

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

Planning Commission

March 1, 2010
work session

Charlotte-Mecklenburg
Government Center

Room 267
Noon



Agenda

CHARLOTTE-MECKLENBURG PLANNING COMMISSION
MONDAY, March 1, 2010
CONFERENCE ROOM 267 - NOON

AGENDA

CALL TO ORDER & INTRODUCTIONS

Stephen Rosenburgh

ADMINISTRATION

Approval of Planning Commission Minutes

Approve the February 1, 2010 Work Session Minutes

Attachment 1

POLICY

Tree Ordinance Update

Background: Tom Johnson (Engineering & Property Management Staff) will provide an update on the Tree Ordinance.

Action: Receive as information.

North Tryon Area Plan

Background: Kent Main (Planning Staff) will provide an update on the North Tryon Area Plan process.

Action: Receive as information.

Parking Standards

Background: Planning staff presented Zoning Ordinance Parking Standards information at the January 11, 2010 work session. As a follow up to this presentation, the Executive Committee discussed parking for institutional uses in residential areas. The Committee decided to further examine parking requirements and discuss with the full Commission "How is the City proactively addressing the increased needs of expanding institutional uses in urban infill."

Action: Follow-up discussion.

Text Amendment

Parking Decks as an Accessory Use

Attachment 2

Background: The purpose of this text amendment is to add new regulations making parking decks constructed as an accessory use to an institutional use exempt from the floor-area-ratio (FAR) standards.

Action: Staff is requesting to file

INFORMATION

Planning Director's Report

Debra Campbell

March/April 2010 Meeting Schedules

Attachment 3

Planning Department's Public Outreach Presentations

Attachment 4

Committee Reports

Executive Committee

Stephen Rosenburgh

- January 19, 2010 Approved Minutes

Attachment 5

- **Future Agenda Items**

- Zoning Ordinance Reorganization (April)
- Nominating Committee Assignments (April)
- Slate of Officers (May)
- Elections of FY2011 Officers (June)
- Residential Design Standards (April/May)
- CATS Quarterly Update (April/July)
- Planning Director's Extended Report (April/July)
- HIRD Text Amendment (May/June)
- Capital Improvement Plan (Fall 2010)

Zoning Committee

- Public Hearings
- Zoning Committee Agenda

Stephen Rosenburgh

Attachment 6

Attachment 7

Planning Committee

- January 19, 2010 Approved Minutes

Yolanda Johnson

Attachment 8

Historic District Commission

- February 10, 2010 Meeting Update

Lucia Griffith

Attachment 9

Communication from Chairperson

Stephen Rosenburgh



Administration

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

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

Commissioners Absent: Emma Allen, Eric Locher, and Joel Randolph

Planning Staff Present: Debra Campbell (Planning Director), Zenia Duhaney, Laura Harmon, Cheryl Neely, Alicia Osborne, and Katrina Young

Call to Order

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

Approval of January 11, 2010 Work Session Minutes

A motion was made by Commissioner Fallon and seconded by Commissioner Firestone to approve the January 11, 2010 minutes. The vote was 11-0 to approve.

POLICY

Independence Boulevard Area Plan Update

Alysia Osborne reported that the Independence Boulevard is one of five growth corridors. This Southeast transit corridor will have sixteen rapid transit stations. Six of which will fall within the Independence Area Plan. The area plan boundary includes 5800 acres, which incorporates more than 20 neighborhoods and over 10,000 property owners. Destinations within the Area Plan boundaries include the Bojangle's Coliseum, Ovens Auditorium, East Mecklenburg High School, and the Galleria shopping center located at Sardis and Monroe roads.

This area plan process is part of a two-part study, which deals with land use, transportation, and economic development issues. An interdepartmental team led by the Glattig, Jackson, Kercher, and Anglin consultant firm began Phase II of the process in May 2008. A series of public meetings held from June to July 2008 included over five hundred area residents. One hundred and fifty residents signed-up to be a part of the citizen advisory group.

Staff is continuing to work with the North Carolina Department of Transportation (NCDOT) on issues linked to the Transportation Improvement Program (TIP). The goal is to minimize adverse impacts along the corridor. The projected completion date for the draft plan is March 2010. Next steps include a final public meeting in March and the review/adoption process in April 2010.

Below is the schedule for the plan development process.

PLAN DEVELOPMENT PROCESS SCHEDULE	
Phase I Study Complete	April '07
Stakeholder Interviews	May '08
Public Kick-off Meeting (2)	June/October '08
Advisory Group Meetings (5)	July '08 - April '09
Refine Draft Concepts/Document	November '08 – March '10
Planning Committee Overview/Tour	November '09
Final Public Meeting	March '10
Begin Review and Adoption	April '10

Commissioner Simmons asked about the advisory groups' sustainability. Ms. Osborne responded that approximately one hundred participants attended the first meeting. Attendance at subsequent meetings decreased with an average of 40 to 50 participants. Staff and the citizen advisory group have not met since April of 2009. However, staff and the consultants have been working on refining the document and have provided periodic updates to the group.

Chairperson Rosenburgh asked if NCDOT would revamp the entire transportation plan. Ms. Osborne responded that the goal is to minimize the impact of the plan on adjacent property owners. She noted that NCDOT has agreed not to delay the current project schedule.

The Chairperson asked if the City and NCDOT share the same goals for the task force. He also asked about the start date for the current (TIP) program. Ms. Osborne responded that the City and NCDOT want the same outcome. She noted that TIP is scheduled to begin in 2012 with the R-O-W acquisition occurring in March 2010. The Chairperson inquired if the remainder of the Independence Corridor would be completed in 2012. Ms. Osborne replied only the section between Sharon Amity and Conference Drive.

Height in Residential District Text Amendment (HIRD)

The Chairperson noted that the HIRD discussion would consist of a round robin discussion to allow Commissioners an opportunity to ask questions and provide input on the proposed text amendment. He asked Commissioner Griffith to begin the discussion.

The Planning Director noted that Katrina Young was prepared to provide an overview of the HIRD text amendment which may address many of the Commissioners questions/concerns. She suggested that Katrina proceed with the presentation and Commissioners ask questions afterwards. The Chairperson agreed with this discussion format. She also noted that staff had received questions from citizens as a part of the stakeholder process. Both the Commissioner and citizen questions/concerns would be attached to the text amendment document as part of the text amendment process.

Ms. Campbell reminded the Commission that a rezoning in the Myers Park community was the driving force behind the Council directive for staff to study height in residential districts. However, she further explained that staff began looking at residential design standards in 2004. As a part of this process, citizens identified height in residential districts as a major issue. The Director noted that the HIRD text amendment is about the compatibility of development in residential neighborhoods, not specifically about Myers Park. It is not about taking away

development rights, but encouraging compatible development in residential areas. She noted that the text amendment would take its normal course and that staff would ask to file.

Katrina Young reported that she facilitated the Heights in Residential Districts stakeholder group process. The focus was on residential districts and did not apply to office, business, or industrial districts. Residential districts include single family, multi-family, urban residential, mixed use, and transit oriented development. However, TOD-R was not included because this district has recently undergone a revision.

Staff also researched other jurisdictions to determine the maximum heights used and to compare how the Zoning Ordinance correlates to what others are doing. The jurisdictions researched included Austin, Baltimore, Dallas, Jacksonville, Nashville, Phoenix, Raleigh, and Richmond.

Ms Young explained the goals for the HIRD recommendations, presented graphic examples, and noted the following summary of recommendations:

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

Commissioner Lipton questioned the scale used to represent the height comparisons in the illustrations presented. She noted that they did not appear to depict the correct scale. She also asked for clarification about what non-residential means if it does not include institutional uses. Commissioner Lipton stated that hospitals fall under institutional uses.

Ms. Young responded that hospitals are not permitted in single-family residential areas. She explained that hospitals would have additional requirements such as buffers and screening requirements. She clarified that non-residential does not include those institutional uses that are allowed in residential zoned districts such as schools, religious institutions, etc.

After an extensive discussion, the Chairperson asked staff to create visual examples of new development under the existing rules in comparison to the proposed rules, using an accurate scale. Commissioners agreed that this would assist them in better understanding the proposed changes.

