



CHARLOTTE-MECKLENBURG PLANNING COMMISSION MONDAY, FEBRUARY 1, 2010 CONFERENCE ROOM 267 - 12:00 NOON

AGENDA

CALL TO ORDER & INTRODUCTIONS

Stephen Rosenburgh

ADMINISTRATION

Approval of Planning Commission Minutes

Approve the January 11, 2010 Work Session Minutes

Attachment 1

POLICY

Independence Boulevard Area Plan Update

Background: Alysia Osborne (Planning Staff) will provide an update on the

Independence Boulevard Area Plan. **Action:** Receive as information.

Text Amendments

Height in Residential Districts

Background: City Council directed staff to examine existing regulations that control height in residential areas, as a result of a recent rezoning petition initiated by the Myers Park Neighborhood Association. This amendment proposes new height regulations that will ensure development compliments the surrounding development. Staff presented an update at the January 11, 2010 work session.

Action: Staff is responding to questions and requesting to file this text amendment.

Special Event Off-Street Parking

Attachment 2

Background: The purpose of this text amendment is to allow special event off-street parking or non-construction staging as a principal use for major facilities openings and civic and sporting events, and similar uses, subject to prescribed conditions.

Action: Staff is requesting to file this text amendment

INFORMATION

Planning Director's Report

February / March 2010 Meeting Schedules

Planning Department's Public Outreach Presentations

Debra Campbell

Attachment 3

Attachment 4

Committee Reports

Executive Committee

Stephen Rosenburgh

• December 21, 2009 Approved Minutes

Attachment 5

- Future Agenda Items
 - Parking Standards Follow-Up Discussion (March)
 - North Tryon Area Plan (March)
 - Tree Ordinance Update (March)
 - CATS Quarterly Update (April/July)

- Planning Director's Extended Report (April/July)
- Capital Improvement Plan (Fall 2010)
- Education and Public Outreach
- Zoning Ordinance Reorganization

Zoning Committee		Stephen Rosenburgh	
•	Public Hearings	Attachment 6	

• Zoning Committee Agenda Attachment 7

Yolanda Johnson **Planning Committee**

• November 17, 2009 Approved Minutes Attachment 8

Historic District Commission Lucia Griffith • January 13, 2010 Meeting Update Attachment 9

Communication from Chairperson Stephen Rosenburgh



CHARLOTTE-MECKLENBURG PLANNING COMMISSION MONDAY, JANUARY 11, 2010 CONFERENCE ROOM 267 – 12:00 NOON MINUTES

Commissioners Present: Stephen Rosenburgh (Chairperson), Yolanda Johnson (Vice-Chairperson), Emma Allen, Claire Fallon, Tracy Finch-Dodson, Nina Lipton, Eric Locher, Greg Phipps, Joel Randolph, Wesley Simmons, Dwayne Walker, and Andy Zoutewelle

Commissioners Absent: Lucia Griffith and Steven Firestone

Planning Staff Present: Debra Campbell (Planning Director), Zenia Duhaney, Laura Harmon, Tim Manes, Sandy Montgomery, Cheryl Neely, Shad Spencer, and Katrina Young

Guests: Carolyn Flowers (Charlotte Area Transit System - CATS), David Howard (Charlotte City Council), Jim Kimbler (CDOT), John Muth (CATS), and George Sheilds (Former Planning Commissioner)

Call to Order

The Chairman called the meeting to order at 12:08 p.m.

Approval of December 7, 2009 Work Session Minutes

A motion was made by Commissioner Randolph and seconded by Commissioner Locher to approve the December 7, 2009 minutes. The vote was 12-0 to approve.

POLICY

Charlotte Area Transit System (CATS)

Chairperson Rosenburgh welcomed Carolyn Flowers, CATS Chief Executive Officer and expressed the Planning Commission's support for public transportation. He asked that she share her vision for CATS. Ms. Flowers acknowledged the importance of integrating transit and land use planning. She further explained that her mission is to provide quality, safe and convenient public transportation. Benefits include providing transportation choices, providing jobs, creating development, working with developers to ensure the provision of transit services, and creating relationships.

Chairperson Rosenburgh informed Ms. Flowers of the Commission and Department's participation in regional planning initiatives and invited her to attend the Planning Coordinating Committee's Spring Joint Luncheon. Ms. Flowers agreed that although the core of public transit is within the City of Charlotte, the vision is regional.

The Planning Director also welcomed Ms. Flowers and acknowledged that John Muth was a tremendous asset while serving as Interim Transit Chief Executive Officer and suggested that he continues in a leadership role within the organization.

John Muth reported that ridership has decreased in the first five months of FY10 as compared to the previous year. However, he noted that in FY09 ridership was up significantly (26 million riders) because of high fuel costs. Since ridership is down CATS has projected the following financial impacts for this fiscal year:

- A 9% reduction in fare collection
- A loss of \$2.5 million in fares collected from what has been budgeted for FY10
- A \$2.7 million dollar reduction in sales tax revenue for this fiscal year

Although there are budget reductions, CATS does project some cost savings. The price of fuel is lower and they have contracts which have locked-in rates with fuel providers. CATS also expect to incur savings through bus maintenance by retiring older buses, which generally cost more to maintain.

CATS has predicted a \$300 million shortfall in sales tax over the next ten years as compared to projections in 2006.

CATS has received the following Federal grants:

- \$20.7 million of the American Recovery Reinvestment Act stimulus fund for rehabilitation and renovation of the North Davidson Bus Facility
- \$3 million Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER) stimulus grant to purchase five hybrid buses
- Under \$16 million in Federal Formula funds
- \$23 million for Blue Line Extension design

Mr. Muth reported that the Blue Line Extension design continues on schedule. There is a higher degree of difficulty with this phase of the project than with the existing Blue Line because it follows the railroad right of way, Tryon Street right of way and goes on to UNCC's campus. The schedule may be extended for three years, depending on the receipt of federal funds, how the economy rebounds and sales tax revenues.

The City of Charlotte is funding the next phase of the design for the Streetcar Project to take it up to thirty percent. A multi-department team is working on this project.

