

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

Planning Commission

July 19, 2010
work session

Charlotte-Mecklenburg
Government Center

Room 267
Noon



Agenda

**CHARLOTTE-MECKLENBURG PLANNING COMMISSION
MONDAY, JULY 19, 2010
CONFERENCE ROOM 267 - NOON**

AGENDA

CALL TO ORDER & INTRODUCTIONS

Stephen Rosenburgh

ADMINISTRATION

Approval of Planning Commission Minutes

Attachment 1

Approve the June 7, 2010 Work Session Minutes

POLICY

Text Amendments

Historic Signs Text Amendment

Sandy Montgomery

Background: This text amendment adds a new sign type designation, "Historic Signs", with designation criteria to encourage the restoration and retention of nonconforming historically significant signs that have been moved from their original location to be reused at a new location.

Attachment 2

Action: Planning staff requesting permission to file text amendment on behalf of the Planning Commission.

Tree Survey Reference Text Amendment

Sandy Montgomery

Background: This text amendment updates an outdated section reference in the Zoning Ordinance that was not modified when the Tree Ordinance section numbers were reorganized in 2001.

Attachment 3

Action: Planning staff requesting permission to file text amendment on behalf of the Planning Commission.

INFORMATION

Planning Director's Extended Report

Debra Campbell

- User Fees
- Parking Standards Sub-committee Follow-up
- FY11 Work Program/SOP

July/August/September 2010 Meeting Schedules

Attachment 4

Planning Department's Public Outreach Presentations

Attachment 5

Committee Reports

Executive Committee

Stephen Rosenburgh

- May 17, 2010 Approved Minutes

Attachment 6

- Future Agenda Items
 - Planning Commission 2010 Retreat
 - Transportation Planning (MUMPO)
 - HIRD Text Amendment
 - Eco-Friendly Land Uses Definitions and Standards
 - Capital Improvement Plan (Fall 2010)

Zoning Committee

- Public Hearings
- Zoning Committee Agenda

Stephen Rosenburgh

Attachment 7

Attachment 8

Planning Committee

- May 18, 2010 Approved Minutes

Yolanda Johnson

Attachment 9

Historic District Commission

- June 9, 2010 Meeting Update

Lucia Griffith

Attachment 10

Communication from Chairperson

Stephen Rosenburgh



Administration

A stylized graphic featuring a blue wave-like shape that contains the word "Administration" in a white, cursive font. The wave is set against a background of green and blue wavy lines, suggesting a landscape or water. The overall design is modern and artistic.

CHARLOTTE-MECKLENBURG PLANNING COMMISSION
MONDAY, JUNE 7, 2010
CONFERENCE ROOM 267 – NOON
MINUTES

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

Planning Staff Present: Debra Campbell, Planning Director, Assistant Planning Director (APD) Garet Johnson, Zenia Duhaney, Kent Main, Cheryl Neely, and Jan Whitesell

Guest: Carolyn Flowers, Chief Executive Officer of the Charlotte Area Transit System

Call to Order

The Chairperson called the meeting to order at 12:05 p.m.

Approval of the May 3, 2010 Work Session Minutes

Commissioner Allen made a motion, seconded by Commissioner Johnson to approve the May 3, 2010 work session minutes. The vote was 14-0 to approve.

Charlotte Area Transit System (CATS) Update

Chairperson Rosenburgh welcomed and congratulated Carolyn Flowers (CEO of CATS) on the completion of her first six-months. Ms. Flowers acknowledged the importance of building relationships, as well as coordinating efforts with Planning, and the Transportation Department, while planning for the future of transit in the City.

Ms. Flowers noted that CATS would hold stakeholder meetings in the summer. Citizens in Mecklenburg County invest in transit through the payment of sale taxes. Since, there have been several articles written about delays and deferrals in the construction of transit corridors citizens must be kept updated regarding what we are planning to do. This will be a precursor to evaluating the long-range transit plan. In addition, CATS will provide updates based on the current economic climate.

Five years of growth have been lost in the last two years. This will have a significant impact on our future. We must look at ways to establish creative financing options and work with the Federal Transit Administration (FTA) on grant proposals.

We have had a very successfully ridership on the rail line. Ridership across all services increased 3.3 % in March over the prior year. The previous year was a peak year because of gasoline prices. The last two months, has shown an increase in the fare box, recovery, and growth in ridership. These are good signs for us in terms of economic recovery. This signals that maybe we have hit the bottom and are starting to go back up. Ms. Flowers also provided updates on several CATS initiatives including:

Charlotte Gateway Station: Charlotte Area Transit System (CATS) is moving forward with the acquisition of the Greyhound bus depot property. CATS is working with NCDOT and expect to finalize negotiations with Real Estate and Legal. CATS will take this proposal to City Council by late June. NCDOT is awaiting some economic recovery before submitting a Request for Qualification (RFQ). The RFQ is to procure a master developer for the Charlotte Gateway Station.

Bus Livability Grant: CATS had also submitted a request for a Bus Livability grant to the FTA. The grant's recipients will be announced by the end of June. This will allow the extension of the Bus Rapid Transit (BRT) sprinter services that currently runs to the airport. Service will expand to Beatties Ford Road and Central Avenue. In addition, the amenities offered by these grants will be precursors to the stations proposed for the streetcar.

North Corridor Commuter Rail Project (LYNX Red Line): County Commissioner and Chair of the Metropolitan Transit Committee (MTC)Jennifer Roberts accompanied CATS staff (Ms. Flowers and John Muth) on a visit to the FTA in Washington DC. They met with the FTA to discuss the lessons learned as it relates to the Transportation Investment Generating Economic Recovery (TIGER) Grant.

The North Corridor project made the final list out of 1,457 applicants. However, Charlotte was priced out. One hundred and sixty-six projects were selected as finalists with maximum average awards of \$30 million. Funding was distributed throughout all the states and all, but two states received TIGER grant funding. Two projects in the country received more than \$30 million.

The group discussed "New Start" criteria, which is extensions made to existing systems. In addition, they met with the Federal Railroad Administration (FRA) about their grant making projects. CATS will continue to work on the North Corridor project. They will probably have a discussion with Norfolk Southern regarding their term agreement. CATS will evaluate plans next year to see what can be done to keep the project moving.

Northeast Corridor Project – (LYNX Blue Line): The Lynx Blue line is in the 30% design review phase. CATS is working with Planning and all the other departments within the City to finalize this review phase. Completion of this project is tentatively scheduled for the end of July. In August, CATS will move forward with the final environmental impact statement. CATS will work with CSX Corporation on the Norfolk Southern right of entry and North Carolina Railroad design review agreements. They will meet with North Carolina Railroad on Friday, June 11 regarding the design review.

Ms. Flowers concluded her update and Commissioners asked several questions that included the following:

1. Commission Griffith addressed having sprinter service to the airport. There has been a lot of talk about the airport being a very strong engine for the economy. What can be done to encourage public officials or the business community when it comes to public transportation to and from the airport?

Ms. Flowers responded that the airport is in a unique position because it has some origin and destination points that are probably not as high as other corridors. The airport is a hub airport, so probably about 60% of the passengers come into Charlotte, but do not come into the City. Nevertheless, we need to find ways to increase the ridership on the current sprinter line. This will ensure that we have a base line for the future. Particularly if we want to take it to the next level and have streetcar or light rail service. Current ridership probably would not provide the numbers or cost effectiveness needed to support a light rail line to the airport.

2. Commissioner Phipps asked with respect to the Gateway Station and the current economic situation is the project's timeline on schedule in terms of what they want to do.

Ms. Flowers answered that is why the state (NCDOT) is awaiting some economic recovery before requesting a RFQ for a master developer. The state has bought up all that land and if they receive funding for the Red Line that area will house the terminus. The state is looking at improvements in this area because if funding were received for the high-speed rail project the current Amtrak station would likely be moved over to this Uptown area. This will provide some improved amenities for the high-speed rail project. This project would probably be phased-in within the next five years.

3. Commissioner Fallon asked CATS CEO to recap what was received for the North Corridor. What did we get or not get.

Ms. Flowers indicated that funding was not received. Instead, the state received \$10 million to fund the I-85, Corridor Improvement and Yadkin River Crossing. This was a priority project submitted by the state. The Red Line is the second priority project. However, because this project cannot be phased-in, it did not make the final cut.

4. Commissioner Fallon asked does this mean that the project will be left open, and when there is money, it can be readdressed.

Ms. Flowers answered that is why we went to Washington to keep this project in the limelight and to keep it moving forward. The two high priority projects for CATS are the LYNX Blue Line Extension, and the Redline commuter rail project. The City is also looking at the Charlotte Streetcar project as a priority. Therefore, three existing transit priorities fall under the umbrella for the City of Charlotte.

Commissioner Zoutewelle commented that although, he does not live near the route for the Blue Line he has had the opportunity to ride it on a couple of weekends. He was excited about the promptness of the service.

Ms. Flowers noted that many people are coming from different parts of the City and driving to park and ride lots. For example, people have driven to the South End station or other stations such as the Scaleybark station, to Uptown for events.

Commissioner Zoutewelle added that this is also being done vice versa, as people are riding to Uptown and taking the light rail to other destinations throughout Charlotte.

