

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

# Planning Commission

January 11, 2010  
work session

Charlotte-Mecklenburg  
Government Center

Room 267  
Noon



A stylized graphic consisting of several overlapping, wavy bands. The top band is a dark blue color and contains the word "Agenda" in a white, cursive font. Below this are lighter blue, green, and olive green bands, all with a hand-drawn, brush-like texture. The bands are layered and overlap each other, creating a sense of depth and movement.

# Agenda



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

**AGENDA**

**CALL TO ORDER**

Stephen Rosenburgh

**ADMINISTRATION**

**Certificates of Appreciation**

Present certificates of appreciation to former Planning Commission Chairperson David Howard & Vice-Chairperson George Sheild as well as congratulate Mr. Howard on his newly elected City Council At Large position.

**Approval of Planning Commission Minutes**

Approve the December 7, 2009 Work Session Minutes

*Attachment 1*

**POLICY**

**Charlotte Area Transit System (CATS) Update**

**Background:** Carolyn Flowers, new CEO of CATS will introduce herself and John Muth will present an update on the Blue Line Extension & North Corridor Transit Lines.

**Action:** Receive as information.

**Zoning Ordinance Parking Standards**

**Background:** Laura Harmon (Planning Department) will provide an overview of the Zoning Ordinance Parking Standards.

**Action:** Receive as information.

**Center City Parking Study**

**Background:** Jim Kimbler (Charlotte Department of Transportation) will present an overview of the Center City Parking Study.

**Action:** Receive as information.

**Text Amendments**

**Height in Residential Districts**

**Background:** Katrina Young (Planning Staff) will present information on the Height in Residential District stakeholder process for height regulations of structures located in residential zoning districts.

**Action:** Receive as information.

**Clarify Special Side Yard Requirements for Corner Lots**

*Attachment 2*

**Background:** The purpose of this text amendment is to clarify setback and side yard requirements for corner lots when the lot has a rear lot line in common with a side lot line of an abutting lot.

**Action:** Staff is requesting permission to file this text amendment.

**INFORMATION**

Planning Director's Report  
January / February 2010 Meeting Schedules  
Planning Department's Public Outreach Presentations

Debra Campbell  
*Attachment 3*  
*Attachment 4*

**Committee Reports**

**Executive Committee**

Stephen Rosenburgh  
*Attachment 5*

- November 16, 2009 Approved Minutes
  
- Future Agenda Items
  - Independence Boulevard Area Plan (February)
  - 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  
*Attachment 6*  
*Attachment 7*

- Public Hearings
- Zoning Committee Agenda

**Planning Committee**

Yolanda Johnson

**Historic District Commission**

Lucia Griffith  
*Attachment 8*  
*Attachment 9*

- December 9, 2009 Meeting Update
- Staff Response to HDC Policy and Design Guideline Issues

**Communication with Elected Officials Committee**

Nina Lipton

**Communication from Chairperson**

Stephen Rosenburgh



*Administration*





**CHARLOTTE-MECKLENBURG PLANNING COMMISSION  
MONDAY, DECEMBER 7, 2009  
CONFERENCE ROOM 267 – 12:00 NOON  
MINUTES**

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

**Commissioners Absent:** None

**Planning Staff Present:** Debra Campbell (Planning Director), Crissy Huffstickler, and Cheryl Neely

**Guests:** Chief Rodney Monroe (Charlotte-Mecklenburg Police Department), Ken Szymanski (Greater Charlotte Apartment), and Mary Newsome (The Charlotte Observer)

**Call to Order**

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

**Approval of November 2, 2009 Work Session Minutes**

A motion was made by Commissioner Phipps and seconded by Commissioner Zoutewelle to approve the November 2, 2009 minutes. The vote was 14-0 to approve.

**POLICY**

**Public Safety & Land Use**

Chairperson Rosenburgh introduced Chief Rodney Monroe and thanked him for attending the work session to present public safety information. Chief Monroe began his presentation by acknowledging that the safest communities are those that have multiple relationships in place. He noted that establishing relationships is important so that when a crisis occur partnerships and resources are already in place to rely upon for support. While working with police, a community can help set standards including what it will not tolerate. This creates a sense of responsibility and accountability for the community. A partnership strategy also allows for and encourages the establishment of common community goals, dialogue, and working together to achieve goals.

Chief Monroe shared that there are 39 police response areas throughout the City and all are experiencing a reduction in crime to some extent, due partially to relationships with the police. The police take home car program was initiated to provide police visibility in certain areas and to make it easier for officers to respond to calls for service.

In order to continue economic vitality along the City's five major business corridors, CMPD monitors these corridors to make sure they are safe. Additionally, \$100,000 is deployed into shopping areas to increase officer visibility. The Chief also noted that redevelopment can be a

tool for reducing crime. Redevelopment allows for opportunities to set standards and create something different for an area.

Chairperson Rosenburgh asked about the correlation of housing foreclosure rates and crime statistics. Chief Monroe suggested that foreclosure and unemployment does not necessarily contribute to crime. However, he noted that shoplifting has increased and attributes the increase to the economy. He suggested that data mining is another tool used to identify relationships. Chief Monroe stated that sharing data among KBUs can help to show if there is a relationship between foreclosures and crime. Data mining can also be used to compare code enforcement, calls for service and probation data. This can help identify relationships and allow police to develop strategies for preventing criminal activities.