Ms. Young continued with her presentation, including the following comparison of current and proposed regulations:

STANDARD	CURRENT	PROPOSED
Max Height	None	100 feet
In any district a building may be erected to height in excess of 40 feet (except abutting residential use or residential district)		District and use determines height
Development height determined by distance from nearest single family use or vacant lot within a single family district.	1 foot for every 1 foot of building in excess of 40 feet	5 feet for every 1 foot of building <u>the portion of the structure</u> is exceeding 40 feet from the property line of an existing single family use or vacant lot within a single family district in
Development abutting an existing single family use or vacant lot in a single family zoning district.	1 foot for every 1 foot of building in excess of 40 feet	Increase <u>side yard</u> 5 feet for every foot in height in excess of 40 feet
Development across a local street from an existing single family use or vacant lot in a single family district	None	One foot for every five feet in distance the <u>portion of the building</u> is from the required setback along the street
Development in single family or multi-family district adjacent to nonresidential, multi-family or a use other than single family	1 foot for every 1 foot of building in excess of 40 feet	One foot for every two feet in distance the <u>portion of the building</u> is from the required <u>setback and side yards</u>

Commissioner Simmons asked why a 40-foot base would be required in the example presented. He asked why not use a 60 feet base with the existing non-residential property? Why create a stair step effect given the association. If you are abutting something that begins at 60 feet, why require a base that starts at 40-feet. Ms. Young replied that in the example this requirement is needed because it is in a residential district. She noted that the requirement would be different in other districts for a single family or a multifamily district.

Following the presentation, Chairperson Rosenburgh asked Commissioners if there were additional questions or comments and proceeded with the round robin discussion.

Commissioner Zoutewelle asked where the 5 to 1 ratio came from. Ms. Young responded that originally, HIRD emulated the TOD district, which follows a 10 to 1 ratio. Currently the ratio is 1 to 2 and staff determined this ratio is fair and equitable for developing and adjacent property.

Commissioner Lipton asked if HIRD should coordinate with the Residential Design text amendment process. Ms. Young responded that HIRD was a Council directive and that staff was responding to Council for this process. Commissioner Lipton suggested that Council's directive

had a narrower scope for this project. The Chairperson agreed and believes that Council is only concerned with heights in Myers Park.

Commissioner Griffith expressed concern about the timeline. Since staff is applying the proposed changes across the city, she thinks the process may be moving too fast. She is particularly concerned about the impact on new development.

Commissioner Finch agreed and asked if staff is suggesting that developers opt out as a variance. The Planning Director explained that the purpose of the text amendment is address compatibility. She noted that it is about looking at the existing or future context and noting the appropriateness of the development. Historically, in some instances inappropriate developments have been built as a result of not going through the rezoning process. Existing regulations allow very tall buildings (by right) that towers over smaller single family structures.

To further clarify, Ms. Campbell explained that staff has undergone a stakeholder process. There were people on both sides that expressed concern. The group noted that regulations should be more stringent in Wedges (which is where staff encourages single family relatively low-density developments) than in corridors, station areas, or activity centers. She noted that the Transit Oriented Development districts zoning regulations are more stringent in terms of compatibility and relationships. The goal is to promote quality compatible development in our community where we have seen a trend for incompatible development, not to take away development rights. The Director stated that the role of staff and the Planning Commission is to ensure consistent compatible development.

The Chairperson hopes that staff would regard all of the concerns presented as still open for discussion. He asked if staff has looked at addressing the point made by Commissioners Finch-Dodson and Griffith regarding remaining parcels that may be developed under the new guidelines. He is particularly concerned that the proposed text amendment will eliminate a number of potential developments.

The Director responded that staff has several scenarios, which are very sophisticated. However staff does not have the computer software to illustrate and as a result is producing this information manually. She noted that staff is taking an inventory of all properties which would be impacted or become non-conforming. The Chairperson recommended also examining how many properties could be built with the new regulations.

Steven Firestone suggested that staff always provide an understanding of which properties are impacted whenever public policy is changed. He thinks that the scope may be too broad for what is being proposed and is very interested in the kind of non-conforming structures the proposed text amendment will create. He referenced an illustration in Ms. Young's presentation which is located at the intersection of Providence and Sharon roads. The illustration showed a multi-story residential building towering over a single family home. He asked if the development went through the rezoning process. The Director responded that it was not a rezoning and emphasized that the intent of the text amendment is to prevent these kinds of relationships.

Commissioner Lipton asked if the development had an adverse economic impact on the community. She shared that a lot of the smaller houses were torn down and very large elaborate homes were built in their place. This may have increased area property values.

Commissioner Fallon asked what happens if there is a hill or a difference in topography. Ms. Young responded that the height is measured at an average grade and one side of the building may be taller than the other.

The Director concluded that staff understands the nature of urban development is complicated. She noted that staff was hoping to advance this text amendment to request to file and asked if the Commission was comfortable with filling the text amendment.

Commissioner Zoutewelle stated he is concerned about the text amendment, but was reassured by the Planning Director's comments concerning the intent. He recommended drafting a memo expressing his concerns. The Chairperson asked Commissioner Zoutewelle to copy Planning Commission members on his draft and to highlight the key points.

Commissioner Zoutewelle asked what is the role of Commissioners as it relates to filing versus making a recommendation on a text amendment. The Chairperson responded that staff has the ultimate responsibility of determining if a text amendment should be filed with or without the permission of the Planning Commission. He noted that the Commission serves as an advisory body to both Council and the Planning Department. Commissioner Zoutewelle replied that what he understands from the discussion is that the Planning Commission recommendations do not have weight when it comes to filing text amendments.

Commissioner Simmons noted that he believes that staff has undertaken the right direction in addressing the issue as a citywide problem. He agreed with the Planning Director that the issue is compatibility.

Commissioner Johnson thanked the Director for the summary on the intent of the proposed text amendment. She mentioned that her concern was how staff derived at the 5 to 1 ratio. She stated that staff already addressed her question about what other jurisdictions are doing. Commissioner Johnson agreed that additional graphics would help Commissioners understand the proposed text amendment.

Commissioner Phipps agreed that additional illustrations would help to clarify the intent of the text amendment. He was surprised to learn that the Commission's recommendations are not a vital part of the text amendment process and that staff could file without the Commission's consent. Commissioner Phipps expressed concern about City Council having knowledge of the Planning Commission comments regarding text amendments. He stated that he hopes that comments are noted in the document for Council's review.

Commissioner Simmons asked the Chairperson to clarify the Commission's responsibility regarding text amendments. In particular, if the Commission as a body does not vote to approve a filing, what does that mean? The Chairperson responded that his understanding is that staff has the right to file the text amendment if they so choose.

Commissioner Simmons also asked the Planning Director to clarify the general consensus of staff regarding the Commission's right not to approve a particular text amendment as it is presented.

The Director responded that in general she hopes that the Planning Commission is comfortable voicing their concerns. She hopes that staff and Commissioners can work together to resolve any issues. However, staff presents text amendments to the Commission as a courtesy and if the Commission chooses not to file under the Planning Commission, it can be filed under the Planning Department's name.

Commissioner Fallon thanked the Planning Director for her summary of the text amendment's intent. She asked how the new recommendations impact by right infill development. The Planning Director responded that if the proposed changes were adopted and properties that were already developed could not meet the current standards then they would become legal non-conforming uses. If they are proposed to be developed they would have to meet the current standards. If it is new development and did not have a building permit issued, it would have to meet whatever the adopted standards are at the time. Lastly, if a developer did not want to meet these standards then they could apply for a rezoning to a more appropriate district.

Commissioner Lipton noted that she appreciates the work that staff has done. She asked that staff consider using clarifying language for non-technical users. She appreciates all the things that staff said about compatibility and context. She recognized that a lot of work was done with the TOD Ordinance but clarified that TOD is 1 to 10 depending on the street. She asked if an owner wanted to expand their existing single family house if the owner would be required to conform to the new rules. Ms. Young replied that the owner could be allowed to expand with a provision that the building addition would meet the new standards.

The Chairperson believes that during economic times like these we should neither tighten nor reduce standards. He does not have a problem with by right development. He shared that he grew up in a dense urban environment with a mixture of single-family homes, duplexes, and multi-story apartment buildings. He noted that urban environments are denser, which typically mean building taller structures. The Chairperson asked the Director what are the next steps.

The Planning Director acknowledged that there seems to be some confusion about staff's recommendation. She suggested that staff work with a consultant to simplify the language and the intent of the text amendment. Ms. Campbell stated that staff would not ask to file the text amendment and would go back to the stakeholder group for further discussion and recommendations.

Commissioner Simmons asked about the original timeline and if another stakeholder meeting is planned. The Planning Director responded that the public hearing would be in April if staff files the text amendment now. Staff has informed the stakeholder group that their process was completed. However, there were some issues which needed clarification and a few of the stakeholders had some concerns. She further explained that the last major revision to the Zoning Ordinance was completed in 1993. Since then staff has been trying to be consistent with the language used because of the many cross-references in the text. The Director informed the

Commission that staff is working on evolving the Zoning Ordinance and many of the text amendments that have been brought before the Commission are to clarify the language.

