

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

Planning Commission

May 3, 2010
work session

Charlotte-Mecklenburg
Government Center

Room 280
5:00 pm

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-stroke texture. The bands are layered and overlap each other, creating a sense of depth and movement.

Agenda

**CHARLOTTE-MECKLENBURG PLANNING COMMISSION
MONDAY, MAY 3, 2010
CONFERENCE ROOM 280 – 5:00 P.M.**

AGENDA

CALL TO ORDER & INTRODUCTIONS

Stephen Rosenburgh

ADMINISTRATION

Approval of Planning Commission Minutes

Attachment 1

Approve the April 5, 2010 Work Session Minutes

POLICY

Text Amendments

Information Pillars

Sandy Montgomery

Background: The purpose of this text amendment is to modify the regulations for information pillars and associated signage.

Attachment 2

Action: Planning staff is requesting permission to file.

Pet Services Text Amendment

Sandy Montgomery

Background: This text amendment adds language to reflect a wide range of activities and uses as they relate to household pets.

Attachment 3

Action: Planning staff is requesting permission to file.

TOD Rezoning

Kent Main

Background: Petition No. 2010-039 - TOD-M rezoning to change existing zoning from I-2 to TOD-M. Site is approximately .056 acres located on the northeast corner of W. Bland Street and Winnifred Street.

Attachment 4

Action: Planning staff is requesting permission to file rezoning.

INFORMATION

Planning Director's Report

Debra Campbell

May/June 2010 Meeting Schedules

Attachment 5

Planning Department's Public Outreach Presentations

Attachment 6

Committee Reports

Executive Committee

Stephen Rosenburgh

- February 15, 2010

Attachment 7A

- March 18, 2010 Approved Minutes

Attachment 7B

Future Agenda Items

- HIRD Text Amendment (June)
- Elections of FY2011 Officers (June)
- CATS Quarterly Update (June)
- Planning Director's Extended Report (July)
- Capital Improvement Plan (Fall 2010)

Zoning Committee

- Public Hearings
- Zoning Committee Agenda

Stephen Rosenburgh

Attachment 8

Attachment 9

Planning Committee

- March 16, 2010 Approved Minutes

Yolanda Johnson

Attachment 10

Historic District Commission

- April 14, 2010 Meeting Update

Lucia Griffith

Attachment 11

Nominating Committee

- FY2011 Slate of Officers

Stephen Rosenburgh

Communication from Chairperson

Stephen Rosenburgh

POLICY

Centers, Corridors, and Wedges (CCW) Growth Framework

Background: The full Commission will review and forward a recommendation to City Council.

Action: Hear citizen comment on the draft Centers, Corridors, and Wedges Growth Framework.



Administration

**CHARLOTTE-MECKLENBURG PLANNING COMMISSION
MONDAY, APRIL 5, 2010
CONFERENCE ROOM 267 – 12:00 NOON
MINUTES**

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

Commissioners Absent: Emma Allen and Lucia Griffith

Planning Staff Present: Debra Campbell (Planning Director), Zenia Duhaney, Shannon Frye, John Howard, Garet Johnson, Laura Harmon, Cheryl Neely, and Sandy Montgomery

Other Staff Present: Terrie Hagler-Gray (City Attorney's Office)

Call to Order

The Chairperson called the meeting to order at 12:06 p.m.

Approval of March 1, 2010 Work Session Minutes

Commissioner Phipps made a motion, seconded by Commissioner Simmons to approve the February 1, 2010 work session minutes. The vote was 12-0 to approve.

Rules of Procedure

The Chairman indicated that new language had been added to the "Rules of Procedure" to formalize the process of selecting alternates for committee meetings. Commissioner Lipton noted that the proposed changes document the process that the Commission has been following. If the committee is unable to establish a quorum on a regularly scheduled meeting day, the Chairperson of the Commission has the authority to assign temporarily an alternate to fill-in for absent Commissioners.

Commissioner Simmons noted that the new language implies that although absent Commissioners may have already informed staff and/or the Chairperson of their absence, the Chairperson may contact Commissioners if a quorum is needed.

Commissioner Lipton made a motion, seconded by Commissioner Fallon to approve the new language added to page 4, Section 3 of the "Rules of Procedure". The proposed language formalizes the process of obtaining a quorum when Commissioners are unable to attend regularly scheduled meetings. The vote was 12-0 to amend the "Rules of Procedure".

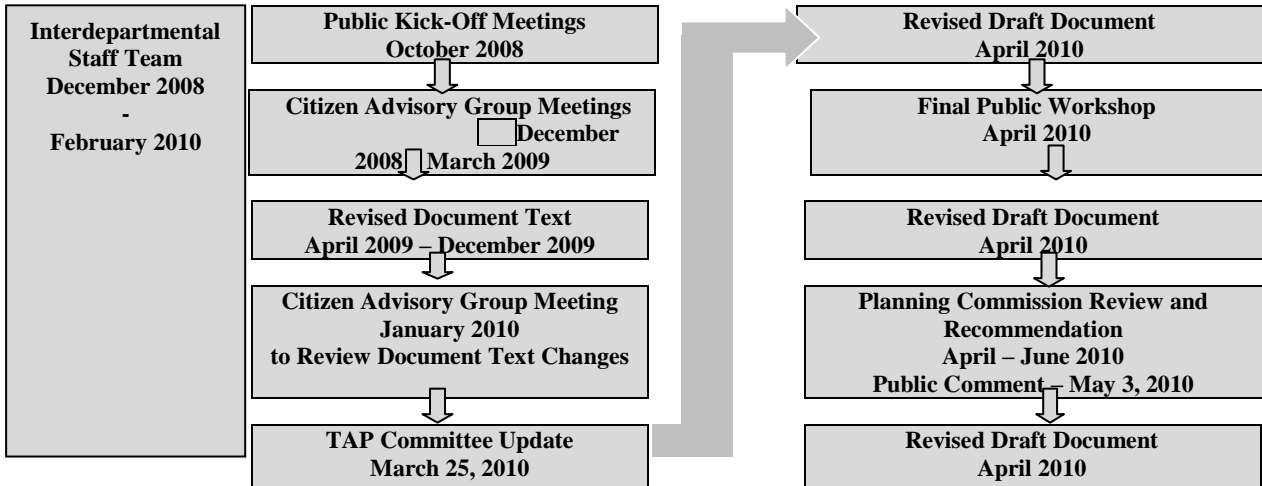
POLICY

Centers, Corridors, and Wedges (CCW)

Assistant Director Garet Johnson presented an update on the CCW Growth Framework. The framework identifies three geographies, which include activity centers, growth corridors, and wedges. It outlines desired characteristics of future development in each of these areas and is the vision for future growth and development in Charlotte.

City Council originally endorsed the CCW in the 1990s, but since then a lot has changed both demographically and economically. Currently, Planning staff is working on updating the framework to address growth trends and to provide additional definition and guidance.

The process begun in 2008 and has followed the schedule below:



Assistant Director Johnson added that there have been major revisions to the document including the addition of graphics and new language. A draft of the document will be available in a couple of weeks.

Assistant Director Johnson noted that Commissioners Emma Allen, Steven Firestone, Lucia Griffith, Yolanda Johnson, Nina Lipton, Eric Locher, Joel Randolph, and Wes Simmons attended one or more of the public workshops or Citizen Advisory Group meetings. She asked Commissioners if staff missed adding any Commissioner to the list of attendees. Commissioner Fallon responded that she also had attended the meetings. Ms. Johnson stated that Commissioner Fallon would be added to the roster of attendees.

Ms. Johnson explained the highlights of the changes made to the CCW based on Advisory Group feedback and noted the following:

- Clarified that “Centers, Corridors, and Wedges” provide a vision for future growth and development in Charlotte and rely on more specific plans and polices for specific land use recommendations
- Indicated that the primary intent of the document is to provide a foundation for more detailed plans, policies and regulations
- Clarified that amount, type and intensity of development is determined by applicable area plan
- Revised the goal statement and guiding principles to be more “forward thinking” and include the concept of sustainability
- Clarified similarities and differences between “centers” in GDP and Mixed Use Activity Centers
- Redefined Corridors to reflect positive characteristics and refined Corridor text to indicate that Corridors link land uses together, instead of dividing
- Introduced a fourth Corridor subarea – Established Neighborhoods

Assistant Director Johnson indicated receiving negative feedback about the Corridors and how they are defined. She noted that a group of students was asked about living in the Corridors. Many responded that they would prefer not to live in the Corridors. This response along with other negative feedback led staff to analyze the text further, especially with the Citizens Advisory Group. As a result, staff changed the definition of the Corridors to focus on aspects that are more positive and added the subarea “Established Neighborhoods”.

Although most of our neighborhoods are in the Wedges, there are a few neighborhoods located within the Corridors. This means preserving those areas as well and noting that because these areas are in the Corridors does not mean that we treat them as places that need to be intensified or changed.

Assistant Director Johnson further explained why Charlotte needs a growth framework. Charlotte’s population has grown more than 140% between 1980 and 2010. The expectation is that Charlotte will add 280,000 more people and 320,000 more jobs by 2035. Changing conditions in Charlotte include:

| | |
|--|--|
| <ul style="list-style-type: none"> • Redevelopment becoming more common | <ul style="list-style-type: none"> • Affordable housing is increasingly challenging |
| <ul style="list-style-type: none"> • Demographic changes leading to different housing needs | <ul style="list-style-type: none"> • Need for new infrastructure continues to grow as upgrading and repair of existing infrastructure becomes more important. |
| <ul style="list-style-type: none"> • Environmental considerations included in development | |

The Assistant Director noted that Charlotte’s original goal statement has been updated and states the following:

- Charlotte will continue to be one of the most livable cities in the country, with a vibrant economy, a thriving natural environment, a diverse population, and a cosmopolitan outlook.
- Charlotteans will enjoy a range of choices for housing, education, entertainment, and employment. Safe and attractive neighborhoods will continue to be central to the City’s identity and citizen involvement key to its viability”.

The CCW growth framework will be used as a foundation for the development of more detailed plans, and regulations. In addition, it will be used to establish a consistent framework for capital planning and as a basis for evaluating Charlotte’s success in addressing growth and redevelopment.

The CCW is the broad framework. We will utilize our Area Plans and other policies for more specific guidance. For example, if a rezoning comes in the door, how would that work? The basis of the Area Plan results in knowing whether that plan is in a Center, Corridor, or Wedge. As the team develops specific land use, transportation plans, and other policies, they look to how that fits in the overall policy framework. Therefore, recommendations are already based on the CCW Framework.

Expectations for each area are different depending on the area. Center City is the most intense now and will continue to be in the future. It will be the most urban area and have the most mixed uses. The Industrial Centers are not expected to become a Center City, although infill and continued development are expected.

Activity Centers are focal points of economic activity and are typically planned for concentrated urban types of development. They have three-sub areas Center City, Mixed-Use Activity Centers, and Industrial Centers. Currently, 10% of our land area is in an Activity Center so there are many opportunities for growth and development in the future.

The Growth Corridors are five elongated areas that extend out from Center City to the edges of Charlotte’s jurisdiction. The four subareas of growth corridors include the Transit Station Areas, Interchange Areas, Established Neighborhood Areas, and General Corridor Areas.

The Transit Station Areas will be the most intensely developed areas in the future, urbanized, and will have the most walkable pedestrian areas. The Interchange Areas really benefit from their accessibility and visibility. We are looking to preserve the established neighborhoods and the general corridor area encompasses industrial, office, retail etc.

The Wedges are primarily lower density residential areas, but there are some supporting services in those areas. Approximately 70% of our land area is in the Wedges. There will be opportunities for higher intensity development in some places within the Wedges. However, it will primarily be lower intensity development.

Assistant Director Johnson presented the next steps, which includes Planning Commission public comment on May 3. The next steps include the following schedule:

| | |
|----------|--|
| April 20 | Public Meeting |
| May 3 | Planning Commission Public Comment |
| May 10 | Transportation and Planning Committee Overview & Request to refer to full Council for Public Comment |
| May 24 | City Council Public Comment |
| June 7 | Planning Commission Recommendation |
| June 14 | Transportation and Planning Committee Recommendation |
| June 28 | City Council Adoption |

Planning staff hopes to have the document adopted by the end of June. Assistant Director Johnson concluded her presentation and asked if the Commission had any questions.

Commissioner Lipton shared a comment that came out of the final stakeholder meeting. She referenced a comment made by a young woman who is new to Charlotte. Commissioner Lipton stated that the comment crystallized the difficulty that she has in understanding the CCW document. The young woman asked, “Where is the vision, where is the next activity center supposed to be located?”

Commissioner Lipton noted that the land use maps are living documents. These maps are changed every time there is a rezoning. She noted that it would be helpful for the CCW

document to include a living map. In addition, it should be included in written policy as well as on the Web.

Commissioner Lipton noted that the CCW document does not really guide future growth, it is really a framework to help assess where growth should be. However, Activity Centers in future Corridors are not on the map.

Assistant Director Johnson noted that Commissioner Lipton made a good point. She explained that although her slides did not include this clarification it has been made clear in the CCW update. Added language notes that the maps are snap shots in time and that the boundaries of the CCW could change through the area plan process. In addition, it is possible that Centers and or Corridors could be added in the future. This is included in several areas of the document and staff is looking at how that links back to a map that can show updates when they occur.

Commissioner Lipton referenced maps of New York City that display the progression of changes made throughout the years. She noted that currently although resources are scarce it would be helpful if Planning staff could attempt to get to that point.

Planning Director Campbell thanked Commissioner Lipton for her comments and noted that Planning definitely appreciates all the input received through the Citizen advisory input process. She noted that the last public input meeting is scheduled for April 20.

The Director explained that all documents produced by Planning are living documents and are a snap shot in time. Planning Director Campbell noted that the updated document provides a tremendous amount of additional information, which was not included as a part of the original CCW document developed in the early 1990s.

As Charlotte develops and activity centers or growth corridors are identified they should have the characteristics defined by the CCW vision. Planning Director Campbell noted that CCW is not an area plan. Area plans are the land use documents utilized for detailed planning. The more detailed type of work that Planning thinks is necessary to begin to define a new center or corridor happens at the area plan level, not at the generalized framework level. The framework gives definition, characteristics, and features. As we do additional detail planning over the years and add a new center or corridor, we will have a definition and the specifics for creating that new corridor or center through the area plan process.

Chairperson Rosenburgh asked for clarification on the creation of the map. Are we going to make the map so that people actually know that it is a living map? Assistant Director Garret responded yes, that staff has added text that notes that the maps are a snap shot in time. The text explains that new corridors could be added, new boundaries established, etc.