Commissioner Nina Lipton thanked Chief Monroe and asked if data is available which indicates whether or not gated communities are safer and more secure. Chief Monroe responded that he and the Planning Director compared crime rates in gated communities with similar communities that were not gated and results concluded that there were not any differences in the crime rates. Commissioner Lipton stated that connectivity is encouraged as a part of the rezoning process, but gated communities do not allow for connectivity and are sometimes advertised as being more secure. She asked how could we get accurate information to the community and let them know that gated communities discourage connectivity and are not necessarily any safer. Chief Monroe stated that people feel safer in gated communities because there is one way in and out. He further explained that gated communities limit vehicular access, but do not prohibit pedestrian access. He noted that although he lives in a gated community vehicles were being stolen in his community. The Chief stated that gated communities create an opportunity to charge more for housing and unfortunately, a gated community does not make it any safer. He suggested that citizens implement security measures to make it more difficult for crimes to occur. For instance, leaving a garage door open when unattended is more inviting to criminals than making sure the garage door is closed.

Commissioner Joel Randolph referenced previous safety issues such as screening of parking lots with shrubbery, which were addressed through the rezoning process, i.e. CPTED. He asked if the Chief could suggest other design measures, which may be used to help reduce crime, and help make developments safer. Chief Monroe responded that landscape screening and lighting are all helpful design safety measures; however, he suggested that multi-family developments utilize a tenant screening process to discourage potential problem tenants. He maintained that design standards might not prove beneficial if properties are occupied by tenants with criminal backgrounds.

Commissioner Greg Phipps asked if any measures have been taken to help reduce the criminal activities in the multi-family complexes in the UNCC area. Chief Monroe stated that there are durable hotspots in that area. He suggested that students may not be taking precautionary safety measures. For instance, thefts from vehicles may be occurring because car doors are left unlocked. Because of this, campus police have coordinated with CMPD to educate the residents on what they can do to help their community be safer and reduce the crime rate. The Chief suggested that communities develop strong civic/community associations. He noted that areas with organized and active community organizations have lower crime rates and those without organized associations tend to have higher crime rates.

Commissioner Lucia Griffith asked how Charlotte's crime compares to other cities in the region. Chief Monroe responded that Charlotte is more of an urban area than other cities in North Carolina and any urban environment will have more criminal challenges than those that are not urban. However, comparatively he noted that Charlotte has less crime and is far safer than other urban areas such as Washington, DC, Richmond, and the Atlanta area.

Chairperson Rosenburgh stated that as Charlotte continues to become more urbanized parking will become more of an issue. He noted that the Commission will discuss parking standards in the near future and that he would like for the Chief to provide input on parking issues. He thanked Chief Monroe for his service and his hands on approach to managing crime in the community.

### **Multi-Family Development**

Chairperson Rosenburgh introduced Ken Szymanski and apologized for previously rescheduling his presentation several times due to scheduling conflicts with work session agenda topics.

Mr. Szymanski began his presentation by stating that the Greater Charlotte Apartment Association was founded in the late 70s. Members of the organization include local, regional and national developers and owners. The Apartment Association believes that multi-family rental housing is a critical piece of the Charlotte housing market in order to provide affordable housing and support sound and efficient use of infrastructure. Some benefits of multi-family developments include fewer infrastructure requirements than traditional single family neighborhoods, efficient land use, more walkable communities and public transportation support.

He shared that apartment communities tend to take on the character of the neighborhood and began being developed in Charlotte in the 1960s. Following are evolutionary trends for apartment development throughout the community:

- 1960s - Central Avenue/Eastway Drive
- 1970s - Sharon Road West
- 1980s - Albemarle Road
- 1990s - Harris Boulevard
- 2000s - Uptown, South Transit Corridor, Southwest & Infill Areas

Mr. Szymanski noted that multi-family development tends to follow market forces and development typically occurs in areas where other successful projects are located. Land costs, Planning Commission and City Council approval also determine the location of apartment complexes in our community.

He referenced Charlotte's recently adopted Rental Property Ordinance and noted that landlords are screening prospective tenants by doing criminal background and credit checks. He agreed with Chief Monroe's assessment that landlords should be precautionary when leasing to tenants with criminal backgrounds.

The presentation continued with a discussion on the misconception of multi-family rental and for sale properties. He noted that the Zoning Ordinance deals with the use, not ownership of real property. If a use is permitted, local government cannot regulate the property ownership.

However, often during the rezoning process, citizens protest the development of for rent multi-family units. Mr. Szymanski stated that ownership of multi-family units does not necessarily mean that properties will be maintained and rental units will become a neighborhood nuisance. He referenced the Treetop Condominiums, which are individually owned units that are not well maintained and does not have a professional management company.

Mr. Szymanski presented Senate Bill 810, which becomes effective on January 1, 2010. This legislation states that it is a violation of the State's fair housing act to discriminate in land use decisions or the permitting of development based on the fact that a development contains affordable housing units. The Bill further states that is not a violation if land use decisions or permitting of development is based on considerations of limiting high concentrations of affordable housing. It is also not a violation if a local government whose action or inaction has an unintended discriminatory effect proves that the action or inaction was motivated and justified by a legitimate, bona fide governmental interest.

Mr. Szymanski presented Charlotte's multi-family housing locational policy map, which shows where assisted housing is located and identifies priority areas for additional assisted housing. The policy is designed to locate affordable housing in middle and upper income neighborhoods.