Commissioner Griffith stated that her concern about the HIRD text amendment is the philosophy behind it. She is supportive of urbanization concepts and notes that there will be a request that requires going over the threshold on height. Commissioner Griffith appreciates that staff placed a hold on this text amendment to ensure that the recommendation on height works for all concerned.

Commissioner Lipton stated that she knows that staff is looking at the urban design standards. She asked if staff is considering incorporating overlays and if so how would that work with all the other changes. Laura Harmon agreed to follow-up by e-mail to this request.

Special Event Off-Street Parking Text Amendment

Staff presented the Special Events Off-Street Parking text amendment and asked to file. Commissioner Simmons made a motion to file, seconded by Vice-Chairperson Johnson. The vote was 11-0 to approve the filing of the Special Event Off-Street Parking text amendment.

Planning Director's Report

Laura Harmon reported that there was not a Director's report for the month of February.

Meeting Schedules

Commissioner Phipps noted an adjustment to the Planning Commission's March meeting schedule. The MUMPO meeting was rescheduled from March 17, 2010 to March 24, 2010. The Chairperson asked staff to make the necessary adjustments to the schedule.

Future Agenda Items

The Chairperson referenced the future agenda items list and asked Commissioners to send any additions or recommendations to the Chairperson. He noted that the schedule for the future agenda items might change depending on the availability of invited guest.

Committee Reports

Executive Committee

The Chairperson reported that the Executive Committee minutes are included in the agenda packet for review.

Zoning Committee

Commissioner Simmons noted that several corrective rezonings presented at the last Zoning meeting were deferred. He noted that there was a disagreement among Commissioners as to whether staff should move forward with these rezonings. The Chairperson stated staff has agreed with the deferral in order to further examine the recommendation.

Planning Committee

Vice-Chairperson Johnson reported that staff and Commissioners provided Area Plan updates. She noted that committee members attended the Centers, Corridors, and Wedges (CCW)

advisory group meeting. Vice-Chairperson Johnson stated that Commissioners were generally pleased with the response from staff on the concerns raised by committee members.

Commissioner Fallon asked about the lack of participation in the CCW stakeholder's group. Laura Harmon responded that sometimes the lack of participation means that the stakeholder concerns have been addressed. Commissioner Lipton commended Laura Harmon on a job well done.

Historic District Commission

Commissioner Griffith asked if Commissioner Lipton, the Executive Committee and herself could meet with the Historic District staff to address concerns about policy guidelines. Laura Harmon agreed to contact John Rogers (Planning Staff) and ask him to follow up.

Communication from the Chairperson

The Chairperson thanked Commissioners for their input regarding the HIRD text amendment. He recognized that Commissioners and staff have concluded that there is a need for clarification. Chairperson Rosenburgh stated that this is one of the most important issues dealt with by the Commission. He reiterated that the issue started in the Myers Park neighborhood and does not believe that City Council fully understands the impact of the text amendment.

Adjournment

The meeting adjourned at 2:05 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 #: 9.205 Development standards for single family districts
9.305 Development standards for multi-family districts
12.212 Parking Deck Standards

Purpose of Change:

Add new regulations making exempting parking decks constructed as an accessory use to an institutional use from the floor area ration (FAR) standards, when they meet certain requirements, and are located in the single family and multi-family zoning districts. To be exempt, the parking deck must meet one of the following sets of regulations:

Parking Deck #1:

- Minimum setback of 50 feet from the edge of the public right-of-way;
- Required buffers, if any, shall be at least 50 feet in width;
- Minimum 9-foot clearance on the first level of the deck, and any level that provides disabled parking spaces; minimum 7-foot clearance on all other levels.
- Minimum 25-foot landscaped area between the street façade of the deck and the sidewalk, improved with plantings.
- Minimum 5-foot sidewalk with a minimum 6-foot planting strip between the sidewalk and the street.
- Vehicles on all levels of the facility shall be screened from the street and adjacent residentially zoned/used properties.
- Façade of the deck adjacent to the street or residentially used/zoned properties shall be designed with a pedestrian scale

Parking Deck #2:

- Minimum setback of 50 feet from the edge of the public right-of-way;
- Minimum 9-foot clearance on the first level of the deck, and any level that provides disabled parking spaces; minimum 7-foot clearance on all other levels.
- Minimum 25-foot landscaped area between the street façade of the deck and the sidewalk, improved with plantings.
- Minimum 5-foot sidewalk and 6-foot planting strip between the sidewalk and the street.
- The parking deck is a minimum of 400 feet from the public right-of-way and from any vacant or residentially used property located in a single family or multi-family district, OR the parking deck is obscured from view by existing buildings or mature vegetation from the public right-of-way and any adjacent vacant or residentially used property located in a single family or multi-family zoning district.

Reorganize Section 12.212 for clarity.

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

 704-336-5722 704-336-5964
 Telephone Number Fax Number

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

Signature

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

ORDINANCE 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: GENEAL DISTRICTS

1. PART 2: Single Family Districts

- a. Amend Section 9.205, "Development standards for single family districts", by adding a new footnote 7 to subsection (1), "Density, area, yard and bulk regulations", subsection (b) to reference that parking decks constructed as an accessory use to an institutional use in a single family district are not subject to the FAR requirements, provided they meet other regulations. Add a new footnote 7. All other subsections and footnotes shall remain the same. The revised section and footnote shall read as follows:

- (1) Density, area, yard and bulk regulations shall be as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(b) Maximum floor area ratio for nonresidential buildings ⁷⁻	.50	.50	.50	.50	.50

FOOTNOTES TO CHART 9.205(1):

⁷⁻ A parking deck constructed as an accessory use to an institutional use shall not be subject to the F.A.R. requirements, provided that the parking deck meets the requirements of Section 12.212(2).

2. PART 3: Multi-Family Districts

- a. Amend Section 9.305, "Development standards for multi-family districts", by adding a new footnote 9 to subsection (1), "Density, area, yard and bulk regulations", subsection (b) to reference that parking decks constructed as an accessory use to an institutional use in a multi-family district are not subject to the FAR requirements, provided they meet other regulations. Add a new footnote 9. All other subsections and footnotes shall remain the same. The revised section and footnote shall read as follows:

(1) Area, yard and bulk regulations shall be as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(b) Maximum floor area ratio for nonresidential buildings ⁹	.50	.50	.50	.50	.50

FOOTNOTES TO CHART 9.205(1):

⁹ A parking deck constructed as an accessory use to an institutional use shall not be subject to the F.A.R. requirements, provided that the parking deck meets the requirements of Section 12.212(2).

B. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 2: Off-street Parking and Loading

- a. Amend Section 12.212, "Parking Deck Standards" by reorganizing and renumbering the section, bordering the illustrations, and adding a new subsection (2) related to parking decks constructed as an accessory use to an institutional use in a single family or multi-family district. The revised section shall read as follows:

Section 12.212. Parking deck standards.

This Section sets forth development standards to address parking decks as a principal or accessory use within any permitted zoning district, except the MUDD, PED, TOD-R, TOD-E, TOD-M, TS, UI, UMUD, and UR districts.

(1) Development options, which range from planting requirements to architectural treatments are proposed to lessen the impact of parking decks upon the street environment. All parking decks, unless otherwise provided, shall conform to one of the following development options:

(1a) Option A: Parking decks may be constructed to the following minimum standards indicated below and which are illustrated in Figure 12.212(a):

(a)1. Parking decks shall have a minimum setback 30 feet from the public right-of-way and must meet any more restrictive setback or other yard requirements for the district;

(b)2. A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces and a minimum 7-foot clearance throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles;

(c)3. A minimum 25-foot planting strip shall be provided between the face of the parking deck and the sidewalk. The planting strip shall be planted as follows:

- (i) Trees shall be planted at a rate of 1 tree per 30 linear feet of street frontage and shall have a minimum caliper of 2 inches measured 6 inches above

ground at time of planting;

- (ii) Evergreen shrubs meeting the requirements of Section 12.302(9)(c) shall be planted along the face of the parking deck with a maximum spacing of 5 feet on center.

~~(d)~~4. A minimum 5-foot wide sidewalk shall be provided with a minimum 6-foot wide planting strip between the sidewalk and the street.