Chairperson Rosenburgh noted that Commissioner Lipton would send an e-mail noting her recommendations and vision for the CCW document. The Planning Director will review and follow up.

Commissioner Zoutewelle commented that his general impression is the CCW provides a very fundamental framework for directing and shaping growth in our City with regard to residential,

services that people need such as retail and office. However, he asked about the industrial component, particularly the Arrowood Industrial complex. Does the Planning staff see an opportunity for growth within industrial facilities or are we trying to accommodate the existing uses and allow for industrial growth to occur somewhere other than Mecklenburg County?

Assistant Director Johnson responded that she believes it is both. There is room in the Arrowood Activity Center and some other areas where there are existing concentrations of industrial development for added industrial type development. In addition, several industrial developments will go into other areas.

One of the things that we are working on with the Centralina Council of Governments (COG) is a map that shows land within the region zoned for industrial development. We are looking at whether appropriate amounts of land exist for heavy or light industrial uses. The Industrial Centers recognize that they will not become a Center City. However, the industrial centers are employment centers and could be more user friendly to the people that work there. An example would be to provide services such as restaurants to accommodate people that work in these areas. The specifics will be included in the area plans. For example, part of the Arrowood industrial center is located within the Steele Creek Area Plan.

Chairperson Rosenburgh commented that a regional map is a wonderful idea. He asked if staff could provide a draft of the map for the Planning Coordinating Committee (PCC) Joint Luncheon on April 23, 2010. Assistant Director Johnson responded that they are not that far along in the process. Planning Director Campbell added that the regional map would be much larger than the PCC jurisdiction. The Chairperson noted that people moving into the area think regionally and that staff should do everything in their power to accommodate the people moving into the area.

Commissioner Locher commented that if we continued to have considerable changes to the plan do we have much of a plan. He encouraged the group to consider if the changes make sense and can they be looked at afterwards, as being plausible changes.

The Assistant Director responded that Commissioner Locher made a good point. She noted that is one of the reasons that changes to the CCW i.e., boundaries for those areas, adding new activity centers or new corridors would need to go through a very intense process like the area plan process. Changes would go through the public input and adoption process.

Commissioner Simmons inquired about the Eastside of town from the standpoint of activity centers or the goal for that area. He indicated that there have been several projects designated for the Eastside such as the proposed development of I-485 and Albemarle Road, and the Eastland Mall project, which have not come to fruition. He noted that there seems to be something happening with the Wal-Mart on Independence and something happening in Mint Hill. However, what is Planning doing to ensure that the goal for development is a universal goal throughout the Charlotte area?

Assistant Director Johnson responded that the map shows that there are no planned Activity Centers on the Eastside and there is a wide gap within the Corridors. She notes that we need to

ensure that we relook at the Eastside as things change and development begins to occur. Currently the only Activity Center on the Eastside is Eastland.

Commissioner Simmons asked Ms. Johnson to identify Activity Centers 6 and 7 on the map. Six is Eastland and seven is the University area. In addition, he asked what is NC24/27 is it not a corridor?

Ms. Johnson responded no, it is not a Corridor. Corridors were originally developed based on transportation infrastructure. They were designated as such if they had at least three of the following: freight or rail line, rapid transit an interstate, or a major thoroughfare in the area. Major thoroughfares in Charlotte include Interstates 77, I-85, Wilkinson Boulevard, South Boulevard, Highway 49, Highway 115, Highway 21, Independence Boulevard, and Monroe Road. You can really tell that the CCW laid the foundation for the rapid transit planning. The Corridors line-up with the Blue Line Extension, the existing South Corridor, the Southeast Corridor, and the future West and North Corridors.

Commissioner Finch-Dodson asked how Planning is moving forward with other County and City departments. Ms. Johnson responded that Planning has had interdepartmental meetings with other City and County departments and they are aware of the concept. The concept is being integrated into other processes that are underway.

Planning Director Campbell added that there is a heightened expectation and that is the reason why Planning has added things such as infrastructure and Capital investment into the document. In this way, we can begin to prioritize and encourage the importance of investing in a particular geography like Centers or Corridors. We are really trying to focus our capital investments where we are going to have the most intense development along the Corridors or in the Centers.

Commissioner Fallon asked how areas are handled that are beginning to go down, in particular where big boxes are leaving. How can you change that? How do you account for it in your plan?

The Planning Director asked for clarification. Commissioner Fallon responded for example, places like Eastland Mall, Best Buy, and Wal-Mart are gone from the University area. How do you handle the places that are in transition? These places are noted as Activity Centers, but will not be in the near future.

Assistant Director Johnson responded that the vision is that these areas will be Activity Centers in the future. More specifically area plans try to take into account a variety of approaches to those areas. For example, the plan for Independence Boulevard case study has taken into account what to do with the empty big boxes. It is a very difficult situation. Certainly, we want to ensure that the land use is right, that as a City we are making the investments that we need to make and incenting development. We also want to make sure from an economic development perspective that if there are grants, loans or anything that we can do to position the area to take off in the future that we are doing it.

Planning Director Campbell noted that we want to ensure that we are not focusing on the specific location of the Centers or Corridors. The CCW is more about the definitions conceptually for

the future of this community. There will be a concept called Corridors and a heavy dose of infrastructure is needed to define a Corridor. There are a number of different types of Centers. Director Campbell noted that she is glad that we do this at the area plan level because it allows us the opportunity to have lots of community involvement. If we are going to add and subtract we need to actually understand the geography, the market potential of that geography and more importantly have community involvement that is necessary to do good planning for the community.

Chairperson Rosenburgh thanked the Assistant Director for her presentation and added asked Commissioners to submit other thoughts about the presentation to the Executive Committee. The Executive Committee will then consolidate and submit to the Planning Director for review.

Planning Legislation

Planning Director Campbell introduced the planning legislation discussion topic and noted that it will affect what the Commission does and how the Commission discusses rezoning petitions.

Terrie Hagler-Gray (City Attorney's Office) presented information regarding the recent planning legislation enacted in both 2009 and early 2010. The four new session laws, which could affect the Planning Commission recommendations, are highlighted below:

- 1. Session Law 2009-533 (S810):** An Act Providing 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.

Assistant Attorney Terrie Hagler-Gray explained that the General Statute 41A- State Fair Housing Act directly affects the Ballantyne Petition, which had an affordable housing component. The legislature specifically addresses the issue of affordable housing and provides protection for affordable housing in land use decisions. Specific provisions have been provided that prevent the Planning Commission and City Council from discussing, utilizing, or addressing any rezoning petitions that have an affordable housing component. No discussion regarding affordable housing should be included as a part of minutes or the staff analysis.

Affordable housing has been defined as "families or individuals with incomes below 80% of area median income. An exception is included, which notes if there is a high concentration of affordable housing in a particular area, a decision limiting adding to that high concentration area is acceptable.

Commissioner Lipton noted some confusion and asked if affordable housing could be discussed in a positive context.

Terrie Hagler-Gray responded that Commissioners should be careful about discussing affordable housing. If the affordable housing component is providing some kind of incentive or bonuses that the Commission finds appealing and they want to discuss it, then that is acceptable. The issue is discussions that have negative connotations. However, the preferred rule of thumb is not to discuss affordable housing.

Chairperson Rosenburgh acknowledged the City Attorney's request and confirmed that the Commission should not discuss affordable housing.

Terrie Hagler-Gray further explained that in the public hearing scenario the public could discuss affordable housing in any context. However, Attorney Hagler-Gray noted that City Council is to be advised not to take into consideration affordable housing comments that the public makes. This advice also applies to the full Planning Commission. Zoning Committee members should especially take note, since they are privy to those type comments. Attorney Hagler-Gray recommended to the Commission to make sure that all land use decisions are based on legitimate non-discriminatory reasons.

The Assistant City Attorney acknowledged that the statute supports the filing of a complaint to the Human Relations Commission. This would allow the complaining party to get a right to sue letter and go to Court. The damages to the City could be costly to include punitive damages, attorney fees, and court costs. Assistant Attorney Hagler-Gray indicated that this statute could affect someone who unintentionally or intentionally discusses affordable housing.

Commissioner Simmons noted that at some point a discussion has to occur. If the Commission comes up with a reasonable decision that is not based on the affordable housing component, can anyone still infer that affordable housing was used as a basis for the decision and sue?

Terrie Hagler-Gray indicated that the manner in which the statute is written makes it difficult for the Commission because it does not matter if a discussion is intentional or unintentional. She reiterated that the rule of thumb should be to ignore the affordable housing component in committee meetings and simply look at land use.

Land use may touch on an affordable housing component, but the Commission needs to have documented in its record, clear discussion points that show the reasons for either a recommendation for approval or denial of a petition. She noted that the issue does not really affect recommendations that are approvals, but denials pose a risk.

Commissioner Fallon asked how Commissioners should handle being a member of another City board that handles affordable housing.

Terrie Hagler-Gray responded that at least one City Council member has promised to recuse himself or herself from those type decisions. She stated that if a Commissioner believes that there is going to be impropriety then it is probably better to be safe than sorry and the Commissioner should recuse their self from the discussion/decision.

Commissioner Phipps commented that he is troubled by the manner in which the particular law came before the full Commission. It seems that such a restrictive regulation should have been presented to the Commission prior to being brought before the general assembly for voting. He noted that he was not aware of the issue until Ken Szymanski (Greater Charlotte Apartment Association) made a presentation before the Planning Commission that the law had passed.

Commissioner Randolph asked the Assistant Attorney to keep the Commission updated on any issues that arise and affect other appointed bodies because of this legislation.

2. Session Law 2009-406 (S 831): An Act to Extend Certain Governmental Approvals Affecting the Development of Real Property within the State (“Permit Extension Act”)

Attorney Hagler-Gray noted that item #2 Session Law 2009-406 (S 831) is the result of the economic downturn and inability of developers to complete previously approved projects. It affects any development approval that is current and valid within a three-year period beginning January 1, 2008 - December 31, 2010. It allows the applicable development approvals to run (not expire) until December 31, 2010. Any time remaining on an approval will begin again on January 1, 2011 and will get the benefit of whatever approval period is remaining.

Commissioner Lipton asked does this supersede any Zoning Ordinances e.g., storm water or other ordinances that had their own timeline. The City Attorney responded yes, it works with any development approval. It applies across the board and supersedes all other types of development approvals.

The Planning Director asked what happens if regulations change during the time a development is approved and construction begins. Does the developer meet what was approved or the updated regulations? The City Attorney responded that you would meet the regulations in place at the time the approval was granted.

3. Session Law 2009-17 (S 1027): Amends N.C.G.S. 160A-384 regarding Notice of Hearings for Third Party Rezoning

Attorney Hagler-Gray referenced item #3 Session Law 2009-17 (S 1027) noting that this regulation affects Planning staff and has to do with third party rezonings. If there is a third party rezoning that is not filed by the City or the County, the third party petitioner must certify actual notice to the property owner. Actual notice is defined as personally delivered or sent by registered, certified, or delivery-receipt mail. If the petitioner cannot deliver the notice personally or by any of the methods above, the notice must be published in a newspaper once a week for three successive weeks.

This is significant for third party petitioners because it requires advance planning. Once a public hearing date has been scheduled, a notice must be sent to every person that is within the rezoning area. Staff has discussed how difficult this is going to be for third party petitioners because someone can reject his or her registered mail. If the third party petitioner does not get full compliance or deliver notice to every property owner then the petitioner must start over.

4. Session Law 2009-95 (S 52): An Act Authorizing Counties and Municipalities to Provide Development Incentives in Exchange for Reductions in Energy Consumption

Chairperson Rosenburgh noted that item #4 Session Law 209-95 (S52) is for information only. Attorney Hagler-Gray agreed and noted that Commissioners should call her office if they have any questions.

Zoning Ordinance Reorganization

Planning Director Campbell introduced this agenda item and indicated that the goal is to reorganize the Zoning Ordinance to be more user-friendly.

Sandy Montgomery (Planning Staff) presented an overview on the project background, purpose, and scope of the Zoning Ordinance reorganization. The Zoning Ordinance is a major regulatory tool that guides growth and development in accordance with the City's vision, adopted plans, and policies. It establishes the zoning districts, regulations, maps, and processes followed by the Planning Department.

The last comprehensive revision to the Zoning Ordinance was completed during a 12-year period from 1980-1992. During this period a consultant was hired, however the draft was eventually completed by Planning staff and adopted in January 1992 because it did not meet the expectations of City Council and staff. Since then multiple amendments have been made to the document including the addition of new provisions and districts i.e., Transit Oriented Development (TOD), Transit Supportive Overlay (TS) and Pedestrian Overlay Districts (PED).

Since 1992 to present, the Zoning Ordinance has become cumbersome and it is difficult to find related information. The online version lacks hyperlinks, search engines, and is difficult to navigate.

The 2009 Department's Work Program assigned staff the responsibility to undertake a Zoning Ordinance assessment. Staff was asked to develop an internal stakeholder process that would improve the readability, navigation, the understanding of the regulations of the document, and to evaluate the format of the document. Staff was also to gather suggestions for general content, updates and prepare a diagnostic report.

Sandy Montgomery and Shannon Frye held six internal staff meetings to gain Planning staff's input on how to improve and make the Zoning Ordinance more user-friendly. Staff has also held three interdepartmental meetings with other City and County staff. Ms. Montgomery presented both the assessment questions and feedback examples. Staff will analyze each group's recommendation to help develop new tools for the Zoning Ordinance.

The next steps include:

- Compiling stakeholder comments into a diagnostic report
- Finalize Draft diagnostic report – April
- Present draft to leadership and planning stakeholder teams
- Finalize Report – May
- External stakeholder process includes ordinance assessment meetings and present diagnostic report for review and comment

Chairperson Rosenburgh noted that a search engine seems like a wonderful idea, but is it feasible during the current budget crisis. Ms. Montgomery responded that the project was started prior to the recession, and a consultant was employed to do the work. However, since then Planning staff has undertaken the project and has taken into account the current budget, project constraints and what tools can be used. The Chairperson also noted that he was concerned regarding the

report being listed as final report. He asked should the report not be listed as a draft. Ms. Montgomery responded yes, and she noted that the report would be listed as a draft.

Commissioner Randolph commented that he is excited about what staff is doing, but would like to make is there to be some form of human contact for clarifications. He noted that he does not want to lose the human aspect piece of it.

Planning Director Campbell responded that staff is simply trying to respond to many customer frustrations regarding the Zoning Ordinance. The simplest of information is difficult to find in the Ordinance “what uses are permitted and in which districts”. The Director noted that it is especially frustrating to a user who is not technologically competent on how to use the Zoning Ordinance.