The Red Line Commuter project (North Corridor) is at a high level of design. There is no clear funding for this project and an ULI panel will be held the third week of January 2010 to discuss what can be done along this transit line. A TIGGER grant has been submitted for the Red Line Commuter project. However, the I-85/Yadkin River Bridge is also competing for this funding and is a higher priority than the commuter line. Grants are scheduled to be awarded over the next several months.

Mr. Muth thanked the Commission for the invitation to provide an update and asked the Commission if there were any questions.

Following is a summary of questions and responses:

- 1. Commissioner Finch-Dodson asked if there is a correlation between the decrease in ridership and unemployment. Mr. Muth responded that CATS believes they are related but cannot speculate as to what percentage of the decrease is related to unemployment or fuel cost.
- 2. Commissioner Fallon stated that she had received an e-mail indicating that Dave Carroll left the organization because CATS decided to eliminate the commuter line. Mr. Muth responded that although no funding is identified for this transit line, Dave Carroll left to pursue another career opportunity. Mr. Muth asked Commissioner Fallon to forward the e-mail to him.
- 3. Commissioner Lipton asked how much is ridership down and if CATS employs any economic models that analyzes ridership and economic variables. Mr. Muth responded that ridership is down 13% for the first five months of the fiscal year. CATS utilizes travel forecast models and ridership projections.
- 4. Commissioner Phipps asked if CATS is considering elimination of routes with low ridership. Mr. Muth responded that CATS is constantly analyzing routes for effectiveness. As a result of the decrease in sales tax revenue last March CATS was able to adjust bus routes to save money while having minimal impacts on riders.
- 5. Commissioner Finch-Dodson asked if there has been an increase in ridership on the Sprinter bus service. Mr. Muth responded that ridership has risen several hundred a day and is trending in the proper direction, in spite of the 13% decrease in ridership.
- 6. Chairperson Rosenburgh asked if Charlotte is equitably receiving its share of stimulus funds for transit. Mr. Muth responded that Charlotte is not experiencing any problems in the receipt of funds for transit. He referenced the \$20.7 million received by CATS for the renovation of the Davidson bus terminal.
- 7. Commissioner Lipton asked if the Environmental Impact Study will show, if the Blue Line Extension will improve air quality. Mr. Muth responded that he does not know the details of the reported numbers.

The Chairperson explained that the Commission encourages Uptown activity. However, there is concern that outbound light rail service is not available when entertainment venues close Uptown. Since most establishments close an hour after the last train departs Uptown, Chairperson Rosenburgh asked if Ms. Flowers could investigate this issue.

Certificates of Appreciation

The Chairperson presented certificates of appreciation to former Planning Commission Chairperson David Howard and former Vice-Chairperson George Sheild. Chairperson Rosenburgh thanked them on behalf of the Commission and the citizens of Charlotte for their active roles on the Commission.

Mr. Sheild responded that it was an honor and privilege to serve on the Planning Commission and acknowledged the contributions of the Commission, Planning Director Debra Campbell, and Planning staff. He wished the Planning Commission members and staff continued success.

Chairperson Rosenburgh acknowledged David Howard as a City Council Member and noted that he was appointed to Chair City Council's Transportation and Planning Committee. Council Member Howard noted that his interaction with the Planning Commission was very rewarding. He shared that he worked as an intern for Debra Campbell in 1992. Council Member Howard looks forward to continued work with the Planning Commission as Chair of Council's Transportation and Planning Committee. He expressed interest in ideas that Planning Commission members might have and encouraged Commissioners to submit any ideas to him for consideration.

Parking Standards

The Director explained that the parking presentations came about from discussions about parking during the rezoning process. She noted that Laura Harmon would present an overview of the Zoning Ordinance Parking Standards followed by an overview of the Center City Parking Study by Jim Kimbler.

Laura Harmon noted that Tim Manes was also available to answer specific questions about the standards. The presentation focused on the traditional approach to parking standards and the alternative approach used in urban districts.

Ms. Harmon presented parking requirements for various uses and explained that the traditional approach to parking requirements are determined by the use and do not vary by zoning districts. In some circumstances, the number of required spaces may be reduced, particularly when preserving trees or structures. The Planning Director, in consultation with the CDOT Director may authorize up to 25% reduction in required spaces.

Traditional parking must be located outside of required setback and side yards (except for single family). Parking deck standards are designed to lessen the impact of parking decks upon the public realm. There are three options for deck treatment with varied design requirements including setbacks, planting strips, and the integration of ground floor retail and office uses.

The alternative approach for urban parking requirements are determined by district and the required number of spaces is significantly lower. Some urban districts include no minimums and/or maximums. Parking is sited to maximize pedestrian access to the building and encourages a stronger pedestrian environment. Other alternative approaches to parking include providing on-street parking to service nearby uses. Parking decks in urban areas are designed to fit in the urban environment. Unlike the traditional approach, decks are close to the street and screened with landscaping and decorative elements.

Ms. Harmon ended her presentation by noting the following conclusions:

- We need to continue to accommodate parking
- We cannot always afford to provide parking in the traditional manner, especially as Charlotte becomes more urban and redevelopment becomes our dominant form of development
- We need to continue to explore alternative and efficient approaches to providing parking and update our Zoning Ordinance accordingly

The Chairperson asked the Planning Commission to reflect on the information presented and to consider how to utilize the information. Commissioners were asked to submit their thoughts over the next month to Vice-Chairperson Johnson, Commissioner Randolph or the Chairperson. He requested adding this topic to the agenda for discussion at the February work session. Chairperson Rosenburgh explained that feedback and questions regarding the presentation have not been dismissed, but instead the Commission will spend time analyzing the issues presented to determine a course of action.