Chairperson Rosenburgh mentioned that vacancy rates are falling due to foreclosures and asked if there were any major projects being contemplated. Mr. Szymanski responded that there is a misconception about vacancy rates. He noted that vacancy rates are higher because people are "doubling up" and living together and there is less demand for different types of housing in the area. For instance, some of the younger generation who were previously renters are moving back home with their parents. He also shared that there will be some multi-family development, but the community is not experiencing the same level of multi-family development as it did a few years ago.

Commissioner Fallon referenced a Charlotte Observer article which stated that high end luxury apartments in Uptown are thriving. She asked if this will push moderate income persons into areas where rents are going down. Mr. Szymanski agreed that this may be a legitimate concern. He posed the question should the market decide or should policies be developed to address this concern.

Commissioner Randolph asked how is professional management judged and if management or ownership be part of a proposed development deal. Mr. Szymanski suggested that it is in the public's best interest that the management company be able to do their job. However, he was not sure if the Commission or Council could determine if a management company is professional and capable of managing properties. He suggested that the Commission follow up with the City Attorney's office.

Commissioner Zoutewelle asked Mr. Szymanski to describe the design differences in for sale and rental units. Mr. Szymanski responded that the major difference is in the legal definition of condominiums and apartments. Although the quality of for sale units is usually higher end, the common areas are very similar. One major difference is that rental developments have ADA requirements and for sale units do not have these requirements.

Commissioner Finch asked if efforts could be made to coordinate growth and the affordable housing policies locational criteria, in particular along the transit corridors. The Planning Director responded that there is a desire not to concentrate affordable housing in any one area and therefore most affordable housing projects are mixed income and are not 100% affordable housing.

Commissioner Phipps referenced the residential recycling program, noting that Charlotte has less than 50% participation. He asked if the Apartment Association embraces the proposed single stream recycling program. Mr. Szymanski noted that apartment complexes participate in recycling, but collection point design is sometimes challenging. He stated that the Association looks forward to participating in the single stream recycling program.

The Chairperson thanked Ken Szymanski for the presentation and for his work in the community.

### **Planning Director's Report**

The Planning Director asked Commissioners to review the December 2009 and January 2010 meeting schedules and informed the Commission that the Chairperson would discuss changes to the December and January meeting schedules.

### **Committee Reports**

#### ***Executive Committee***

The Chairperson reported that the Executive Committee minutes are included in the agenda packet for review. Upcoming agenda topics include Parking Standards in January and the Independence Area Plan update at a future meeting. Chairperson Rosenburgh reminded the Commissioners that they may submit any potential agenda topics to him or Vice-Chairperson Johnson for consideration by the Executive Committee.

#### ***Zoning Committee***

Chairperson Rosenburgh stated that the Zoning Committee recommended approval (with modifications) of the Greater Galilee Baptist Church rezoning petition.

#### ***Planning Committee***

Vice-Chairperson Johnson reported that the Planning Committee is working on several area plans and Committee members who are assigned to area plans have been busy attending public meetings and tours. She reminded Committee members that the December 15<sup>th</sup> Planning Committee meeting was cancelled.

#### ***Historic District Commission***

Commissioner Griffith noted that the Committee has completed the review and update of the HDC Policies and Design Guidelines. She expressed concern about the "overlap" between the open space requirements in the Zoning Ordinance and the HDC Design Policies and Guidelines. She asked the Planning Director to follow up on this issue.

Commissioner Lipton asked about the public involvement process during the review and update of the Policies and Design Guidelines, in particular she was concerned about the lack of a stakeholder's process.

The Chairperson suggested that Commissioner Lipton follow up with the Planning Director and report back at a future work session. The Planning Director agreed to provide a response to both Commissioner Griffith and Lipton's concerns at the January work session.

Following the Committee Reports, the Planning Director acknowledged Chief Monroe and Ken Szymanski for their work in the community and their willingness to collaborate and problem solve with others for the good of the community. She also informed the Commission that the Parking Standards presentation would be a part of her Director's report at the January work session.

**Communication from the Chairperson**

The Chairperson asked the Commissioners to note the meeting changes on the December and January meeting schedules.

The Chairperson invited Commissioners to the Planning Commission holiday reception on Monday, December 14<sup>th</sup> from 5:00 to 7:00 pm at the Morrison House. Commissioner Griffith will host the event.

Commissioner Claire Fallon invited Commissioners to attend the Northeast Coalition holiday event at her home on Sunday, December 13<sup>th</sup> from 3:00 to 5:00 pm.

Commissioner Dwayne Walker invited Commissioners to attend the Little Rock AME Zion Church ribbon cutting and mortgage burning ceremony for the old Little Rock Church building on Sunday, December 13<sup>th</sup>, immediately following morning worship service.

The Chairperson asked staff to e-mail detailed information about all three functions to Commissioners.

**Adjournment**

The meeting adjourned at 1:33 p.m.







# **ZONING ORDINANCE TEXT AMENDMENT APPLICATION**

## **CITY OF CHARLOTTE**

FY2010 Petition #: <u>2010-</u>  Date Filed: _____  Received By: _____  <p style="text-align: center;"><i>Office Use Only</i></p>
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**Section #: 12.102 Special Lot, Setback, Yard and Building Envelope Requirements**

**Purpose of Change:**

Amend Figure subsection 12.102(7) and 2.102(b) in order to better clarify the text and accompanying diagram as they pertain to dimension requirements for the side yard of a corner lot.