5. Commissioner Zoutewelle asked if Ms. Flowers could comment on connectivity in terms of the Red Line terminus being located in the Graham Street area as opposed to the Blue Line and the Transportation Center being located over in the Brevard Street area.

Ms. Flowers answered that there have been many discussions regarding having two transit centers in Uptown. One of the reasons that the Red Line project is cost effective is because it is using existing right-of-way, which is located on that side of town. However, this gives us the opportunity to have a second transit center that would be a hub with Greyhound. Therefore, we have inner City bus service, local bus service, commuter rail, and high-speed passenger rail coming into the hub. The alignments of those tracks are the key components as to why CATS is looking at that area. What we would have to do is to develop some connectivity between the two transit centers. Under consideration is whether some of the bus lines may be better suited to be directed to the second transit center serving that side of town as opposed to all the buses coming into the existing transit center. As the second transit hub is designed, some of these options will be examined. However, we do have to ensure that there is connectivity along Trade Street between the two transit centers.

Commissioner Zoutewelle asked if the connectivity would be in terms of pedestrian or mass transit connectivity.

Ms. Flowers answered that it would be in terms of mass transit connectivity and noted that pedestrian connectivity is also very important.

6. Commissioner Randolph noted that recently the Davidson Street facility had been rezoned and he asked for an update.

Ms. Flowers answered that CATS will apply under the new TIGER Grant for funds to cover the Davidson Street facility. However, the new grant's ceiling is a lot smaller than the last grant opportunity. CATS will be submitting grants for some of the projects that they need in their Capital Plan for the future. The Davidson Street facility is one of them. Currently, they only have the rezoning and funding is not currently available to move forward.

Commissioner Randolph also asked would it be part of next year's budget.

Ms. Flowers answered if CATS can obtain grant funding in their local match then they would probably begin construction in the next year or so.

7. Commissioner Lipton thanked Ms. Flowers for providing an overview and asked about the sprinter service that CATS is planning to put in place on Beatties Ford Road and Central Avenue as a precursor to the streetcar. Would this service run at the same frequency as the anticipated streetcar?

Ms. Flowers answered, no that CATS has not yet anticipated the frequency of the streetcar. CATS will work on improving the service frequency in that area. Technically this is a BRT limited stops line. BRT frequency can run every 10 minutes. CATS can overlay it on top of current frequencies that are every 20 minutes. Therefore, at certain stops people would see a bus coming a lot more frequently than they are currently use to now.

8. Commissioner Lipton asked that given the difficulty of financing all these projects is CATS looking to do sprinter service in some of the other corridors in order to get mass transit onto some of the other corridors. Ms. Flowers indicated if there were funding opportunities, CATS would probably evaluate other corridors for mass transit.

In addition, Commissioner Lipton asked if not “New Starts” what funding opportunities would they use.

Ms. Flowers answered that CATS is pursuing a Bus Livability grant and noted that there are other grant opportunities. She noted that this issue does not meet the standard of the “New Starts” grant.

Commissioner Lipton stated that it would be a few years before the Blue Line Extension is built. Is it possible to add a sprinter service so as the line is developed the affected community could also be developed?

The CATS CEO answered that Tryon Street is a very highly used ridership line. Therefore, it would probably be something that they would look at in the future.

9. Chairperson Rosenburgh asked as it relates to the economic forecasting that is done for ridership has CATS noticed the economy increasing for 2011. What is the projection?

Ms. Flowers answered that budget projections show a flat ridership and a 1% growth. Thus, the numbers that CATS has been seeing for the past few months are encouraging. Budget projections were done based on November and December numbers, which were somewhat abysmal.

The Chairperson also noted that the Planning Commission has been discussing how to encourage the use of public transit in the evenings. However, the trains stop service at 1:00 a.m. and most establishments stay opened until 2:00 a.m. Is there any option for different operating hours, particularly for Saturday nights?

Ms. Flowers indicated that many people have asked about this issue. They have asked about providing service for not only the patrons, but also for the workers.

Chairperson Rosenburgh explained that he had done a recent tour with the police chief, and they found that there is a lot of activity in Uptown during the night. He noted that it would be good if transit service could be provided to accommodate late night transit needs.

10. Commissioner Locher commented about ridership and the downturn in the economy. People may not want to pay for parking Uptown. They should consider taking public transportation as much as possible. Are we seeing some growth because people cannot afford to drive their cars?

Ms. Flowers answered that ridership has been good on the rail, especially with all the special events in the last few months. Rail ridership has hit over 18,000 passengers, which was the

projection for the twenty-year mark. CATS' rail ridership is approximately 15,000 riders per day, which exceeded expectations for planning. We are seeing a lot of ridership that interfaces well with the buses. Commissioner Locher added that hopefully once the economy has turned around that transit users will continue to use the transit service in spite of a change in the economy.

11. Commissioner Griffith asked if CATS offers any special service for visitors.

Ms. Flowers answered that CATS does not provide special services for visitors. However, CATS is working with the Convention and Visitors Bureau to provide information regarding the regular service provided by CATS.

12. Chairperson Rosenburgh asked if there is any update on CATS security.

Ms. Flowers answered that CATS is working closely with CMPD. The transit center has been known to be a gathering place for some people. CATS is working with CMPD and CATS security forces to ensure that enforcement is stepped up over the summer. We are discussing curfews and people hanging around the transit center.

The Chairperson thanked Ms. Flowers for attending the Planning Commission work session.

In addition, Director Campbell also thanked Ms. Flowers for all that CATS' staff does to support Planning. She noted that the half-cent sales tax funds two positions in the Planning department. Planning provides a lot of the land use planning services as well as assistance on a number of applications.

Director Campbell indicated that at the last work session Commissioners asked about the role of the Planning Commission as it relates to transportation or transit planning. Staff would like to provide in July, September or October a holistic view of the coordinated approach that staff is looking at concerning transportation planning.

TOD Rezoning

Alberto Gonzales presented petition number 2010-041 and asked for permission to file on behalf of the Planning Commission. The two affected parcels total approximately 0.31 acres. They are located at the intersection of South Tryon Street and Camden Road. The rezoning involves a change to existing zoning from I-2 to TOD-M.

Commissioner Zoutewelle noted that there was a zoning variance on the referenced property. It relates to parking under the current use. He asked if TOD provides parking requirements that are more lenient, than what happens to the variance. Does it become invalid? Planning Director Campbell clarified that the variance goes along with the property. She noted that the property owner would have two options. They could take advantage of the TOD zoning, or if needed, they could go along with the current use of the site.

Commissioner Lipton asked if that means the variance goes away. The Planning Director answered only if the use goes away. Commissioner Zoutewelle added that the variance relates to

the specific use. Commissioner Griffith made a motion, seconded by Commissioner Simmons to recommend filing the TOD rezoning to the full Commission. The vote was 14-0 to approve.

Centers Corridors, and Wedges (CCW)

Chairperson Rosenburgh thanked Commissioners for their participation at the June 7 CCW presentation. He informed the Commission that Assistant Planning Director Gareth Johnson would present a response to the questions raised by Commissioners at the last work session.

Planning Director Campbell added that she appreciated the depth of the conversation, which staff and commissioners had regarding the CCW. She apologized for not being able to attend the meeting. Staff's response will focus on the questions raised by Commissioners. However, staff has included some introductory slides to remind Commissioners of what staff is trying to accomplish. This includes background information, the stakeholder process, and more importantly the purpose. The primary theme surrounding the Commissioner's questions was, why is staff doing this and how does any of it relate to anything else that staff is doing?

Assistant Director Gareth Johnson explained that the CCW was developed in the 1990's. In 2006, Council adopted specific boundaries for Activity Centers and Growth Corridors to track development. The current update is to respond to conditions that have changed during the last several years.

Ms. Johnson explained that staff has worked on the current update for the past few years. They began with a draft document for the stakeholder group to respond to. Staff has worked with other departmental staff such as the Department of Transportation, Economic Development, Engineering, CATS, Corporate Communications, Park and Recreation, and CMS, as well as, other county agencies. A Citizen Advisory group of approximately forty-five people also provided input. Although, not all advisory group participants attended every meeting staff tried to recognize everyone that attended at least a single meeting or two. Typical attendance at meetings was approximately twenty people.

The CCW underwent revisions based on stakeholder input. One concern was what is the Centers, Corridors, and Wedges? It was determined that it is not a land use plan. It is a vision for future growth and development for the community. The CCW lays the foundation for more detailed plans like Area Plans. Area Plans provide the specifics for decision making such as rezonings. The CCW draft also includes a set of revised goal statements and a set of guiding principles that staff believes is forward thinking.

During the stakeholder process, there was confusion regarding the definition of what are Centers and Corridors. Particularly, as it relates to the "Centers" because within the GDPs many types of centers are listed such as mixed used centers, regional centers, community centers, etc. The same applies to the various corridors such as revitalization corridors, business corridors, etc. The group has clarified the similarities and differences between "Centers" in the GDP and Mixed Use Activity Centers.

Corridors have been redefined because staff found that they were perceived as having a negative image. Corridors were being perceived as places where people didn't want to live, work, or stay. They were being perceived as having great transportation facilities and where people just

wanted to pass through them. Locations within the corridor consist of interchange areas, transit station areas, general corridor areas and established neighborhood areas. A fourth sub area was recommended as being established neighborhoods as a result of stakeholder concerns. Also included is a clarification within the CCW that notes that in the future additional Centers and or Corridors may be added.