Commissioner Lipton commented that she is glad that the Zoning Ordinance is undergoing reorganization. She noted that she could help the team by contacting someone to help with possibly establishing a Google search engine due to the expense. Commissioner Lipton stated that she would like to see the ordinance linked with the permitting process. There appears to be a “black hole” between Zoning and the Permitting Center and she would like to see it fixed for the customer. Commissioner Lipton noted when the project reaches the testing stage and average homeowners are needed that she would be available for testing.

Single Family Residential Design Standards

Planning Director Campbell indicated that the Single Family Residential Design Standards is still in its draft form and staff has worked through the Stakeholder process. She noted that staff is now in the process of working through the community forum and workshops. Director Campbell also informed the Commission that staff is working with a consultant to look at the recommendations and to help clarify the language.

Assistant Director Laura Harmon introduced Lee Einsweiler a consultant with Code Studios in Austin Texas. She noted that they do a tremendous amount of code work across the country and are currently working on an update in Raleigh, North Carolina. In addition to working closely with the staff on the Residential Design Standards, they are also working on the Urban Street Design guidelines.

John Howard (Planning Staff) explained that the project started a few years ago per a City Council directive. Several residents on the Eastside of Charlotte were concerned with quality of life issues regarding single-family housing. The City Manager requested that City Council move this up as a priority and City Council asked staff to explore single-family design standards to see how staff could improve design across Charlotte.

Planning Staff established stakeholder groups with developers, residents, neighborhood leaders, architects, and special interest groups to discuss the issues. Meetings were structured to have an education component prior to the input process. Each meeting focused on post-construction, the tree ordinance, or something to give participants information on what already was in place including adopted policies. The group also met with single-family plan reviewers, and the County to see what they are doing and to determine if what is being recommended could fit within their processes. Affordable Housing, Habitat for Humanity, Housing Partnership were

also brought into the process to discuss if changes would have an impact on their processes. Mr. Einsweiler (Code Studies Consultant) also provided input, which led to a final stakeholder process.

Mr. Howard discussed several policies that are currently in place and stated how Charlotte can continue to be a leader in terms of planning and development. The purpose of Residential Design Standards –Adopted Policies include:

- Develop Charlotte as a unique and attractive urban center
- Promote higher design quality in development throughout all of Charlotte
- Address the changing demands for housing
- Encourage the design and development of neighborhoods to meet the needs of our population
- Protect and enhance the character of existing neighborhoods.

Mr. Howard noted that change is difficult. It can be seen in the changes with the big boxes and stand-alone retail stores. When the project started, there was a long list of issues, which have been condensed into precise categories. The categories include:

1. **Setbacks** – Setback consistency of infill development. Can infill development blend with established neighborhoods?
2. **Side yards** – Safety and privacy issues with 3’ side yards. What is the impact of reducing those side yards?
3. **Building Walls** – Impact of blank walls facing public Right of Way (ROW)
4. **Auto Storage** – Impact of front loading garage design on streetscape.
5. **Streetscape Design** – Flexibility in Urban Residential zoning district. How can we make it more flexible for developers?
6. **Utility Towers** – Impact of utility towers in front of houses- Found some utility towers that were constructed improperly.
7. **MX Zoning** –Design standards do not meet the purpose of MX zoning. This will include a complete update and rewrite. These standards will probably be a separate project.
8. **Infill Redevelopment** – Incompatible scale and/or design of new development with established neighborhoods-Neighborhood Conservation Overlay zoning. The Neighborhood Conservation Overlay Zoning Districts are already in place in Raleigh, Greensboro, and Chapel Hill. These overlay districts are not a part of the current Residential Design Project and will require additional study. It will also be a measure to be utilized mostly for infill neighborhoods.

In addition, John Howard presented several slides with graphics that displayed the issue and recommendations for setbacks, side yards, blank walls, auto storage, utility structures, streetscape, and the Neighborhood Conservation Overlay.

Next steps for this project include:

1. Present revised recommendations to stakeholders - April
2. Draft text amendment - May
3. Executive Committee Recommendation to file - June
4. File text amendment - June

5. City Council Public hearing - September
6. Zoning Committee Recommendation - September
7. City Council Decision - October

Commissioner Fallon asked about the 5-foot setbacks in the side yard in between residential structures. She asked if the two ½-side yards is split between both houses or is it five for one house and five for the other. Mr. Howard responded that it would be five for each house, which is the minimum amount for each house.

Commissioner Fallon asked if this is going to affect infill of less than two acres because she knows of infill where there is not even two feet between the houses. John Howard responded yes that it would cover all of infill.

Commissioner Lipton noted confusion and asked if the Residential Design project is addressing mass, lot coverage, lot size, or heights. She asked if all of those things would be handled separately. Mr. Howard responded that heights in being handled with the HIRD stakeholder group. Lot coverage is under the Open Space text amendment approved a few years ago. He noted that the big concern for Planning is how much can be enforced given the current issues with staffing and the recent layoffs with the County. Is it reasonable for Planning to add lot coverage as something that can be enforced reasonably with the current staff? Should it be looked at as a Neighborhood Conservation Overlay or a Conservation Overlay District issue? Do we need to drill down to the neighborhood level rather than looking at the entire City? Mr. Howard noted with the enforcement issues is going to be very difficult.

Commissioner Lipton noted that there is an enforcement issue. She lives in a neighborhood where there have been many teardowns. She noted that 5' side yards rarely exist in her neighborhood and what has been built in the neighborhood has not undergone any enforcement. She also noted that she is concerned and appreciates the idea of the garages, and the side yards, but does not know if they warrant the broader scope over residential designs. It does not seem to be taking on the broader issue. Commissioner Lipton noted that it sounds like we are never going to get the heights through. She noted if they are going to be treated as historic districts those are nearly impossible to get through.

Chairperson Rosenburgh responded that the heights are separate issue and Planning and the Commission is dealing with it. It is not going to go away.

Commissioner Lipton responded that she guess every neighborhood does have its own context. She noted that she is attracted to what has been done in Richmond. She stated that she is sorry that more of the heights issues have not been included in the residential design context.

Commissioner Randolph agreed with all of Mr. Howards seven points, but when looking at the blank walls in a garage particularly a thousand square foot starter home, where lots are smaller there are challenges. This is easier for larger lots/houses, but is more difficult with smaller lots.

The Chairperson asked the Planning Director to be concerned about whether a zero lot line is effective as well as cost affordable. He noted the recommendation that no more than 15' of

blank wall face public right-of-way. Requiring windows and doors on blank walls can impact the affordability of houses.

Chairperson Rosenburgh also referenced the recommendation for attached front loading garages extending beyond the living area toward the street. The width of the garage shall not exceed 50% of front façade width. He asked staff to look at whether this is practical if this is an affordability issue with smaller homes.

HIRD Text Amendment Follow Up

Chairperson Rosenburgh noted that the Commission would not deal with the HIRD issue at this work session, but noted that Commissioner Andy Zoutewelle and Commissioner Griffith have worked on the issue. Chairperson Rosenburgh stated that staff is going to take under consideration the work that Commissioners Zoutewelle and Griffith have done and he would like the Commission to submit any input to Commissioner Zoutewelle. He noted that Commissioners Zoutewelle and Griffith have volunteered to be the point persons on this issue.

Commissioner Zoutewelle distributed his response to Chairperson Rosenburgh's request that he provide comments on the HIRD text amendment. He also distributed the ordinance so that the Commissioners could see the ordinance provisions. Commissioner Zoutewelle noted exhibits are attached with his report and he recommended that Commissioners scan the bullets to identify points of interest. He reviewed one of the text amendment slides that illustrates Rosewood Condominium located at the intersection of Providence and Sharon Amity Roads. Commissioner Zoutewelle disagrees with Mecklenburg County Building Standards interpretation of the heights to a significant degree such that there may have been in his simple reading an additional 90' of rear yard that was applied on that site compared to the way that building is calculated with regard to height.

Planning Director's Report

The Planning Director thanked Commissioner Zoutewelle and Griffith for their outstanding work with the HIRD text amendment. Planning Director Campbell noted that the concerns have been forwarded to the consultant. She noted that staff is working through the issues and will have a response to each issue raised.

Meeting Schedules

The Chairperson noted that approved calendars are included in the agenda packet for review. Planning Director Campbell reminded Executive Committee members that they would meet on Thursday, March 18, 2010.

Committee Reports

Executive Committee

The Chairperson reported that the approved February 15, 2010 Executive Committee minutes are attached for the Commissioners' review. He noted if Commissioners have any questions they may submit to the Chairperson.

Chairperson Rosenburgh noted that the Executive Committee had reviewed the future agenda items. He asked the Commissioners to submit any additional areas of concerns or interest to the Chairperson.

Zoning Committee

Chairperson Rosenburgh noted if there are any issues Commissioners should contact the Chairperson.

Planning Committee

Commissioner Locher reported that Kent Main was thanked for his presentation on the North Tryon Plan. He noted that the Planning Committee would be taking a tour of the University area immediately following the work session at 2:00 pm. Commissioner Locher noted that there are currently seven area plans underway and representatives from the Planning Committee are supporting each plan. This has helped to educate Commissioners and get them familiar with the process.

Historic District Commission

No Historic District update was provided at this work session.

Communication from the Chairperson

Chairperson Rosenburgh explained briefly to the new members of the Commission regarding the Nominating Committee. He noted that there is a well-developed procedure for electing Planning Commission officers. The Chairperson noted that it has been in place for at least a decade and the Executive Committee intends on continuing that process and structure. It is the Chairperson's duty to appoint a nominating committee, which will be responsible for developing a slate of officers.

He encouraged Commissioners to inform the Nominating Committee if they want to be a part of the Planning Commission leadership team. The Chairperson stated that the Nominating Committee would come to each Commissioner to seek their interest. Chairperson Rosenburgh informed the Commission that he would appoint the Nominating Committee. The Nominating Committee will present a slate of officers in May and the elections of officers would take place in June. He explained that the rotation schedule would be made available in July, following the review of the Commissioner eligibility to rotate from each committee.

Adjournment

The meeting adjourned at 1:27 p.m.



ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

FY2010

Petition #: 2010-

Date Filed: _____

Received By: _____

Office Use Only

| | | |
|-------------------|------------------|--|
| Section #: | 2.201 | Definitions |
| | 9.8504 | Mixed Use Development District; accessory uses |
| | 9.8506 | Mixed Use Development District; urban design and development standards |
| | 9.904 | Uptown Mixed Use District; accessory uses |
| | 9.906 | Uptown Mixed Use District; urban design and development standards |
| | 9.1207 | Accessory Uses (TOD) |
| | 9.1209 | Urban Design Standards (TOD) |
| | 12.416 | Information Pillars |
| | 13.108(b) | Specifications for off-premise signs located on information pillars requiring a permit. |

Purpose of Change:

Modify the regulations for information pillars and information pillar signs to make them more pedestrian oriented and refine where they can be located on a site. Consolidate the regulations into one location in Chapter 13, and place the regulations in a more user-friendly table.

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

Telephone Number

 704-336-5964

Fax Number

 smontgomery@ci.charlotte.nc.us

E-Mail Address

Signature

Information Pillars Text Amendment

4-20-10

Petition No. 2010-

Petitioner: Charlotte-Mecklenburg Planning Commission

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

ORDINANCE NO.

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 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: Definitions

- a. Delete the current definition for "Information Pillar" in Section 2.201 and replace it with the following definition:

Information Pillar.

~~A free standing, permanent pillar or column upon which neighborhood or public information and/or posters, notices, announcements and/or off premise advertising are posted under locking weatherproof materials. Information pillars have a clearly defined base, an information shaft or panels, and a decorative cap. A structure designed to provide sign information to pedestrians.~~

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 8.5: Mixed Use Development District

- a. Amend Section 9.8504, "Mixed Use Development District; accessory uses", by deleting "Information Pillars" as an accessory use. The remaining accessory uses will remain unchanged. The revised section shall read as follows:

Section 9.8504. Mixed Use Development District; accessory uses.

The following are permitted as accessory uses in the Mixed Use Development District:

Accessory uses and structures, clearly incidental and related to the permitted principal use or structure.

Drive-in windows as an accessory to the principal use subject to the regulations of Section 12.413 (MUDD-Optional only)
(Petition No. 2005-98 §9.8504, 05/16/05)

Dumpsters, trash handling areas and service entrances, subject to the regulations of 12.403.

~~Information Pillars, subject to the regulations of Section 12.416.
(Petition No. 2004-112, §9.8504, 11-15-04)~~

Outdoor lighting, subject to regulations of Section 12.402.

Outdoor sales accessory, subject to the regulations of Section 12.417.
(Petition No. 2006-20, § 9.8504), 03/20/06)

Petroleum storage, accessory to a permitted principal use or building subject to the Fire Prevention Code of the National Board of Fire Underwriters.

Petroleum storage, underground, accessory to permitted automobile service stations, subject to the Fire Prevention Code of the National Board of Fire Underwriters.

Signs, bulletin boards, kiosks and similar structures that provide historical information, information for noncommercial activities or space for free use by the general public.

Vending machines.

- b. Amend Section 9.8506, “Mixed-Use Development District; urban design and development standards”, subsection (2), “Streetscape design standards”, subsection (c), “Signs, banners, flags and pennants” by adding a new subsection to reference the information pillar sign regulations. The revised language shall read as follows:

- (c) Signs, banners, flags and pennants. Where signs, banners, flags and pennants for identification or decoration are provided, they must conform to the requirements of Chapter 13, except for the following:
1. Specifications for permanent signs shall be according to Section 13.108a, with the following exceptions:
 - a. Signs located on any building wall of a structure shall have a maximum sign surface of all signs on one wall not to exceed 5% of building wall area to which the sign is attached up to a maximum of 100 square feet.
 - b. Ground mounted or monument signs shall be permitted in MUDD as follows:
 - (1) Signs shall not exceed 5 feet in height and 20 square feet in area. A bonus of 4 square feet in size (20%) shall be permitted if the sign is lit 100% by neon light.
 - (2) Signs shall be located a minimum of 5 feet behind

the proposed right-of-way and out of any sight distance triangle prescribed by the Charlotte Department of Transportation (CDOT).

- (3) Signs shall be located behind the minimum setback.

2. Signs are permitted on an information pillar that meets all the standards and regulations in Section 13.108(b).

2. PART 9: Uptown Mixed Use District

- a. Delete Section 9.904, “Uptown Mixed Use District; accessory uses”, item (2), “Information Pillars”. Renumber item (2.5), “Outdoor sales accessory”, as item (2). Other accessory uses remain unchanged. The revised text reads as follows:

~~(2) Information Pillars, subject to the regulations of Section 12.416.~~

(2) (2.5) Outdoor sales accessory, subject to the regulations of Section 12.417.