Center City Parking Study

Jim Kimbler reported that the Center City Transportation Plan was adopted by City Council in 2006 and included two policies, which are currently being implemented:

- 1. Create Collaborative Parking Management System
- 2. Implement Wayfinding and Parking Guidance System

The 2006 Center City Parking Study included a number of peer cities and Uptown stakeholders. This collaborative study resulted in the following:

Key Findings

- Parking in Uptown is not managed "comprehensively"
- Transit services were expanding and changing parking needs
- Employee parking is "done well", but visitor parking is not
- Visitors can't easily find available parking and become frustrated

Recommendations

- Unify the parking system to look, feel and be perceived as a system
- Concurrence that Center City Partners (CCCP) should manage the Parking Collaborative
- CCCP supported and City Council approved an increase in Municipal Service Districts tax to finance the endeavor
- A CDOT grant provided \$50,400 start up funding to CCCP
- The Parking Collaborative, renamed the Center City Transportation Council, is currently in organizational stage. This is based on the realization that parking does not stand alone, that it has to work within an overall transportation system.

The goal was to implement the Pedestrian Wayfinding System by November 2007 because it was extremely important to parallel the pedestrian phase with light rail implementation. The Vehicular Wayfinding and Parking Guidance System was designed in 2008 – 2009 and is to be implemented in the Spring 2010. The wayfinding and parking guidance project goals are to:

- 1. Provide clear, consistent signage to help customers and visitors to Uptown easily find attractions, sports venues, and cultural districts.
- 2. Improve signage to destinations and parking to save motorists time and fuel.
- 3. Provide better directions for commuters and visitors to available parking to reduce confusion and frustration. Enhance pedestrian signage to encourage "parking once" and finding uptown destinations as a pedestrian by walking.
- 4. Provide signage for drivers to find their way back to I-277 or I-77 when leaving Uptown.

The initial phase of the Pedestrian Wayfinding System included 43 signs and 13 Lynx maps. The next phase is scheduled for the spring of 2010 in response to the NASCAR Hall of Fame and the Cultural Campus and includes:

- Updating existing signs and maps
- Adding new venues to existing pedestrian signs & maps
- Adding six new signs to pedestrian sign system
- Developing map panels for display at parking facilities

The Freeway Signs system will be updated by replacing 72 existing Freeway signs with 39 new signs to clearly define the Uptown area and provide clearer directions to major destinations. Other implementation include:

- Installation of vehicular wayfinding signs in the Spring 2010
- Communications branding for enhanced wayfinding and improved parking signs
- Communications to demonstrate positive impacts of wayfinding on economic development, the environment, public safety and health
- Additional focus groups are planned for 2010 or 2011 to help determine the response to the system.

Mr. Kimbler thanked the Commissioners for the invitation and asked if he could answer any questions.

- 1. Commissioner Lipton asked if signs would assist drivers in understanding where to make turns, since there are many one-way streets Uptown. Mr. Kimbler noted that 90% of structured parking is accessible from one-way streets. Signs are planned for those streets because they also provide freeway access.
- 2. Commissioner Randolph asked if a website exists to assist commuters in locating parking. Mr. Kimbler responded that Center City Partners has a website which identifies available parking spaces and cost information. Commissioner Randolph asked how Center City Partners informs the public of the website. Commissioner Finch-Dodson responded that Center City Partners recognizes that a communication gap exists and are discussing how to direct the public to the website.
- 3. Commissioner Zoutewelle asked if a device such as the Garamond GPS could assist people in locating parking and recommended a partnership with an existing navigation system that might already have the capability of providing the services needed. Mr. Kimbler responded that the City is entering into an agreement with every deck operator that has a parking sign displayed. Deck operators will have a link to the Center City website that provides real time information at least every three minutes.
- 4. Commissioner Locher asked what is being done to address the different names used to identify Uptown, i.e., Downtown, Uptown, and Center City. Mr. Kimbler noted that Center City Partners is helping develop Uptown signs. All "downtown" signs are being removed.

- 5. Commissioner Simmons asked about the perception of individuals visiting Charlotte that are accustomed to more uniformed parking. Mr. Kimbler responded that the parking study focus groups indicated that infrequent visitors to Uptown usually choose on street parking because they question the safety of parking decks and parking costs. Currently there are 1,000 on-street parking spaces and future street improvements will allow the number to increase to 4,000 spaces. Mr. Kimbler volunteered to provide an update to the on-street parking expansion project a future work session.
- 6. Commissioner Fallon asked why the City has given the responsibility of parking to the private industry. Mr. Kimbler responded that City Council made a conscious decision to allow private industry to manage parking because they have done such a good job of building and managing parking. However, the City wants parking to operate as a system and will continue to coordinate efforts with parking vendors.
- 7. Commissioner Finch-Dodson noted that there is a perception that there is not enough employee parking Uptown. The goal is to create a communication tool on the CCCP website that could inform companies considering relocating to Charlotte that parking is not an issue in Center City. Mr. Kimbler responded that there are 50,000 parking spaces available and on average, there are a 1,000 available daily. There is an ample supply, but the issue has been a lack of communication.
- 8. Commissioner Lipton thanked Mr. Kimbler for his presentation and asked that he attend a future work session to discuss the on-street parking expansion.

Heights in Residential Districts

The Director explained that the height in residential districts process is nearing completion and Katrina Young (Planning Staff) will present a brief summary of the process, including staff recommendations, and outstanding issues.

Katrina Young shared that the issue came about because of rezoning petition 2008-32 initiated by the Myers Park community to rezone approximately 40 acres from R-22MF to R-8MF. The petition was filed to respond to concerns about the height and scale of development being proposed in the area. City Council directed Planning staff to examine existing regulations that control heights in residential districts.