\_\_\_\_\_  
**Name of Agent**

\_\_\_\_\_  
Agent's Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone Number                  Fax Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
**Signature of Agent**

Charlotte-Mecklenburg Planning Commission  
**Name of Petitioner(s)**

600 East Fourth Street, Eighth Floor  
Address of Petitioner(s)

Charlotte, North Carolina 28202  
City, State, Zip

704-336-3782                                  704-336-5123  
Telephone Number                          Fax Number

cgraham@ci.charlotte.nc.us  
E-Mail Address

\_\_\_\_\_  
**Signature**



Petition #: 2010-  
Petitioner: Charlotte-Mecklenburg Planning Commission

**AN ORDINANCE AMENDING APPENDIX A  
ORDINANCE NO. \_\_\_\_\_ 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:

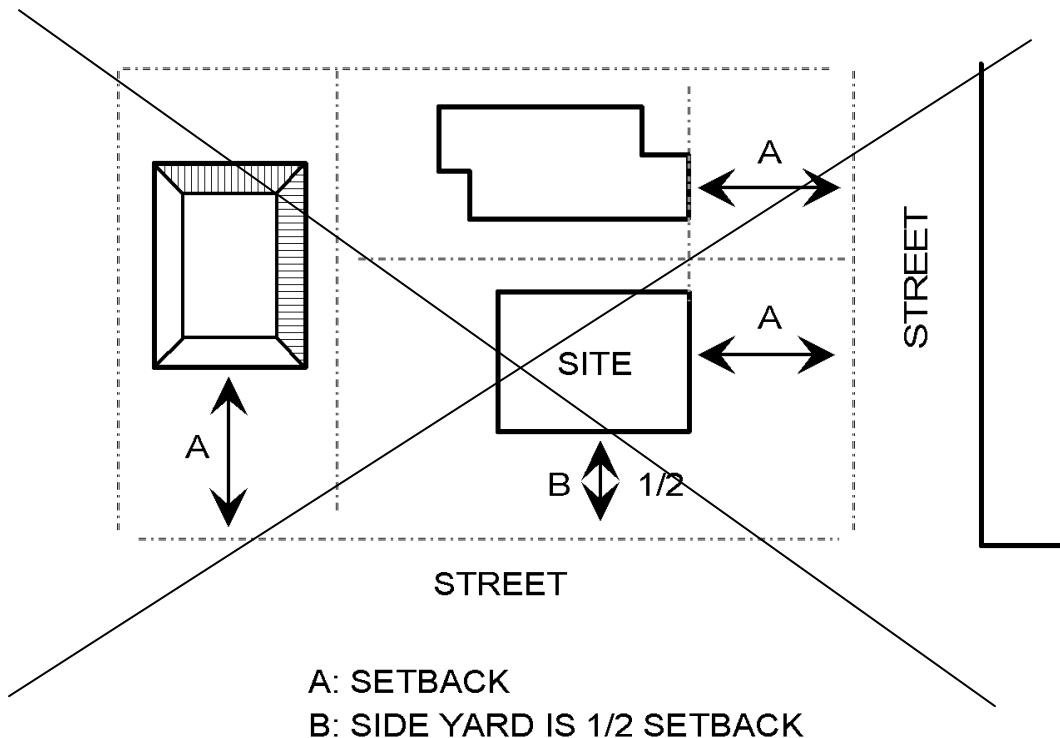
A. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

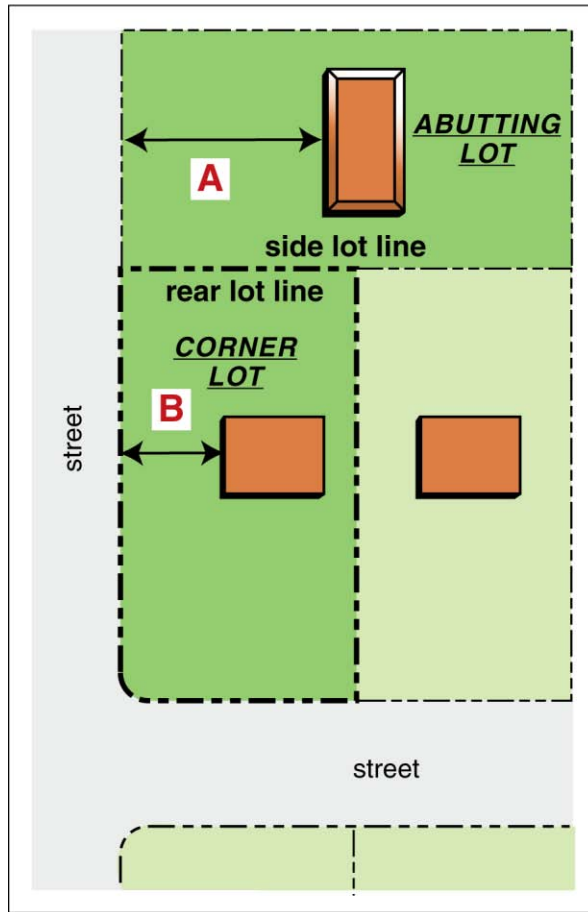
- a. Amend Section 12.102, "Special lot, setback, yard and building envelope requirements", subsection 12.102(7) and Figure 12.102(b), in order to better clarify the intent of the text and accompanying diagram, by replacing Figure 12.102(b) with a new diagram, and modifying the language of Section 12.102(7). The revised text and diagram shall appear as follows:

- (7) If, in any district, ~~the rear lot line of a corner lot~~ has a rear lot line in common with a ~~abuts the side lot line of an abutting lot~~ fronting on a street, then the side yard on the street side of the corner lot must be ~~a minimum of at least 50 percent of the required setback for the abutting lot~~ at least 50 percent of the required setback for the abutting lot as illustrated in Figure 12.102(b).