~~(2)~~b) Option B: Parking decks may be constructed to the following standards, provided that the parking deck is architecturally treated in a manner that avoids a monolithic appearance. This should be accomplished by treating the facade of the deck as a streetwall and articulating it through a variety of building materials and finishing that gives the deck a pedestrian scale. Development standards are as follows:

~~(a)~~1. Parking decks shall be setback 20 feet (15 feet from back of curb in Neighborhood Service district) and meet all yard requirements for the district;

~~(b)~~2. A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces and a minimum 7-foot clearance throughout the remainder of the parking deck to ensure the safe movement of vehicles and emergency vehicles;

~~(c)~~3. The streetwall of the parking deck shall be treated in such a manner as to partially screen street level parking as well as to provide visual interest to the pedestrian. This can be accomplished through the use of articulated precast concrete panels, or ornamental grillwork as illustrated in Figure 12.212(b), or other means such as utilizing a variety of building materials such as brick or stone;

~~(d)~~4. If more than two floors of parking are provided above street level, the third floor above street level and higher floors must be recessed at least 20 feet from the setback of the first and second floors as illustrated in Figure 12.212(c);

~~(e)~~5. A minimum 12-foot wide planting strip shall be provided between the sidewalk and the face of the deck. The planting strip shall be planted with large maturing trees at a rate of one tree per 30 linear feet of street frontage or small maturing trees at the rate of 1 tree per 20 linear feet of street frontage;

~~(f)~~6. A minimum 5-foot sidewalk shall be provided with a minimum 6-foot wide planting strip between the sidewalk and the street; and

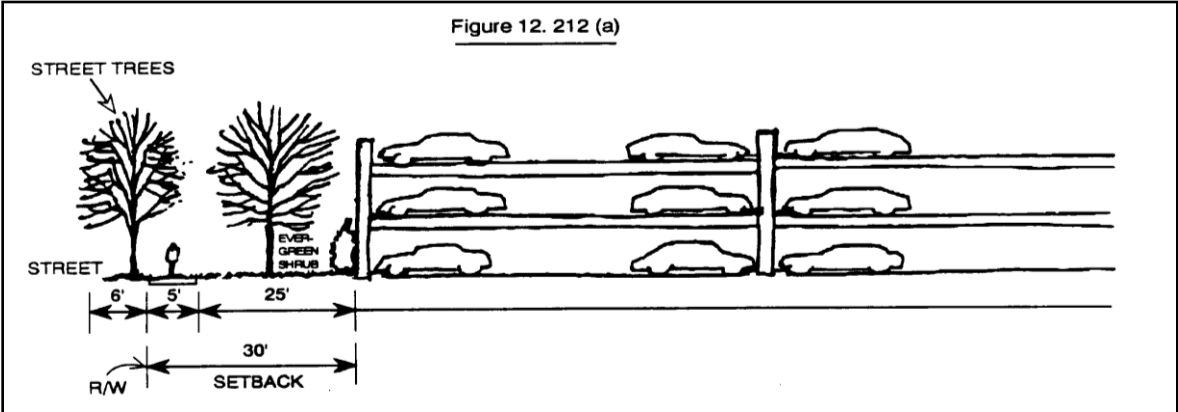
~~(g)~~7. In the Neighborhood Services district, the 15 foot setback from the back of the curb shall consist of a minimum 6 foot wide planting strip and minimum 9 foot wide sidewalk behind the planting strip as illustrated in Figure 12.212(e). The planting strip shall be planted with large maturing trees at a rate of 1 tree per 30 feet of street frontage. If overhead utilities exist which cannot be relocated or placed underground, then small maturing trees shall be used at a rate of 1 tree per 20 linear feet of street frontage.

~~(3)~~c) Option C: Parking decks may be constructed to the following standards, provided that at

least 50 percent of the street frontage of the first floor is used for retail or office use, as illustrated in Figures 12.212(d) and 12.212(e):

- (a)1. Parking deck shall be setback 20 feet (15 feet in the Neighborhood Service district);
- (b)2. A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces and a minimum 7-foot clearance throughout the remainder of the parking deck to ensure the safe movement of vehicles and emergency vehicles.
- (c)3. No more than two floors of parking are allowed above the street level use at the setback and subsequent floors shall be recessed a minimum of 20 feet;
- (d)4. A minimum 12 foot wide planting strip shall be provided between the sidewalk and the face of the deck. The planting strip shall be planted with large maturing trees at a rate of one tree per 30 linear feet of street frontage or small maturing trees at a rate of 1 tree per 20 linear feet of street frontage; and
- (e)5. In Neighborhood Services district, the 15-foot setback from the back of the curb shall consist of a minimum 6 foot wide planting strip and minimum of 8-foot wide sidewalk. The planting strip shall be planted with large maturing trees at a rate of one tree per 30 linear feet of street frontage. If overhead utilities exist and cannot be relocated or placed underground, then small maturing trees shall be used at a rate of 1 tree per 20 linear feet of street frontage.

(d) Illustrations for Option A, B, and C.



STREETWALL TREATMENT OPTIONS

Figure 12. 212 (b)

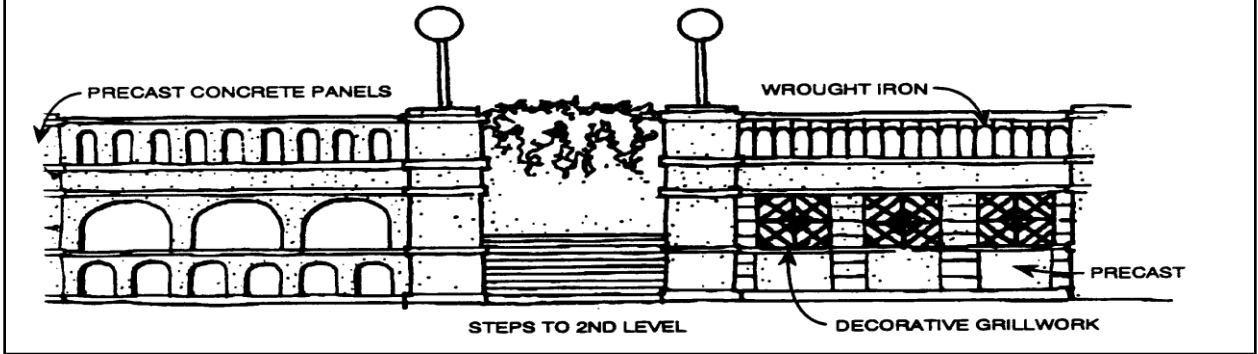


Figure 12. 212 (c)

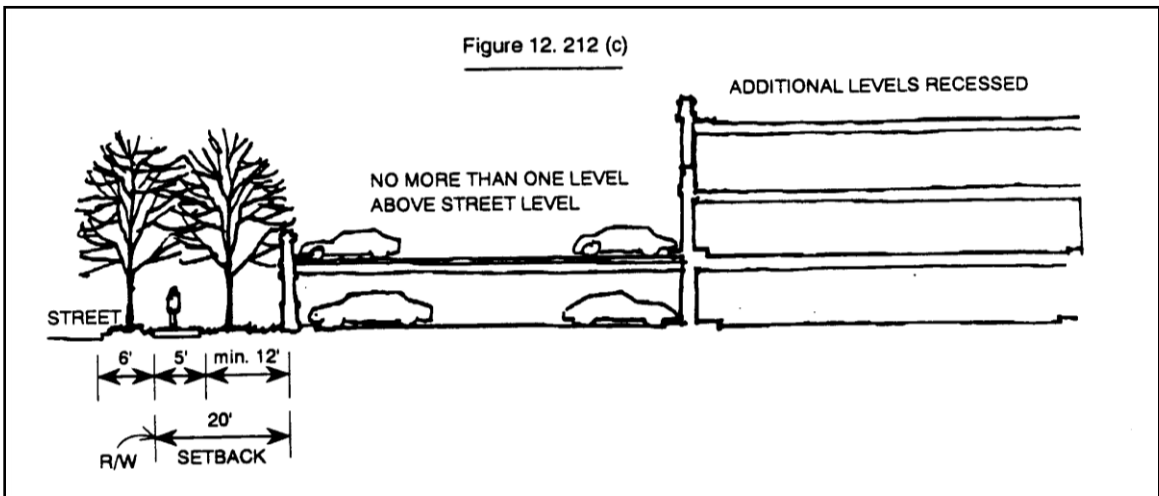


Figure 12. 212 (d)