All proposed changes were reviewed at the last advisory group meeting. Two primary questions were asked:

1. Are any of the changes made to the document inconsistent with what the stakeholder group had recommended?
2. Are there any additional issues that the stakeholder group believes that staff should address before finalizing the document?

On April 20, staff held a public meeting, which approximately, ten citizens attended. The Planning Director at that time asked the question does Centers, Corridors, and Wedges make sense. Does it provide the overall vision as to how Charlotte should grow in the future? The overwhelming response was yes, staff had done a great job. Although the process was difficult, at the end of the process staff believed that they along with the advisory group had gained a better understanding about the CCW Growth Framework.

Planning Director Campbell added that there was a lot of give and take. As staff seeks, public input, they are seeking authentic responses. Director Campbell recommended that Commissioners seek the same opportunity. If something were unclear or uncertain with CCW, the Planning Director would like it resolved. Staff met with the Executive Committee to ensure that all outstanding issues are covered during this meeting. She added that staff would ask for a recommendation from the Commission after the presentation.

Below are the questions, which Commissioners identified.

1. What is the relationship between Centers, Corridors and Wedges, and free trade/economic development zones? How does CCW support economic development and job related growth?
2. How does CCW relate to other Planning Department policies? How does it relate to the larger vision?
3. What is CCW? It does not work as a vision for Charlotte. Why was the term “vision” used?
4. Why doesn’t Charlotte have a comprehensive plan? How would CCW relate to a comprehensive plan?
5. How were Activity Centers and Growth Corridors boundaries defined?
6. How will CCW be used? There is concern about using CCW as a basis for area planning.
7. CCW overly directs development and does not allow “organic” growth.

Assistant Director Johnson explained that staff organized their presentation into four sections based on questions asked by Commissioners.

Economic Development - CCW

Assistant Director Johnson displayed the free trade zones and state economic development zones on the Centers Corridors, and Wedges map. Free trade zones provided areas to import merchandise without paying a custom duties or excise tax. When goods are exported from the USA, no taxes are levied. State economic development zones allow businesses to take tax credits for job creation. However, the CCW is broader in its approach. It recognizes that some job growth in the future will happen within Activity Centers, Growth Corridors and in Wedges. Job growth is not confined only to these areas.

Commissioner Locher asked if when exporting goods if no excise tax exists at all. Assistant Director Johnson answered that is correct that overall no excise tax exist.

In terms of job growth, the CCW provides the foundation for a strategic and coordinated approach. It helps staff determine where to spend capital investments. In support of publicly leveraged dollars for public/private partnerships, the CCW helps to establish where to focus those efforts. CCW supports sustainability and in a broad sense highlights locations for future investments. It also has been utilized to determine job growth, benchmark, and track development. That is why staff explained that City Council in 2006 adopted specific CCW boundaries. For example, how are we doing?

Planning Director Campbell added initially when staff was looking at the Centers and Corridors Source Book in the 1990s there was a huge transportation basis. It was about how to create more synergies between how we are planning for development in our community and the capacity to support that development through infrastructure.

Director Campbell further explained that staff is literally providing the fundamental framework from a land use perspective for many departments not just Planning. CCW boundaries helped to define the Transportation Action Plan, which is a transportation-planning document. Staff realized that many departments were utilizing the CCW to assist them in planning. As a result, it was determined that each department had a different perspective in the application of the CCW. Staff then concluded that they had to develop a fundamental understanding of what the CCW is and is not.

For example, with transportation and the rezoning process they would look at a parcel and say that it is in a Corridor. Therefore, it is ok to have higher intensity or this is not in a Corridor so it is inappropriate to have higher intensity. Planning staff would then have to inform the transportation staff that it is improper to utilize the CCW in this way because it is not a parcel specific area plan.

Definition - CCW

CCW is a broad vision that represents the physical development of our community. The process did not begin with a blank slate. Staff recognizes what exists today, but also considers the future. CCW is different from area plans it is not a site or parcel specific and is not detail enough to evaluate a rezoning. It incorporates an overall goal statement. There are nine guiding principles. CCW divides the community into three broad areas Activity Centers, Growth Corridors, and Wedges. It provides the general characteristics of each of those areas so that in broad terms,

what is appropriate is known. If you wanted to summarize our community and what is expected in terms of development the CCW is a great way to do that.

How were activity Centers defined? Generally, the activity centers were identified in the 1990s. In 2006, City Council adopted the transportation action plan and the specific boundaries. Centers were defined based on the existing land use, and what was planned for the future. In general, staff was looking for greater than 750,000 square feet of non-residential use to define an Activity Center. Activity Center boundaries will continue to be defined through the area planning process.

Growth corridors were also defined in the 1990s. Staff had more guidance for the development of the Corridors because the area needs to have three of four high capacity transportation facilities to be defined as a corridor. These include having a highway or expressway, existing/planned rapid transit, a major thoroughfare, or freight line. Again, in 2006, City Council adopted those boundaries. An example of that is the South Growth Corridor, which has a freight rail line, Interstate 77, rapid transit and South Boulevard. This Corridor includes many industrial, commercial, office developments and some single family.

Hierarchy of Plans and Policies - CCW

Assistant Planning Director Johnson explained that a hierarchy of plans exists. It is the 2015 Plan, the Centers, Corridors and Wedges Growth Framework, District Plans and Area Plans. At the top is the 2015 Vision Plan, which is very broad. The CCW is also very broad. The General Development policies are more specific on certain topics i.e., residential, the transit station areas, mixed multi-used centers, and the environment. District Plans are more specific and geographic. However, district plans cover large areas. What helps us are the area plans, which provide the specifics needed to guide decision making in terms of land use, especially relating to transportation facilities.

These plans combined are what we consider as our comprehensive plan. They include many elements associated with such a plan. However, the difference is failing to have conveniently everything in one document. Yet, we believe that the effectiveness of the way we do planning is much greater for Charlotte and we cannot speak for other areas.

In the 1980s when we completed our 2005 plans it set the stage for doing more specific planning. Particularly, the district plans and more importantly the neighborhood and area plans. It really set the expectation of Council and the community to have parcel specific land use plans. We needed that level of detail for what we wanted to do. This includes specific decisions about development proposals, transportation improvements, and capital investments.

Planning Director Campbell added that there was also a question about enabling legislation as it relates to planning. Is it a requirement to do comprehensive planning? Based on her research, the enabling legislation gives local government the authority to establish a body to engage in the practice or the development of comprehensive plans. North Carolina is a pro property rights state and to mandate comprehensive planning in their legislation probably would not have passed. Planning in North Carolina is a policy not law. For example, in California, Oregon, and Florida it is mandated that every municipality within those states create a plan. It is not mandated in North Carolina.

However, our local officials saw the need to look at our community from a holistic perspective. They wanted to guide and manage our future rather than allowing it to happen by chance. That is the value believed to be brought to the community by Planning. The reason that staff wanted to have this kind of conversation was due to the Commissioner's questions. Director Campbell indicated that anytime this kind of in dept discussion and questions arise about something staff presented, staff has failed to communicate appropriately. Thus, through this discussion we hope to have done a better job of communicating what the CCW is or is not.

Commissioner Zoutewelle explained that Commissioners had asked several questions that led to research on the enabling legislation and how CCW fits into the overall picture. He conducted research and found the statutes that talk about the comprehensive plan and the enabling statute for Zoning from the County.

The statute states that the Zoning regulations shall be made in accordance to the comprehensive plan. However, based on his review of the statute and his experience it fits into the framework described by Assistant Director Johnson. Although, a single document plan fails to exist, several documents together make up a comprehensive plan.

Commissioner Zoutewelle noted that it is important that Commissioners are keenly aware of how any rezoning fits into the overall plan. This is so that the Commission is not making Zoning recommendations in a capricious manner. He stated that the 2015 plan, the CCW, the General Development Plans, District plans, and the Small Area Plans, together in fit the bill of the Zoning statute.

Planning Director Campbell added that is in addition to some revisions to the enabling legislation, when the committee as well as Council vote, the consistency statement is really an added layer that comes from that enabling legislation.

Implementation - CCW

Assistant Planning Director Johnson explained how CCW is used in the area plan process and what about flexibility and the need for organic growth in our community. CCW has been used since its inception in the 1990s. It was the foundation in the beginning of our transit planning and in the development of our 2025 Integrated Transit /Land Use Plan. CCW was the precursor in getting the half-cent sales tax for transit. It was also instrumental in the development of our transit area station principles. In addition, it has been significant to the development of all of our transit station area plans beginning with the South Corridor Station Area Plans, back in 2005 all the way through the Independence Plan, which has six transit station areas, and is currently under review. Additionally the CCW has been used to develop:

- Guidance for the General Development Policies (GDPs) (2003-2007)
- CMU Facilities Planning (2002)
- The Transportation Action Plan (2006)
- Urban Street Design Guidelines (2007)
- The Sustainable City Facilities Policy (2009)
- The Tree Ordinance, which is currently under adoption.

