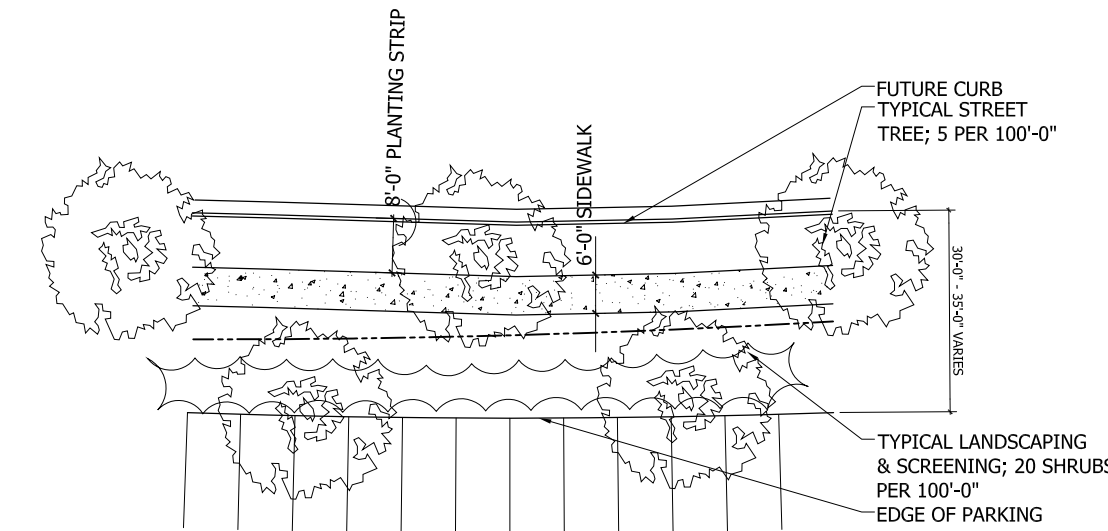
Dedicated Greenway (note 19):



**04** SITE PLAN B (ALTERNATIVE BUILDING A) 1"=60'-0" **03** VICINITY MAP N.T.S.

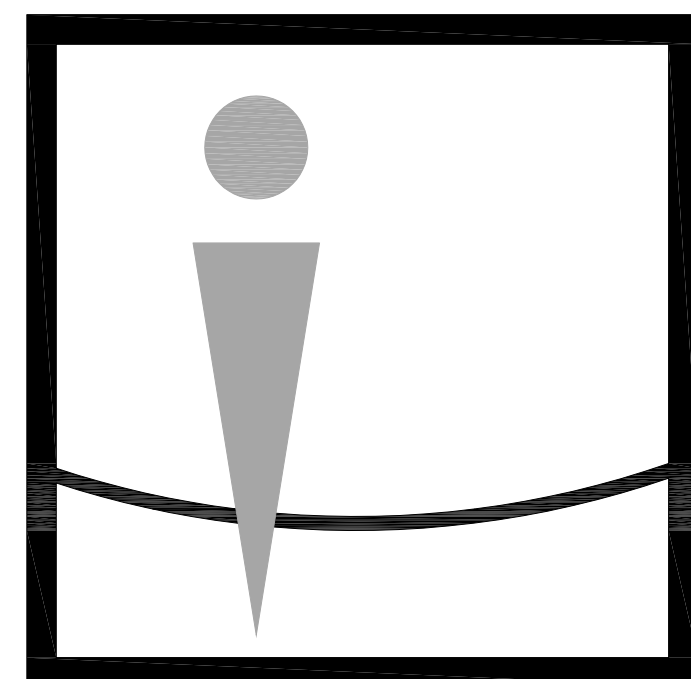


**02** TYP. 100' SECTION HARRIS BLVD. 1" = 30'-0"



**01** SITE PLAN A

1"=60'-0"