Volunteers were solicited to serve on the stakeholders group. Participants included REBIC, neighborhood organizations, realtors, attorneys, and other interested parties. Five meetings were held between September 2009 and December 2009. Stakeholders provided their issues and concerns with heights in residential districts and they were categorized into four areas and are summarized below:

- 1. Different Requirements for Different Uses
 - There are no maximum heights
 - There are no maximum heights needed
 - Institutional uses should have different regulations
 - Exceptions to heights regulations should be revised
 - Should be different heights for Multi-family and single family

• Should be some transition for different uses and districts

2. Consider Adjacent Uses in Properties

- Scale should be relative to neighborhoods
- Be aware of nearby rezoning
- Character of a neighborhood should be considered
- Should not just the consider adjacent/abutting properties, but also proximity to other residences

3. Road Classifications

- Major corridors should have different height regulations
- Street widths should be considered
- Development near transit corridors should have different regulations

4. Other

- Factor in all ordinances
- Building's shadow regulations should be strengthened
- Density needs to be balanced with height
- Ratios need revising
- Setbacks proportional to height
- Value/affordability of property should not be considered
- Consider light and air health effects
- Consider sustainability and carbon footprint

Ms. Young reported that height regulations in other jurisdictions, stakeholder's issues and concerns as well as staff's concerns were considered when developing recommendations. The goals are to allow maximum development potential without adversely impacting character of established single family neighborhoods and to ensure development respects and compliments surrounding development. Recommendations are summarized below:

- 1. Maintaining a 40' base maximum height
- 2. Establish maximum height of 100 feet
- 3. 5 to 1 height ratio above the 40-foot maximum base height for a development based on distance to single-family property
- 4. When abutting single-family use or vacant lot in a single family district, increase the side yards by 5 feet for every foot increase in height
- 5. When across a local street from a single family use or vacant lot in a single family district, measure 5 to 1 height ratio from required setback
- 6. 2 to 1 height ratio after 40' maximum base height for development adjacent to non-residential zoning or multi-family district or adjacent to non-single family use in single-family district
- 7. If the above standards conflict, the most restrictive applies
- 8. Standards do not apply to TOD-R

Ms. Young also presented a comparison of the existing regulations to the proposed regulations, demonstrated how Pictometry Software is used to measure buildings, and presented visual examples illustrating the recommended changes.

Commissioner Locher noted that it is important to look at what exists today and what would not be allowed if these rules where currently in place.

The Chairperson requested additional time to review the Height in Residential District presentation and asked that Commissioners received a copy of the presentation. Chairperson Rosenburgh requested adding this topic and parking standards to the next February work session.

The Planning Director noted that generally the process includes presenting a prepared text amendment with an overview to the Commission. Assignment of the text amendment goes to either the Planning or Zoning Committees for review. In the past, these have all gone to the Zoning Committee, which then allows the opportunity for dialogue regarding the appropriateness of the amendment. The Director explained that because this text amendment contained a policy and technical issues staff thought it was appropriate to present a heads up. Staff will be asking for permission to file at the February work session, resulting in an April 19, 2010 public hearing.

Chairperson Rosenburgh asked that Commissioners become well versed in the work that Ms. Young and staff has completed. The Chairman asked Commissioners to forward any questions in advance to Cheryl Neely to consolidate for discussion at the next Executive Committee meeting.

The Planning Director referenced a handout of initiatives to address issues with residential zoning district standards. In addition to height, other issues such as setbacks, side yards, building wall, impervious cover, streetscape and institutional FAR in single family districts have been identified. Staff has developed processes to consider these issues and have recommended how staff will address the issues. The Director noted a new concept, "Neighborhood Conservation Overlay", which staff will bring to the Commission when presenting the overview of the Single-Family Residential Design Standards. A stakeholder meeting is scheduled for the week of January 11, 2009 and this process is near completion. Recommendations will be brought before the Commission when the process is complete possibly in March or April 2010.

Due to time constraints, the Chairperson suggested discussing the Clarify Side Yard Requirements for Corner Lots text amendment at the February work session. The Planning Director responded that staff is only asking permission to file and that the presentation is not detailed. Ms. Young informed the Commission that the reason for this text amendment is to clarify the language in the ordinance, since it failed to correlate with the graphics. Commissioner Zoutewelle noted that he is in support of this text amendment. The Director confirmed that this text amendment is a clarification rather than a change in policy. A motion was made by Commissioner Zoutewelle to file the text amendment to Clarify Side Yard Requirements for Corner Lots and seconded by Commissioner Simmons. The vote was 12-0 to approve.

Planning Director's Report

The Planning Director referenced Attachment 9, staff's response to questions raised by Commissioners Griffith and Lipton about the HDC Policy and Design Guidelines. She noted that John Rogers attended the work session to answer any additional questions. Commissioner Lipton asked if she and Commissioner Griffith could address these issues with staff. The Planning Director responded that Commissioners Griffith and Lipton are welcome to meet with John Rogers to discuss.

Committee Reports

Executive Committee

Chairperson Rosenburgh encouraged Commissioners to submit any future agenda topics to the Executive Committee for consideration.

Zoning Committee

Commissioner Randolph highlighted two petitions for request to change single family houses to office uses. One site is located on South Tryon Street and the other on Sugar Creek Road. The petition on South Tryon was denied because there was concern about introducing office space in a residential area. The Sugar Creek Road petition was denied because of transit station issues.

Planning Committee

Vice-Chairperson Johnson reported that the Planning Committee did not meet in December. However, Commissioners have been attending Area Plan Citizen Advisory Group meetings. Commissioners will provide area plan updates at the January Planning Committee meeting. Staff will provide an Independence Boulevard Plan update at the February work session.

Historic District Commission

Chairperson Rosenburgh reported that he will meet with Commissioner Griffith to discuss her replacement to the Historic District Commission.

Communication from the Chairperson

The Chairperson mentioned that a number of Commissioners have asked about participation in the stakeholder process. The Executive Committee and the Planning Director have discussed assigning Commissioners to monitor these meetings. The Chairperson clarified that Commissioners should not make comments at meetings in order to avoid influencing the discussion.

Commissioner Lipton suggested that if erroneous information is provided during stakeholder meetings Commissioners should be able to respond. She further explained that the group could fail to make a good recommendation because of erroneous information.

Commissioner Simmons asked why do Commissioners need to monitor stakeholder groups and if it is voluntary. Participation in the process is voluntary and Commissioners attend so that they will be familiar with the project when the item is brought to the Commission for review/action. Commissioner Fallon noted the Steele Creek stakeholders are sometimes eager to hear the Commissioner's opinions. However, she agreed that Commissioners should not influence the process by answering questions or voicing their opinion.