Figure 12.102(b)



**FIGURE 12.102(b)**



- A** Setback
- B** Side yard for corner lot shall be at least 50 percent of Setback A

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

Approved as to form:

\_\_\_\_\_  
City Attorney

I, \_\_\_\_\_ City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the \_\_\_\_\_ day of \_\_\_\_\_, 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 the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_





**CHARLOTTE-MECKLENBURG PLANNING COMMISSION  
MEETING SCHEDULE  
January 2010**

<b><u>DATE</u></b>	<b><u>TIME</u></b>	<b><u>PURPOSE</u></b>	<b><u>PLACE</u></b>
<b><u>FULL PLANNING COMMISSION</u></b>			
01-11-10	Noon	*Work Session	Conference Room 267 2 <sup>nd</sup> Floor – CMGC
<b>Please note:</b>	*The January 4, 2010 Full Planning Commission Work Session was rescheduled to January 11, 2010.		
<b><u>PLANNING COMMITTEE</u></b>			
01-19-10	5:00 P.M.	Work Session	Conference Room 280 2 <sup>nd</sup> Floor – CMGC
<b><u>ZONING COMMITTEE</u></b>			
01-06-10	4:30 P.M.	*Zoning Work Session	Conference Room 267 2 <sup>nd</sup> Floor – CMGC
<b>Please Note:</b>	*The January 6, 2010 Zoning Committee Work Session was rescheduled from December 30, 2010.		
01-19-10	5:00 P.M.	Dinner with City Council	Conference Room CH-14 Basement – CMGC
01-19-10	6:00 P.M.	City Rezoning	Meeting Chamber Lobby Level – CMGC
01-27-10	4:30 P.M.	Zoning Work Session	Conference Room 280 2 <sup>nd</sup> Floor – CMGC
<b><u>EXECUTIVE COMMITTEE</u></b>			
01-19-10	4:00 P.M.	Work Session	Conference Room 266 2 <sup>nd</sup> Floor – CMGC
<b><u>OTHER COMMITTEES</u></b>			
01-13-10	3:00 P.M.	Historic District Commission	Conference Room CH-14 Basement – CMGC
01-20-10	7:00 P.M.	MUMPO	Conference Room 267 2 <sup>nd</sup> Floor – CMGC





**CHARLOTTE-MECKLENBURG PLANNING COMMISSION  
MEETING SCHEDULE  
February 2010**

<b><u>DATE</u></b>	<b><u>TIME</u></b>	<b><u>PURPOSE</u></b>	<b><u>PLACE</u></b>
<b><u>FULL PLANNING COMMISSION</u></b>			
02-01-10	Noon	Work Session	Conference Room 267 2 <sup>nd</sup> Floor – CMGC
<b><u>PLANNING COMMITTEE</u></b>			
02-16-10	5:00 P.M.	Work Session	Conference Room 280 2 <sup>nd</sup> Floor – CMGC
<b><u>ZONING COMMITTEE</u></b>			
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 Rezoning	Meeting Chamber Lobby Level – CMGC
02-24-10	4:30 P.M.	Zoning Work Session	Conference Room 280 2 <sup>nd</sup> Floor – CMGC
<b><u>EXECUTIVE COMMITTEE</u></b>			
02-15-10	4:00 P.M.	Work Session	Conference Room 266 2 <sup>nd</sup> Floor – CMGC
<b><u>OTHER COMMITTEES</u></b>			
02-10-10	3:00 P.M.	Historic District Commission	Conference Room 267 2 <sup>nd</sup> 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
5	11/18/09	Geographic Information Systems Day (GIS) - Spirit Square	J. Whitesell/M. 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 (NCDOT)	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



**Charlotte-Mecklenburg Planning Commission  
Executive Committee Meeting Minutes  
November 16, 2009 – 4:00 p.m.  
Room 266**

**Commissioners Present:** Stephen Rosenburgh (Chairperson), Yolanda Johnson (Vice-Chairperson), and Eric Locher

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

The meeting was called to order at 4:10 p.m.

**Approval of October 19, 2009 Executive Committee Meeting Minutes**

A motion was made by Commissioner Locher and seconded by Commissioner Johnson to approve the October 19, 2009 Executive Committee minutes. The vote was 3-0 to approve.

**Conflict of Interest/Area Plan Assignments**

Chairperson Rosenburgh asked if the City Attorney's office responded to the request to clarify the City's Conflict of Interest Policy, as it relates to the Planning Commission. The Director noted that the City Attorney's office had responded and distributed their response to the Chairperson and Vice-Chairperson. The Attorney's office clarified that when there is a conflict of interest with the Planning Commission and City Council, the Attorney's office represents City Council.