**Overcash Demmitt**  
Architects

10 south tryon street suite 1a  
 charlotte north carolina 28203  
 voice • 7 0 4 . 3 3 2 . 1 6 1 5  
 f x • 7 0 4 . 3 3 2 . 0 1 1 7  
 web • w w w . o d a r c h . c o m



**NORTHLAKE**

Charlotte, NC

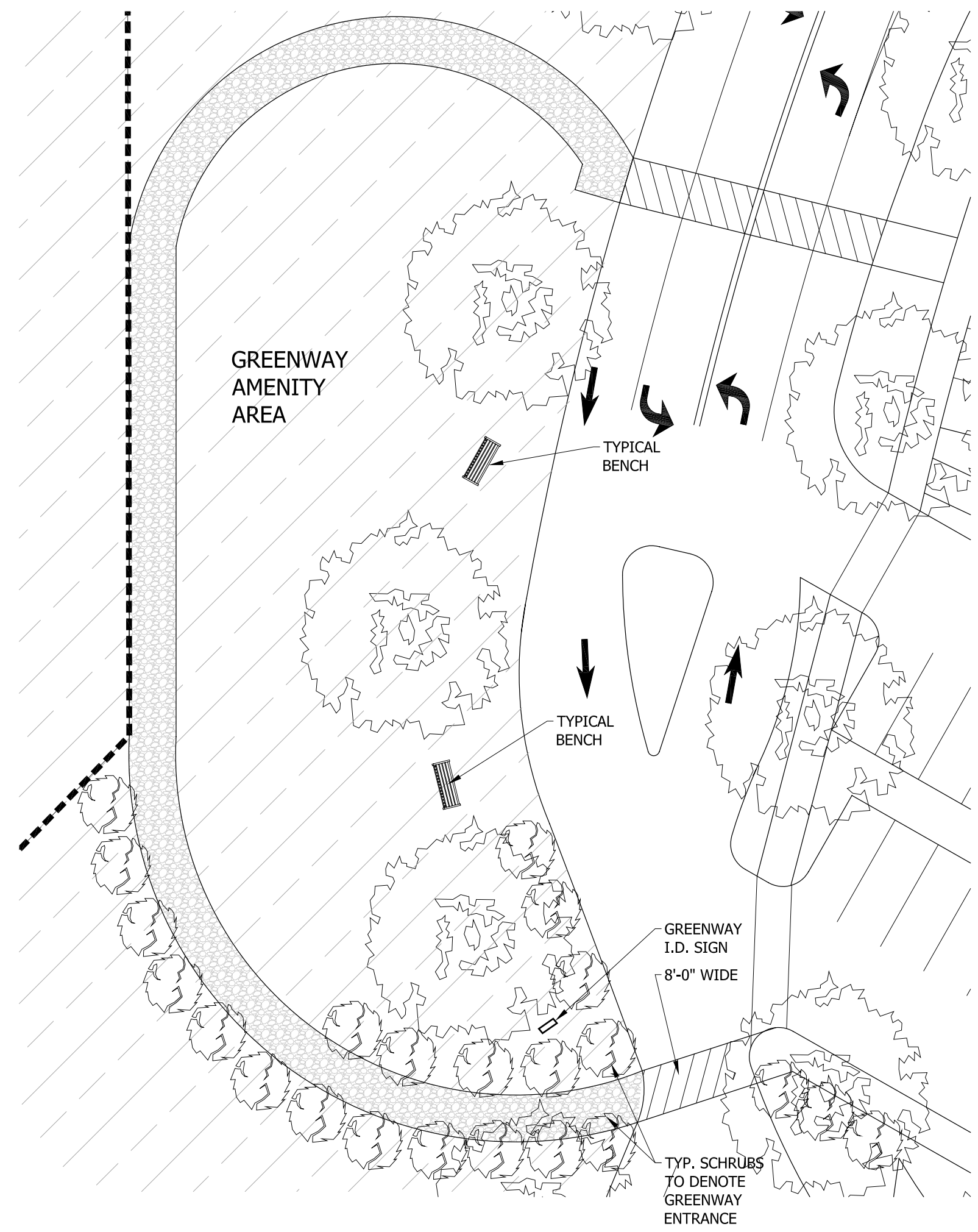
PETITION # 2011-20  
 FOR PUBLIC HEARING