Petition #: 2010-

Petitioner: Charlotte-Mecklenburg Planning Commission

ORD	INA	NCE	NO

AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE – ZONING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

- A. CHAPTER 9: GENERAL DISTRICTS
 - 1. PART 9: UPTOWN MIXED USE DISTRICT
 - a. Amend Section 9.903, "Uptown Mixed Use District; uses permitted under prescribed conditions", by adding a new item 14.4 in numerical order to allow special event surface parking as a principal use in UMUD under prescribed conditions. The new text shall read as follows:
 - (14.4) Special event (such as major facility openings and civic, sporting and religious events) off-street parking or non-construction staging as a principal use, subject to the following conditions:
 - (a) The parcel(s) or lot(s) on which the use is established shall accommodate no more than one (1) special event of seven (7) days or less in duration per calendar year.
 - (b) The use shall not be for commercial parking.
 - (c) The use shall be exempt from any requirements related to installation of sidewalks, and buffering or screening of parking.
 - (d) The use shall be located a distance of at least 200 feet from any residential land use or residential zoning district.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney
I,
2010, the reference having been made in Minute Book, and recorded in full in Ordinance Book, Page(s)
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this day of, 2010.



CHARLOTTE-MECKLENBURG PLANNING COMMISSION MEETING SCHEDULE

February 2010

DATE	TIME	<u>PURPOSE</u>	PLACE					
FULL PLAN	FULL PLANNING COMMISSION							
02-01-10	Noon	Work Session	Conference Room 267 2 nd Floor – CMGC					
PLANNING	COMMITTEE							
02-16-10	5:00 P.M.	Work Session	Conference Room 280 2 nd Floor – CMGC					
ZONING CO	<u>OMMITTEE</u>							
02-15-10	5:00 P.M.	Dinner with City Council	Conference Room CH-14 Basement – CMGC					
02-15-10	6:00 P.M.	City Rezonings	Meeting Chamber Lobby Level – CMGC					
02-24-10	4:30 P.M.	Zoning Work Session	Conference Room 280 2 nd Floor – CMGC					
EXECUTIVI	E COMMITTEE							
02-15-10	4:00 P.M.	Work Session	Conference Room 266 2 nd Floor – CMGC					
OTHER CO	OTHER COMMITTEES							
02-10-10	3:00 P.M.	Historic District Commission	Conference Room 267 2 nd Floor – CMGC					

CHARLOTTE-MECKLENBURG PLANNING COMMISSION MEETING SCHEDULE March 2010

DATE	TIME	<u>PURPOSE</u>	PLACE					
FULL PLAN	FULL PLANNING COMMISSION							
03-01-10	Noon	Work Session	Conference Room 267 2 nd Floor – CMGC					
PLANNING (COMMITTEE							
03-16-10	5:00 P.M.	Work Session	Conference Room 280 2nd Floor – CMGC					
ZONING CO	<u>MMITTEE</u>							
03-15-10	5:00 P.M.	Dinner with City Council	Conference Room CH-14 Basement – CMGC					
03-15-10	6:00 P.M.	City Rezonings	Meeting Chamber Lobby Level – CMGC					
03-24-10	4:30 P.M.	Zoning Work Session	Conference Room 280 2nd Floor – CMGC					
EXECUTIVE	E COMMITTEE							
03-15-10	4:00 P.M.	Work Session	Conference Room 266 2nd Floor – CMGC					
OTHER COMMITTEES								
03-10-10	3:00 P.M.	Historic District Commission	Conference Room CH-14 2nd Floor – CMGC					
03-17-10	7:00 P.M.	MUMPO	Conference Room 267 2 nd Floor – CMGC					

Charlotte-Mecklenburg Planning Department

FY2009 Community Outreach Presentations

#	Date	Presentation	Staff
1	11/01/09	Rail-Volution National Conference, Boston MA: Getting Real with Station Area Planning	K. Main
2	11/02/09	Indianapolis Chamber Panel Discussion - Transit/Land Use	D. Campbell
3	11/09/09	2020 Steering Groups & Working w/M.I.G Speaker Series	D. Campbell
4	11/18/09	Mayor's Megaregion Meeting	D. Campbell
_	11/10/00	Congraphia Information Customa Dou (CIC) Chirit Causes	J. Whitesell/M.
5	11/16/09	Geographic Information Systems Day (GIS) - Spirit Square	Sigmon
6	11/20/09	University of North Carolina at Charlotte ESL - Center City Tour	D. Thilo
7	11/24/09	City of Charlotte Right of Way Process	S. Basham
8	12/02/09	Independence Presentation to the North Carolina Department of Transportation (NCDO	A. Osborne
9	12/03/09	North Carolina Local Government Budget Association - Light Rail Tour	K. Main/A. Goodwin
10	12/08/09	Providence Day School Classes - Presentations on Sustainability	G. Johnson
11	12/09/09	Floodplain Rules and Water Quality Buffers for Land Surveyors	J. Weaver
12	12/15/09	International House/Russia/Accountable Governance	D. Campbell
13	12/15/09	Davidson Facility Public Meeting	D. Campbell
14	01/13/10	CRE Luncheon - Creative Thinkers Awards	D. Campbell
15	01/26/10	Empowerment Zone Ribbon-Cutting for Pressley Ridge	D. Campbell
16	01/26/10	CMS Academic Internship Program	S. Basham
17	01/27/10	ULI panel	D. Campbell

Charlotte-Mecklenburg Planning Commission Executive Committee Meeting Minutes December 21, 2009 – 4:00 p.m. Room 266

Commissioners Present: Stephen Rosenburgh (Chairperson), Eric Locher and Joel Randolph

Commissioner Absent: Yolanda Johnson (Vice-Chairperson)

Planning Staff Present: Debra Campbell (Planning Director), Zenia Duhaney, Sandy Montgomery, and Cheryl Neely

The meeting was called to order at 4:05 p.m.

Approval of November 16, 2009 Executive Committee Meeting Minutes

A motion was made by Commissioner Locher and seconded by Commissioner Randolph to approve the November 16, 2009 Executive Committee minutes. The vote was 3-0 to approve.