- b. Amend Section 9.906, “Uptown Mixed Use District; urban design and development standards”, subsection (2), “Streetscape design standards”, subsection (e), “Signs, banners, flags and pennants”, by adding a new subsection to reference the information pillar sign regulations.

- (e) Signs, banners, flags and pennants. Where signs, banners, flags and pennants for identification or decoration are provided, they must conform to the requirements of Chapter 13, with the following exceptions: that Off-premise Major Event Banners shall meet the following requirements:

1. Off-premise Major Event Banners

The purpose this type of banner is to inform the public of major events, open to the public, with community-wide interest or regional significance. Major events may include, but are not limited to, religious, educational, charitable, civic, fraternal, sporting, or similar events including, but not limited to, golf tournaments, festivals, and major or seasonal sporting events. The banner is off-premise from the location of the major event.

An off-premise major event banner differs from a “Temporary Banner” (See Section 13.106(13) in that no advertising copy is permitted on the major event banner other than that allowed in Section 9.906(e)(1)(b) below.

Major event banners may be located in the UMUD zoning district provided they meet the following requirements:

- (a) The total area of temporary event banners combined shall not exceed 1000 square feet or 10% of the wall area, whichever is smaller, per building wall.

- (b) Banners shall not contain any advertising, however, up to 10% of the banner area may include the name of the major event sponsors or supporters, a description of the products, services or activities provided or engaged in by the sponsors or supporters, and recognized trademarks, logotypes or symbols customarily associated with the sponsors or supporters. See Section 13.106(12) for regulations regarding on-site temporary banners that allow advertising.
- (c) Banners shall be erected no sooner than 7 days before the major event and removed within 2 days after the event.
- (d) Banners shall be attached in total to a building wall or permanent canopy extending from a building. Banners shall be adequately secured.
- (e) Banners shall be made of durable material. Paper banners are not permitted.
- (f) No inflatables, tethered balloons, streamers, pennants, flags, ribbons, spinners, or other prohibited devices shall be included or incorporated with the display of a banner under this section.
- (g) A written notice of the proposed banner location, number, sizes and duration shall be filed with Charlotte Center City Partners prior to issuance of a banner permit.
- (h) A banner permit from Neighborhood Development is required for each major event, or seasonal event. If sports related, each game or competition shall be considered a separate event. Seasonal events such as regional team sporting events (i.e. Bobcats, Panthers, Checkers, etc.) may be issued one permit for the season.
(Petition No. 2005-78 §9.906(2)(e)(1)(g),06/20/05)
- (i) The permit number and duration shall be visible on the banner.
- (j) Due to the short-term nature of banners, any violation of the provisions of these regulations shall be cited by Neighborhood Development. A one-day warning notice of violation requesting immediate compliance will be issued first. Citations can then be issued for any violation that has not been corrected.
(Petition No. 2005-78 §9.906(2)(e)(1)(i),06/20/05)

This subsection does not preempt the regulations of Section 206 of Chapter 19, Article 7 of the City Code for decorative banners and signs.

- (2) Signs are permitted on an information pillar that meets all the standards and regulations in Section 13.108(b).

3. PART 12: Transit Oriented Development Districts

- a. Delete Section 9.1207, “Accessory Uses”, item (2), “Information pillars” in its entirety. Renumber the remaining items. The new text shall read as follows:

Section 9.1207. Accessory Uses.

The following are permitted as accessory uses and structures in the TOD zoning districts:

- (1) Accessory residential uses and structures, clearly incidental and related to the permitted principal use or structure.
 - ~~(2) Information pillars, subject to the regulations of Section 12.416.~~
 - ~~(3)~~ (3) Vending machines located within an enclosed building for the convenience of the occupants of the building.
 - ~~(3)~~ (4) Signs, bulletin boards, kiosks and similar structures that provide historical information, information for non-commercial activities or space for free use by the general public.
 - ~~(4)~~ (5) Land clearing and inert landfills (LCID): on-site, subject to the regulations of Section 12.405.
 - ~~(5)~~ (6) Wireless communications facilities are only permitted atop a building or structure (other than a single family structure or other residential structure of less than two stories in height). Such facility shall not exceed 20 feet in height measured from the top of the highest point of the existing structure. Any such facility and any associated antennae located within 400 feet of a residential district shall be indiscernible from the rest of the building or structure.
 - ~~(6)~~ (7) Drive-through service lanes are only permitted when associated with professional business and general offices, and only when located between ¼ to ½ mile walking distance from a transit station, as designated on the approved station area plan. Drive-through windows shall only be located on the same site as the principal use, shall be located to the rear or side of the principal use, to minimize visibility along public right-of-way. No more than four (4) drive through service lanes shall be permitted per individual use. Freestanding drive-through lanes are prohibited.
- b. Amend Section 9.1209, “Urban Design Standards” subsection (7), “Signs, Banners, Flags and Pennants” by adding a new subsection (g) to add that information pillar sign are permitted on information pillars. The new subsection shall read as follows:

(7) Signs, Banners, Flags and Pennants.

Where signs, banners, flags and pennants for identification or decoration are provided, they shall conform to the requirements of Chapter 13, except for the following:

- (a) Wall signs shall meet the specifications of Section 13.108a, with the exception that signs located on any building wall shall have a maximum sign surface area not to exceed 5% of building wall area to which the sign(s) is attached, up to a maximum of 100 total square feet. Wall signs may be increased by 20 square feet per sign in lieu of a ground mounted or monument sign.
- (b) Signs are permitted to project up to 6' into the minimum setback as measured from the building. Under no circumstance shall a sign project more than 4' from the back of curb. A minimum overhead clearance of 8' from the sidewalk shall be maintained.
- (c) Marquee signs are permitted.
- (d) Ground mounted or monument signs are allowed as follows:
 - (1) Signs shall not exceed 5 feet in height and 20 square feet in area.
 - (2) Signs shall be located behind the right-of-way and out of any sight distance triangle prescribed by the Charlotte Department of Transportation (CDOT).
 - (3) Signs shall be located behind the minimum setback.
- (e) No freestanding pole signs shall be permitted.
- (f) No outdoor advertising signs shall be permitted.
- (g) Signs are permitted on an information pillar that meets all the standards and regulations in Section 13.108(b).

C. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 4: Accessory Uses and Structures

- a. Delete Section 12.416 in its entirety and re-title it as “Reserved”. The information pillar regulations are being moved into Chapter 13. The revised text shall read as follows:

Section 12.416. Information Pillars Reserved

~~Information pillars shall be permitted as an accessory uses to a rapid transit station or trolley stop, or as an accessory use to urban open space in the MUDD, UMUD, and TOD zoning district, in accordance with the following requirements:~~

- ~~(1) Information pillars at rapid transit stations or at trolley stations shall be located on the rapid transit station site.~~
- ~~(2) Up to two information pillars may be located in an urban open space having a minimum area of 2,000 square feet, excluding rapid transit station areas.~~

- (3) ~~Up to three information pillars are permitted per combined rapid transit/trolley platform~~
- (4) ~~Up to two information pillars are permitted per rapid transit only platform.~~
- (5) ~~One information pillar is permitted per trolley station/platform only.~~
- (6) ~~A minimum of 1/3 of the information pillar shall be permanently available for public information, public service messages, community wide or neighborhood events, immediate neighborhood maps, and transit information. The remaining 2/3 may be used for off-premise advertising.~~
- (7) ~~Information pillars shall have a clearly defined base, a shaft or panels, and a decorative cap. The cap shall be compatible with the architectural style of the principal structure(s) on the property. The information shaft or panels shall be constructed of a combination of durable, weatherproof materials such as metal, glass, Plexiglas, and brick. Unacceptable materials include concrete and wood.~~
- (8) ~~The shaft or panels shall provide a locking, transparent enclosure made of materials such as Plexiglas or glass. The enclosure will allow for the placement of interchangeable messages, information, maps, and off-premise signs.~~
- (9) ~~The maximum height of the information pillar shall not exceed 12'. The maximum height of the information shaft shall be 10' measured from the top of the base element to the bottom of the cap element.~~
- (10) ~~The information shaft shall not be greater than 3.5 feet in diameter.~~
- (11) ~~Information pillars or panels may be illuminated, but shall not cause glare.~~
- (12) ~~Messages shall not be audible beyond 4'.~~
- (13) ~~Video signs capable of displaying moving images similar to television images are permitted.~~
- (14) ~~No signs shall be posted on the exterior surface of the information pillar.~~
- (15) ~~Information pillars shall not be located in any public street right-of-way.~~

D. CHAPTER 13: SIGNS

1. Modify Section 13.108(b) by moving sign and information pillar requirements into a table format, and modifying the information pillar sign regulations and the regulations for information pillars. The revised text shall read as follows:

Section 13.108(b) Specifications for off-premise signs located on approved and permitted information pillars requiring a permit.

The following specifications are applicable in the MUDD, UMUD, and all TOD districts.

- (1) ~~Off-premise signs shall only be allowed on an approved Information Pillar.~~
- (2) ~~Up to two thirds (2/3) of the total available area on the information pillar shaft may be used for off premise signs.~~
- (3) ~~If the information pillar is located less than 50' from a public street right-of-way, a permit is required for each sign posted on the pillar. Distances shall be measured from the street right-of-way line to the nearest edge of the information pillar.~~
- (4) ~~The procedures and application processes of Section 13.103 shall be followed for each off-premise sign within 50' of a public street right-of-way.~~
- (5) ~~All portions of the off-premise sign shall be placed under a locking, transparent enclosure. No signs are permitted on the exterior of the structure.~~

Signs shall only be located on approved and permitted information pillars that meet the standards and regulations listed in Table 13.108(b), below:

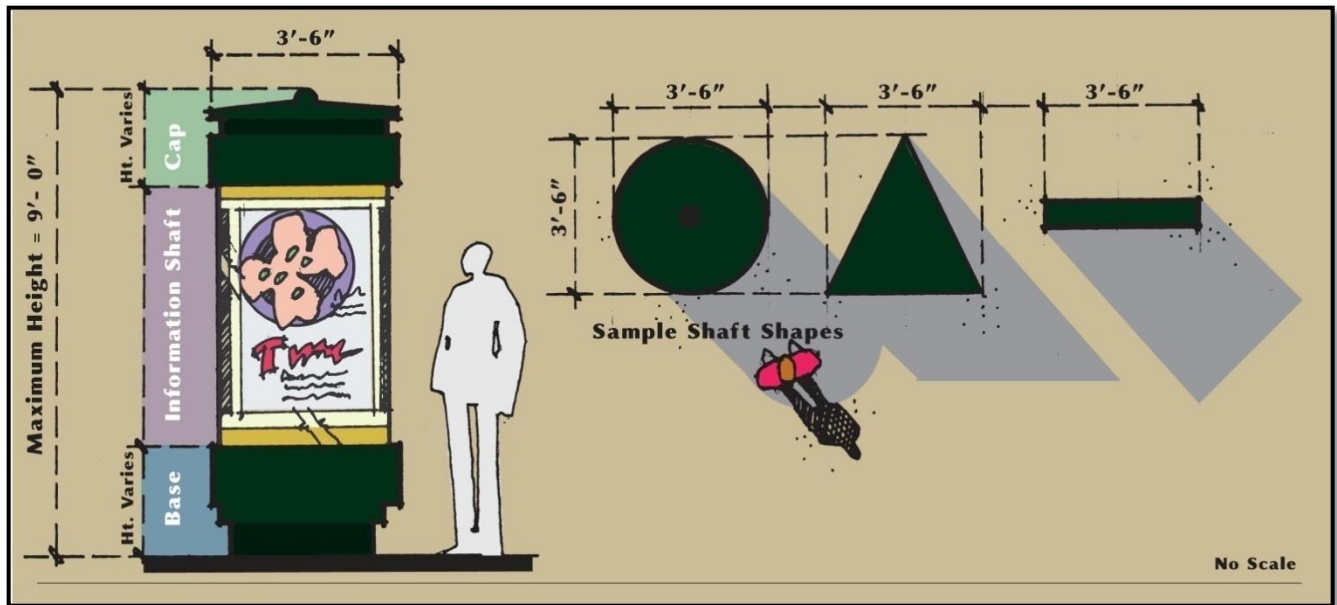
Table 13.108(b)

| | <u>Information Pillars Located at a Rapid Transit and/or Trolley Station</u> | <u>Information Pillars Located in a Designated Non-Residential Urban Public Open Space Area</u> |
|--|--|--|
| <u>Zoning Districts Allowed</u> | MUDD, UMUD, TOD, and TS | MUDD, UMUD, TOD, and TS |
| <u>Permit Required for Construction of Information Pillar</u> | <u>Yes</u> | <u>Yes</u> |
| <u>Location of Information Pillars</u> | <u>Information pillars shall only be located on a rapid transit or trolley platform, or within 100' of the platform.</u> | <u>Information pillars shall only be located in a clearly designated, non-residential, urban, public open space on an approved site plan. The designated area shall have a minimum size of 2,000 square feet. Site plans without such a designation require location approval from the Planning Director or his/her designee, prior to issuance of a permit for the information pillar. In addition, the information pillar shall be located a minimum of 50 feet from the back of the existing or future curb, whichever is greater, to the nearest edge of the information pillar.</u> |
| <u>Total Number of Pillars Permitted</u> | <u>Maximum of three (3) pillars per combined rapid transit/trolley platform, or</u> <u>Maximum of two (2) pillars per rapid transit only platform, or</u> <u>Maximum of one (1) per trolley station/platform only.</u> | <u>Maximum of two (2) pillars per parcel.</u> |

| | <u>Information Pillars Located at a Rapid Transit and/or Trolley Station</u> | <u>Information Pillars Located in a Designated Non-Residential Urban Public Open Space Area</u> |
|--|--|--|
| <u>Design and Materials of Information Pillar</u> | <u>Information pillars shall be a monument type structure with a vertical dimension that is greater than the horizontal dimension. The pillar shall have a shaft or panels designed for public service information and signs; a clearly defined base flush with the ground; and a decorative cap distinguishable from the shaft. The information pillar shall be constructed of durable, weatherproof materials such as metal, glass, Plexiglas, brick, or plastic, excluding concrete and wood. See Figure 13.108(b).</u> | <u>Same</u> |
| <u>Height of Information Pillar</u> | <u>Maximum height shall be 9 feet measured from grade to the top of the cap.</u> | <u>Same</u> |
| <u>Width or Diameter of Pillar</u> | <u>Maximum width or diameter shall be 3 ½ feet.</u> | <u>Same</u> |
| <u>Illumination of Information Pillars</u> | <u>The information pillar may be illuminated, but shall not cause glare.</u> | <u>Same</u> |
| <u>Sign Permits</u> | <u>Individual sign permits are not required if they are located on an approved and permitted information pillar.</u> | <u>Same</u> |
| <u>Allowed Sign Types</u> | <u>On-premise signs, off-premise signs, advertising signs, public service information signs, and video signs capable of displaying moving images similar to television images are permitted on the information pillar.</u> | <u>Same</u> |
| <u>Sign Limitations</u> | <u>A minimum of 1/3 of the information pillar shaft or panels shall be permanently available for public service information signs.</u> | <u>Same</u> |
| <u>Size and Height per Individual Sign</u> | <u>Individual signs shall have a maximum size of 17 ½ square feet and a maximum height of 7 feet.</u> | <u>Same</u> |
| <u>Total Sign Area</u> | <u>Maximum of 50 square feet.</u> | <u>Same</u> |
| <u>Location of Signs</u> | <u>All portions of a sign shall be placed under a transparent enclosure and shall only be located on the information shaft or panels.</u> | <u>Same</u> |

| | <u>Information Pillars Located at a Rapid Transit and/or Trolley Station</u> | <u>Information Pillars Located in a Designated Non-Residential Urban Public Open Space Area</u> |
|--------------------|--|---|
| <u>Audio</u> | <u>Messages shall not be audible beyond 4 feet from the pillar shaft.</u> | <u>Same</u> |
| <u>Video Signs</u> | <u>Video signs with moving images shall be screened from view from a street.</u> | <u>Same</u> |

Figure 13.108(b)



An example of an information pillar and three different shaft shapes.