KEY PLAN

1	REZONING REVISION 1	: 03/18/2011
2	REZONING REVISION 2	: 04/19/2011
3	REZONING REVISION 3	: 05/17/2011
4	REZONING REVISION 4	: 05/18/2011

**SITE PLAN**

**RZ-1**



**03** ILLUSTRATIVE PLAN - GREENWAY AMENITY AREA 1"=20'-0"

**General Provisions:**

1. The development of the site will be controlled by the standards depicted on this site plan and by the standards of the City of Charlotte Zoning Ordinance. The development depicted by this plan is intended to reflect the general arrangement of proposed uses on the site, but the exact details of configuration, placement and size of individual buildings and/or site elements may be altered or modified within the limits prescribed by the ordinance as specified in Section 6.207 as may be applicable. Minor and incidental changes of detail which do not alter the basic overall layout and/or relationships to abutting sites are permitted as a matter of right for the petitioner/developer.

2. Unless more stringent standards are established by this plan or the conditions established herein, applicable development standards and requirements under the City of Charlotte zoning ordinance shall be followed in connection with the proposed development of the site.

**Optional Provisions:**

N/A

**Permitted Uses:**

3. The development proposal will allow a mixed commercial development containing office, institutional, retail, general business, restaurants and/or personal service type uses. A maximum of two uses with drive thru windows will be allowed, but only one shall be permitted as a drive thru restaurant. The drive thru windows shall not front along W. T. Harris Boulevard.

4. It is anticipated that a "Sit Down Restaurant" as shown will be constructed on the site as shown. However, an alternative "Bank" is also an approved use as herein provided and may be constructed instead in the area designated for the Sit Down Restaurant (see Inset detail for Bank alternative illustration).

5. In the event that not all of the 9,000 square feet allocated to Building A is used to construct the building, then the remaining square footage balance may be used within Building C or Building D for additional office/retail space or small restaurant space.

In addition to the above, other small restaurant space may be constructed in either Building C or D by utilizing portions of the 12,500 sq feet of retail space allocated to the proposed development. Under both of these scenarios one or more restaurant uses may be permitted, but such use(s) shall not exceed a grand total of 3,500 sq feet.

6. It is anticipated that Building E will be developed as shown on the site plan. However, various public ordinances and requirements, site constraints and site plan conditions herein contained may impact the size, precise building placement, planned playground, etc. of the building such that the planned use is eliminated from the overall development project. In this event the 10,000 square feet of planned building space shall then be allocated to Buildings C and/or D as additional office and additional retail space, but the retail space shall be limited to a maximum of 2,500 sq feet. If necessary to accommodate the additional square footage said buildings may be built as a third story. In the event that Building E is not developed as herein described, then the area vacated by the use shall become a combination of undeveloped open space and/or additional parking, vehicular circulation, service/utility functions, uninhabitable improvements (ie: mobile medical unit) and similar functions.

**Transportation:**

7. The following transportation improvements listed below shall be the responsibility of the petitioner/developer as outlined in the Traffic Impact Analysis (TIA) by Design Resource Group study dated January 2011.

Improvements by the Petitioner/Developer in order to satisfy CDOT's rezoning mitigation requirements:

W. WT Harris Boulevard (NC 24) & Northerest Shopping Center Drive (Target Access) - Proposed Access "A"

Allowing right turn on red (RTOR) movements on all legs of the intersection. In addition, the developer should be responsible for any signal upgrades at the intersection. Construct dual westbound left turn lanes (protected signal phasing) on W WT Harris Boulevard with a minimum of 150 feet of storage each and a 200-foot bay taper (this improvement can be constructed within the existing raised median).