Light Rail Transit Service

At the request of the Chairperson, Cheryl Neely confirmed that the last Lynx Blue Line light rail outbound train departs the 7th Street Station daily and on weekends at 1:00 a.m.

The Chairperson recommended drafting a letter from the Planning Commission to Charlotte Area Transit System (CATS) staff to address the difference between the hours the light-rail operates and the hours that most entertainment establishments close in Uptown. He noted that many establishments within the Blue Line service area close at 2:00 a.m. Commissioner Randolph commented that bus service might be available to provide service to light rail users. He recommended that staff confirm the hours of operation for bus service.

The Planning Director stated that the intent is not to promote late night entertainment, but to ensure the broader community has access to transportation services. Commissioner Locher noted that extending the hours of light rail service could provide additional revenue for the City.

The Planning Director reminded the Committee that John Muth (CATS) will provide a quarterly update at the January 11, 2010 work session. The Director recommended that Commissioners present their concerns to Mr. Muth at the next work session. The Chairperson agreed and asked staff to inform Mr. Muth of the Commission's intention to discuss this concern.

Chairperson Rosenburgh asked staff to extend an invitation to Carolyn Flowers, the newly appointed CATS Chief Executive Officer, to attend the January work session.

Open Space in Historic Districts and HDC Policy & Design Guidelines Update

Chairperson Rosenburgh addressed both Commissioner Griffith & Lipton's concerns regarding the overlap of open space in the Zoning Ordinance and the HDC Policy and Design Guidelines as well as the lack of public involvement during the recent update process for the Policy and Design

Guidelines. The Planning Director noted that she would provide a written response addressing their concerns in January's agenda packet and John Rogers (Planning Staff) will attend the January work session to respond to questions.

January Work Session Agenda Items

Height in Residential Districts Text Amendment

The Planning Director asked the Committee to add the Height in Residential District text amendment to the January work session agenda. The stakeholder process for this text amendment is complete and the discussion will include a process update and a list of tentative recommendations. The Director stated that this update will serve as a preview of the work completed by staff. Staff will request permission to file this text amendment at the February 2010 work session.

Commissioner Locher asked if differences would exist between zoning categories i.e., R-3 versus R-22 MF and will the application of zoning designations apply throughout the City. Ms. Campbell responded that the goal is to create context sensitive standards.

Sandy Montgomery explained that currently different ratios apply depending on the context of the application. Chairperson Rosenburgh asked what is the current height standard for residential or single family development. The Director responded that the base height for single-family development remains at 40 feet.

The Planning Director discussed implementation of the proposed Neighborhood Conservation Overlay District tool by staff and stakeholders. Ms. Campbell noted that this tool supports infill development and ensures architectural compatibility. She explained that a one size fits all for suburban and infill neighborhoods in terms of standards have been difficult to attain.

Commissioner Randolph asked if height restrictions would apply. The Planning Director responded that height restrictions would exist, but within the context. Commissioners asked if the presentation could include realistic examples of how the proposed height restrictions would apply. Ms. Campbell suggested that the presentation will include examples of what has been approved in the past that would not be approved under the new recommended standards. Staff reminded the Committee that this is an update and the technical text is still being drafted.

Chairperson Rosenburgh asked what will happen if the Planning Commission does not grant staff permission to file the text amendment. The Planning Director responded that the Planning Commission could not prevent the filing of petitions. She explained that City Council grants the Planning Department authority to file petitions and in this instance Council asked staff to revise the height regulations in the Zoning Ordinance.

The Planning Director reminded the Commissioners that text amendments follow the same process as rezoning petitions. She explained that staff does consider input provided by the Planning Commission when developing text amendments and referenced the Brevard Street Land Use & Urban Design Plan text amendment, noting staff's response to Commissioner's comments and incorporation of their recommendations in the text amendment. Chairperson Rosenburgh asked if the Commission is allowed to file petitions. Ms. Campbell responded that the Commission can file as a group.

Certificates of Appreciation

The Chairperson inquired about the certificates of appreciation presentation. Cheryl Neely responded that the certificates would be presented to former Planning Commission Chairperson David Howard and Vice-Chairperson George Sheild. Chairperson Rosenburgh asked staff to confirm their attendance at January's work session. Cheryl Neely noted that she would confirm their attendance.

Parking Standards

Chairperson Rosenburgh asked if Jim Kimbler and Laura Harmon would present an overview of parking standards to the Commission. The Planning Director explained that the presentation would include overviews of the Zoning Ordinance parking standards and the Center City Parking Study. Chairperson Rosenburgh noted that as the City's density increases, questions regarding how to manage parking should be addressed.

The Committee agreed on the following agenda topics for the January 2010 work session:

- Certificates of Appreciation
- CATS Quarterly Update
- Zoning Ordinance Parking Standards
- Center City Parking Study
- Heights in Residential Districts Text Amendment Update
- Corner Lot yard Requirements Text Amendment (staff will request permission to file)

Future Work Session Agenda Items

Independence Boulevard Area Plan

The Chairperson inquired about placing the Independence Boulevard Area Plan on a future work session agenda. The Planning Director responded that there are some outstanding issues surrounding this plan. She reported that Barry Moose (NCDOT) informed staff that the portion of Independence Boulevard from Conference Drive to Interstate 485 might be redesigned. A task force of City and State staff has been formed to evaluate current plans and recommend changes to the current transportation project within the next 90 days. The goal is to have projects which support, compliment, and incorporate the area plan's recommendations.

Commission Locher asked what has changed to cause the redesign of Independence Boulevard Road project. The Planning Director responded that if the project continues as designed, there will be issues with construction cost and the length of time that it will take to complete the Independence road project. The Committee agreed to add the Independence Area Plan and road project update to the February 2010 work session agenda.

Capital Improvement Plan

Ms. Campbell stated that the Capital Improvement Plan update is usually added to the work session agenda after the Capital Planning Budget process is complete. However, due to scheduling conflicts, the presentation was placed on hold. She suggested adding this topic to the agenda in the fall of 2010. The Executive Committee members agreed with this recommendation.