We have been using CCW as a basis for developing area plans for some time, but more specifically from 2006 with the Rocky River plan. Based on the CCW concept staff creates a concept map and identifies sub areas in the corridors. Finally, the next step is determining the parcel specific land use. Staff utilizes the CCW guide and looks at other considerations such as the level of detail, which is unique to that specific geography.

In terms of next steps a week from today, we have public comment with City Council and on June 24 the Council's TAP Committee, will review, and make a recommendation. City Council adoption is scheduled for the end of June.

Chairperson Rosenburgh acknowledged staff's update. He thanked the Planning Director for her input and asked if she wanted to summarize.

Planning Director Campbell summarized that the CCW is a framework, which is not parcel specific, but provides support for decision-making. If there was not an overall concept of how we want our community to grow, then Assistant Planning Director Johnson would have her planners working from many different perspectives and there would be no consistency. The idea has to exist that in our Corridors based on geography, we want to encourage a certain type of development such as high intensity residential, higher intensity employment, and office. This will enable us to guide development in areas where we have the infrastructure capacity to accommodate this type of development.

Corridors are infrastructure rich. Centers are also located in infrastructure rich areas. It may not be that way today. However, in the future, we will be aspiring to evolve both. In the Wedges we are aspiring to have a little lower density, but through the area planning process and even through some rezoning processes we may find that in a Wedge location this is an appropriate opportunity to get the kind of services and diversity of housing that may not exist today in that area.

Commissioner Fallon thanked staff for adding flexibility for organic growth. She noted that she was concerned about Steele Creek growing organically. University Research Park needs the planning because it has that big open space with nothing there.

Planning Director Campbell answered that she is a strong advocate for managed growth and providing guidance as to the appropriateness of how the community develops. She suggested considering Houston where there are no zoning regulations and things happen by chance. In our community, planning is a little more deliberate, a little more directed and there is a tremendous amount of community involvement and input. Again, failing to have an overall vision for the entire community would be a concern. Are you adhering to the expectations of consistency and quality for this side of town versus another side of town? Many of our policies are about consistency and compatibility. Our area Plans get to the specifics of a geographical area to recognize the uniqueness of individual geographies. The CCW and GDP's give us broad policy goals for us to apply consistency.

Commissioner Fallon noted that having attended a number of meetings and the fact that staff can quantify the issues as well as they have, speaks very well for Planning.

Commissioner Firestone thanked staff for the tremendous job done on the CCW. Throughout the public input process, he has had some concern. He noted his appreciation for staff's clarification that the CCW is a vision document and is not parcel specific. However, staff had indicated that they are working on simplifying the zoning codes and the GDPs. The intention may not be to have a 2,000-page document with the title comprehensive plan, nevertheless, could staff provide an update on the effort to simplify the zoning codes and have a user-friendly document.

Planning Director Campbell answered that the referenced document is really the Zoning Ordinance, which is about 2,000 pages. Director Campbell acknowledged that the Zoning Ordinance is very inconsistent, and difficult to follow. She explained that the Zoning Ordinance developed in the early 1990s, does not link to the current vision.

Currently, staff has presented the Commission with an update regarding staffs efforts. The leadership team is currently reviewing the document internally. They will then ask for input as to what the public would like to see happen. Staff is only looking at format and organization not the content of the Zoning Ordinance. Text amendments will be used to revise the content in the Zoning Ordinance. More visuals are needed, definitions need tweaking, and sections need to be moved or consolidated. The goal is to ask for input from the community by the fall.

Commissioner Griffith noted that past conversation had revolved around having a comprehensive plan, which would address physical aspects. Does staff foresee having a CCW plan that is based more on economics, for example, having an area plan based on trade zones, on job centers or the airport?

Planning Director Campbell answered that staff needs to show the Commission how areas are selected for plans. She explained that it is an analytical process. Staff utilizes economic information, physical information, proposed public projects, and anecdotal requests for area plans to determine plans for an area. Economic development is something that is linked to all the area planning processes.

Commissioner Randolph asked that staff inform Assistant Director Harmon of what a great job she has done on the CCW.

Commissioner Lipton noted as it pertains to different departments utilizing the CCW is CDOT located in the correct category. She stated that having a comprehensive plan could mean many things. It may not necessarily include the entire community. There is an adopted land use recommendation for every piece of property in Mecklenburg County and that involves comprehensive planning.

She noted that she is comfortable with what has been done. However, what has been confusing is the map. The concept of Centers, Corridors, and now the recognition of the Wedges has been a good one because it makes sense to guide growth to areas where there is infrastructure and to keep growing where there are transportation opportunities. It has been difficult to understand with things that are located all over the place regardless of whether it was planned or not. Employment centers are located off the Corridors and then the activity centers. Commissioner Lipton pointed out that what she wanted for the CCW was additional discussion about how to connect these.

Commissioner Lipton explained that she is not a developer. However, when she looks at things she is analyzing them from a nonprofessional's perspective. She noted that there are so many documents and the question is really how it all works together. Many things in the community could qualify visually as an Activity Center, but are not formally designated as such, is that correct. Planning Director Campbell responded that is not so. Commissioner Lipton asked why Blakeney has failed to qualify as an Activity Center. Director Campbell answered because it is not seven hundred and fifty thousand square feet of non-residential development. How was Arsley combined with Whitehall? Was it through a master plan? Assistant Director Johnson answered that they are usually defined based on adjacency. If it is non-residential, especially high density, and adjacent to it, staff will determine that it is an Activity Center.

Commissioner Lipton noted that a rezoning will update a land use, but it will not update a plan. Assistant Director Johnson stated that is how it was defined. Based on our adopted land use plan, at that time it showed it as a non-residential development adjacent to the Whitehall area. Therefore, it is included in that boundary. Activity Centers are defined on what is there and on the future land use.

Planning Director Campbell added that the terminology used could be confusing. As Assistant Director Johnson explained in the GDPs, we have regional mixed used centers, community centers, etc. Blakeney is probably a community center that is less than seven hundred and fifty thousand square feet of non-residential, where retail is the predominant use and then there are other adjacent uses. When we say Activity Centers people generally think of their own neighborhood center, but these are very different. They are much larger and have a different character.

Commissioner Lipton stated that the Transportation Action Plan denotes how all of this is going to fit together and uses the CCW framework. Her recommendation to the Director is to have a brief explanation on the website of how all these things fit together and how they are used. She commented that the CCW has a good framework and thanked staff for their work.

Commissioners unanimously recommended the adoption of the Centers, Corridors, and Wedges Growth Framework. The vote was 14-0 to approve.

The Planning Director thanked both Assistant Directors Harmon and Johnson for the hard work in the development of the CCW. She noted that all questions and recommendations posed by Commissioners would be identified and included in the presentation to be made to the Transportation Committee. Staff will include Commissioner Lipton's suggestion about the website and the suggested links.

Chairperson Rosenburgh stated many legitimate questioners were asked at the last work session. Staff took those questions and thoughtfully responded with explanations. The sense is that everyone is on the same page. He noted that the Commission is an advisory group that is in place to advice staff about different things that are occurring in the community.

Planning Commission Annual Retreat

The annual retreat is scheduled for September 13 at the NASCAR museum. The plan is to have a guest speaker. An announcement regarding the guest speaker will be made by the end of June. Chairperson Rosenburgh informed the Commission that he asked Commissioner Allen to Chair the Retreat Committee. Two additional members are needed on the committee. If Commissioners have an interest, they should speak to Commissioner Allen.

Chairperson Rosenburgh has met or talked to Commissioners to obtain their input regarding the annual retreat. Planning Director Campbell, the Chairperson, and Vice-Chairperson met and determined that it is time to address the relationship between the Commission and staff. A facilitator will attend the retreat and the discussion will revolve around understanding each other's roles/concerns. Several rules/governance policies exist that staff, and the Commission must follow. The Commission and staff will use this time to become more closely aligned and to learn how to better work together.

Planning Director's Report

Planning Director Campbell thanked staff and the Commission for their action on the Centers, Corridors, and Wedges Growth Framework.

Meeting Schedules

The June, July, and August meeting schedules have been included in the agenda packet for review.

Nominating Committee/Elections

Commissioner Finch-Dodson made a motion to nominate both Chairperson Rosenburgh and Vice-Chairperson Johnson as the Chairperson and Vice-Chairperson of the Planning Commission. Commissioner Finch-Dodson opened the floor for additional Nominations. There being no additional nominations, a motion was made by Commissioner Fallon and seconded by Commissioner Simmons to close the nomination. The vote was 14-0 to approve the nomination.

Commissioners made a unanimous motion to elect both Chairperson Rosenburgh and Vice-Chairperson Johnson as the Chairperson and Vice-Chairperson of the Planning Commission. The vote was 14-0 to approve.

Chairperson Rosenburgh explained that additional nominations would occur for the subcommittees. If Commissioners have any interest, they should contact either the Chairperson or the Vice-Chairperson.

Committee Reports

Executive Committee

Commissioner Griffith noted that there has been some discussion on the news about the City and County merging services. She suggested that the Commission consider looking at the permitting process as it relates to City and County. How do they work together? Can staff improve that service? Chairperson Rosenburgh stated that the Executive Committee would look into this issue to determine what needs to be done.