Construct a northbound left turn lane on Proposed Access "A" (protected signal phasing) with a minimum of 250 of storage (approximately to the proposed internal driveway). Construct a combined northbound through-right turn lane on Proposed Access "A".

Construct dual southbound entering lanes on Proposed Access "A".

Construct a southbound through lane 50 feet in length on Northerest Shopping Center Drive within the existing painted island. Re-mark and sign the inner south bound right turn lane on Northerest Shopping Drive to a combined through-right turn lane for a distance of 300 feet in advance of the stop bar at WT Harris Blvd.

The last 50 feet will be marked as a through lane as noted above.

Construct a combined eastbound through-right turn lane on W WT Harris Boulevard commencing a minimum of 320 feet west of Proposed Access "A" (120-foot taper and 200-foot full lane width) and terminating at the proposed right-in/right-out access location located midway between Proposed Access "A" and Reames Road.

W. WT Harris Boulevard (NC 24) & Proposed Access "B" (RI/RO) Construct Proposed Access "B" with one entering lane and one exiting lane (right turn movements only).

Improvements by the Petitioner/Developer in order to satisfy NCDOT's TIA requirements:

W. WT Harris Boulevard (NC 24) & I-485 NB Ramps

Allowing right turn on red (RTOR) movements on the northbound leg of the I-485 NB Exit Ramp and the westbound leg of W. WT Harris Boulevard.

W. WT Harris Boulevard (NC 24) & Northerest Shopping Center Drive (Target Access) - Proposed Access "A"

Allowing right turn on red (RTOR) movements on all legs of the intersection. In addition, the developer should be responsible for any signal upgrades at the intersection.

Construct dual westbound left turn lanes (protected signal phasing) on W WT Harris Boulevard with a minimum of 175 feet of storage each and a 200-foot bay taper (this improvement can be constructed within the existing raised median island).

Construct a northbound left turn lane on Proposed Access "A" (protected signal phasing) with a minimum of 275 of storage (approximately to the proposed internal driveway).

Construct a combined northbound through-right turn lane on Proposed Access "A".

Construct dual southbound entering lanes on Proposed Access "A".

Construct a southbound through lane 50 feet in length on Northerest Shopping Center Drive within the existing painted island. Re-mark and sign the inner south bound right turn lane on Northerest Shopping Drive to a combined through-right turn lane for a distance of 300 feet in advance of the stop bar at WT Harris Blvd. The last 50 feet will be marked as a through lane as noted above.

Construct a combined eastbound through-right turn lane on W WT Harris Boulevard commencing a minimum of 320 feet west of Proposed Access "A" (120-foot taper and 200-foot full lane width) and terminating at the proposed right-in/right-out access location located midway between Proposed Access "A" and Reames Road.

W. WT Harris Boulevard (NC 24) & Proposed Access "B" (RI/RO) Construct Proposed Access "B" with one entering lane and one exiting lane (right turn movements only).

8. The number and location of proposed driveways shall be as generally depicted on the site plan. Such driveways shall conform to all requirements for design, construction, etc. of the City of Charlotte DOT and/or North Carolina DOT.

9. All proposed parking shall be provided as on site surface parking spaces as generally illustrated.

10. Bicycle parking shall be provided per the requirements of the City of Charlotte zoning ordinance.

11. The proposed right-in/right-out only access point ("Access B") shall be designed and constructed as a public street as required per the standards and regulations of the City of Charlotte Subdivision Ordinance. The street shall be a "Local office/commercial/narrow street" per the standards of version "U-04-6". It is anticipated as illustrated on the site plan that the 41 ft right-of-way standard/cross section shall be utilized along with the associated required easements. A "hammerhead" vehicular turn around shall be utilized to terminate the public right-of-way. The easternmost 7 feet of the easement section shall be located on tax parcel 025-221-04. The developer of tax parcel 025-221-04 shall be responsible for platting, recording and construction of the 7 ft easement requirements.