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.

ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

| |
|--------------------------|
| FY2010 |
| Petition #: <u>2010-</u> |
| Date Filed: _____ |
| Received By: _____ |
| <i>Office Use Only</i> |

| | | | |
|------------|------------|--------|---|
| Section #: | Chapter 2 | 2.201 | Definitions |
| | Chapter 9 | 9.101 | Table of Uses |
| | | 9.802 | Uses Permitted by Right (Business Districts) |
| | | 9.803 | Uses Permitted under Prescribed Conditions (Business Districts) |
| | | 9.8502 | Uses Permitted by Right (Mixed Use Development District) |
| | | 9.8503 | Uses Permitted under Prescribed Conditions (Mixed Use Development District) |
| | | 9.902 | Uses Permitted by Right (Uptown Mixed Use District) |
| | | 9.903 | Uses Permitted under Prescribed Conditions (Uptown Mixed Use District) |
| | | 9.1102 | Uses Permitted by Right (Industrial Districts) |
| | | 9.1103 | Uses Permitted under Prescribed Conditions (Industrial Districts) |
| | | 9.1205 | Uses Permitted by Right (Transit Oriented Development Districts) |
| | | 9.1206 | Uses Permitted under Prescribed Conditions (Transit Oriented Development Districts) |
| | | 11.402 | Uses Permitted by Right (Commercial Center District) |
| | | 11.403 | Uses Permitted under Prescribed Conditions (Commercial Center District) |
| | Chapter 12 | 12.541 | Pet services, indoor/outdoor |

Purpose of Change:

Add new definitions “pet services indoor” and “pet services indoor/outdoor” in order to identify a wider range of uses as they relate to services for household pets; add new language to allow “pet services indoor” as a permitted use in certain zoning districts and “pet services indoor/outdoor” as permitted in certain zoning districts subject to prescribed conditions; remove “veterinary clinics” as a permitted use in certain zoning districts.

Name of Agent

Agent's Address

City, State, Zip

Telephone Number

Fax Number

E-Mail Address

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

Telephone Number

704-336-5123

Fax Number

cgraham@ci.charlotte.nc.us

E-Mail Address

04/29/2010

Petition No: 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 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Amend Section 2.201, "Definitions" to include new definitions for "pet services indoor" and "pet services indoor/outdoor" in order to identify a wider range of activities and uses as they relate to household pets. The new text shall appear as follows:

Pet services indoor.

Pet services indoor means a use for grooming, breeding, training, boarding, medical services, sale, or other services provided to small animals typically considered as household pets. Such a use shall be totally enclosed in a building and may include one or more of the following: retail sales, pet day care, veterinary clinic, indoor dog park, indoor training or storage, commercial indoor kennel, and similar services. Areas for outdoor pet activities are not permitted.

Pet services indoor/outdoor.

Pet services indoor/outdoor means a use for grooming, breeding, training, boarding, medical services, sale, or other services provided to small animals typically considered as household pets. Such a use may include one or more of the following: retail sales, pet day care, veterinary clinic, dog park, training or storage, commercial kennel, and similar services. Areas for outdoor pet activities are permitted.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 1: Table of Uses and Hierarchy of Districts

- a. Amend Table 9.101, “Table of Uses” by inserting a new row labeled “pet services indoor” under “Other Uses”, and adding an “X” (permitted) in the following zoning districts:

| Other Uses | UR-2 | UR-3 | UR-C | B-1 | B-2 | I-1 | I-2 | MUDD | UMUD | TOD | CC | MX-2 | MX-3 | NS |
|---------------------|------|------|------|-----|-----|-----|-----|------|------|-----|----|------|------|----|
| Pet services indoor | X | X | X | X | X | X | X | X | X | X | X | X | X | X |

- b. Amend Table 9.101, “Table of Uses” by inserting a new row labeled “pet services indoor/outdoor” under “Other Uses”, and adding a “PC” (prescribed conditions) in the following zoning districts:

| Other Uses | UR-2 | UR-3 | UR-C | B-1 | B-2 | I-1 | I-2 | MUDD | UMUD | TOD | CC | MX-2 | MX-3 | NS |
|-----------------------------|------|------|------|-----|-----|-----|-----|------|------|-----|----|------|------|----|
| Pet services indoor/outdoor | PC | PC | PC | PC | PC | PC | PC | PC | PC | PC | PC | PC | PC | PC |

2. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.802, “Uses permitted by right” to include “pet services indoor/outdoor” as item (61.1) and add it in numerical order, and modify text “clinics, veterinary” and replace with “Reserved” as item (21). The new text shall appear as follows:

(21) ~~Clinics, veterinary (B-1 and B-2 only).~~Reserved

(61.1) Pet services indoor.

- b. Amend Section 9.803, “Uses permitted under prescribed conditions” to include “pet services indoor/outdoor” as item (26.2) and add it in numerical order, and modify text “kennels, commercial” and replace with “Reserved” as item (16). The new text shall appear as follows:

(16) ~~Kennels, commercial (B-2), provided that:
The use is located at least 300 feet from a residential zoning district.~~Reserved

(26.2) Pet services indoor/outdoor (B-1 and B-2 only), subject to the regulations of Section 12.541.

3. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- c. Amend Section 9.8502, “Mixed use development district; uses permitted by right” to include “pet services indoor” and add it in alphabetical order and remove “veterinary clinics” from permitted professional business and general office uses. The new text shall appear as follows:

Professional business and general offices such as banks, clinics, medical, dental and doctors offices, ~~veterinary clinics~~, government, post offices, opticians’ offices, and similar uses.

Pet services indoor.

- d. Amend Section 9.8503, “Mixed Use Development District; uses permitted under prescribed conditions” to include “pet services indoor/outdoor” and add it in alphabetical order. The new text shall read as follows:

Pet services indoor/outdoor, subject to the regulations of Section 12.541.

4. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.902, “Uptown Mixed Use District; uses permitted by right” to include “pet services indoor” as item (13.1) and add it in numerical order. The new text shall appear as follows:

(13.1) Pet services indoor.

- b. Amend Section 9.903, “Uptown Mixed Use District; uses permitted under prescribed conditions” to include “pet services indoor/outdoor” as item (14.4) and add it in numerical order. The new text shall appear as follows:

(14.4) Pet services indoor/outdoor, subject to the regulations of Section 12.541.

5. PART 11: INDUSTRIAL DISTRICT

- a. Amend Section 9.1102, “Uses permitted by right” to include “pet services

indoor” as item (50.1) and add it in numerical order, and modify text “Clinics, veterinary” and replace with “Reserved” as item (20). The new text shall appear as follows:

(20) ~~Clinics, veterinary~~ Reserved

(50.1) Pet services indoor.

- b. Amend Section 9.1103, “Uses permitted under prescribed conditions” to include “pet services indoor/outdoor” as item (38.1) and add it in numerical order, and modify text “kennels, commercial and replace with “Reserved” as item (23). The new text shall appear as follows:

(23) ~~Kennels, commercial, provided that:
The use must be located at least 300 feet from a residential zoning district.~~ Reserved

(38.1) Pet services indoor/outdoor, subject to the regulations of Section 12.541.

6. PART 10: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1205, “Uses Permitted by Right” to include “pet services indoor” as item (18.1) and add it in numerical order. The new text shall appear as follows:

(18.1) Pet services indoor.

- b. Amend Section 9.1206, “Uses Permitted Under Prescribed Conditions” to include “pet services indoor/outdoor” as item (7.1) and add it in numerical order. The new text shall appear as follows:

(7.1) Pet services indoor/outdoor, subject to the regulations of Section 12.541.

C. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 4: COMMERCIAL CENTER DISTRICT

- a. Amend Section 11.402, “Uses permitted by right” to include “pet services indoor” as item (21.1) and add it in numerical order. The new text shall appear as follows:

(21.1) Pet services indoor.

- b. Amend Section 11.403, “Uses permitted under prescribed conditions” to include “pet services indoor/outdoor” as item (8.2) and add it in numerical order. The new text shall appear as follows:

(8.2) Pet services indoor/outdoor, subject to the regulations of Section 12.541.

D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Amend Part 5, “Special Requirements for Certain Uses” and create Section 12.541 that provides specific conditions for “pet services indoor/outdoor” as a new permitted use. The new text shall appear as follows:

Section 12.541. Pet services indoor/outdoor.

Pet services indoor/outdoor are permitted in the UR-2, UR-3, UR-C, B-1, B-2, I-1, I-2, MUDD, UMUD, TOD, CC, MX-2, MX-3 and NS, subject to the following conditions:

- (1) All outdoor uses are located at least 300 feet from any lot in a residential zoning district or in residential use.
- (2) All outdoor uses are completely fenced.

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.

OFFICIAL REZONING APPLICATION CITY OF CHARLOTTE

| | |
|-----------------------|-----------------|
| FY2009 Petition #: | <u>2010-041</u> |
| Date Filed: | <u>4/26/10</u> |
| Received By: | <u>MC</u> |

Complete All Fields

OWNERSHIP INFORMATION:

Property Owner: Barwick & Associates Inc

Owner's Address: 704 East Blvd # 100 City, State, Zip: Charlotte NC 28203

Date Property Acquired: ^{1), 2)} 6.1.05 Utilities Provided: (Water) CMUD (Sewer) CMUD
(CMUD, Private, Other) (CMUD, Private, Other)

LOCATION OF PROPERTY (Address or Description): 1) 1604 Camden Rd 2) 1518 Camde

Tax Parcel Number(s): 1) 12304209 2) 12304207

Current Land Use: 1) Retail 2) parking lot

Size (Sq.Ft. or Acres): 1) 8290 SF 2) .12 Ac

ZONING REQUEST:

Existing Zoning: ^{1), 2)} I-2 Proposed Zoning: ^{1), 2)} TOD-M

Purpose of Zoning Change: (Include the maximum # of residential units or non-residential square footages):

To better reflect current land uses, trends, & transit station related development.

Christine C. Magas
Name of Agent

6605 Bunker Hill Ci
Agent's Address

Charlotte, NC 28210
City, State, Zip

704 975 2008 704 552 4857
Telephone Number Fax Number

CLCMdesign@gmail.com
E-Mail Address

Signature of Property Owner if other than Petitioner

Bryan Barwick
(Name Typed / Printed)

Charlotte Mecklenburg
Planning Commission
Name of Petitioner(s)

600 East 4th St.
Address of Petitioner(s)

Charlotte, NC 28202
City, State, Zip

704.336.2205
Telephone Number Fax Number

E-Mail Address

Signature

(Name Typed / Printed)

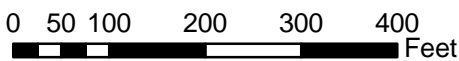
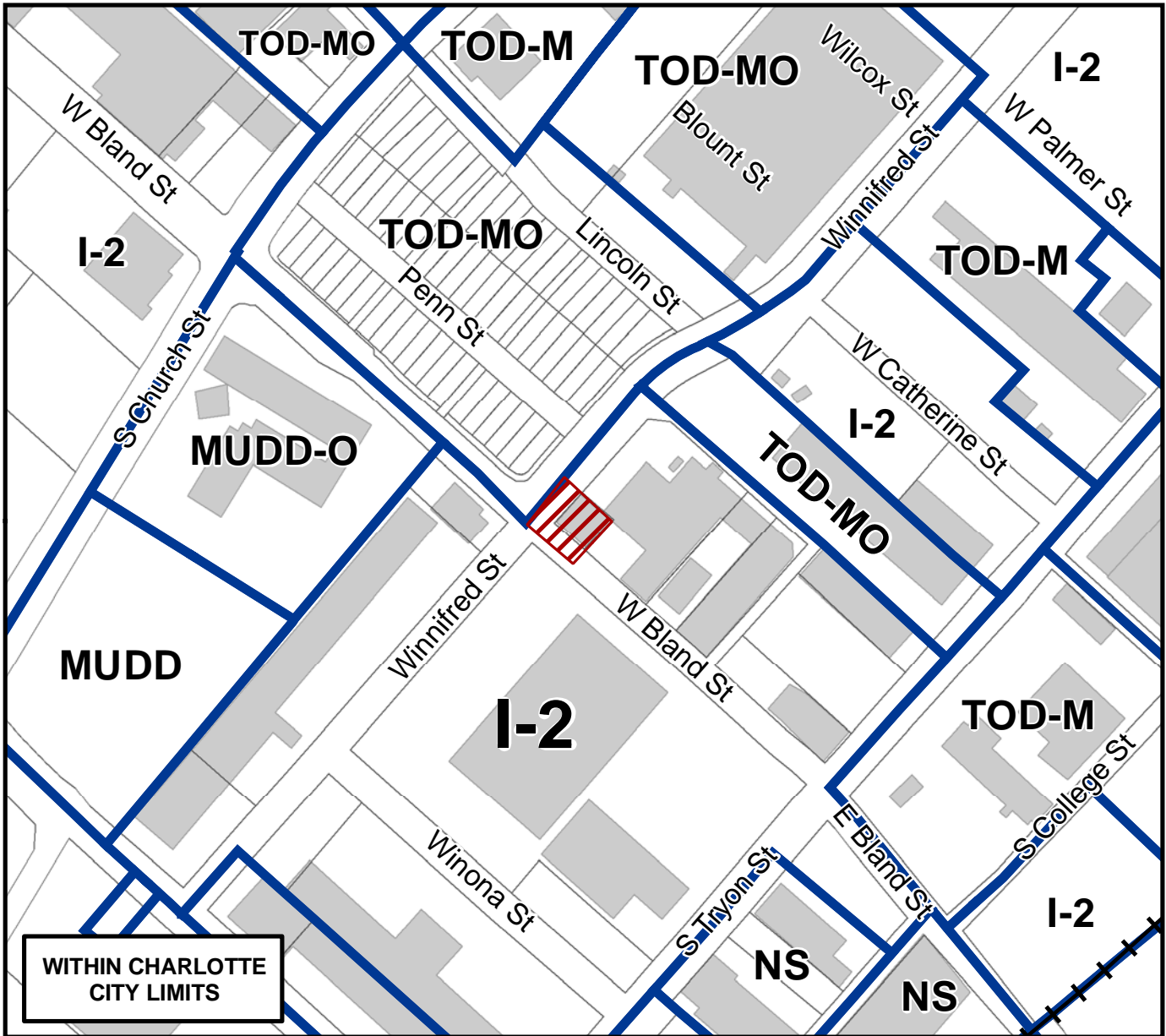
Petition #: **2010-039**