Tree Ordinance Update

The Planning Director noted that the work on the Tree Ordinance is occurring much faster than expected. However, she noted that there has been a pushback from the stakeholder group which has delayed the adoption process. Chairperson Rosenburgh asked that this topic be placed on the March 2010 work session agenda.

North Tryon Area Plan

The Planning Director informed the Committee that the North Tryon Area Plan draft is complete. The Chairperson asked staff to add this item to the March 2010 agenda.

Zoning Ordinance Reorganization

Commissioner Randolph asked if staff is "redoing" the Zoning Ordinance. Ms. Campbell clarified that staff is not redoing the Ordinance, instead they are reorganizing it. She noted that staff is working on this, but needs the assistance of consultants to accomplish this task. Current budget restrictions do not allow for the hiring of a consultant. Commissioner Randolph noted that the Planning Commission could serve as a good resource tool in assisting staff. The Planning Director agreed to provide an update on this process at the April work session.

Approval of Meeting Schedules

The Committee approved the January and February 2010 meeting schedules.

The Planning Director asked, at the request of Commission Locher, that staff include cancelled meetings dates as well as rescheduled dates on the meeting schedules. Staff will include this information to help clarify rescheduled meeting dates.

The Planning Director noted that the Full Planning Commission work session originally scheduled on January 4, 2010 was rescheduled to January 11, 2010.

Following future agenda topic review, discussion centered on various topics:

- The Planning Director reported that City Council significantly changed their committee structure. Planning items now align with Council's Transportation Committee instead of the Economic Development Committee. The Chairperson asked what brought about this change. The Planning Director responded that Mayor Anthony Fox has the authority to adjust Council Committee structures and assignments. She also noted City Councilman David Howard is chairing the Transportation Committee.
- Chairperson Rosenburgh shared that Commissioner Griffith has requested that another Commissioner be assigned to the Historic District Commission. He asked that Committee members forward any input to him and he would render a decision.
- The Chairperson asked about the date for the next Planning Coordinating Committee meeting. Ms. Campbell responded that the Planning Directors will meet in January 2010 to schedule the Spring Joint Luncheon. Planning staff will coordinate with the Chairperson.
- The Chairperson asked that staff inform him of the Planning Department's next Leadership Team meeting date. Cheryl Neely replied that the next meeting is scheduled for February and she will forward the meeting date to Chairperson Rosenburgh.

Adjournment

The meeting adjourned at 4:54 p.m.

NOTICE OF PUBLIC HEARINGS ON PETITIONS

FOR ZONING CHANGES BY CITY COUNCIL

OF THE CITY OF CHARLOTTE, N.C.

NOTICE is hereby given that public hearings will be held by the City Council in the Meeting Chamber located in the Charlotte-Mecklenburg Government Center, 600 East Fourth Street beginning at 6:00 P.M. on **Monday**, **the 15th day of February**, **2010** on the following petitions that propose changes to the Official Zoning Maps of the City of Charlotte, North Carolina:

Petition 2009-050 Change in zoning from R-3 to INST(CD) for approximately 1.89 acres located on Sardis Rd across from Wilby Dr. **Petitioner: Mt. Tabor Comm. Development Corp.**

Petition 2009-074 Change in zoning from UR-2 and UR-3 to UMUD(CD) with 5-Year Vested Rights for approximately 4.71 acres located along West 6th Street and North Sycamore Street. **Petitioner: Sycamore I, LLC.**

Petition 2010-009 Change in zoning from R-5 and O-2(CD) to MUDD-O for approximately 6.92 acres located within Harrill St, East 16th St, Pegram St and East 19th St. **Petitioner: St. Paul Baptist Church.**

Petition 2010-011 Change in zoning from R-3, BP(CD), CC, and O-2(CD) all (LLWPA) to CC SPA (site plan amendment), CC and I-1(CD) all (LLWPA) for approximately 82.60 acres located on the south side of Dixie River Rd and north of Steele Creek Rd. **Petitioner: Steele Creek (1997) Limited Partnership.**

Petition 2010-012 Change in zoning from I-2(LLWPA) to I-1(LLWPA) for approximately 0.32 acres located on the west side of Little Rock Rd between Interstate 85 and Keeter Dr. **Petitioner: Sree Hotels, LLC.**

Petition 2010-013 UR-3(CD) SPA (site plan amendment) for approximately 0.68 acres located at the north intersection of Belmont Ave and Allen St. **Petitioner: Roger and Perina Stewart.**

Petition 2010-014 UMUD-O SPA (site plan amendment) for approximately 1.05 acres located on the south side of the intersection at North Tryon St and East 5th St. **Petitioner: City of Charlotte.**

Petition 2010-015 UMUD-O SPA (site plan amendment) for approximately 2.74 acres on the north corner of the intersection at North Tryon St and West 6th St. **Petitioner: City of Charlotte.**

Petition 2010-016 Change in zoning from UMUD to UMUD-O for approximately 2.79 acres located at the western corner at the intersection of East 7th St and North Brevard St. **Petitioner: Public Library of Charlotte & Mecklenburg County.**

Petition 2010-017 Change in zoning from UMUD to UMUD-O for approximately 1.31 acres located along the south side of North Tryon St between East 6th St and East 7th St. **Petitioner: Public Library of Charlotte & Mecklenburg County.**

Petition 2010-018 Change in zoning from UMUD to UMUD-O for approximately 1.55 acres located along North College St between East 6th St and East 7th St. **Petitioner: Mecklenburg County.**

Petition 2010-024 Change in zoning from B-1(PED) to B-1(PED-O) for approximately 0.28 acres located on the northwest corner at the intersection of Freedom Dr and West Morehead St. **Petitioner: Freedom Drive Development Association.**

The City Council may change the existing zoning classification of the entire area covered by each petition, or any part or parts of such area, to the classification requested, or to a higher classification or classifications without withdrawing or modifying the petition.

Interested parties and citizens have an opportunity to be heard and may obtain further information on the proposed changes from the Charlotte-Mecklenburg Planning Department Office, Charlotte-Mecklenburg Government Center, 600 East Fourth Street, 704-336-2205. www.rezoning.org

To file a written petition of protest which if valid will invoke the 3/4 majority vote rule (General Statute 160A-385) the petition must be filed with the City Clerk no later than the close of business on **Wednesday**, **February 10**, **2010**.

