

Prosperity Hucks Area Plan

Frequently Asked Questions

JUNE 5, 2014

PLANNING OVERVIEW

1. What is the purpose of the planning department?

The Charlotte-Mecklenburg Planning Department is a department within the City of Charlotte government, and is charged with providing integrated planning services to the City of Charlotte and unincorporated areas of Mecklenburg County. The core services provided by the Planning Department are:

- *Managing the Rezoning Process*
- *Administering the Subdivision Ordinance*
- *Reviewing Development/Renovation Proposals within Local Historic Districts*
- *Developing Community Plans and Other Policy Documents*
- *Providing Urban Design Guidance*
- *Coordinating the Annexation Processes*
- *Guiding Community Investment Planning*
- *Providing staff support for the Charlotte Regional Transportation Planning Organization*
- *Providing staff support for a number of Boards and Commissions including the Planning Commission, Charlotte Regional Transportation Planning Organization, Historic District Commission and Zoning Board of Adjustments*

2. What is the difference between the planning department and a developer?

A developer is a private party that owns and/or develops property either according to current zoning, or by petitioning for a rezoning.

The Planning Department does not own or develop property. Part of the role of the Planning Department is to interpret adopted plans and policies and make recommendations to City Council concerning rezoning petitions.

3. What is the purpose of an area plan?

Area plans establish a vision for the physical development of a specific geographic area, and provide a detailed set of policies that are intended to guide the location, form and character of future development and redevelopment. Additionally, area plans help to inform future investments in infrastructure and public facilities.

4. What is the difference between an adopted land use and a proposed area plan?

Every parcel of land within Charlotte's jurisdiction has an adopted land use designation. This adopted land use is what past planning efforts determined is the desired use for property, and what has been adopted by City Council. For property within Prosperity Hucks, this would be from the Northeast District Plan (adopted in 1996), or the Prosperity Church Road Villages Plan (1999), or a result of an approved rezoning since those plans were adopted. A proposed area plan, when adopted, would update/change the adopted land use.

5. What is worst case scenario if we do not have an area plan?

Council would use the Northeast District Plan (adopted in 1996) and the Prosperity Church Road Villages Plan (1999), as updated through approved rezoning, to guide future development. Since conditions have changed in the Prosperity-Hucks area since these plans were adopted, it is likely that development decisions would suffer from lack of a comprehensive, detailed, current look at this area.

6. Who decides the zoning for a parcel of land?

There is an existing zoning classification for every property in Charlotte's jurisdiction. When owners want to develop or use their property in ways that do not conform to their current zoning, they must apply for a change to their zoning classification, also commonly referred to as a rezoning. City Council makes the final decision on rezoning applications.

7. Who controls which specific shops (Starbucks, Target, etc.) come into a shopping center? Does the planning department have any influence over specific stores?

The identity of a specific tenant is negotiated by the owner/developer as a private sale or lease. The Planning Department is not part of these negotiations and does not differentiate between specific tenants. However, through review of building types and arrangement of site plans, Planning has a role in what types of uses may be included in a new development and how they should be designed.

OTHER CITY, COUNTY, & STATE AGENCIES

8. What other City and County departments have had input into the plan?

In the course of developing an area plan, Planning staff assembles an interdepartmental team across the spectrum of City and County functions. It draws upon the team throughout the process at appropriate times as issues arise. The principal partners in this plan have been:

- ***Charlotte Department of Transportation (CDOT)** has played an integral role in the Area Plan process. CDOT was involved with the design of the street network since the creation and adoption of the 1999 plan. They also have been involved in modeling the traffic flows, and in establishing the standards for additional local streets. Providing bike lanes and sidewalks have been a concern for both CDOT and the Planning Department.*
- ***North Carolina Department of Transportation (NCDOT)** has been a partner in the design and construction of the I-485 interchange from the beginning. Both City and State agencies have been in attendance at all Area Plan meetings to gather input and answer questions. Likewise, both have been involved in the standards for additional local streets, as well as moving forward on actual construction of the street network.*
- ***Mecklenburg County Park and Recreation** has been a strong partner in the plan process. The plan area is strong on regional park locations, and plans for the Clark's Creek Nature Preserve and Clarks Creek Greenway have been firmed up through this planning process. Additional needs for local parks, greenway trailhead locations, and connections to the Village Center have been identified. Park and Recreation typically does not identify specific locations prior to purchase negotiations because of the sensitivity of real estate transactions. It is problematic to designate specific privately owned parcels for park or public use when funds are not immediately available for purchase, since it can severely restrict the uses to which the owner can use his property.*

- **Charlotte Mecklenburg Schools (CMS)** has been a part of the planning process from the beginning. They have two new schools in the plan area under development, and are seeking sites for much needed further expansion. The plan calls for further school site development to meet existing and continuing needs. CMS does not identify specific locations prior to purchase negotiations because of the sensitivity of real estate transactions.
- **Charlotte Mecklenburg Police Department** has provided input at several stages of plan development. They analyzed land use and provided crime analysis, and consulted on organizational structure for enforcement. The department has police stations covering geographic areas much larger than the plan area, and does not anticipate this area as a station location.
- **Charlotte Mecklenburg Library** has identified a need in the northeast, and indicated an interest in the plan area for a future branch. The 2001 approved site plan for property west of Ridge and Prosperity Church Roads actually reserved a location for a library for a five-year period, now expired. The Library does not identify specific locations prior to purchase negotiations because of the sensitivity of real estate transactions. There is no funding for a project at present, but a future County bond cycle could identify funding. Alternatively, the Library could be open to a build to suit arrangement involving a long-term lease, or other partnership with schools or parks.
- **Charlotte Area Transit System (CATS)** has contributed in planning for future routes to the area. These include revision of the existing Route 22 to circulate through the Village Center, plus a new express route to Uptown, and three additional routes under consideration.

GREEN SPACE

9. The description of the striped areas (village center) states public and private use in addition to retail, residential and commercial. Does this also include larger green space areas?

Yes, the plan will permit development of larger open space elements within the Village Center mixed use areas. This would likely occur if a donation or purchase agreement can be achieved. The plan also sets forth an expectation that future development include smaller open spaces that will not only help to preserve tree canopy but will begin to create a network of open spaces.

10. Can the planning department label a specific plot as “to be open green space”?

Property owners have the legal right to develop their property in accordance with existing regulations. To label a specific parcel as “open green space” on a land use plan is often seen as significantly limiting that right. Therefore the plan typically does not identify specific private property for open space use unless there is a reasonable expectation that funding and an agreement with the owner is at hand. Doing so places constraints on both the City/County and on the property owner in property negotiations.

11. Who would own the green space if we wanted it to be 1/2 acre or larger?

Typically, public open space of that size is owned and operated by Mecklenburg County Park and Recreation. In some cases, a private property owner may maintain open space for quasi-public use, such as the pond at the Eastfield Village Shopping Center.

12. When a developer wants to develop a parcel of land, can requirements be put into the plan that requires an amount of pedestrian friendly and usable green space? What are the limitations?

An area plan cannot make any requirements; however, the draft Prosperity Hucks plan does set an expectation that future development include usable accessible open space, preservation of at least 10% of trees on a site, and integration of a network of village squares, parks, green spaces, and trails. A recommendation to dedicate a very large portion of a property might be deemed confiscatory and not permissible by law.

MULTI-FAMILY RESIDENTIAL

13. What is the definition of multi-family? Is it only apartments or can it be townhomes, 4-plexes, etc.?

Multi-family generally refers to any type of residential unit that includes more than one dwelling unit within a building or where buildings are attached. It may include duplexes, triplexes, townhouses, other unique forms such as the attached "pinwheel" houses on Prosperity View Drive. It also includes more typical apartment buildings, large and small, as well as special purpose buildings such as independent living units for seniors.