Future Agenda Items

The Planning Director noted that she would be presenting revisions made to the HIRD text amendment as a future agenda item. In addition, an update on the FY11 Work Program will be presented at July's work session. This will include a combination of the Strategic Operating Plan and a detailed work program. The hope is to make this process an annual event at July's work session. In this way, Commissioners will not have to take time out of their retreat in September to find out about staff's work program.

Zoning Committee

Chairperson Rosenburgh noted that the Notice of Public Hearings (Attachment 6) and Zoning Agenda (Attachment 7) are attached to the agenda packet for review.

Planning Committee

Vice-Chairperson Johnson reported that the Zoning Committee is scheduled to go on a tour for the Independence Area Plan. A recommendation has been given on the Catawba Area Plan. Public comment was held on the Independence and URP plans. Committee members are also attending individual plan meetings. Vice-Chairperson Johnson thanked the Planning Commission for her reelection and asked Commissioners to continue to provide feedback.

Historic District Commission (HDC)

Commissioner Griffith reported that the upcoming month is the last month that she will serve on the Historic District Committee. She asked Commissioners to contact her if they have any interest in serving as a representative. Commissioner Griffith noted that the newly appointed Commissioner Meg Nealon has experience serving on the Historic District Commission. She noted that she would be an excellent candidate for that position.

Commissioner Lipton asked if provisions have been made to help the Wilmore district. Commissioner Griffith answered that John Rogers and Wanda Birmingham have been working closely with Wilmore neighborhood representatives. She commented that they have a good handle on the neighborhood being designated as a historic district. Several Commissioners commented that the neighborhood has already been designated as a historic district.

Communication for Chairperson

Chairperson Rosenburgh indicated that Commissioner Simmons's term had expired. He thanked Commissioner Simmons for his active role in supporting the community. Commissioner Simmons added that serving on the Commission had proved to be very rewarding and a worthwhile experience.

The Chairperson announced that he is changing the manner in which he operates. He noted that he would like to become more flexible as he has been too rigid. Chairperson Rosenburgh explained that he has been driven by the 2:00 p.m. cut-off. However, both the Chairperson and Vice-Chairperson will provide more opportunity at the public and staff levels for the completion of information shared. He noted that going forward he would like the Commission and staff to have a better understanding of what each is trying to accomplish.

In addition, the Commission will have more working committees. The idea is to utilize the knowledge base of the Commission. Committees do all the work. After they have completed the

work, the Commission can get back together and discuss any action. If Commissioners have specific areas of interest please inform either the Chairperson or Vice-Chairperson. He noted that the Planning Director is very good about dedicating staff resources as it relates to the issues that Commissioners want to examine.

Commissioner Allen thanked Chairperson Rosenburgh for being receptive to suggestions. She recommended that Commissioners not use this new opportunity for their own agendas. The hope is that issues could be resolved on the front end or outside of Commission meetings. It is unfair to blindside staff or workout issues during the course of the Planning Commission meetings. The Chairperson added that staff is very receptive. If Commissioners have questions, they can contact staff prior to meetings so that they can prepare an appropriate response.

In the next year, Commissioner Lipton stated that she would like the Commission to find out what staff needs and respond accordingly.

Adjournment

The meeting adjourned at 2:00 p.m.



Landmark Signs Text Amendment

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

Revised 6-9-10

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 13: SIGNS

1. Section 13.102: Definitions

- a. Amend Section 13.102(S7), "Sign types", by modifying the definition of "Landmark Sign" and adding a new definition for "Historic Sign". All other sign types shall remain the same. The revised and new sign type definitions shall read as follows:

(S7) Sign types.

(q) Landmark Sign

An existing nonconforming on-premise sign, which exhibits unique characteristics, that enhances the streetscape or identity of a neighborhood and, as such, contributes to the historical or cultural character of the streetscape or the community at large.

(ar) Historic Sign

An existing nonconforming historically significant sign that contributes to the historical or cultural character of the community at large which has been removed from its original location within Mecklenburg County and is to be reused and relocated to a different location on its original site or relocated to another location within the community.

2. Section 13.110: Creation of Special Sign Regulations

- a. Amend Section 13.110(5), "Landmark Signs", by changing the title to "Landmark/Historic Signs" and creating two new subsections titled "Landmark Signs" and "Historic Signs" which provide the purpose and criteria for each sign type. Eliminate subsection (a) "Application" in its entirety, to remove the one year time period from the original adoption date (2/19/96) from which an application for landmark sign can be submitted. Replace subsection (b) "Criteria" in its entirety and add new criteria. Rename subsection (c) "Designation" to "Designation Procedure" and modify the subsection to include references to the historic signs. Also amend this subsection to indicate only

owners of property where the sign is located or proposed to be relocated can apply for landmark or historic sign designation. The revised section shall read as follows:

Section 13.110 Creation of Special Sign Regulations.

(5) Landmark/Historic Signs

~~When revised sign regulations were adopted on February 1, 1988, changes were made which caused many signs to be nonconforming and subject to an eight-year amortization. Some of these nonconforming signs may have special significance to a section of the community or to the entire City. Therefore, the Zoning Administrator may designate certain signs as "landmark signs" which will permit them to remain and not be subject to the eight-year amortization.~~

The purpose of these special sign regulations is to promote the protection of nonconforming signs that represent important aspects of the City's heritage, to enhance the character of the community by considering such signs during development, and to assist owner(s) in the preservation and restoration of their signs.

(a) Application

~~Any person may apply for designation of an existing on-premise sign as a landmark sign. Such application shall be submitted to and on a form determined by the Zoning Administrator. Applications for landmark sign designation must be made no later than one (1) year from the adoption date of this amendment. (EDITOR'S NOTE: This amendment was adopted by City Council February 19, 1996.)~~

(a) Landmark Signs.

The purpose of designating a sign as a landmark sign is to encourage the restoration and retention of on-premise nonconforming signs that are historically significant. Once designated as a landmark sign, the sign shall be considered to be in compliance with any zoning regulation and will be exempt from any amortization provisions of Section 13.112.

(1) Designation Criteria. The Zoning Administrator may designate an existing on-premises sign as a landmark sign if it meets the following criteria:

(a) The sign has been in continuous existence at the present location for at least 25 years.

(b) The sign is an on-premises sign, which meets at least four (4) of the following criteria:

(1) It was expressly designed for the business, institution, or other establishments at that location; or

(2) It bears a national or local emblem, logo, or other graphic that is unique to the property or the establishment; or

(3) The sign exhibits unique or rare characteristics that enhance the

streetscape or identity of a neighborhood; or

(4) The sign is significant as evidence of the history of the product, business, or service advertised; or

(5) The sign is characteristic of a specific historic period; or

(6) The sign is integral to the building's design or physical fabric; or

(7) The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials, or design.

(c) The sign complies with the appropriate provisions of the North Carolina State Building and Electrical Codes.

(d) If any portion of the sign is permitted to remain in or over a public right-of-way, a City or State approved encroachment agreement shall be executed.

(e) The sign is structurally safe or is capable of being made so without substantially altering its historical significance.

~~(b) —~~ Criteria

~~— The Zoning Administrator may designate an existing on-premises sign as a landmark sign if it meets the following criteria:~~

~~— (1) The sign is an on-premises sign, which meets at least three (3) of the following:~~

~~(a) — It was expressly designed for the business, institution, or other establishments at that location; or~~

~~(b) — It bears a national or local emblem, logo, or other graphic that is unique to the property or the establishment; or~~

~~(c) — It is a remnant of an advertising program that is no longer used by the parent company; or~~

~~(d) — The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood; or~~

~~(e) — The sign contributes to the historical or cultural character of the streetscape or the community at large.~~

~~(2) — The sign was erected at least 15 years prior to the adoption date of this amendment.~~

~~(3) — The sign complies with the appropriate provisions of the North Carolina State Building and Electrical Codes. If any portion of the sign is permitted to remain on or over a public right-of-way, a City or State approved encroachment agreement is executed.~~

(b) Historic Signs.

The restoration and retention of nonconforming historically significant signs that have been removed from their original locations and are to be reused is encouraged. Allowing those signs to move to other locations within the community is necessary to ensure preservation. Once designated as a historic sign, certain nonconforming aspects of the sign shall be considered to be in compliance with the zoning regulations and will be exempt from any amortization provisions of Section 13.112.

- (1) Designation Criteria. The Zoning Administrator may designate an existing sign as a historic sign if it meets the following criteria:
 - (a) The sign must be at least 25 years old.
 - (b) The sign must meet at least three (3) of the following criteria:
 - (1) It bears a national or local emblem, logo, or other graphic that is unique to the community; or
 - (2) The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood; or
 - (3) The sign is significant as evidence of the history of the product, business, or service advertised; or
 - (4) The sign is characteristic of a specific historic period; or
 - (5) The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials, or design.
 - (c) The sign complies with the appropriate provisions of the North Carolina State Building and Electrical Codes.
 - (d) The sign is structurally safe or is capable of being made so without substantially altering its historical significance.
- (2) Location. The sign may be moved to another location on the site where it is currently located or to another property. It is encouraged that the sign be relocated to a site within the neighborhood from which it originated. The receiving site must be located within a non-residential zoning district for commercial signs.
- (3) Nonconforming Aspects. Relocated signs that are nonconforming based on their size, height, or lighting do not have to be brought into conformance. However, relocated signs may not move further out of conformance by any physical alterations to the sign. The sign lighting shall be located, screened, or shielded so that abutting lots located in any residential district are not directly illuminated and do not cause glare or impair the vision of motorists. All other regulations shall apply with the following exceptions:
 - (a) Projecting signs may extend beyond the maximum projecting dimension based upon the existing dimension of the sign.