**December Work Session Agenda Items**

**Public Safety**

The Chairperson discussed work session agenda items for December. He noted that he had not obtained a commitment from CMPD Police Chief Rodney Monroe to attend the December work session as a guest speaker. Cheryl Neely informed the Committee that she was waiting to hear back from the Chief's office regarding his availability to attend the December 7, 2009 work session.

**Parking Standards**

Vice-Chairperson Johnson asked if Parking Standards is an agenda item because of a follow-up work session issue. The Chairperson responded that parking standards is included as a follow-up item because of a discussion with the Planning Director regarding the Galilee Church rezoning. Chairperson Rosenburgh noted that the purpose of placing this item on the agenda is to explain parking standards and address the larger issue surrounding inner city development as it relates to the lack of parking.

Chairperson Rosenburgh asked who would lead this discussion. The Planning Director responded that either the Assistant Director Laura Harmon or Tom Drake would lead the discussion. Chairperson Rosenburgh recommended presenting a case study as an example of existing uses and their application. The Planning Director responded that a parking study for Center City has been done and noted that she would invite Jim Kimbler from CDOT to present information about the City initiated parking study.

The Chairperson mentioned that parking is an issue for the Epic Center and other entertainment venues in Uptown. The Planning Director explained that if access to parking were easily available in Uptown Charlotte then the public would fail to utilize alternative means of transportation. The Director noted that instead of spending a considerable amount of money on warehousing cars, the City prefers utilizing way-finding signage and technological responses. She referenced the use of PDAs as an option for citizens to locate parking in Uptown Charlotte. The Director further explained that current studies confirm that adequate parking spaces are available in Uptown to accommodate development until 2015.

The Chairperson noted that transit services ends at the same time that the Uptown entertainment venues close and that it is not feasible for citizens to effectively utilize the train services to reach their destinations. He asked staff to confirm the hours of operation for light rail service.

Commissioner Locher asked when would text messaging be available to citizens inquiring about parking spaces Uptown. The Planning Director responded that this is the ultimate goal and noted that this option should be available within the next 1 to 2 years.

The Chairperson asked if there are reader boards to provide directions for special events in Uptown. The Director responded that reader boards are located in strategic areas such as Albemarle Road and along the interstates.

### **Multi-Family Development**

Cheryl Neely added that December's agenda would also include a discussion on multi-family development. Ken Szymanski (Greater Charlotte Apartment Association) will provide the presentation to the Commission. She also explained that the CATS quarterly update would occur in January 2010, rather than in December.

### **Independence Area Plan**

The Planning Director recommended placing the Independence Area Plan update on the January 11, 2010 work session agenda. The Planning Director noted that the Public meeting for this plan is tentatively scheduled for December 3, 2009. Vice-Chairperson Johnson indicated that the meeting might be rescheduled. The Planning Director asked staff to confirm the date of the Independence Area Plan Public meeting and schedule the Planning Commission presentation to correspond with the public meeting. The Chairperson requested that this Plan be presented to the full Commission and asked that the draft document be distributed prior to the public meeting. He asked staff to provide copies of all draft plans to the full Commission. The Director reminded the Committee that according to the adopted policy for public involvement, the Committee assigned two Commissioners to each plan and the draft plans are only sent to Planning Committee members. She suggested that the Committee adhere to the adopted policy and send draft plans to Planning Committee members only and provide a link to the draft plans on the department's website for the full Commission. The Committee agreed with this recommendation.

### **Meeting Schedule Adjustments**

The Chairperson announced that the December 2009 Zoning Committee work session has been rescheduled to January 6, 2010 at 4:30 pm.

The Chairperson also shared that some Commissioners have inquired as to why the Planning Committee receives a meal and the Zoning Committee only receives light snacks at their meetings. The Director explained that Planning Committee meetings last longer than the Zoning Committee meetings and therefore they are provided dinner because they meet later in the evening. Following discussion, the Planning Director suggested providing meals for the Zoning Committee meetings.

**Adjournment**

The meeting adjourned at 4:50 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 **Tuesday, the 19th day of January 2010** on the following petitions that propose changes to the Official Zoning Maps of the City of Charlotte, North Carolina:

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

**Petition 2010-001** Change in zoning from MUDD-O to O-2 for approximately 0.20 acres located along the west side of Harding Pl near the intersection of Kenilworth Ave and Harding Pl. **Petitioner: Prime Solutions, LLC.**

**Petition 2010-002** R-8MF(CD) SPA (site plan amendment) for approximately 2.0 acres located on the east side of Beatties Ford Rd between Pauline Ln and Kitty Dr. **Petitioner: Deltas of Charlotte Foundation.**

**Petition 2010-003** Change in zoning from R-22MF to R-8 for approximately 6.76 acres located on the west side of Baltimore Ave and on both sides of Miller St and Chicago Ave. **Petitioner: Charlotte-Mecklenburg Planning Commission.**

**Petition 2010-004** Change in zoning from R-22MF to R-8 for approximately 24.55 acres located on the west side of Sarah Dr south of West Cama St and on both sides of Orchard Cir. **Petitioner: Charlotte-Mecklenburg Planning Commission.**

**Petition 2010-005** Change in zoning from R-17MF to R-8 for approximately 7.95 acres located on the west side of China Grove Church Rd, the south side of Ervin Ln, both sides of Dendy Ln and both sides of Packard St. **Petitioner: Charlotte-Mecklenburg Planning Commission.**