Petitioner: Charlotte-Mecklenburg Planning Commission

Zoning Classification (Existing): I-2
(General Industrial)

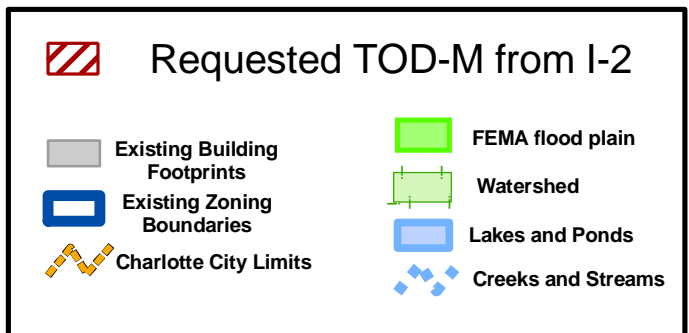
Zoning Classification (Requested): TOD-M
(Transit Oriented Development, Mixed Use)

Acreage & Location : Approximately 0.06 acres located on the northeast corner of W Bland Street and Winnifred Street.



Zoning Map #(s) **102**

Map Produced by the
Charlotte-Mecklenburg Planning Department
04-27-2010





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

| <u>DATE</u> | <u>TIME</u> | <u>PURPOSE</u> | <u>PLACE</u> |
|--|--------------------|------------------------------|---|
| <u>FULL PLANNING COMMISSION</u> | | | |
| 05-03-10 | 5:00 P.M. | *Work Session | Conference Room 280 2 nd Floor – CMGC |
| <u>PLANNING COMMITTEE</u> | | | |
| 05-18-10 | 5:00 P.M. | Work Session | Innovation Station 8th Floor – CMGC |
| <u>ZONING COMMITTEE</u> | | | |
| 05-17-10 | 5:00 P.M. | Dinner with City Council | Conference Room CH-14 Basement – CMGC |
| 05-17-10 | 6:00 P.M. | City Rezoning | Meeting Chamber Lobby Level – CMGC |
| 05-26-10 | 4:30 P.M. | Zoning Work Session | Conference Room 280 2nd Floor – CMGC |
| <u>EXECUTIVE COMMITTEE</u> | | | |
| 05-17-10 | 4:00 P.M. | Work Session | Conference Room 266 2nd Floor – CMGC |
| <u>OTHER COMMITTEES</u> | | | |
| 05-12-10 | 3:00 P.M. | Historic District Commission | Conference Room 280 2nd Floor – CMGC |
| 05-19-10 | 7:00 P.M. | MUMPO | Conference Room 267 2nd Floor – CMGC |

* **Please note:** The May 3, 2010 Planning Commission work session has been rescheduled from Noon to 5:00 p.m.

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

| <u>DATE</u> | <u>TIME</u> | <u>PURPOSE</u> | <u>PLACE</u> |
|--|--------------------|------------------------------|---|
| <u>FULL PLANNING COMMISSION</u> | | | |
| 06-07-10 | Noon | Work Session | Conference Room 267 2 nd Floor – CMGC |
| <u>PLANNING COMMITTEE</u> | | | |
| 06-15-10 | 5:00 P.M. | Work Session | Conference Room 280 2nd Floor – CMGC |
| <u>ZONING COMMITTEE</u> | | | |
| 06-21-10 | 5:00 P.M. | Dinner with City Council | Conference Room CH-14 Basement – CMGC |
| 06-21-10 | 6:00 P.M. | City Rezoning | Meeting Chamber Lobby Level – CMGC |
| 06-30-10 | 4:30 P.M. | Zoning Work Session | Conference Room 280 2nd Floor – CMGC |
| <u>EXECUTIVE COMMITTEE</u> | | | |
| 06-21-10 | 4:00 P.M. | Work Session | Conference Room 266 2nd Floor – CMGC |
| <u>OTHER COMMITTEES</u> | | | |
| 06-09-10 | 3:00 P.M. | Historic District Commission | Conference Room 280 2nd Floor – CMGC |

Charlotte-Mecklenburg Planning Department

FY2010 Community Outreach Presentations

| # | Date | Presentation | Staff |
|----|----------|--|----------------------------|
| 1 | 03/01/10 | Wilmore Neighborhood Association - How to become a Local Historic District | J. Rogers/W. Birmingham |
| 2 | 03/08/10 | Centers, Corridors & Wedges & the General Development Policies as part of the City's Sustainability Policy | G. Johnson |
| 3 | 03/10/10 | McCrorey YMCA Board of Managers Retreat | D. Campbell |
| 4 | 03/11/10 | Foundation for the Carolinas Annual Meeting | D. Campbell |
| 5 | 03/16/10 | Center for Environment at Catawba College | D. Campbell |
| 6 | 03/17/10 | Catawba Lands Conservancy Board Retreat | D. Campbell |
| 7 | 03/31/10 | 2020 Community Workshop | D. Campbell |
| 8 | 04/06/10 | Freedom Drive Development Association – Bryant Park/West Morehead Streetscape | K. Main |
| 9 | 04/07/10 | North End Partners – North Tryon Area Plan Process | K. Main |
| 10 | 04/10/10 | Career Roadshow - North Carolina Central University | J. Howard |
| 11 | 04/14/10 | LDI Bridging Opportunity - Unitarian Universalist Church of Charlotte | D. Campbell |
| 12 | 04/17/10 | Charlotte Clean & Green - MUMPO Information Booth | S. Basham/N. Polemini |
| 13 | 04/17/10 | Neighborhood Symposium - Creating Great Places: Neighborhoods & Public Spaces | D. Campbell |
| 14 | 04/20/10 | Eastland Area Strategies Team – Land Use and Economic Development Issues | K. Main |
| 15 | 04/23/10 | Planning Coordinating Committee Joint Luncheon | D. Campbell |
| 16 | 04/24/10 | Indian Trail Earth Day/Arbor Day Celebration | B. Cook |
| 17 | 04/26/10 | UNCC Class Presentation - MUMPO 101 | B. Cook |
| 18 | 04/28/10 | Grand Opening of Cherry Senior Citizens Facility - Cherry Gardens | D. Campbell |
| 19 | 04/29/10 | Leadership Development Initiative - Levine Museum | D. Campbell |
| 20 | 04/29/10 | Charlotte Center City Partners Vision Awards | D. Campbell |

**Charlotte-Mecklenburg Planning Commission
Executive Committee Meeting Minutes
February 15, 2010 – 4:00 p.m.
Room 266**

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

Commissioners Absent: None

Planning Staff Present: Debra Campbell (Planning Director), Zenia Duhaney, Kent Main, and Katrina Young

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

Approval of January 19, 2010 Executive Committee Meeting Minutes

A motion was made by Commissioner Locher and seconded by Commissioner Randolph to approve the January 19, 2010 Executive Committee minutes. The vote was 4-0 to approve.

Follow-Up Assignments

Heights in Residential Districts (HIRD)

Vice-Chairperson Johnson stated that staff would continue to work on the HIRD text amendment. Staff will meet with the HIRD stakeholder group and discuss concerns raised by the Planning Commission.

Amendment to the Rules of Procedure

Vice-Chairperson Johnson asked if staff had established a process to meet quorum requirements. Planning Director Campbell responded that a formal process has not been established. She explained that the “Interlocal Agreement” and the “Rules of Procedure” do not address having alternates fill-in for absent Commissioners.

The Director indicated that staff follows the protocol agreed upon by the Chairperson and staff. Staff contacts the Chairperson to determine who will serve as a stand-in when a quorum does not exist. Planning Director Campbell asked the Chairperson if he would like staff to formalize or amend this process. The Chairperson responded that he would like the process formalized.

Commissioner Randolph explained that other communities such as Jacksonville and Richmond have policies that support having alternates. Alternates fill-in for Commissioners who are absent from scheduled meetings and are prepared to discuss the issues and or vote. He noted that it is unfair to petitioners and staff when Planning Committee members are asked to fill-in at a meeting and are unfamiliar or unprepared with the issues. Commissioner Randolph recommended creating a process that allows alternates to fill-in for absent committee members. However, he noted that adding such a process might change the “Interlocal Agreement”.

Commissioner Randolph voiced his concern regarding not meeting quorum requirements at the Zoning work sessions. He noted that sometimes committee members do not attend City Council hearings and miss the public's comments or the specifics about the rezoning cases. Ten days later Committee members attend the Zoning work session and may be required to render a decision. However, since they have not attended all the meetings they might lack the information necessary to make a good decision. He noted that sometimes the rezoning cases also require a site visit.

Chairperson Rosenburgh agreed and stated that is the reason staff set up a process to contact the Chairperson when there is an absence. He explained that staff had been trying to reduce the number of times people call in or state that they will attend a meeting and fail to show up. Chairperson Rosenburgh asked if creating a formal process for alternates requires an administrative process.

Planning Director Campbell replied that the recommendation to document quorum requirements would not change the "Interlocal Agreement", but it would amend the "Rules of Procedure" through an administrative process.

The Planning Director asked if the committee's goal is to have an alternate or standby person attend the meetings to become familiar with the issues of a case. She noted that this recommended process would create a workload increase for someone not serving on the Zoning Committee. Commissioners on the Planning Committee could possibly end up performing two functions as an alternate.

Planning Director Campbell also reminded the committee that zoning public hearings are not required meetings for Planning Commission members. She noted that the public hearings are City Council meetings, but Commissioners are strongly encouraged to attend.

Commissioner Randolph stated that maybe staff should reconsider the recommendation. Vice-Chairperson Johnson asked, how often committee members are late or absent from zoning meetings. Chairperson Rosenburgh responded that committee members are late or absent on a regular basis. Commissioner Randolph commented that typically staff receives notification of absences on the day of the meeting.

The Chairperson stated that he understands the Director's recommendation to document the process. Planning Director Campbell explained that staff would draft the language to formalize the process and present to the full Commission for action. The Chairperson asked if the Planning Commission should approve changes in process. The Director responded yes, and restated that the Commission can administratively amend the "Rules of Procedure". Chairperson Rosenburgh agreed and noted that the consensus is to present a motion to the full Commission.

Planning Director Campbell asked if the Chairperson would like this item added to the March Planning Commission agenda. Chairperson Rosenburgh agreed to add if it is doable.

March 1, 2010 Work Session Agenda Items

Parking Standards Follow-Up Discussion

Vice-Chairperson Johnson discussed the Parking Standards overview presented by Laura Harmon at the January work session. She asked if this agenda item had been placed on the March 1, 2010 agenda for a follow-up discussion.

The Planning Director confirmed that the parking standards follow-up was added to the March agenda. She explained that staff's intent was to present the standards as information. However, the Commission connected the information presented with issues surrounding institutional uses and urban areas. The Director expressed that staff is concerned with understanding the direction that the Commission wants to take. She noted that staff wants to ensure that they understand the scope of the issue and have clear direction in terms of the deliverable.

Chairperson Rosenburgh agreed with the Director's summary of the issue and asked if further clarification is needed. He explained that he would rather the Executive Committee determine the deliverable. The Chairperson further explained that the Commission is not concerned about reviewing all the parking standards. The review is related to the uses in urban areas that are going to expand as the community grows. He asked how we should deal with parking since it is impractical to build parking decks each time a use expands.

The Planning Director responded that the distinction is that Commissioners are talking globally and staff is talking standards that are related to and applied based on the district. She noted that parking standards are linked to the zoning district as well as the use.

Chairperson Rosenburgh asked why is staff looking at parking standards citywide. He questioned whether they could be applied by district. The Planning Director responded that staff is looking at parking by district and noted that zoning districts are applied citywide.

Planning Director Campbell noted that staff believes that they are doing a good job as it relates to parking standards in urban districts and their uses. Staff has made some adjustments through the floor area ratio and has allowed for further intensification when there is a deck. She referenced the work session minutes from January and noted that staff tried to clarify the intent. Too much emphasis has been placed on the Greater Galilee rezoning. This was a unique circumstance, but the assumption is that all institutional uses are having problems with providing parking.

The Chairperson responded that Commissioners believe that Greater Galilee was the catalyst for the discussion. He noted that in the future, there are going to be many other similar situations to Greater Galilee and the Commission is interested in being proactive. Chairperson Rosenburgh noted that the Commission might determine after review of the issues that a change is not needed.

The Planning Director noted that the emphasis is on institutional uses. Commissioner Randolph agreed and stated that he believes that the issues are broader. Vice-chairperson Johnson noted that this is what Commissioner Griffith referred to when she noted that the uses go beyond churches. She noted that there are leniencies given to the churches that are not occurring across the board. The Vice-Chairperson agreed that there is a need to examine all uses, not just churches.

The Planning Director suggested that the issue should be taken back to the full Commission to make sure that their expectations can be met. The Chairperson responded that it appears that staff believes the parking standards for this issue is adequate. The Director noted that staff has addressed institutional uses across the board. A change across districts would require more time, additional analysis, as well as discussions with community groups and business organizations.

Chairperson Rosenburgh responded that the Commission is not implying that the standards are incorrect. After additional review, staff might come back and agree that the standards should be changed. The Commission wants staff to review the standards because there will be more of these types of rezonings in the future. He noted that this issue appears to cause strife between the community and petitioners. The Planning Director agreed and stated that there is a misunderstanding regarding which direction to take.