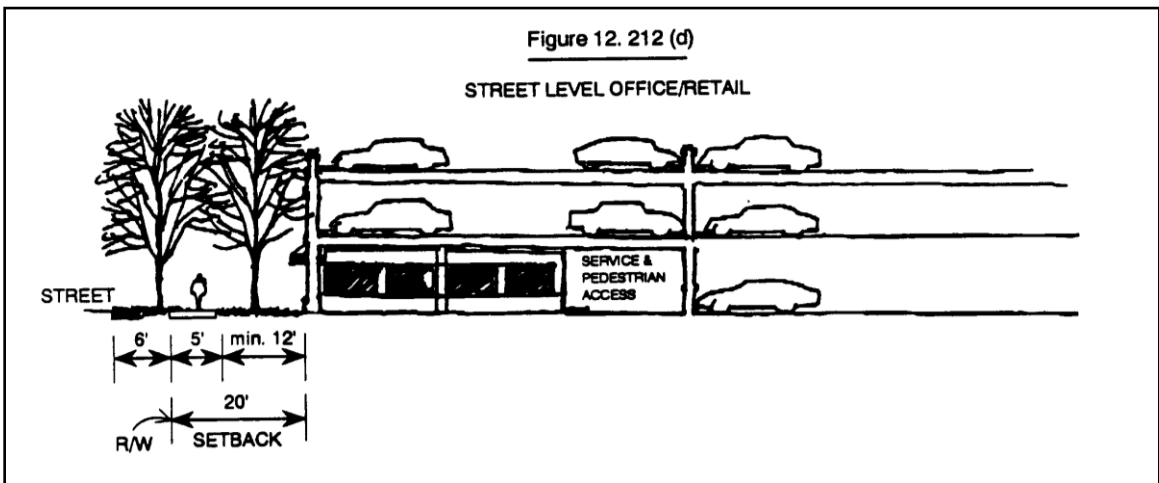
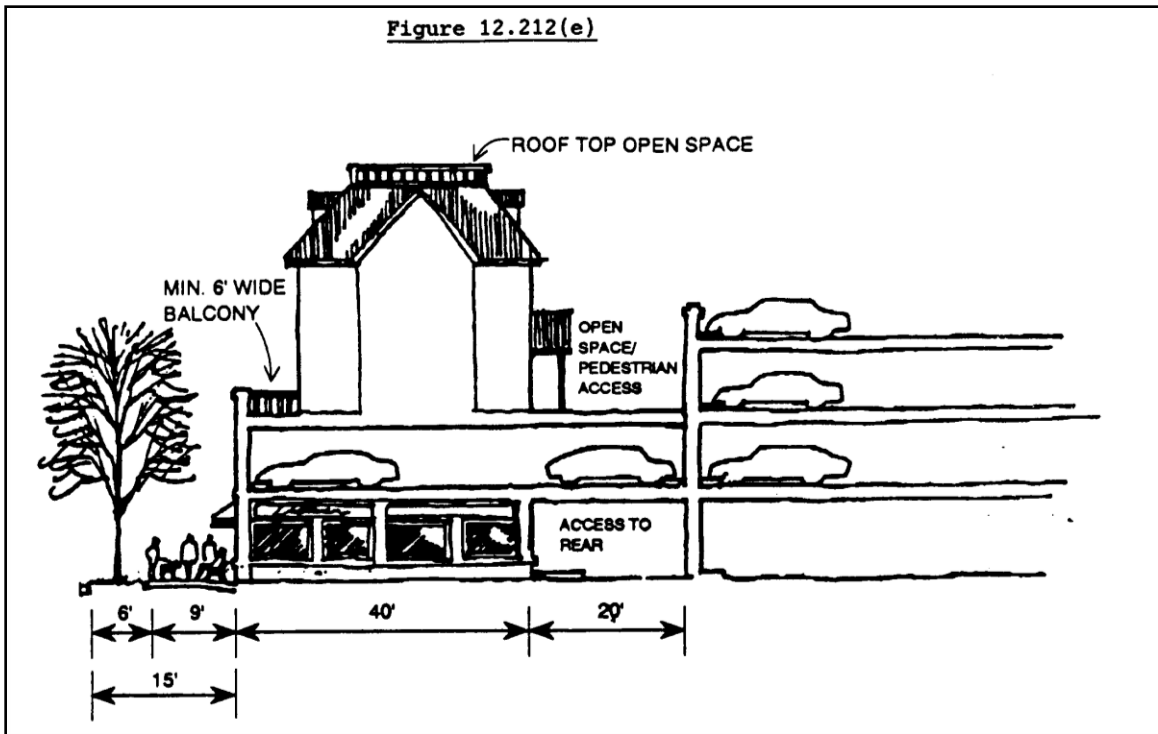


Figure 12.212(e)



(2) Parking decks constructed as an accessory use to an institutional use in a single family (R-3, R-4, R-5, R-6, and R-8) or multi-family (R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF) residential district, shall not be subject to the floor area ratio (F.A.R.) requirements provided that the parking deck meets the following standards:

- (a) The parking deck shall have a minimum setback of 50 feet from the edge of the public right-of-way;
- (b) Any required buffer shall be at least a minimum of 50 feet wide or greater, as per Section 12.302;
- (c) A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces, and a minimum 7-foot clearance throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles;
- (d) A minimum 25-foot landscaped area shall be provided between the street facade of the parking deck and the sidewalk. The planting strip shall consist of the following:
 1. Trees shall be planted at a rate of 1 tree per 30 linear feet of street frontage and shall have a minimum caliper of 2 inches measured 6 inches above ground at time of planting;
 2. Evergreen shrubs that meet the requirements of Section 12.302(9)(c) shall be planted along the street facade of the parking deck with a maximum spacing of 5 feet on center;

- (e) A minimum 5-foot sidewalk shall be provided with a minimum 6-foot planting strip between the sidewalk and the street;
- (f) The parking deck shall be designed so that motorized vehicles parked on all levels of the facility are screened from the street and from adjacent residentially zoned and/or used properties. This shall be accomplished by using decorative elements such as grillwork or louvers, as illustrated in Figure 12.212(b);
- (g) The façade of the deck adjacent to the street right-of-way or residentially zoned or used properties shall be designed with a pedestrian scale through the use of articulated precast concrete panels, decorative elements, or a variety of building materials such as brick or stone, as illustrated in Figure 12.212(b).

A parking deck shall also be exempt from the F.A.R. requirements if it meets the standards of subsections (a), (c), (d) and (e) above, and at least one of the following conditions are met:

1. The parking deck is located a minimum of 400 feet from the edge of the public right-of-way and from any vacant or residentially used property located in a single family or multi-family zoning district; or
2. The parking deck is obscured from view from the public right-of-way and any adjacent vacant or residentially used property located in a single family or multi-family zoning district by existing buildings and/or mature vegetation.

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 __ day of _____, 2010.



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

<u>DATE</u>	<u>TIME</u>	<u>PURPOSE</u>	<u>PLACE</u>
<u>FULL PLANNING COMMISSION</u>			
03-01-10	Noon	Work Session	Conference Room 267 2 nd Floor – CMGC
<u>PLANNING COMMITTEE</u>			
03-16-10	5:00 P.M.	Work Session	Conference Room 280 2nd Floor – CMGC
<u>ZONING COMMITTEE</u>			
03-18-10	5:00 P.M.	*Dinner with City Council	Conference Room CH-14 Basement – CMGC
03-18-10	6:00 P.M.	*City Rezoning	Meeting Chamber Lobby Level – CMGC
03-24-10	4:30 P.M.	Zoning Work Session	Conference Room 280 2nd Floor – CMGC
<u>EXECUTIVE COMMITTEE</u>			
03-18-10	4:00 P.M.	*Work Session	Conference Room 274 2nd Floor – CMGC
<u>OTHER COMMITTEES</u>			
03-10-10	3:00 P.M.	Historic District Commission	Conference Room CH-14 2nd Floor – CMGC
03-24-10	7:00 P.M.	MUMPO	Conference Room 267 2 nd Floor – CMGC

* **Please note:** The Zoning Committee Dinner with City Council, City Rezoning, and Executive Committee meetings have been rescheduled from March 15, 2010 to March 18, 2010, due to a scheduling conflict.