**Petition 2010-006** Change in zoning from R-17MF to R-5 for approximately 57.70 acres located on both sides of Longleaf Dr, Loblolly Ln, Lodgepole Pl, Spruce Pine Pl, Big Cone Pl, Timberline Rd and Greyleaf Pl. **Petitioner: Charlotte-Mecklenburg Planning Commission.**

**Petition 2010-007** Change in zoning from I-1(CD) to I-2 for approximately 3.0 acres located on the north side of Byrum Dr at the intersection of Larkmoore Ct and Sirius Ln. **Petitioner: Robert Ellis.**

**Petition 2010-009** Change in zoning from R-5 and O-2(CD) to MUDD-O for approximately 6.92 acres located inside the block including the intersection of Harrill St and East 16<sup>th</sup> St; the intersection of Pegram St and East 18<sup>th</sup> St; and the intersection of Allen St and East 18<sup>th</sup> St. **Petitioner: St. Paul Baptist Church.**

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](http://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 **Thursday, January 14, 2010**.

**AGENDA**  
**CHARLOTTE-MECKLENBURG PLANNING COMMISSION**  
**ZONING COMMITTEE WORK SESSION**  
**Charlotte-Mecklenburg Government Center, Rm 267**  
**January 6, 2010**  
**4:30 P.M.**

	1. <b>Petition No. 2008-032 by Myers Park Homeowners Association</b> for a change in zoning of approximately 38.79 acres located on both sides of Selwyn Avenue and Roswell Avenue from Lorene Avenue, north to Bucknell Avenue from R-22MF to R-8MF.
	2. <b>Petition No. 2008-154 by Robert Nixon</b> MUDD-O(PED) site plan amendment for approximately 0.19 acres located at the intersection of Pecan Avenue and Gordon Street.
	3. <b>Petition No. 2008-039 by Charlotte Area Transit Systems</b> for a change in zoning of approximately 38.79 acres located on both sides of Selwyn Avenue and Roswell Avenue from Lorene Avenue, north to Bucknell Avenue from R-22MF to R-8MF.
	4. <b>Petition No. 2009-048 by Winter Elizabeth, LLC</b> for a change in zoning of approximately 6.87 acres located between East 7 <sup>th</sup> Street and Weddington Avenue from R-22MF to MUDD(CD).
	5. <b>Petition No. 2009-061 by Lat Purser &amp; Associates, Inc.</b> for a change in zoning of approximately 0.50 acres located on the east corner of East 36 <sup>th</sup> Street and North McDowell Street from R-5 to UR-2(CD).
	6. <b>Petition No. 2009-067 by Stacy Mitchell and Janet McMillen</b> for a change in zoning of approximately 0.85 acres located on the south side of South Tryon Street between Moss Road and Lions Mane Street from R-3 to O-1(CD).
	7. <b>Petition No. 2009-070 by McAlpine-North Lake Landing, LLC</b> for a change in zoning of approximately 31.59 acres located on the east side of Beatties Ford Road encompassing portions of McClure Road from R-3 to R-5(CD).
	8. <b>Petition No. 2009-075 by Dona Patterson</b> for a change in zoning of approximately 0.64 acres located on the east side of West Sugar Creek Road between North Tryon Street and Penny Way from R-12MF to O-1.
	9. <b>Petition No. 2009-077 by Parks Hunter</b> for a change in zoning of approximately 7.23 acres located on the west side of Weddington Road between Simfield Church Road and Portstewart Lane from R-3 to INST(CD).
	10. <b>Petition No. 2009-078 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to implement Zoning Ordinance modifications recommended in the <i>Brevard Street Land Use and Urban Design Plan</i> , adopted in 2008.
	11. <b>Petition No. 2009-079 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to clarify the maximum allowable size of an accessory building, based on the size of the principal structure located on a lot.
	12. <b>Petition No. 2009-080 by York Development Group</b> for a NS site plan amendment for approximately 6.62 acres located on the northeast corner of North Community House Road and

	Ballantyne Commons Parkway.
13.	<b>Petition No. 2009-081 by Charlotte Douglas International Airport</b> for a change in zoning of approximately 2.84 acres located on the east side of Steele Creek Road between West Boulevard and Dorcas Lane from R-3 to I-2.
14.	<b>Petition No. 2009-082 by Gina and Dean Collias</b> for a change in zoning of approximately 0.55 acres located on the north side of Fairview Road between Park South Drive and Wintercrest Lane from R-3 to O-1(CD).
15.	<b>Petition No. 2009-083 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to delete the list of "Acceptable Plant Species" from the Zoning Ordinance since the list was updated, renamed, and added to the <u>Charlotte Land Development Standards Manual</u> , effective July 1, 2009.
16.	<b>Petition No. 2009-084 by YM Management Group, LLC</b> for a CC site plan amendment for approximately 1.72 acres located on the south side of Smith Corners Boulevard near the intersection of West WT Harris Boulevard and Statesville Road.
17.	<b>Petition No. 2009-085 by Cranfield Academy</b> for a change in zoning of approximately 1.95 acres located on the east side of Providence Road between Ardrey Kell Road and Providence Country Club Drive from R-3 to INST(CD).