(b) The following signs, which are currently prohibited (roof, flashing, fluttering, swinging, and rotating signs), may be relocated and maintain the prohibited characteristics provided such features contribute to the historic or cultural character of the sign and are in keeping with the surrounding area.

(c) Relocated outdoor advertising signs (billboards) must comply with only the following sections of Table 13.111(5): zoning district, location, spacing, and tree-cutting regulations.

(c) **Designation Procedure.**

- (1) The property owner of the parcel where a proposed landmark sign is located or the owner of the site where a proposed historic sign is to be relocated may apply for designation of an existing sign as a landmark or historic sign. Such application shall be submitted to and on a form determined by the Zoning Administrator. The Zoning Administrator shall have the authority to approve or to disapprove the designation of landmark or historic signs based upon the criteria stated above. At the time of the filing of a landmark or historic sign designation application, the applicant must file all necessary information in order for the Zoning Administrator to determine if the sign meets the criteria for the requested designation. The Zoning Administrator has the authority to request whatever other information is necessary in order to make a decision. The burden of proof for meeting the criteria is upon the applicant.

In approving or disapproving a landmark or historic sign application, the Zoning Administrator shall state the reasons in writing. An appeal of the Zoning Administrator's decision to the Zoning Board of Adjustment must be properly filed within sixty (60) days of the date of the Zoning Administrator's decision as shown on the face of the decision.

Once a sign has been designated as a landmark or historic sign, the Zoning Administrator will then issue a certificate to the applicant stating that the sign has been duly designated as a landmark or historic sign.

- (2) If the sign being considered for landmark or historic designation is associated with a designated local landmark or located in an established Historic District, the Zoning Administrator shall receive a recommendation from the appropriate Charlotte-Mecklenburg Historic Landmark Commission or the Historic District Commission before making a decision.
- (3) After a sign is designated as a landmark or historic sign it shall be maintained in its original condition, shape and size, except for minor changes required for structural enhancements or changes required to comply with minimum Electrical or Building Codes, or to remove portions from a public right-of-way. Where original materials are unavailable, substitute materials, ~~which are as, near as possible for the original material may be used~~ may be used that are as similar as possible to the original material.
- ~~(4) — Once designated as a landmark sign, it shall be considered to be in compliance with any zoning regulation and will be exempt from any amortization provisions of Section 13.112. If the sign is moved on the premise, it shall be subject to the location standards of this ordinance. The Zoning Administrator will then issue a certificate to the applicant stating that the sign has been duly designated as a landmark sign.~~

- (4) While a designated landmark or historic sign shall be deemed to be in compliance with the zoning regulations, this Section 13.110 is not intended to prevent Neighborhood & Business Services Development from enforcing the zoning ordinance if the Zoning Administrator, or another City agency determines that there is a violation of any provisions, or the intent and purposes of any provisions of the zoning ordinance.
(Petition No. 2005-78, §13.110(5)(c)(5), 06/20/05)
- (5) Nothing in this section shall prohibit the owner(s) of a designated landmark or historic sign from removing such a sign.

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.

LANDMARK/HISTORIC SIGNS TEXT AMENDMENT SUMMARY			June 8, 2010
Topic	Current Regulations	Proposed Regulations	Rationale
Sign Type Designations	Landmark Signs (on-premise historically significant signs) are currently allowed to be designated as such in order to maintain their nonconforming status.	Provide for an additional sign type designation, Historic Signs, which will allow historically significant signs that have been removed from their original locations within Mecklenburg County to be restored and relocated to another location within the community and maintain certain nonconforming aspects.	To encourage the restoration and retention of nonconforming historically significant signs which have been removed from their original locations. By allowing these signs to be designated as a Historic Sign, these signs can be relocated within the community and preserved.
Designation Time Limit	An application for a Landmark Sign designation was required to be made no later than one year from the original text amendment adoption date (February 19, 1996).	Eliminated the designation time limit.	Allows a property owner flexibility as to when to apply for Landmark or Historic Sign designation. A Landmark Sign designation is not needed until a major renovation is proposed for a property and a nonconforming sign is required to be removed or brought into conformance. A Historic Sign designation is not needed until the sign is proposed to be relocated.
Age of Sign	A Landmark Sign was required to be erected at least 15 years prior to the original text amendment adoption date (February 19, 1996).	The sign must be at least 25 years old.	Allows for an increasing number of nonconforming historically significant signs that contribute to the historical or cultural character of the community to be eligible for designation as they age.
Designation Criteria		<p>Increase the number of designation criteria for Landmark Signs and establish the designation criteria for Historic Signs.</p> <p>The designation criteria for a Landmark Sign are as follows:</p> <ul style="list-style-type: none"> • The sign has been in continuous existence at the present location for at least 25 years. • The sign is an on-premises sign, which meets at least four (4) of the following: <ul style="list-style-type: none"> ○ It was expressly designed for the business, institution, or other establishments at that location. ○ It bears a national or local emblem, logo, or other graphic that is unique to the property or the establishment. ○ The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood. ○ The sign is significant as evidence of the history of the product, business, or service advertised. ○ The sign is characteristic of a specific historic period. ○ The sign is integral to the building's design or physical fabric. ○ The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials, or design. 	To ensure that appropriate signs qualify for Landmark or Historic Sign designation and the designation process is not utilized to protect insignificant signs that are in violation of the sign ordinance.

		<ul style="list-style-type: none"> • The sign complies with the appropriate provisions of the North Carolina State Building and Electrical Codes. • If any portion of the sign is permitted to remain in or over a public right-of-way, a City or State approved encroachment agreement shall be executed. • The sign is structurally safe or is capable of being made so without substantially altering its historical significance. <p>The designation criteria for a Historic Sign are as follows:</p> <ul style="list-style-type: none"> • The sign must be at least 25 years old. • The sign must meet at least three (3) of the following: <ul style="list-style-type: none"> ○ It bears a national or local emblem, logo, or other graphic that is unique to the community. ○ The sign exhibits unique or rare characteristics that enhance the streetscape or identity of a neighborhood. ○ The sign is significant as evidence of the history of the product, business, or service advertised. ○ The sign is characteristic of a specific historic period. ○ The sign represents an outstanding example of the sign maker's art due to craftsmanship, use of materials, or design. • The sign complies with the appropriate provisions of the North Carolina State Building and Electrical Codes. • The sign is structurally safe or is capable of being made so without substantially altering its historical significance. 	
Designation Procedure	Any person may apply for designation.	<p>Only the property owner of the parcel where a proposed Landmark Sign is located or the owner of the site where a proposed Historic Sign is to be relocated may apply for designation of an existing sign as a Landmark or Historic Sign.</p> <p>Nothing in the proposed regulations shall prohibit the owner of a designated Landmark or Historic Sign from removing such a sign.</p>	<p>Only owners of a parcel with a potential Landmark or Historic Sign may apply for designation since they are responsible for the maintenance of the sign.</p> <p>Encourage property owners to apply for Landmark or Historic Sign designation by not creating a perceived potential "burden" on a parcel for when and if the parcel is redeveloped. After redevelopment, the sign may be relocated on the site or moved to another location within the community.</p>



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

<u>DATE</u>	<u>TIME</u>	<u>PURPOSE</u>	<u>PLACE</u>
<u>FULL PLANNING COMMISSION</u>			
07-19-10	Noon	*Work Session	Conference Room 267 2 nd Floor – CMGC
<u>PLANNING COMMITTEE</u>			
07-20-10	5:00 P.M.	Work Session	Conference Room 280 2nd Floor – CMGC
<u>ZONING COMMITTEE</u>			
07-19-10	5:00 P.M.	Dinner with City Council	Conference Room CH-14 Basement – CMGC
07-19-10	6:00 P.M.	City Rezoning	Meeting Chamber Lobby Level – CMGC
07-28-10	Meeting Rescheduled To 8/4/10	**Zoning Work Session	Conference Room 280 2nd Floor – CMGC
<u>EXECUTIVE COMMITTEE</u>			
07-19-10	4:00 P.M.	Work Session	Conference Room 266 2nd Floor – CMGC
<u>OTHER COMMITTEES</u>			
07-14-10	3:00 P.M.	Historic District Commission	Conference Room 280 2nd Floor – CMGC
07-21-10	7:00 P.M.	MUMPO	Conference Room 267 2nd Floor – CMGC

* Due to the holiday, the regularly planned Planning Commission work session scheduled for July 5 has been rescheduled to **Monday, July 19, 2010 at Noon – Room 267.**