AGENDA CHARLOTTE-MECKLENBURG PLANNING COMMISSION ZONING COMMITTEE WORK SESSION

Charlotte-Mecklenburg Government Center, Rm 280 January 27, 2010 4:30 P.M.

1.	Petition No. 2009-039 by Charlotte Area Transit Systems for a change in zoning of approximately 3.65 acres located southeast of North Alexander Street from O-2 to B-2(CD).
2.	Petition No. 2010-001 by Prime Solutions, LLC for a change in zoning of approximately 0.20 acres located along the west side of Harding Place near the intersection of Kenilworth Avenue and Harding Place from MUDD-O to O-2.
3.	Petition No. 2010-002 by Deltas of Charlotte Foundation for a R-8MF(CD) site plan amendment for approximately 2.0 acres located on the east side of Beatties Ford Road between Pauline Lane and Kitty Drive.
4.	Petition No. 2010-003 by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 6.76 acres located on the west side of Baltimore Avenue and on both sides of Miller Street and Chicago Avenue from R-22MF to R-8.
5.	Petition No. 2010-004 by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 24.55 acres located on the west side of Sarah Drive, south of West Cama Street and on both sides of Orchard Circle from R-22MF to R-8.
6.	Petition No. 2010-005 by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 7.95 acres located on the west side of China Grove Church Road, the south side of Ervin Lane, both sides of Dendy Lane and both sides of Packard Street from R-17MF to R-8.
7.	Petition No. 2010-006 by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 57.70 acres located on both sides of Longleaf Drive, Loblolly Lane, Lodgepole Place, Spruce Pine Place, Big Cone Place, Timberline Road and Greyleaf Place from R-17MF to R-5.
8.	Petition No. 2010-007 by Robert Ellis for a change in zoning of approximately 3.0 acres located on the north side of Byrum Drive at the intersection of Larkmoore Court and Sirus Lane from I-1(CD) to I-2.

Charlotte-Mecklenburg Planning Commission Planning Committee Meeting Minutes CMGC – Room 280 November 17, 2009 – 5:00 p.m.

Commissioners Present: Yolanda Johnson (Chairperson), Eric Locher (Vice-Chairperson), Claire

Green Fallon, Nina Lipton, Greg Phipps, and Andrew Zoutewelle

Commissioners Absent: Steven Firestone

Planning Staff Present: Kathy Cornett, John Howard, Sonda Kennedy, and Kent Main

Other City/County Staff Present: None

Tour

The committee met at 4:00 p.m. to tour the North Tryon Plan area and reassembled in Room 280 afterwards to finish the overview of the plan.

Call to Order

Chairperson Johnson called the meeting to order at 5:15 p.m.

Approval of Meeting Minutes

A motion was made by Commissioner Lipton and seconded by Commissioner Zoutewelle to approve the minutes from the October 20, 2009 meeting. The vote was 6-0 to approve the minutes.

Overview of the North Tryon Area Plan

Mr. Kent Main (Planning Staff) gave an overview of the draft *North Tryon Area Plan*. This included a PowerPoint presentation that outlined the purpose and overview of the plan, plan recommendations and the next steps. Mr. Main described the area's context and existing conditions. He reviewed the project history, public input, stakeholder concerns, opportunities and constraints as well as the vision statement.

Commissioner Phipps asked if the vision statement has been approved by the stakeholders and Mr. Main replied that staff does not have explicit validation of the vision statement but intend to move forward with incorporating plan recommendations as they had been discussed with the community through the plan development process. Commissioner Johnson asked what neighborhood associations participated, but Mr. Main was not sure because this plan process is over two years old. He did state that there will be at least one additional public meeting so that information can be brought back as a finished plan. Commissioner Phipps asked if we had background information on the plan history and was told that we do.

Commissioner Zoutewelle commented about the struggling businesses and the buffer areas. Commissioner Johnson wanted to know where the office/flex space is located around the area. Commissioner Lipton commented that the vision statement doesn't mention neighborhoods but Mr. Main replied that preserving established neighborhoods is a theme that is represented in the land use policies. Commissioner Lipton has concerns about the buffer sections as stated in the zoning

ordinance. She thinks that the ordinance should distinguish between industrial and warehouse district buffers that are nonconforming.

Commissioner Phipps asked where the planned Blue Line Extension transitions to into North Tryon Street and where the closest station would be located. Mr. Main responded that the first station would be at Tom Hunter Road. Commissioner Phipps wanted to know how much of an impact this would have on North Tryon Street. Commissioner Lipton asked where the one-half mile walk distance boundary is located. She was told that it is on 36th Street. Commissioner Phipps asked Mr. Main if there has been any consideration of something to give the area pizzazz, such as a transit station. He stated that there were bus stops, some attractive; others which were not elaborate. Commissioner Lipton noted that CATS may be able to help with this.

Area Plan Status and Meeting Report

Commissioner Johnson told the committee that Commissioner Phipps has been assigned to the North Tryon Area plan.

Kathy Cornett (Planning Staff) distributed a revised plan notification process which Commissioner Johnson noted.

Area Plan Reports

None

Adjourn

The meeting adjourned at 6:10 p.m.

Charlotte Historic District Commission Update

January 27, 2010

At their January 13, 2010 meeting, the Charlotte Historic District Commission made the following rulings on Applications for Certificates of Appropriateness.

A.	600 East Tremont Avenue, Dilworth Local Historic District Painting of Brick House	HDC 2009-086	Approved with Conditions
В.	715 East Kingston Avenue, Dilworth Local Historic District Siding and Porch Railing Replacement	HDC 2010-001	Denied
C.	424 East Tremont Avenue, Dilworth Local Historic District Replacement of Front Porch Columns	HDC 2010-003	Approved
D.	928 East Park Avenue, Dilworth Local Historic District Conceptual Review - Construction of New Single Family Hous	HDC 2010-006 e	Deferred