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

<u>DATE</u>	<u>TIME</u>	<u>PURPOSE</u>	<u>PLACE</u>
<u>FULL PLANNING COMMISSION</u>			
04-05-10	Noon	Work Session	Conference Room 267 2 nd Floor – CMGC
<u>PLANNING COMMITTEE</u>			
04-20-10	5:00 P.M.	Work Session	Conference Room 280 2nd Floor – CMGC
<u>ZONING COMMITTEE</u>			
04-19-10	5:00 P.M.	Dinner with City Council	Conference Room CH-14 Basement – CMGC
04-19-10	6:00 P.M.	City Rezoning	Meeting Chamber Lobby Level – CMGC
04-28-10	4:30 P.M.	Zoning Work Session	Conference Room 280 2nd Floor – CMGC
<u>EXECUTIVE COMMITTEE</u>			
04-19-10	4:00 P.M.	Work Session	Conference Room 266 2nd Floor – CMGC
<u>OTHER COMMITTEES</u>			
04-14-10	3:00 P.M.	Historic District Commission	Conference Room CH-14 2nd Floor – CMGC

Charlotte-Mecklenburg Planning Department

FY2010 Community Outreach Presentations

#	Date	Presentation	Staff
1	01/13/10	Center For Retailing Excellence (CRE) Luncheon - Creative Thinkers Awards	D. Campbell
2	01/23/10	Alpha Teen Academy (Alpha Phi Alpha) - What is City Planning?	J. Howard
3	01/28/10	Community Charter School-History of Cherry & the Morgan School	J. Howard
4	01/26/10	Empowerment Zone Ribbon-Cutting for Pressley Ridge	D. Campbell
5	01/26/10	CMS Academic Internship Program - Overview of Charlotte Engineering Projects	S. Basham
6	01/27/10	Urban Land Institute (ULI) Panel	D. Campbell
7	02/01/10	Centers, Corridors & Wedges Growth Framework - General Development Policies & the City's Sustainability Policy	G. Johnson
8	02/02/10	Urban Land Institute Study Panel-Lake Norman Transportation Commission	B. Cook
9	02/03/10	Centers, Corridors & Wedges Growth Framework - General Development Policies	G. Johnson
10	02/05/10	Eastland Area Strategies Team – Eastland Area Plan Implementation Initiatives	K. Main
11	02/09/10	NFBPA Black History Month Program Series -	D. Campbell
12	02/09/10	Neighborhood Alliance Committee of the Greater Charlotte Apartment Association - Opportunities/Challenges in Mapping Neighborhood Associations	B. Suttle
13	02/12/10	2020 Plan Workshop City Planning & Building for IB Curriculum	J. Dhindaw
14	02/17/10	NFBPA Black History Month Program Series - Health in our Community	D. Campbell
15	02/18/10	Greater Galilee Baptist Church and Wilmore Neighborhood Association Meeting	D. Campbell
16	02/19/10	2020 Plan Workshop City Planning & Building for IB Curriculum	J. Dhindaw
17	02/22/10	Charlotte-Mecklenburg Council on Aging - MUMPO 101	R. Cook
18	02/23/10	NFBPA Black History Month Program Series - The Black Family	D. Campbell
19	02/26/10	2020 Plan Workshop City Planning & Building for IB Curriculum	J. Dhindaw

**Charlotte-Mecklenburg Planning Commission
Executive Committee Meeting Minutes
January 19, 2010 – 4:00 p.m.
Room 266**

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

Commissioner Absent: None

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

The meeting was called to order at 4:08 p.m.

Approval of December 21, 2010 Executive Committee Meeting Minutes

A motion was made by Commissioner Locher and seconded by Commissioner Randolph to approve the December 21, 2010 Executive Committee minutes. The vote was 4-0 to approve.

Follow-Up Assignments

Zoning Ordinance Parking Standards & Center City Parking Study Presentation

The Chairperson asked Cheryl Neely if the Commissioners submitted follow up questions from the January 11, 2010 parking presentations. Ms. Neely replied that she had not received any questions from Commissioners. The Committee decided to place this item on the March work session agenda for follow-up discussion. Chairperson Rosenburgh asked Ms. Neely to send the parking presentations from the January work session to the Commission closer to the date of the March work session, for review and comment.

The Planning Director explained that the purpose of the parking standards presentation was to provide an overview of the standards and to update the Commission on the work that the Planning Department is doing. She clarified that staff is not recommending a change in parking standards. The presentation included a traditional approach to parking and parking standards for urban districts. She further explained that the challenge is what does the Commission do with this information.

Chairperson Rosenburgh responded that concerns stem from institutional uses, and interest from the public, Planning Commissioners and City Council. He stated that parking is an issue with institutional uses and asked how can the Commission be proactive when dealing with these issues, especially as the community continues to become more urban. Vice-Chairperson Johnson agreed and would like for the Commission to assist staff in addressing this challenge. The Chairperson suggested that maybe the study could focus on specific areas.

The Planning Director explained that zoning standards have been modified in transit station and urban areas. However, the majority of zoning districts have different standards based on the use

and it is difficult to regulate parking based on a geographical area. She suggested that there be further discussions to determine if parking is problematic.

Ms. Campbell informed the committee that staff is working on parking for institutional uses in residential areas. She asked Katrina Young to inform the Committee of the work staff is doing with the Floor Area Ratio (FAR) text amendment. Ms. Young noted that the Floor Area Ratio stakeholders group is addressing the parking issue in single family and multifamily districts. The recommendation is not to count parking decks against the floor area ratio requirements. This will help get the traffic off the street and onto the site.

Commissioner Randolph commented that there has been interest among churches to buy land and tear down houses to create surface parking and suggested that parking decks will not solve the problem. Chairperson Rosenburgh agreed that parking decks do not solve the problem, but having the parking deck not count toward FAR helps with parking issues.

The Planning Director stated that the challenge with institutional uses in residential areas is more about the minimum requirements in the Zoning Ordinance. Generally churches meet these requirements, but as churches expand they desire to have parking located closer to the sanctuary. As expansions occur they assemble land for parking.

Planning Director Campbell explained that Greater Galilee might be a unique situation. The church has been located in an area surrounded by residential development and have parked on residentially zoned property for years. They were cited for being in violation and wanted to correct their situation by rezoning to a classification to help them conform. In addition, they decided to build a new sanctuary and thought they would have to go through the rezoning process once. The Planning Director cautioned the Commission to make a distinction as to whether this will be applied across the board for all churches or determine if Greater Galilee has a unique situation.

Chairperson Rosenburgh noted that parking on residential lots is perhaps unique, but the concept of expanding facilities in an urban area is not. He noted that many times parking decks are not affordable, unless the development is urban and will have the volume to warrant the expense. The Planning Director responded that she just wants to ensure that the problem is clearly defined.

Commissioner Randolph referenced Mount Sinai Baptist Church on West Boulevard. They have been trying to make parking work for the past twelve years and have gone through all the proper channels, but have still struggled. On the other hand, Myers Park Presbyterian Church can buy land across the street for parking. However, not all churches are able to afford to do this. Commissioner Randolph agreed with the Chairperson that churches are going to expand and thought the Commission should consider how to help them.

Chairperson Rosenburgh noted that the Commission had presented their concerns and will await a response from staff at February's work session.

The Planning Director explained that she wants everyone to understand that we have moved from singling out the problem as a parking standard issue to a broader issue of how we support the expansion of institutional uses in residential areas. She noted that two years ago there was neighborhood concern regarding too much expansion of institutional uses in residential

neighborhoods. Chairperson Rosenburgh responded and confirmed that the official issue is examining parking as it affects institutional expansion in residential neighborhoods.

Heights in Residential District (HIRD) Text Amendment

The Executive Committee agreed that the full Commission should review and provide input on the HIRD text amendment. Chairperson Rosenburgh inquired about the filing period. The Director responded that staff will present the text amendment at the February work session and ask to file, resulting in an April public hearing. The Chairperson asked Cheryl Neely to send the HIRD January work session presentation to the full Commission for review, asking them to submit questions/comments to her.

Chairperson Rosenburgh asked what process the full Commission would use to provide input. The Planning Director explained that this text amendment would follow the rezoning process and will go to the Zoning Committee for review. She suggested that the full Commission provide input prior to going to the Zoning Committee. Commissioner Randolph recommended having a parallel process so that staff could complete the filing process and Commissioners could share their concerns at the same time.

The Executive Committee voiced concern over the proposed Heights in Residential District text amendment and the filing process. The Planning Director explained that the text amendment is the result of a City Council directive and staff will file by way of that directive in late January. The full Commission could have discussion at the February work session and the Zoning Committee would discuss in April.

Chairperson Rosenburgh had concerns about filing the text amendment prior to Commissioners reviewing it and having an opportunity to submit recommended changes. The Planning Director clarified that the Commission could recommend changes after the filing and prior to the public hearing. She reminded the Committee that's what happened during the Brevard Street text amendment process. The Chairperson asked when the text amendment would be available to the public. The Planning Director responded that the text amendment will be available on the website in mid February, after the assignment of a petition number.

The Planning Director noted that her concern is that the text amendment has been through the stakeholder process and the full Commission's review in February is not official. Any recommended changes to the text would probably not occur at that time. She explained that staff would note the full Commission's issues and share them along with the development community and property owner's concerns at the public hearing and during the Zoning Committee review in April.