The Chairperson reiterated that there has been concern regarding parking. When you have an existing use, whether it is a church, school or community hall that is expanding there is going to be friction with surrounding neighbors. People should not be forced to build parking decks. It is not practical. Yet, we know that our institutions in urban settings will continue to expand because we are a growing community. Chairperson Rosenburgh asked if there are policies in place to deal with these types of development.

The Director responded by suggesting that the friction is the expansion of the use, not in the standard. Chairperson Rosenburgh agreed and suggested that staff review the issue. He suggested that staff turn in a report that states that they have looked at the issue and determined that it is adequate. The Chairperson noted that staff could provide a recommendation as to how to deal with it in the future.

Commissioner Randolph referenced the “by right” institutional parking space requirement of one space for every three seats. He asked who creates the criteria. The Planning Director responded that the criterion is established in the Zoning Ordinance. Commissioner Randolph noted that CDOT allows on-street parking on Providence Road and on neighborhood streets on Sundays. He stated that they are creating spaces to park and the concern is as places expand will they be able to obtain the needed parking spaces. For example, you cannot park on West Boulevard because there are only two lanes and it is not a major thoroughfare like Providence Road. It seems to be a bit complicated and challenging for a church to pursue parking. He noted that he also believes the standards have been lenient for churches. They have a need one day a week for two hours and then the problem goes away.

The Planning Director commented that is the reason that she is extremely concerned about revising the Zoning Ordinance to respond to a one day a week occurrence. She stated that the zoning language and the ordinances deal with the predominant use of a facility. She noted that the seating capacity in the ordinance for churches is one space for every four seats.

Commissioner Randolph stated that regardless of the minimum standards are more parking spaces are added than needed. The Planning Director agreed and noted that developers always plan for over parking not under parking. They never meet just the minimum requirements.

Commissioner Locher noted that it is cheaper to do it that way and that he agrees with the standards. However, he noted that the Chairperson wants us to review the standards and determine if they are adequate. He noted that Myers Park Presbyterian had to work hard to obtain parking when they expanded to build a gymnasium.

The Director responded that there are numerous public uses not just churches and that is why it is tremendously difficult to demonstrate adequacy because there are many different types of institutional uses.

The Chairperson asked if the use is the same as a Church or a school or a community theater. The Planning Director responded that schools do not generate parking. They have a drop off for kids and there is plenty of parking for school buses. She noted that bus parking is centralized and disbursed and buses do not necessarily park on school property any longer.

The Chairperson referenced the Episcopal school on Park Road. He noted that when there is a football game or a teacher's night there are cars parked everywhere on the boulevard and up and down the street. The Planning Director responded that those are special events and stated that it is the same way for the football stadium. We could never have adequate parking for those kinds of events. The Director noted that we do not want to encourage everybody to drive and make it easy for them to park. Chairperson Rosenburgh responded that we are not trying to make it easy on anybody. All we are looking at is what the standards are and how can we make it work. The Planning Director stated that we have already completed that process. We provided the Commission with a presentation, summarized the main points, and stated what we believe to be okay. She asked what the Commission would like staff to do.

Chairperson asked if there is a communication issue. Commissioner Randolph responded that there is a difference of opinion. Chairperson Rosenburgh explained that there was a full Commission meeting and Commissioners determined that they are interested at looking at this subject. Commissioner Randolph stated that he believes that staff has been creative as it relates to the transit lines and TOD. He noted that the issue is now outside of the transit line.

The Director reiterated that she wanted to understand the specific assignment. The Chairperson responded that the Commission would provide a written assignment to be crafted by the Executive Committee. He asked Vice-Chairperson Johnson to develop the draft.

Commissioner Locher asked if the intent applies to Center City or if it is particularly related to residential areas. He noted that it seems to be primarily linked to institutional uses in residential areas and primarily churches. The Chairperson responded that it will involve more than churches, but suggested that once the document is drafted it will address the issue.

North Tryon Area Plan

Vice-Chairperson Johnson noted that the Planning Committee meeting would receive public comments on the North Tryon Area Plan at their next meeting. Kent Main will provide a five-minute overview of the area plan to the full Commission at their next meeting. Mr. Main reported that an update would be provided to Council's Transportation and Planning Committee and City Council will also receive public comments in March.

Tree Ordinance Update

The Planning Director reported that Council would have their regular workshop on March 1, 2010. Staff will update Council on the Urban Street Design Guidelines, the Post Construction Ordinance and provide the Tree Ordinance update.

The Director noted that staff is working with Urban Forestry to determine who will present the Tree Ordinance update to the full Commission. Vice-Chairperson Johnson asked if the Commission asked for the Tree Ordinance Update. The Planning Director noted that this agenda item was placed on the agenda at the request of the Commission. She noted that the update should not be longer than ten minutes.

Parking Decks as an Accessory Use to Institutional Uses Text Amendment

The Planning Director explained that the Parking Decks as an Accessory Use to Institutional uses text amendment is the floor area ratio standards that would exempt parking decks from being counted as it relates to the total floor area ratio for institutional uses, which includes churches, colleges, etc.

Commissioner Locher asked if this is part of urbanization where if the spaces are counted as a part of the finished area it reduces the space where a piece of property can be placed. The Planning Director responded that the concern is that institutional uses are acquiring a lot of land to expand parking lots. Often times they are penalized on site if they build deck parking. We do not want to penalize anyone for building a parking deck. They should not be penalized for doing the exact thing that we want them to do.

Commissioner Locher noted that deck parking is expensive and it is becoming evident for institutions that might want to go in that direction. The Planning Director agreed and noted especially for colleges, universities, and some churches.

Vice-Chairperson Johnson asked if this text amendment is on the fast track or could it be deferred. She explained that her concern comes from the manner in which the committee has handled text amendments. She noted that the process should go as usual and asked if City Council is awaiting this text amendment, if so they can go ahead and vote and move it along. Commissioner Randolph responded that push back has come from the HIRD text amendment. He noted that Commissioners think that the Executive Committee has been approving text amendments without including input from the full Commission.

The Planning Director responded that staff would ask for permission to file at the next work session. She hopes that the filing would not be deferred because there is a sense of urgency and a deferral could impact the building permitting process. Some institutional uses have expansion plans that are counting on this text amendment.

Vice-Chairperson Johnson noted that the committee is okay with the agenda items listed on the March 1, 2010 work session agenda.

FUTURE AGENDA WORK SESSION ITEMS

Zoning Ordinance Reorganization

The Vice-Chairperson asked if there are any changes to the future agenda items list. She asked about the Zoning Ordinance Reorganization. Planning Director Campbell responded that this topic has to do with staff's goal to reorganize the Zoning Ordinance to make it more user-friendly. She noted that staff is not changing any of the language, other than what has been already approved through text amendments. A few images may be added to clarify existing language because the text

may not be conveying the intent very well. The Director stated that the future agenda list includes topics added by both staff and the Commission.

The Director noted that the Zoning Ordinance needs re-writing and updating. The last update occurred in 1993. She noted that the standards do not support where we are currently headed.

Residential Design Standards

The Planning Director explained that the Commission requested an update on the residential design standards. The update will include a status report of the stakeholder process as well as specific recommendations. She noted that the process is near completion and the last stakeholder's meeting is scheduled for March.

The Vice-Chairperson commented that April's agenda includes several topics for discussion. She asked if the director's report should be included as a part of the agenda in April. The Planning Director responded that the residential design standards and the Zoning Ordinance reorganization updates will be a part of the director's extended report.

Election of FY2011 Officers

The Vice-Chairperson mentioned that the Committee should begin looking at agenda topics for May and June. She asked committee members to submit any additions or suggestions. Commissioner Locher asked about the elections for FY2011 officers. He suggested defining the process in advance. The Planning Director asked if the Committee would select the slate of candidates in May. The Director explained that based on the "Rules of Procedure" the nomination committee should be selected in April, the slate submitted in May, and elections held in June. After discussion, the committee decided that they would select the slate of candidates in May and have elections in June.

Approval of Meeting Schedules

The Committee approved the March and April 2010 meeting schedules.

Adjournment

The meeting adjourned at 5:08 p.m.

**Charlotte-Mecklenburg Planning Commission
Executive Committee Meeting Minutes
March 18, 4:00 p.m.
Room 274**

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

Commissioners Absent: 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 4:08 p.m.

Approval of the February 15, 2010 Executive Committee Meeting Minutes

Due to the lack of a quorum the Committee deferred approval of the February 15, 2010 minutes until the April 19 Executive Committee meeting. Planning Director Campbell explained that the Committee could meet as usual, but could not vote or take action on any business.

Follow-Up Assignments

Parking Standards

The Chairperson asked about the status of the Parking Standards Subcommittee. The Planning Director indicated that Shad Spencer (Planning Staff) would convene a subcommittee meeting within the next 30 days.

Tree Ordinance

Chairperson Rosenburgh asked if the Planning Director would make recommendations regarding the Tree Ordinance. The Tree Ordinance is in the Council Committee adoption process and Planning Staff have been a part of the technical team.

Planning Coordinating Committee (PCC) – Joint Luncheon

The Chairperson asked if there is a difference in attendance for the spring joint luncheon and the fall Planning Coordinating Committee meeting. He asked how many attended each meeting. Cheryl Neely responded that there were approximately sixty attendees at the 2009 spring joint luncheon. The Planning Director noted that all elected officials are invited to the joint luncheons and they typically have more attendees. The fall meetings are usually only attended by PCC members and therefore have fewer participants.

Chairperson Rosenburgh asked if it would be beneficial to invite a bank economist to speak at the joint luncheon. The Planning Director explained that Jim Bartl with Mecklenburg County LUESA is scheduled to provide an overview of development trends and local planning initiatives.

April 5, 2010 Work Session Agenda Items

The Chairperson asked about the recent decrease in agenda items for the work session. Director Campbell responded that recent agenda items have been more complex and therefore have taken

more time to discuss. She also noted that in April several agenda items will be included as part of the Director's Extended Report.

Residential Design Standards

The Chairperson asked about the Residential Design Standards Update. Planning Director Campbell explained that they are nearing the end of the process and will be presenting recommendations at the April work session. She noted that staff's presentation will be for information only and no action is required by the Commission. Commissioner Randolph asked if visuals would be included and the Planning Director responded yes.

Centers, Corridors, and Wedges (CCW)

The Planning Director explained that staff would like to present a CCW update to the Planning Commission and hold the public comment meeting in May. She asked the Chairperson if public comments should be presented at a regular work session or if a special meeting should be held. The Director noted that if the meeting were scheduled during a Noon work session it would not be advantageous to the public.

Director Campbell recommended rescheduling a work session to an afternoon, preferably between 4:00 and 5:00 pm to accommodate the public input portion of the CCW growth plan update. Chairperson Rosenburgh agreed and noted that realistically public input should not occur prior to 5:00 pm. The Chairperson asked if the public has to be given notice. The Planning Director responded yes.

The Committee agreed to adjust the Planning Commission schedule to reflect a change in the May 3, 2010 work session from Noon to 5:00 pm. Chairperson Rosenburgh noted that this gives the public time to attend the meeting. Staff agreed to check on the availability of the rooms for the meeting. Ms. Neely asked if a conflict would exist because City Council also has their workshop scheduled on the same day. The Planning Director responded that a conflict would not exist since this is not a Council business meeting and if needed, the meeting could be held on the 8th floor.

Chairperson Rosenburgh asked if staff is expecting a large turnout. Planning Director Campbell responded that a large turnout is not expected, particularly because many of the issues have already been resolved. She noted that the development community is relatively pleased; however, some neighborhoods continue to have concerns.

The Chairperson asked about comments made by the Mayor regarding development. The Director responded that comments are related to media interpretation regarding the issue. She noted that the issue is in reference to three ordinances i.e., Post Construction, the Tree Ordinance, which is coming up for adoption in June/July and the Urban Street Design Guidelines already adopted as policy. The Director noted that the Urban Street Design Guidelines were presented in March and is in the process of being converted to ordinance language. Director Campbell noted that the issue, in her opinion is that staff had been reading the policy literally and not proving enough flexibility.

Rules of Procedure

The Planning Director asked Commissioner Randolph if he remembered the discussion about quorums and attendance. She noted that staff was directed to develop language that states what process should be followed when Commissioners are absent.

The Director referenced new language added to the “Rules of Procedure” by staff on page 4 under Section 3. However, Section 4 already includes language that addresses this issue. She noted that staff would like to determine whether the existing language, which states that the Chairperson retains the authority to make temporary assignments, is sufficient language to cover the process. Should the Chairperson of the Commission contact members or should the Chairperson of the Committee do so.

Commissioner Randolph noted that the Inter Local Agreement already addresses this issue. Chairperson Rosenburgh noted that the new proposed language clarifies and more fully addresses the Commission’s concerns and should be used going forward. The Chairperson of the Commission would continue to call staff and report when Commissioners are absent. The Committee agreed to use the new language and Director Campbell recommended that the Chairperson address the issue of attendance with Commissioners. The new proposed language will be presented at the April work session for approval.

Nominating Committee

The Chairperson asked who was assigned to the 2009 Nominating Committee. Commissioner Randolph responded that former Commissioner George Sheild, Tracy Finch-Dodson and Emma Allen were on the committee. He asked staff to provide a rotation schedule for Commissioners. The Planning Director asked Cheryl Neely (Planning Staff) to ensure that the Chairperson received a copy of the rotation schedule.

Chairperson Rosenburgh stated that the Mayor’s office contacted him regarding two open positions on the Commission. Planning Staff explained that these two positions are reappointments, not open positions. They are for Commissioner’s Tracy Finch-Dodson and Yolanda Johnson. Cheryl Neely commented that Commissioner Wesley Simmons’ term expires in June and his position will need to be filled. Commissioner Randolph added that this position represents a school board County appointment.

The Chairperson asked when the Nominating Committee should present the slate of officers. Director Campbell responded that the Committee should present the list of nominees at the May work session. Commissioner Randolph noted that the Chairperson might want to give a heads up to Commissioners chosen to serve on the Nominating Committee. The Director agreed and noted that typically the Nominating Committee is appointed in April; they present the slate of officers in May, and the Commission votes in June. However, if the Chairperson prefers he could ask the Commission to amend the Rules of Procedure and ask the Nominating Committee to present the slate and vote in June. Commissioner Randolph recommended that the Commission follow the Rules of Procedure especially since changes were made the previous year to the process.

Future Agenda Work Session Items

The committee adjusted the future agenda items list. The CATS Quarterly Update and the Heights in Residential Districts (HIRD) Text Amendment were moved to the June agenda. Planning Director Campbell noted that staff would be requesting permission to file this text amendment.