14. Is multi-family required to be all rental or can it be a mix of rent and own?

Multi-family can be all renter-occupied, all owner-occupied, or a mixture. Any type of dwelling can be owner-occupied or rented, just as a single family house may be rented.

15. Is there a maximum number of stories (ex. 2 story building, 3 story building) for this area? Or is it specific to each parcel of land?

There is currently no minimum or maximum building height noted in the draft plan for Prosperity Hucks. A maximum building height is typically specified through zoning.

16. If a spot calls for 22 dwellings per acre, must it always meet 22 or can the developer opt for fewer units?

The maximum number of units would be 22, but fewer units are definitely allowed.

17. Why has the amount of DUA (dwellings per acre) increased in the plan from prior plans?

The intent was to provide a range of allowable densities from the lowest where the Village Center met single family neighborhoods to the highest at the very center of the Village Center. It was expected that lesser densities would be allowed on any particular parcel, but that property owners would have some flexibility in what they could build. In many cases, a lesser density has already been built. Staff is taking a closer look at allowable densities to fine tune them by specific location, and to better reflect lesser existing densities.

TRAFFIC

18. How are the active roadway projects in the Prosperity Village area being funded and who is responsible for building them?

The various roadway projects are funded by the North Carolina Department of Transportation (NCDOT) and the City of Charlotte. NCDOT is funding and managing the construction of I-485 and the roads that cross or are immediately adjacent to it. The City of Charlotte is funding and managing the construction of most of the remaining thoroughfare network in the Village Center.

19. Who funds and builds the smaller proposed streets?

Streets within individual developments are generally constructed by the developer/builder at their expense. The builder/developer also is expected to make improvements to existing streets within or along the edges of their property to meet the needs imposed by their project. This includes providing sidewalks, planting strips and other amenities to current standards.

20. What type of analysis goes into developing the roadway network? How are traffic impacts considered with proposed land uses?

The regional Thoroughfare Plan lays out the desired roadway network that will be developed over time, as determined through various planning efforts, including the area planning process. Individual road improvement projects are incorporated into a regional traffic model that helps determine how a specific project will impact the system. As funding becomes available, Transportation planners test potential projects via the model to determine their impacts locally and regionally, and use this information in the project selection process.

The process for designing streets includes an in-depth analysis of current conditions and future transportation and land use conditions to determine the type of street that is needed. Considerations include traffic volumes, congestion, crash data, pedestrian and bicycle mobility, transit access, existing roadways design, transportation projects, land uses, development patterns and projects. This step is followed by a review of future conditions based on known future land use plans, population growth forecasts, planned projects, and traffic model data. Then, based on existing and future conditions and public input, a "cross-section" for each street is developed. The ultimate cross section for any particular street is intended to serve all modes of transportation and function within the regional system of streets.

The cross sections are used in designing future roadway projects funded by the City and/or State and to determine specific improvements along public streets that will be required of a developer.

TIMELINE**21. When is the next large community meeting?**

A large community meeting will be scheduled in August or early September. Prior to that meeting, staff will prepare a set of proposed revisions to the draft plan. These will be posted on the web and made available to interested parties.

22. What happens to the plan after the large community meeting? When will there be a public hearing for the plan?

After the August/September community meeting, staff will reinstate the plan adoption process. This will include opportunities for public comment at both the Planning Committee and City Council. This likely will happen in September 2014.

23. When does City Council vote on the plan?

A vote on the plan will come after public comment is heard and Council Committee has a chance to consider the comments, likely in November 2014.

24. If the plan was created in 1999, why has it taken so long to be approved?

The plan created in 1999 was The Prosperity Church Road Villages Plan, and it was approved in 1999. It is the current policy for development within the Village Center. The draft Prosperity Hucks Area was created in 2013 and will update the 1999 plan when it is adopted by City Council.