12. All internal vehicular circulation (Access A) shall be designed as a private street/driveway. This internal private street/parking shall remain open for public access (subject to typical owner/tenant rights to patrol/enforce and remove negligent or nuisance parking, abandoned vehicles, etc.).

13. A future vehicular connectivity point to tax parcel 025-221-04 is provided as generally shown. The exact location of this connectivity point is subject to final site planning and engineering/construction needs and requirements of the petitioner/developer. The connectivity point connecting to tax parcel 025-221-04 shall be required to be built at the time that "Access B" is constructed. This connectivity point shall intersect with the internal private street "Access A" as schematically illustrated on the site plan. The finished grade along the easterly property line will be such that the vehicular and pedestrian connection to said tax parcel is functional.

14. Adequate site distance triangles will be maintained at all driveway access points.

**Architectural Standards:**

15. Exterior walls for all buildings shall utilize brick, EIFS or stucco, natural or cultured stone or cementitious board siding and/or combinations of those materials. No vinyl siding shall be allowed. Although individual tenant branding is allowed (ie: signage, colors, logo, architectural facades, etc), there shall be a requirement that all building walls shall utilize complimentary colors and building materials as described herein.

16. The dumpster/recycling containers shall be located within a solid enclosure, including gates. Said enclosures shall utilize the same building materials as listed just above in Note 14. Furthermore, all roof mounted mechanical equipment as well as meter boxes, backflow preventers and similar items shall be screened from public view.

**Streetscape & Landscaping:**

17. All required landscaping will meet or exceed the standards of the City of Charlotte zoning ordinance.

18. The petitioner/developer shall install sidewalks, public street trees, internal parking/circulation trees, planting strips, etc. as generally illustrated on the site plan. This comprehensive sidewalk and landscaping treatment is designed to accommodate and promote convenient internal and external pedestrian movement among the proposed uses as well as along the public street right-of-way.

19. Along the site's W.T. Harris Boulevard frontage a setback measuring between 30 ft and 35 ft shall be required. The setback shall be measured from the future curb line. The setback area shall be landscaped with a minimum of 5 trees and 20 shrubs per 100 linear feet. (See inset detail for illustrative information regarding the proposed trees, shrubs, planting strip/sidewalk, etc.)

**Environmental Features:**

20. The proposed development will comply with the City of Charlotte Post Construction Controls Ordinance. The location, size and type of storm water management systems depicted on the site plan herein is subject to review and approval with full development plan submittal and is not implicitly approved with the this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

**Parks, Greenways, & Open Spaces:**

21. Significant open space in the form of approximately 16.5 acres shall remain as undeveloped open space. The precise amount of the open space area is subject to the proposed development herein meeting all applicable development ordinances and requirements, including the requirements for tree save areas. Most of this area will be dedicated via a fee simple real estate transfer to the Mecklenburg County Park and Recreation Department (MCPD) as part of the planned greenway system along Long Creek. The exact delineation of the open space area, including the area designated for dedication to MCPD, shall be determined based upon final, overall development site layout and engineering/construction requirements and needs of the petitioner/developer as well as any applicable ordinances and regulations which may impact the delineation (such as minimum open space, tree save areas, etc.). The dedication area shall include as a minimum the 100 ft. SWIM buffer associated with Long Creek and Dixon Branch creeks. Said dedication shall occur prior to the issuance of the Certificate of Occupancy pertaining to any building associated with the proposed development.

22. Various greenway amenity features shall be provided by the petitioner/developer. These items shall be included in association with two "greenway amenity areas" as generally illustrated on the site plan and shall include the construction of a pedestrian and bike connection from the proposed development to the edge of the planned greenway dedication area. Also, this area will contain as a minimum seating/benches and picnic tables. The location of the amenity areas shall be cooperatively coordinated with the MCPD, subject to final site planning and engineering plans.