Chairperson Rosenburgh asked about the Independence Plan. Planning Director Campbell indicated that a presentation would be made to City Council on March 22, 2010. The Chairperson

asked who would make the presentation, the Charlotte Department of Transportation (CDOT) or the North Carolina Department of Transportation (NCDOT). The Director responded that CDOT would make the presentation. She explained that NCDOT has participated in the process; however, CDOT, Planning, and Economic Development are responsible for completion of the project.

Chairperson Rosenburgh asked if a copy of the report presented to Council could be provided to the Commission. Director Campbell informed him that the presentation would be a slide presentation not a report.

Commissioner Randolph inquired if this would affect the Area Plan process. The Planning Director noted that this would not impact the Area Plan process. She commented that the redesign has improvements that are consistent with the Area Plan process. Commissioner Randolph noted that Planning could now work on completing and adopting the plan. The Planning Director responded that they have to work on obtaining funding. She noted that adoption of the plan would not occur until there is a committee meeting to discuss the collaborative effort of both NCDOT and CDOT.

The Chairperson commented that NCDOT is working on the US74 Bypass, which is the first physical action in years and the project appears to be moving to another level. The Planning Director added that they are in the process of starting negotiations for property acquisition. Commissioner Randolph noted that it is hard to believe. Director Campbell responded that the project is on schedule for that phase of the project.

Meeting Schedules

The Committee approved the March and April 2010 meeting schedules.

Adjournment

The meeting adjourned at 4:45 p.m.

NOTICE OF PUBLIC HEARINGS ON PETITIONS

FOR ZONING CHANGES BY CITY COUNCIL

OF THE CITY OF CHARLOTTE, N.C.

NOTICE is hereby given that public hearings will be held by the City Council in the Meeting Chamber located in the Charlotte-Mecklenburg Government Center, 600 East Fourth Street beginning at 6:00 P.M. on **Monday, the 17th day of May, 2010** on the following petitions that propose changes to the Official Zoning Maps of the City of Charlotte, North Carolina:

Petition 2010-022 Change in zoning from TOD-M(CD) and R-22MF to TOD-MO and TOD-RO for approximately 16.70 acres located south of the intersection of South Boulevard and South Caldwell Street and bounded by Templeton Avenue and Euclid Avenue. **Petitioner: Housing Authority of the City of Charlotte.**

Petition 2010-031 MUDD-O (SPA) (site plan amendment) for approximately 0.49 acres located on the north side of West W.T. Harris Boulevard between Medical Plaza Drive and Technology Drive. **Petitioner: The Carolina Group.**

Petition 2010-033 Text Amendment to the Zoning Ordinance to add new regulations making parking decks constructed as an accessory use to an Institutional use exempt from Floor Area Ratio (FAR). **Petitioner: Charlotte-Mecklenburg Planning Commission.**

Petition 2010-038 Change in zoning from B-D(CD) to I-1 for approximately 10.41 acres located on Forest Point Boulevard near West Arrowood Road. **Petitioner: Faison-Arrowood Properties Limited Partnership.**

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

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

To file a written petition of protest which if valid will invoke the 3/4 majority vote rule (General Statute 160A-385) the petition must be filed with the City Clerk no later than the close of business on **Wednesday, May 12, 2010.**

AGENDA
CHARLOTTE-MECKLENBURG PLANNING COMMISSION
ZONING COMMITTEE WORK SESSION
Charlotte-Mecklenburg Government Center, Rm 280
April 28, 2010
4:30 P.M.

| | |
|--|---|
| | 1. Petition No. 2001-099 by Wilmore Neighborhood Association for the establishment of the Wilmore Historic District Overlay of approximately 171.28 acres located east of Interstate 77 bounded by Dunkrik Drive, West Tremont Avenue, South Tryon Street, and West Summit Avenue. |
| | 2. Petition No. 2010-023 by RED Partners for a NS and UR-2(CD) site plan amendment for approximately 9.06 acres located on the west corner of Ardrey Kell Road and Marvin Road. |
| | 3. Petition No. 2010-027 by The Carolina Group Partner, LLC for a change in zoning of approximately 3.92 acres bounded by Scott Avenue, East Boulevard, and Floral Avenue from B-1(PED) to B-1(PED-O) |
| | 4. Petition No. 2010-030 by Prosperity Shopping Plaza, LLC for a NS site plan amendment of approximately 1.11 acres located at the northeast corner of Prosperity Church Road and Johnston Oehler Road. |
| | 5. Petition No. 2010-025 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to clarify the yard requirements for corner lots, when the rear lot line is shared in common with the side lot line of an abutting lot. |
| | 6. Petition No. 2010-028 by Mecklenburg County Park & Recreation Department for a NS, MX-2, and O-1(CD) site plan amendment of approximately 80.87 acres located off Cindy Lane and bounded by Interstate 77, Missionary Avenue, and Beatties Ford Road. |

**Charlotte-Mecklenburg Planning Commission
Planning Committee Meeting Minutes
CMGC – Room 280, 2nd Floor
March 16, 2010 – 5:00 p.m.**

Commissioners Present: Yolanda Johnson (Chairperson), Eric Locher (Vice-Chairperson), Claire Green Fallon, Steve Firestone, Nina Lipton, Greg Phipps, and Andrew Zoutewelle

Commissioners Absent: None

Planning Staff Present: Kathy Cornett, Sonda Kennedy, Kent Main, and Melony McCullough

Other City Staff Present: Daniel Gallagher (CDOT) and Tom Warshauer (Economic Business Services)

Call to Order

Chairperson Johnson called the meeting to order at 5:10 p.m.

Approval of Meeting Minutes

A motion was made by Commissioner Zoutewelle and seconded by Commissioner Phipps to approve the February 16, 2010 meeting minutes. The vote was 7-0 to approve the minutes.

University Research Park

Kathy Cornett gave a brief overview of the University Research Park area as a tour of the plan area, originally scheduled for this meeting, was rescheduled for April 5th. Ms. Cornett said that the purpose of the tour was to become familiar with the study area. Mary Hopper and Rhett Crocker will join the group to provide comments and answer any questions concerning the redevelopment.

Ms. Cornett told the group that this plan is being funded by University City Partners who are working with several consultants and City and County staff to develop the plan. The first public meeting was held October 1, 2009 and a final public meeting will be held on April 1, 2010 at which time draft recommendations will be presented.

Commissioner Zoutewelle asked if there had been any issues about the plan. Ms. Cornett replied that most people were positive but some were hesitant about the introduction of residences in certain areas. Commissioner Lipton mentioned that there had been talk about a central park area, a different type of concept in terms of executive markets, a different vision, a move away from the suburban look and ideas about other types of businesses. Commissioner Johnson asked how does a plan ensure or encourage a certain kind of housing. Ms. Cornett said that the staff does not address price points, but does address community design. Commissioner Phipps wanted to know how much acreage has been designated for housing. Ms. Cornett did not have the number of acres now. Commissioner Johnson asked for dates to go on the tour. It was decided that the committee will go on the tour on Monday, April 5 at 2:00 p.m. immediately after the Planning Commission meeting.

North Tryon Area Plan Status

Mr. Kent Main (Planning Staff) was present at this meeting to answer questions from the Planning Committee prior to the Committee making a recommendation on the draft plan. Commissioner Johnson told the group that there were concerns that needed to be addressed before voting.

A motion was made by Commissioner Zoutewelle and seconded by Commissioner Firestone to recommend that City Council adopt the North Tryon Area Plan.

Commissioner Zoutewelle began the discussion by stating that he was excited about this plan and that many aspects of the plan made good sense and was understandable. He also said that staff did a good job in their presentations and tours. His concern though, is the relationship of the area to the proposed Blue Line extension in the form of the railroad and the intermodal yard. Because NODA is in such proximity to this area and is not being completely connected, there should be more opportunities for change. Commissioner Fallon agreed with him and asked is there a way to build a bridge to connect the two. Mr. Main commented that he shared their sentiments, but explained existing issues are factors in why a bridge could not be built. Commissioner Fallon wanted to know why it cannot be done. Mr. Main attempted to explain the area challenges. Mr. Dan Gallagher (CDOT) spoke about the connectivity challenges for the trains. Commissioner Lipton said that there were connection points being ignored and asked why there were not any connectivity goals. Commissioner Fallon suggested that money be designated for a bridge for connectivity purposes. Commissioner Zoutewelle thought that a bridge over Matheson Street would be good and infrastructure should be considered. Mr. Main said that a bridge exists at Matheson, and that over time there are recommendations for further improvements. Commissioner Lipton asked if staff was looking at existing connectivity between the NODA neighborhood and the implementation of bike/pedestrian/car integrations. Mr. Gallagher said that was a good point and these possibilities have been questioned before. Another look at 30th Street and 36th Street may be an opportunity to strengthen the plan. Commissioner Lipton said that one of the problems is not addressing the future now, which will only create the need for another plan later. There is an opportunity now to plan ahead.

Commissioner Phipps said in looking at the plan, which is not very inspirational, he can see challenges. The only bright spot for this plan is the potential for the streetscape. One of his concerns is the chart on page 42 of the study plan. Are we being overly optimistic on what this corridor can really have. Mr. Main says that it is very optimistic and the study was done prior to the current economic unpleasantness, and the consultants advise not to revise the projections for a long-term plan based on current short term prospects. Mr. Main told the group that the plan aims for a balance between encouraging new land uses and supporting existing viable businesses, but there will not be any corrective rezoning. Commissioner Fallon said that if things change in ten years and the city grows, how long will corrective rezoning be affected. She noted the look of the area coming into downtown. Mr. Main says the land use may change in the future, which the plan acknowledges. He also said that the plan enables without handicapping with what is already there. Commissioner Phipps said another disappointment in the plan is the relocation of the Amtrak to Center City which is detrimental. Mr. Main said that the Amtrak relocation was part of a bigger plan.

Commissioner Phipps asked Mr. Gallagher if there is a proposal to have light rail in Asian Corners. Mr. Main stated that the Asian Corners area is outside of this plan area, but was one of the routes considered for the light rail alignment by the light rail team. The route they selected follows the rail alignment further north before meeting North Tryon Street. Mr. Gallagher directed Commissioner Lipton to page 29, item #43 which calls for pedestrian amenities, connections, and improvements at 16th, 30th, and 36th Streets to tie in to future station areas.

Commissioner Johnson spoke about page 12, item #5, and the land use of flex and office space. She would rather show the opposite, a more intense land use commitment should be in this plan. She said that she thinks that we are doing this plan a disservice because of the language. She feels as though the plan is not consistent and needs to be reconciled. Kent said that there are a number of challenges for TOD to be considered. Commissioner Phipps feels that this is a hybrid type plan and is probably the best that we can do for this corridor. Commissioner Zoutewelle stated that there are accommodations for future developments.

Commissioner Zoutewelle asked about the plans for the railroad and the intermodal yard usage and wanted to know what changes were underway. Mr. Main used the map to show the intermodal yard area that would be going to the airport, and the rail switching yard that would remain in the present location. Commissioner Locher wanted to know how the Amtrak high speed train co-exists with light rail; they will be on separate tracks, but this does represent some conflict. Tom Warshauer (Neighborhood and Business Services) stated that this was a complicated plan and a lot to work out between the light rail and the Amtrak. There are amenities that the community can enjoy.

Commissioner Fallon asked about how much of an impediment the Men's Shelter and the Crisis Ministry will be to the plan. Mr. Main said that they would be around and will not go away. There is more to their continuing presence here than the value of the land. Mr. Warshauer told the committee that this was one of the hardest areas to redevelop. Commissioner Lipton had questions about the map stating that there should be stronger enhancements. Commissioner Johnson asked what can be done to make the plan more understandable. Mr. Main said that an amendment to enhance the plan and map can be made. Commissioner Phipps wanted to know if there is anything in this plan to help Lockwood gentrification. Mr. Main stated that was a double edged sword.

Commissioner Zoutewelle made an amendment to his previous motion to recommend to City Council to adopt the North Tryon Area Plan with changes to the concept and land use maps highlighting future improvements to rail crossings at 16th, 30th, and 36th Streets. Commissioner Fallon seconded. The vote was unanimous (7-0) to recommend adoption with the changes enumerated by Commissioner Zoutewelle..

Area Plan Status and Meeting Report

Catawba Area Plan

Commissioner Firestone stated that he will have an update next month. Ms. McCullough stated that a public meeting will be held on April 13, 2010 and the Planning Committee will be asked to receive public comments at their April meeting.

Elizabeth Area Plan

Commissioner Lipton said that building blocks were used to discuss height and massing at the last Citizen Advisory Group meeting, which focused on Community Design. The stakeholder process has been extended and the plan is expected to come to the Planning Commission in the latter part of the summer.

North Tryon Area Plan

The plan was recommended for adoption by City Council.

Steele Creek Area Plan

Commissioner Locher stated that the citizens are active and very interested in the project. He stated that the expansion of water and sewer service will transform the area. Commissioner Fallon mentioned that Keith MacVean shared information at a City Council meeting about a development planned at Lake Wylie.

Independence Boulevard Area Plan

An update will be given at the next full Planning Commission meeting. Ms. McCullough stated that the task force is still meeting.

Adjourn

The meeting adjourned at 6:40 p.m.

Charlotte Historic District Commission Update**April 26, 2010**

At their April 14, 2010 meeting, the Charlotte Historic District Commission made the following rulings on Applications for Certificates of Appropriateness.

| | | | |
|----|---|--------------|---|
| A. | 928 East Park Avenue, Dilworth New Construction – Single Family House John Zucker of JZ Studio, Inc., Applicant | HDC 2010-006 | Approved |
| B. | 624 East Worthington Avenue, Dilworth Partial Parging of Rear Addition Steve Passaly, Applicant | HDC 2010-028 | Approved |
| C. | 1525 Thomas Avenue, Plaza Midwood Expansion of Rear Deck Sean Christopher Braund, Applicant | HDC 2010-032 | Approved |
| D. | 943 Romany Road, Dilworth Front Porch Addition Keith Lehr, Applicant | HDC 2010-034 | Deferred for Additional Design Development |
| E. | 2117 Charlotte Drive, Dilworth Rear Addition Michael Standley, Applicant | HDC 2010-035 | Approved |
| F. | 1914 Dilworth Road West, Dilworth Rear Addition Jennifer Meier, Applicant | HDC 2010-037 | Approved |
| G. | 408 East Worthington Avenue, Dilworth Construction of New Garage Glenn Monaco, Applicant | HDC 2010-038 | Deferred to Staff for Final Approval |
| H. | 604 Mt Vernon Avenue, Dilworth Change in Entrance Porch Allen Brooks, Applicant | HDC 2010-042 | Approved |