**Charlotte Historic District Commission Update****January 5, 2010**

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At their December 9, 2009 meeting, the Charlotte Historic District Commission made the following rulings on Applications for Certificates of Appropriateness.

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|----|--|--------------|-------------------------------------|
| A. | 1919 The Plaza, Plaza Midwood Local Historic District<br>Addition/Renovation<br>Allen Brooks of ALB Architecture, Applicant  | HDC 2009-072 | <b>Approved<br/>with Conditions</b> |
| B. | 607 Mt Vernon Avenue, Dilworth Local Historic District<br>Painting of Brick House<br>Bernard Gesing, Applicant   | HDC 2009-079 | <b>Deferred</b>                     |
| C. | 225 E Worthington Ave, Dilworth Local Historic District<br>Façade Modifications & Installation of Enclosed Front Patio<br>Kelly Steele of Studio Fusion, Applicant | HDC 2009-080 | <b>Approved</b>                     |
| D. | 1812 Cleveland Avenue, Dilworth Local Historic District<br>Relocation of Existing Building from 220 East Boulevard<br>Catellus Group, Applicant                    | HDC 2009-082 | <b>Approved<br/>with Conditions</b> |
| E. | 600 East Tremont Avenue, Dilworth Local Historic District<br>Painting of Brick House<br>William Fitzgerald, Applicant  | HDC 2009-086 | <b>Deferred</b>                     |



## **HDC Staff Response to Issues Raised by Planning Commissioners Lucia Griffith and Nina Lipton**

### **Open Space**

Commissioner Griffith stated that there is some “overlap” between the open space requirements in the Zoning Ordinance and the *Policy and Design Guidelines* of the Historic District Commission.

There are a number of instances where the Historic District Commission has developed design standards that are more stringent than the base requirements of the Zoning Ordinance. This can include issues such as setbacks, building height, materials selection and parking design. The position of the HDC is that within the areas designated by City Council as Local Historic Districts, there is a joint responsibility between the HDC and property owners to carry out development and renovation projects in a manner that respects the historic context of these areas. As with any of the Overlay Districts in the Zoning Ordinance, when there are standards that appear to be in conflict, the more restrictive standard is the one that is applicable to any given project. This is the same approach that is used in other design sensitive zoning classifications such as PED and TOD districts.

In regards specifically to the question of open space, there are two instances where HDC guidelines place more restrictive requirements on property owners. One is the prohibition on the development of improved parking areas in the front yards of single family uses, or in the front yards of single family structures that have been adapted for other uses. The other circumstance refers to the HDC’s requirement that the *original* rear yards of single family uses must be maintained as an open yard, and cannot be made more than 50% impermeable. This is in recognition of the historic importance of rear yards as part of the character of these areas. It allows for substantial additions to be constructed on these sites while not infilling the entire rear yards of these sites. In referring to only single family uses, it allows for the use of the rear yard as parking when single family structures are converted to other, more intense uses.

### **Public Input in the Recent Revision of the HDC’s Policy and Design Guidelines**

Commissioner Lipton expressed concern regarding a perceived lack of public involvement in the recent review and update of the Historic District Commission’s *Policies and Design Guidelines*.

The Charlotte Historic District Commission recently completed a review and update of their Policy and Design Guidelines. This is a process that the HDC undertakes every 2-3 years as issues appear in the application and interpretation of the guidelines, and as material and construction improvements present new issues for the Commission to address. This process took several months and *five* public meetings to complete. Each of these meetings was advertised through the City’s standard notification process in addition to the Neighborhood Representatives on the Historic District Commission. The HDC Chairman, under standard practice, sought comments from members of the public in attendance.

It is important to realize that the HDC’s guidelines are in fact guidelines – they do not carry the force of law individually. They are a template for property owners and designers to use in planning projects that are sensitive to their overall historic context. The guidelines and policies communicate a design approach that, when applied, leads to a successful review by the Commission.

One of the requirements of NC State Statutes is that a local Preservation Commission (such as the Charlotte Historic District Commission) “shall prepare and adopt principles and guidelines ... for new construction, alterations, additions, moving and demolition” (NCGS 160A-400.9.(b)).

These “principles and guidelines” are the HDC’s *Policy and Design Guidelines*. These are developed and adopted by the full HDC, based on research and drafts provided by staff and with the experience of the Commission in applying their guidelines in reviewing development proposals. As required by law, they are based solely on *the Secretary of Interior’s Standards for Historic Rehabilitation*, as applied to the individual properties in the districts. They are a guide for both property owners and the Commission in preparing and evaluating development proposals in a quasi-judicial setting.

These discussions are always held in open public meetings, which are advertised to the public, and the Commission has always entertained comments from the public. There have also been instances where guidelines have been rewritten in response to concerns specifically raised by Historic District residents. However, the North Carolina General Statutes and Charlotte City Code clearly give the final word on the adoption of the guidelines solely to the HDC. Under the applicable provisions of City Code governing the HDC, there is at least one resident property owner from each district on the Commission to represent the interests of that district.

One critical point is that these guidelines are just that – guidelines – and are applied to unique and diverse properties in varying contexts and circumstances. The commission uses these guidelines to frame a discussion on the appropriateness of each proposal before them, and grants exceptions to their guidelines when circumstances warrant. The review of development proposals in historic districts can to some degree be a subjective process, but this subjectivity is balanced by the overall discussion and makeup of the HDC and the recommendations from staff on proposals before the HDC.