The Director asked the Executive Committee what is the desired outcome of having the full Commission review this text amendment. Is it to ensure that issues and concerns carry over to April or is it that the Commission has a range of concerns that involves the full Commission not just the Zoning Committee?

Chairperson Rosenburgh noted that Commissioners believe that their comments may carry more weight than those of the general public and would like to have the opportunity to discuss issues with staff prior to the document becoming public.

The Planning Director responded that staff has completed a public process and the stakeholders agreed to the recommendations. She restated that the appropriate time to make changes is through the rezoning process, not incrementally based on conversations with various groups. The Chairperson agreed, but noted that additional dialogue needs to take place because it is a conceptual issue and he wants the process to give everyone an opportunity to express their concerns. The Planning Director reiterated that the Commission's issues would be presented during the public hearing/adoption process.

Chairperson Rosenburgh asked for clarification as to what would happen if the department did not agree with the Commission's recommendations. The Director explained that all recommendations would go forward to Council and they would make the final decision.

Vice-Chairperson Johnson asked if the Zoning Committee agenda packet will include the full Commission's comments. The Chairperson asked if the Planning Commission could note its recommendations to the Zoning Committee because there will be recommendations from stakeholders, staff, the full Commission and the public. Commissioner Randolph commented that typically interested parties try to influence each other by making suggestions or comments prior to meetings.

The Planning Director responded that in most instances comments are listed as outstanding issues and a source is not assigned. However, in some instances concerns are strategically identified to let Council know that staff did listen to the issues of a certain group, such as the development community, although staff may not agree with the issues.

Katrina Young explained that graphics have been added to help clarify the technical text. The Planning Director added that staff's goal is to simplify the Zoning Ordinance and make it more user friendly. She noted that as a part of the text amendment process a visual aide will be included to assist nonprofessionals in understanding the intent of proposed changes.

Public Input Process/Stakeholder Group Meetings

The Chairperson informed the Committee that a number of Commissioners inquired about opportunities to provide input in stakeholder processes. He explained that due to concerns that Commissioners may impact the process by influencing stakeholder participation, they were asked not to speak at these meetings.

Chairperson Rosenburgh requested a list of scheduled stakeholder meetings so that Commissioners can be assigned as representatives. The Planning Director referenced the stakeholder groups underway related to text amendment changes, i.e. Single Family Residential Design Standards (RDS), Floor Area Ratio for Institutional Uses (FAR), and Height in Residential Districts (HIRD). She explained that the stakeholder processes for these groups are nearing completion, and it is too late in the process for Commissioners to become actively engaged. However, she suggested that Commissioners attend the upcoming public meetings.

The Chairperson asked Commissioner Locher to attend the FAR stakeholder's group meeting. The Planning Director noted that the last stakeholder's meeting is Thursday, January 21, 2010. Vice-

Chairperson Johnson stated that if Commissioner Locher is not available that she would ask a Planning Committee member to attend.

The Chairperson asked if any other stakeholder processes are being initiated. The Director responded that staff is working to complete several processes that are well underway.

Vice-Chairperson Johnson mentioned the Centers, Corridors, and Wedges meeting scheduled for January 26, 2010 and noted that she would ensure that a Planning Committee member attends.

She also inquired about the completion of the RDS stakeholder process. The Planning Director responded that final recommendations for RDS have been made, but an additional meeting will be held to respond to stakeholder concerns.

The Chairperson noted that the Commission's goal is to ensure representation at stakeholder meetings.

February Work Session Agenda Items

The Committee discussed the February work session agenda and Chairperson Rosenburgh asked if there is enough time to discuss Parking Standards and the HIRD text amendment. The Planning Director noted that it depends on whether the Committee wants to handle the HIRD text amendment as a full Commission or within the normal process by the Zoning Committee. The Executive Committee agreed that there is enough interest regarding the proposed HIRD text amendment to discuss as a full Commission. The Planning Director reminded the Committee that staff would request to file the proposed HIRD text amendment at the February work session.

The Planning Director noted that staff would also ask to file the Special Event Off-Street Parking text amendment. Sandy Montgomery explained that this text amendment is to permit special event parking in Uptown and stated that it will not be used for Commercial parking.

Future Work Session Agenda Items

The Executive Committee rescheduled the Zoning Ordinance Parking Standards follow-up discussion to the March 2010 agenda. The Planning Director noted that the March agenda would also include an update on the North Tryon Area Plan and the Tree Ordinance.

Approval of Meeting Schedules

The Committee approved the February and March 2010 meeting schedules.

Following completion of agenda item discussion, the meeting topics focused on these topics:

- **Rules of Procedure – Meeting Quorum Requirements**

The Chairperson asked if the rules of procedure could be amended to include a formal process for establishing a quorum for meetings. Commissioner Randolph mentioned that other municipalities utilize alternates to fill-in when Commissioners cannot attend meetings. The Planning Director responded that the Interlocal Agreement does not include a requirement for alternates or require that a certain number of Commissioners attend public hearings. She noted that public hearings are a part of planning processes, but are not official meetings for the Planning Commission.

The Planning Director recommended amending the Rules of Procedure to formalize a process for establishing quorums. Chairperson Rosenburgh asked that staff look at the process and make a recommendation to the Executive Committee at their next meeting.

- **Historic District Commission (HDC)**

The Chairperson informed the Committee that Commissioner Griffith has agreed to continue in her role as the HDC representative until June 2010. The Planning Director noted that she has a recommendation for the position, whenever the Chairperson is ready to appoint a representative.

- **Committee Rotations**

The Chairperson mentioned that a number of Commissioners are nearing completion of their two-year term on committees. He decided to wait until June to make adjustments as needed.

Adjournment

The meeting adjourned at 5:08 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 **Thursday, the 18th day of March 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) with 5-Year Vested Rights for approximately 4.71 acres located along West 6th Street and North Sycamore Street. **Petitioner: Sycamore I, LLC.**

Petition 2010-019 Change in zoning from R-22MF to O-2 for approximately .60 acres located on the east side of Eastway Drive near the intersection of Weldon Avenue and Citiside Drive. **Petitioner: Betty S. Tiece by Pamela Tiece Rhynes, POA.**

Petition 2010-020 Change in zoning from R-3 to O-1(CD) for approximately 1.32 acres located on the north side of Pineville-Matthews Road between Carmel Executive Park and Bannington Road. **Petitioner: Duke Energy Corporation.**

Petition 2010-023 NS SPA and UR-2(CD) SPA (site plan amendment) for approximately 9.06 acres located on the west corner of Ardrey Kell Road and Marvin Road. **Petitioner: RED Partners.**

Petition 2010-026 Text Amendment- To add Special Event off street parking or non-construction staging as a principal use allowed with prescribed conditions in the UMUD Zoning District in the Zoning Ordinance. **Petitioner: Charlotte-Mecklenburg Planning Commission.**

Petition 2010-029 UMUD-O SPA (site plan amendment) for approximately 0.54 acres located on the northern corner at the intersection of South Caldwell Street and East 3rd Street. **Petitioner: James Small.**

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 **Monday, March 15, 2010.**

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm 280
February 24, 2010
4:30 P.M.

	1. Petition No. 2009-050 by Mt. Tabor Community Development Corporation for a change in zoning of approximately 1.89 acres located on Sardis Road across from Wilby Drive from R-3 to INST(CD).
	2. Petition No. 2010-011 by Steele Creek (1997) Limited Partnership for a change in zoning of approximately 82.60 acres located on the south side of Dixie River Road and north of Steele Creek Road from R-3, BP(CD), CC and O-2(CD) all in the (LLWPA) to CC SPA, CC and I-1(CD) all in the (LLWPA).
	3. Petition No. 2010-012 by Sree Hotels, LLC for a change in zoning of approximately 0.32 acres located on the west side of Little Rock Road between Interstate 85 and Keeter Drive from I-2 to I-1.
	4. Petition No. 2010-013 by Roger and Perina Stewart for a UR-3(CD) site plan amendment for approximately 0.68 acres located at the north intersection of Belmont Avenue and Allen Street.
	5. Petition No. 2010-014 by City of Charlotte for a change in zoning of approximately 1.05 acres located on the south side of the intersection at North Tryon Street and East 5 th Street from UMUD-O to UMUD-O SPA.
	6. Petition No. 2010-015 by City of Charlotte for a change in zoning of approximately 2.74 acres located on the north corner of the intersection at North Tryon Street and West 6 th Street from UMUD-O to UMUD-O SPA.
	7. Petition No. 2010-016 by Public Library of Charlotte & Mecklenburg County for a change in zoning of approximately 2.79 acres located at the western corner at the intersection of East 7 th Street and North Brevard Street from UMUD to UMUD-O.
	8. Petition No. 2010-017 by Public Library of Charlotte & Mecklenburg County for a change in zoning of approximately 1.31 acres located along the south side of North Tryon Street between East 6 th Street and East 7 th Street from UMUD to UMUD-O.
	9. Petition No. 2010-018 by Mecklenburg County for a change in zoning of approximately 1.55 acres located along North College Street between East 6 th Street and East 7 th Street from UMUD to UMUD-O.
	10. Petition No. 2010-024 by Freedom Drive Development Association for a change in zoning of approximately 0.28 acres located on the northwest corner at the intersection of Freedom Drive and West Morehead Street from B-1(PED) to B-1(PED-O).