**Fire Protection:**

23. Adequate fire protection will be provided per the standards and requirements of the Charlotte Fire Marshall.

**Signage:**

24. All signs will be erected in accordance with applicable zoning ordinance standards.

**Lighting:**

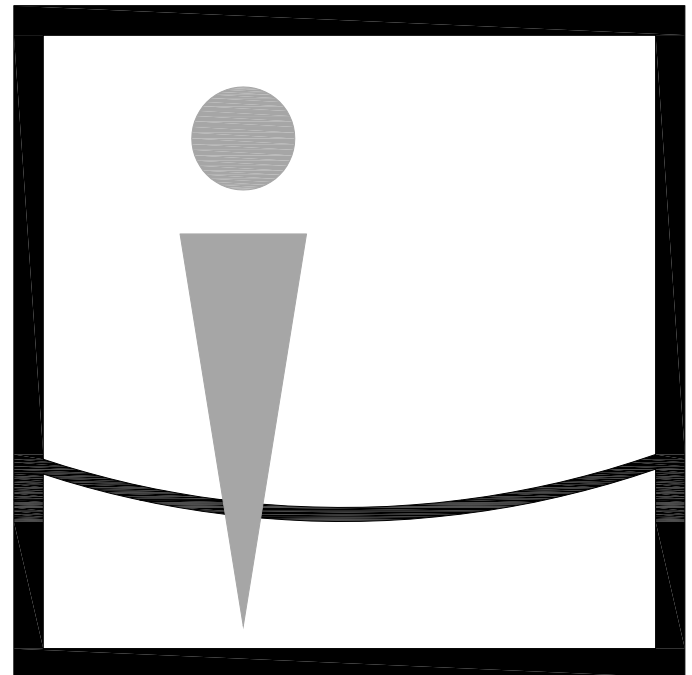
25. The maximum height of any free standing lighting fixtures installed within the surface parking areas on site shall not exceed 30 feet. All such lighting fixtures shall be fully capped and shielded such that the illumination is downwardly cast.

26. No "wall-pak" lighting will be permitted.

**Phasing:**

27. There is no specific phasing plan; however it is anticipated that the site will be developed in stages as specific individual buildings are planned and constructed. In this regard it is likely that Buildings A and B will be the first two buildings constructed on the site. Accordingly, only the abutting portion of Access A shall be required to be constructed as well as the future, final location for the planned 6 ft sidewalk and 8 ft planting strip along the site's WT Harris Boulevard frontage. The remaining portion of Access A and the construction of Access B shall be required at the time any one of Buildings C, D and/or E are developed. Furthermore, in association with the construction of C, D and/or E, the entire future curb line/new traffic lane between said access points as identified in the TIA shall be required along with the balance of the sidewalk and planting strip along WT Harris Blvd.

In the event that any nonresidential development on abutting tax parcel 025-221-04 precedes the construction of Access B as noted above, then the petitioner/developer associated with the proposed development herein shall construct Access B from said abutting parcel to its intersection with WT Harris Blvd as shown on the site plan. As noted just above, the balance of Access A shall be required to be constructed at the time of developing buildings C, D and/or E. The petitioner/developer herein shall be responsible for costs associated with the approval and construction of Access B and provide such approval and construction in a reasonable time and fashion upon official notice from appropriate City of Charlotte governmental departments that construction of Access B is required per the conditions herein outlined.



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**NORTHLAKE**

Charlotte, NC

**PETITION # 2011-20 FOR PUBLIC HEARING**

**KEY PLAN**

1	REZONING REVISION 1	03/18/2011
2	REZONING REVISION 2	04/19/2011
3	REZONING REVISION 3	05/17/2011
4	REZONING REVISION 4	05/18/11
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**SITE PLAN**

**02** ILLUSTRATIVE PLAN - GREENWAY AMENITY AREA

1"=20'-0"

**01** SITE PLAN - CONDITIONAL NOTES

1"=60'-0"

**RZ-2**



## **2. Closed Session**

**Action:** Adopt a motion to go into closed session pursuant to: A.GS 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of initial employment of an individual public officer or employee or prospective public officer or employee.