**The June 28, 2010 Zoning Work Session has been rescheduled to August 4, 2010 at 4:30 P.M.
- Room 280.

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

<u>DATE</u>	<u>TIME</u>	<u>PURPOSE</u>	
<u>FULL PLANNING COMMISSION</u>			
No meetings scheduled		Work Session	
<u>PLANNING COMMITTEE</u>			
No meetings scheduled		Work Session	
<u>ZONING COMMITTEE</u>			
No meetings scheduled		Dinner with City Council	
No meetings scheduled		City Rezoning	
08-04-10	4:30 P.M.	Zoning Work Session	Conference Room 280 2 nd Floor -CMGC
<u>EXECUTIVE COMMITTEE</u>			
No meeting scheduled		Work Session	
<u>OTHER COMMITTEES</u>		<u>PURPOSE</u>	<u>PLACE</u>
08-11-10	3:00 P.M.	Historic District Commission	Conference Room 267 2 nd Floor – CMGC

CHARLOTTE-MECKLENBURG PLANNING COMMISSION
MEETING SCHEDULE
September 2010

<u>DATE</u>	<u>TIME</u>	<u>PURPOSE</u>	<u>PLACE</u>
<u>FULL PLANNING COMMISSION</u>			
09-13-10	10:00 A.M.	*Work Session/Retreat	NASCAR Hall of Fame Legends Conference Room
<u>PLANNING COMMITTEE</u>			
09-21-10	5:00 P.M.	Work Session	Conference Room 280 2nd Floor – CMGC
<u>ZONING COMMITTEE</u>			
09-20-10	5:00 P.M.	Dinner with City Council	Conference Room CH-14 Basement – CMGC
09-20-10	6:00 P.M.	City Rezoning	Meeting Chamber Lobby Level – CMGC
09-29-10	4:30 P.M.	Zoning Work Session	Conference Room 280 2nd Floor – CMGC
<u>EXECUTIVE COMMITTEE</u>			
09-20-10	4:00 P.M.	Work Session	Conference Room 266 2nd Floor – CMGC
<u>OTHER COMMITTEES</u>			
09-08-10	3:00 P.M.	Historic District Commission	Conference Room 280 2nd Floor – CMGC
09-15-10	7:00 P.M.	MUMPO	Conference Room 267 2nd Floor – CMGC

* Due to the holiday, the regularly planned Planning Commission work session scheduled for September 6 has been rescheduled to **Monday, September 13, 2010 at 10:00 a.m. at the NASCAR Hall of Fame.**

Charlotte-Mecklenburg Planning Department

FY2010 Community Outreach Presentations

#	Date	Presentation	Staff
1	05/02/10	MUMPO Information Booth Fanta Festival at McAlpine Park	B. Cook
2	05/17/10	Hartwell Neighborhood Association - Water Overlay Requirements	L. Beverly
3	05/25/10	Plaza Central Business Association - Plan Amendment Process and Streetscape Project Briefing	K. Main
4	05/27/10	Charlotte Realtors Association Leadership Class on "Planning for Sustainability"	J. Garett
5	06/09/10	Urban Land Institute Panel Work Session	D. Campbell
6	06/15/10	Preserving Charlotte's Past - WFAE FM Public Conversation Community Forum	J. Rogers
7	06/17/10	Charlotte Mecklenburg Schools - Academic Internship Program - Engineering Career Day Presentation	S. Basham
8	06/22/10	WSBT - History of the 2030 Transit Plan	D. Campbell
9	06/24/10	Community Conversation: Can We Talk about Affordable Housing - Harrison United Methodist - Pineville	D. Campbell
10	06/29/10	Planning 101 - Environmental Law Class - Central Piedmont Community College	T. Drake/Tammy Keplinger
11	06/29/10	Charlotte East Community Partners/East Meeting, Eastland Streetscape Project Update	K. Main
12	06/30/10	Community Conversation: Can We Talk About Affordable Housing: Fears, Facts and the Future - Covenant Presbyterian Church - East Moorehead	D. Campbell

**Charlotte-Mecklenburg Planning Commission
Executive Committee Meeting Minutes
May 17, 2010 4:00 p.m.
Room 266**

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

Commissioner Absent: Eric Locher

Planning Staff Present: Debra Campbell (Planning Director), Laura Harmon (Assistant Planning Director), Garett Johnson (Assistant Planning Director), Zenia Duhaney, Kent Main, and Cheryl Neely

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

Approval of the April 19, 2010 Executive Committee Meeting Minutes

Commissioner Randolph made a motion, seconded by Commissioner Johnson to approve the April 19, 2010 Executive Committee minutes. The vote was 3-0 to approve.

Follow-Up Assignments

Pet Services Text Amendment

Chairperson Rosenburgh asked if the Commission needs to follow up on the Pet Services Text Amendment. Planning Director Campbell stated that staff will respond to the issues regarding the 300 feet distance from residentially zoned lots and the noise ordinance when the item is on the Zoning Committee's agenda.

Planning Commission Retreat

The Chairperson asked about the annual Planning Commission Retreat. Cheryl Neely informed the Committee that she is working with NASCAR staff to determine available dates and to negotiate a discount for facility rental. Chairperson Rosenburgh indicated that he wanted to secure the site free of charge and requested that Ms. Neely e-mail Brian France's (NASCAR, CEO) telephone number to him for follow-up.

User Fees

Planning Director Campbell discussed the Commission's recommendation to waive user fees as an incentive to developers. She explained that user fees involve other departments and apply citywide. For example, rezoning petitions also include reviews by Engineering and CDOT staff. These departments charge fees back to Planning for their staff's review time.

Chairperson Rosenburgh asked if the Commission should follow up with "Patrick Mumford's Committee" to assess all fees and gain feedback. Planning Director Campbell explained that Economic Development is a Council Committee and staff does not usually go to Council Committee unless an issue has been referred to the Committee by Council or the City Manager. She recommended discussing the issue with the City Manager first.

Chairperson Rosenburgh explained that he is not recommending that staff go to Council. Instead, he is asking if staff should discuss the issue with Patrick Mumford, to gain feedback on whether staff is headed in the right direction. Particularly, since Mr. Mumford is a part of the Economic Development Committee.

The Planning Director clarified that Mr. Mumford could not unilaterally provide a decision. Discussion should involve the departments that are engaged in the fees i.e., Planning, Neighborhood & Business Services, CDOT, and Engineering and Property Management. Assistant Planning Director Harmon added that the budget director should also be included.

Planning Director Campbell noted that she is not certain about what the Commission is trying to accomplish. Chairperson Rosenburgh responded that the Commission is trying to stimulate development. Director Campbell stated that the issue with development is larger than user fees. The Chairperson agreed.

Vice-Chairperson Johnson agreed that user fees are not the issue and explained that some Commissioners were very excited when they learned that the shelf life of permits had been extended. The recommendation to provide an incentive to stimulate development resulted from brainstorming during this process.

The Planning Director stated that staff could explain the user fee concept to Commissioners, including budget percentages, what staff resources are aligned with user fees, and what impact waiving user fees would have on the City's budget. Chairperson Rosenburgh agreed with the Director's suggestion, but was not certain that this response is what Commissioners are expecting. Planning Director Campbell reiterated that she doesn't know what the Commission is trying to accomplish. Chairperson Rosenburgh stated that the Commission wants user fees waived. He asked if the Commission could stimulate economic activity by waiving application fees. Vice-Chairperson Johnson added that the Director's recommendation to explain the user fee policy could be considered step one in understanding user fees.

Kent Main reminded the Committee that the Planning Department already waives filing fees for Transit Oriented Developments (TOD). Chairperson Rosenburgh asked who made the decision to waive TOD fees. Planning Director Campbell responded that City Council decided to waive fees for TOD rezoning(s). The Chairperson asked if staff made the recommendation or City Council. Director Campbell answered that it was staff's recommendation to position the transit corridors in a more competitive manner with the rest of the City. She explained that staff does not sponsor TOD requests that are located within a certain distance to neighborhoods.

Assistant Director Harmon recommended presenting Council's policy on user fee activities being self-funded so that the Commission could understand that fees have major budgetary impacts.

Planning Director Campbell noted that although the Commission desires to help the economy, staff may need to educate them in terms of the implications of waiving user fees. She asked if a presentation could be made in June or July. The Chairperson indicated that staff can present the information whenever they are ready.

Centers, Corridors, and Wedges (CCW)

Commissioner Rosenburgh identified two issues raised during staff's update on the Centers, Corridors, and Wedges Growth Framework: (1) does Charlotte have a comprehensive plan; and (2) how economic development fits in the existing plan.

Assistant Planning Director Harmon presented the following summary of main concerns identified by Commissioners from the CCW update.

1. What is the relationship between the CCW and free trade/economic development zones? How does CCW support economic development and job related growth?
2. How does CCW relate to other Planning Department policies? How does it relate to the larger vision?
3. What is CCW and why is it called a vision?
4. Why does Charlotte not have a comprehensive plan? How would CCW relate to a comprehensive plan?
5. How were Activity Centers and Growth Corridor boundaries defined?
6. How will CCW be used? There is concern about using CCW as a basis for area planning.
7. CCW overly directs development and does not allow "organic" growth.

Ms. Harmon asked Commissioners to forward additional questions or concerns and indicated that staff will respond to all issues at the June work session.

Chairperson Rosenburgh added that Commissioners' questions revolved around what plans are above and below the CCW Growth Framework and how all plans integrate. Planning Director Campbell explained that staff summarized questions from the work session and will follow up to all concerns at the June work session.