**Charlotte-Mecklenburg Planning Commission
Planning Committee Meeting Minutes
CMGC – Uptown Conference Room
January 19, 2010 – 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: Crissy Huffstickler, Melony McCullough, Alysia Osborne, Kent Main, Kathy Cornett and Dan Thilo

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 November 19, 2009 meeting. The vote was 6-0 to approve the minutes.

Area Plan Status and Meeting Report

Chairperson Johnson stated that this meeting will focus on updates from commissioners on the areas plans to which they have been assigned. She noted the availability of staff to answer questions. The chairperson reminded the commissioners that the committee agreed to attend area plan meetings to be aware of issues before the plan development and adoption process. She reminded them that their role is to monitor the process and they are not to speak at meetings; however, they may share concerns with staff.

Center City 2020 Vision Plan

Commissioner Finch-Dodson currently serves on the Zoning Committee but is assigned to this area plan. Commissioners Locher and Lipton serve on the Urban Living Committee for this process.

Dan Thilo, Planning staff, gave a brief overview of the Center City 2020 Vision planning process and outlined key process steps. A consultant has been hired to lead the process. Approximately 300 people attended a community workshop in October and 42 people attended a steering committee meeting in November. A second community meeting is scheduled for March 31st and a community workshop will be held in June. More detailed information is available at www.CenterCity2020.com.

Catawba Area Plan

Melony McCullough, Planning staff, shared information on the Catawba Area planning process. She reminded the commissioners of their recent tour of the plan area and shared that the next public meeting will be held in March. The Committee will be asked to receive public comments on the plan in March or April.

Elizabeth Area Plan

Commissioner Lipton gave an update on the Elizabeth Area planning process. She stated that the Elizabeth Community expressed concerns during the Centers, Corridors, and Wedges planning process about being identified as a corridor and about expansion plans for Central Piedmont Community College and Presbyterian Hospital. She noted differences among key property owners, developers, and the community association on several issues. She shared that staff will use a café and coffee land use exercise at the next advisory group meeting to address land use issues in the area.

Commissioner Lipton stated that there have been 4 stakeholder meetings to date and the next CAG group meeting is scheduled for February 3rd. Commissioner Fallon asked if there is concern about how fast the hospital is growing. Commissioner Lipton stated that there are a number of unresolved issues and some issues may not be resolved by this process.

North Tryon Area Plan

Commissioner Phipps gave an update on the North Tryon Area Planning process. He recapped the Committee's tour of the plan area in November and referred to Kent Main, Planning staff, to provide additional information. Mr. Main stated that a public meeting is scheduled for February 2nd at Hope Haven and the Planning Committee will be asked to receive public comments on February 16th. The draft document is available on the Planning Department's website and will be included in the February agenda packet. Commissioner Phipps asked who the stakeholders are for this plan. Mr. Main said the group includes representatives from business associations, neighborhood organization leaders, and others with an interest in the area.

Steele Creek Area Plan

Commissioners Locher and Fallon are assigned to the Steele Creek Area planning process. Commissioner Locher stated that he attended three meetings. He noted the diversity of uses within the general area which includes residential, retail, and industrial land uses as well as a number of state highways. Commissioner Fallon added that the area is faced with challenges similar to those of other suburban areas such as quality housing.

University Research Park

Commissioner Lipton stated that the lack of a central planning or marketing group for the University Research Park is a major challenge. Ms. Kathy Cornett, Planning staff, added that a charette and public meeting will take place in February. Commissioner Fallon suggested that more community outreach to area residents is needed. Ms. Cornett stated that consideration is being given to introducing a small residential land use component.

Independence Boulevard Area Plan

Ms. Alysia Osborne, Planning staff, gave an update on the Independence Boulevard Area planning process. She noted that Mayor Foxx and North Carolina Secretary of Transportation Conti requested that a joint task force of City and State staff be formed to evaluate the current transportation project along Independence Boulevard. The goal of the task force is to find ways to minimize the impacts that the road project will have on access and businesses along the corridor. The task force work will be complete by March 11, 2010. Commissioner Lipton asked if the vision is for Independence Boulevard to be a freeway and how does that impact BRT along the corridor and the land use plan's transit-oriented development recommendations. Ms. Osborne replied by stating that the task force work will reconsider the rapid transit decisions for Independence; however, CATS and CDOT staff members are on the team to represent that perspective.

Centers, Corridors, and Wedges Growth Framework

Chairperson Johnson stated that a Planning Commission Task Force recommended that Planning Committee members be assigned to area plans as they are being developed. However, all commissioners should be involved in the process for policy documents and attend the meetings. All commissioners are expected to attend the CCW Growth Framework Policy meeting on Tuesday, January 26th at 6:00 p.m.

Floor Area Ratio Text Amendment

Chairperson Johnson asked for volunteers to attend the Floor Area Ratio Stakeholder's group meeting on Thursday, January 21st from 6:00 p.m. – 8:00 p.m. in room 267. Commissioner Lipton asked why volunteers are needed to attend this meeting since it is late in the process. Chairperson Johnson responded that Chairman Rosenburgh asked that a Planning Commission representative attend this meeting. Commissioner Locher stated that he could possibly attend, but may not be able to attend the entire meeting. Chairperson Johnson suggested that she contact Zoning Committee members about attending and follow up with Commissioner Locher if he needs to attend.

Heights In Residential Districts (HIRD) Text Amendment

Chairperson Johnson informed committee members that Cheryl Neely will forward the HIRD PowerPoint from the January 11, 2010 Planning Commission work session. She asked everyone to review this information and forward any questions or comments to Cheryl Neely. Ms. Neely will compile the comments for discussion at the February 1, 2010 Planning Commission work session.

Adjourn

The meeting adjourned at 6:05 p.m.

Charlotte Historic District Commission Update

February 24, 2010

At their February 10, 2010 meeting, the Charlotte Historic District Commission made the following rulings on Applications for Certificates of Appropriateness.

- | | | |
|----|---|---|
| A. | 1465 Haywood Court, Plaza-Midwood Local Historic District
Demolition of Existing House | Approved |
| B. | 928 East Park Avenue, Dilworth Local Historic District
Conceptual Review of New Construction – Single Family House | Approved in Concept |
| C. | 303 Settlers Lane, Fourth Ward Local Historic District
Installation of Front Planter | Approved |
| D. | 1156 Linganore Place, Dilworth Local Historic District
Small Rear Addition & Installation of New Windows | Approved |
| E. | 1404 Pecan Avenue, Plaza-Midwood Local Historic District
Second Floor Addition | Approved in Concept,
Final Approval to Staff |
| F. | 1416-1418 West Fourth Street, Wesley Heights Local Historic District
Demolition of Existing Duplex | Delayed 365 Days |
| G. | 1420-1422 West Fourth Street, Wesley Heights Local Historic District
Demolition of Existing Duplex | Delayed 365 Days |

HDC Leadership and Planning Commission Member Discuss Communication Strategy

On February 23, a meeting was held to discuss the communication strategy used between the Historic District Commission and the property owners in the City's five designated Local Historic Districts. The Chair and Vice-Chair of the HDC, Planning Commissioner Nina Lipton, HDC and Planning Commission member Lucia Griffith, HDC Staff members John Rogers and Wanda Birmingham, Planning Department Assistant Director Laura Harmon and Senior Assistant City Attorney Mujeeb Shah-Khan met to discuss ways to improve dialogue between the HDC and the districts. A number of ideas were discussed, and this will be among the topics covered at an HDC Retreat in the late Spring of this year.

Proposed Wilmore Local Historic Survey & Research Report to be presented to the Historic District Commission

At the March 10th HDC meeting, the Commission will review the Survey & Research Report on the Proposed Wilmore Local Historic District. Should the HDC vote to endorse the creation of this new Historic District, the report will be forwarded to the State Historic Preservation Office for review and comment. The Wilmore Neighborhood Association has filed a revised rezoning petition for the designation, and the joint City Council/Planning Commission Zoning Committee Public Hearing is scheduled for April 19th.