Chairperson Rosenburgh added that staff also needs to respond to the question about why Charlotte does not have a comprehensive plan and whether or not the State requires a comprehensive plan. The Planning Director replied that staff spends more time on small area planning than on generalized planning. Staff believes that small area planning allows more specific methods of addressing land use issues rather than generalized comprehensive planning. Vice-Chairperson Johnson added that the Commissioner who posed the question asked if Charlotte's small area plans collectively comprise a comprehensive plan.

Planning Director Campbell added that Centers, Corridors, and Wedges, and the 2015 Plan are the broad policies that fit the description of a comprehensive plan and the small area plans are the land use pieces of that comprehensive plan. She reiterated that staff would have a response to the seven questions posed by Commissioners and request action on the plan at the June work session. Chairperson Rosenburgh asked if action is needed that soon. He suggested that Commissioners may need more time to digest the information. The Planning Director responded by explaining that

the next step in the process is City Council public comment on June 14, followed by a presentation to Council's Transportation and Planning Committee on June 24.

Following discussion, all agreed that a decision is needed prior to the July 19 Planning Commission's work session. Commissioner Randolph asked if staff could forewarn Commissioners of the upcoming request for action on the plan. Director Campbell stated that the agenda will indicate follow-up discussion and action for this item. She suggested that staff could also send a reminder informing Commissioners that staff is requesting action on CCW.

Vice-Chairperson Johnson asked if the Committee is asking too much of staff by requesting that they send a separate e-mail indicating that action is needed on an agenda item. Commissioner Randolph added that there is plenty of time for follow-up once an agenda packet is received.

Chairperson Rosenburgh asked what would happen if the Commission is not ready to recommend approval. The Planning Director responded that Council wants a recommendation from the Commission and if they are not ready to move forward, the process would be delayed.

The Planning Director explained that if there are substantive issues, staff is willing to clarify and work through those issues. Chairperson Rosenburgh suggested that if 10% - 20% are not satisfied the process must continue, but if 40% of the Commission has issues the Commission should reconsider and work through the issues.

Planning Director Campbell agreed and reminded the Committee that staff delayed the Heights in Residential Districts (HIRD) text amendment because the Commission had issues with the proposed amendment. Chairperson Rosenburgh added that he believes that a large majority of Commissioners would be comfortable with the requested action once the outstanding issues from the May work session are clarified.

The Planning Director stated that staff would change the agenda item for Centers, Corridors, and Wedges to reflect follow-up discussion and action. The action can be a deferral, recommendation for adoption or not to adopt the plan.

FY2011 Elections

Chairperson Rosenburgh stated that Election of FY2011 officers will take place at the June work session. Planning Director Campbell confirmed that Commissioners would vote in June and take office in July.

Meeting Schedules

Chairperson Rosenburgh noted that the Planning Commission discussed having quarterly evening meetings. The Planning Director's only concern is meeting on Mondays. This conflicts with City Council meetings, potentially creating conflicts for citizens. The Chairperson stated that the meetings could be moved to another day.

The Chairperson asked the Vice-Chairperson for her thoughts regarding scheduling evening meetings and noted the following three options:

1. Leave the meetings at Noon.
2. Schedule an evening meeting if there are specific issues for public input.

3. Schedule regular quarterly evening meetings.

Vice-Chairperson Johnson recommended that the Committee continue meeting at Noon and consider evening meetings on an as needed basis. Commissioner Randolph agreed and noted that having consistent meetings result in better attendance. Chairperson Rosenburgh stated that the Planning Commission will continue to meet at Noon. Evening meetings will be considered if an issue arises that merits longer discussion or community input. The Planning Director informed the Committee that most of the Commission's work is done in committees and historically most Commissioners have not been in favor of additional night meetings

Solar Energy

Chairperson Rosenburgh asked if the Planning Commission should assign a sub-committee to look at solar energy applications in residential and commercial areas. Planning Director Campbell indicated that staff is researching "eco friendly" land uses and solar energy is an environmentally friendly option. Shad Spencer (Planning Staff) has been assigned to work on preliminary research.

The Planning Director stated that staff could share research results with the Commission. Chairperson Rosenburgh agreed that Commission should wait until staff has completed research. He suggested that the Planning Director inform the Commission that staff is looking at alternative energy issues, including how it affects planning and will possibly provide direction to the Commission.

Parking Standards

Planning Director Campbell indicated the Parking Standards Sub-committee met with staff, but has not followed-up with the full Commission. Laura Harmon added that the Commissioners on the sub-committee are comfortable with what staff is doing. Planning Director Campbell asked staff to follow-up so that the Commission can be informed that staff responded to this issue.

June 7, 2010 Work Session Agenda Items

TOD Rezoning Petitions

Kent Main presented Petition Number 2010-041 and asked for permission to place on the June work session agenda to request permission to file on behalf of the Planning Commission. This request will change the zoning from I-2 to TOD-M for two parcels totaling approximately 0.31 acres. The parcels are located at the intersection of Camden Road between South Tryon Street and Park Avenue.

Planning Director Campbell indicated that she would like to change the terminology used to describe the action when staff is filing rezoning petitions. She suggested changing the terminology from "request permission to file" to "request permission to file on behalf of the Planning Commission". This clarifies who is filing the petition. If the Commission has an outstanding issue, and does not want a petition filed, staff will make a determination as to whether it is appropriate to file on behalf of the Department.

Commissioner Randolph asked if there have been concerns about timing. He asked if staff could e-mail information to Commissioners. If Commissioners could receive information prior to meetings this will assist in speeding up the process.

Laura Harmon added the Commission usually meets after the filing deadline. She suggested that the Planning Department file the petition and later change the petitioner to the Planning Commission after the Commission votes to file the petition. This process would avoid missing deadlines and help keep items on schedule.

Chairperson Rosenburgh clarified the two issues; (1) changing the terminology on the agenda to “request permission to file on behalf of the Planning Commission” and (2) the issue of timing with respect to filing Commission sponsored rezoning petitions prior to the filing deadline. He agreed with changing the terminology and noted that the Commission cannot address the fact that the Planning Department can file a petition without permission from the Commission.

CATS Quarterly Update

Cheryl Neely confirmed that Carolyn Flowers, CATS CEO would provide an update on the Blue Line Extension and the North Corridor Transit Line.

Future Agenda Items

Vice-Chairperson Johnson indicated that Commissioner Zoutewelle recommended adding “how transportation planning interfaces with Charlotte-Mecklenburg Planning Department activities” to the future agenda topics. She noted that he asked if MUMPO makes major transportation roadway decisions and if our decisions are subject to their policy or do we have any role or input in transportation planning.

Planning Director Campbell noted that staff would add this issue to a future agenda. She stated that the Metropolitan Planning Organization (MPO) is a regional planning agency whereas the Commission is local and covers a different jurisdiction.

Adjournment

The meeting adjourned at 4:53 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 19th day of July 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 2010-034 Change in zoning from R-5 to UR-2(CD) for approximately 0.36 acres located along the east side of North Davidson Street between Charles Avenue and East 32nd Street. **Petitioner: RED Partners.**

Petition 2010-039 Change in zoning from I-2 to TOD-M for approximately 0.056 acres located on the northeast corner of West Bland Street and Winnifred Street. **Petitioner: Charlotte-Mecklenburg Planning Commission.**

Petition 2010-040 Change in zoning from O-2 and B-1 to and B-2(CD) for approximately 1.52 acres located along Wilson Lane and West Sugar Creek near Interstate 85. **Petitioner: Grady Parker Jr.**

Petition 2010-041 Change in zoning from I-2 to TOD-M for two parcels with an approximate total of 0.31 acres: one located at the intersection of South Tryon Street and Camden Road and the second located along Camden Road between South Tryon Street and Park Avenue. **Petitioner: Charlotte-Mecklenburg Planning Commission.**

Petition 2010-042 Change in zoning from I-2, R-17MF and R-5 to NS 5 Year Vested Rights for approximately 18.20 acres located off Monroe Road and generally bounded by Shade Valley Road, Carteret Street, and Chippendale Road. **Petitioner: David R. Krug and Associates Inc.**

Petition 2010-044 Text Amendment to add new definitions for Pet Services in the Zoning Ordinance, and to modify the zoning districts in which they are permitted, with or without conditions. **Petitioner: Charlotte-Mecklenburg Planning Commission.**

Petition 2010-045 Text Amendment to modify and clarify the regulations for pedestrian oriented information pillars and information pillar signs. **Petitioner: Charlotte-Mecklenburg Planning Commission.**

Petition 2010-046 Change in zoning from NS to B-1(PED-O) for approximately 1.01 acres located at the west corner of the intersection of Scott Avenue and East Boulevard. **Petitioner: JNC Properties, LLC.**

Petition 2010-047 Change in zoning from CC to CC(SPA) and INST(CD) 5 Year Vested Rights for approximately 68.90 acres located on the south side of US Highway 29 across from the intersection of Caprington Avenue and US Highway 29. **Petitioner: Trevi Partners, LLC.**

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, July 14, 2010**.

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

	1. Petition No. 2008-032 by Myers Park Homeowners Association for a change in zoning of approximately 38.79 acres located on both sides of Selwyn Avenue and Roswell Avenue from Lorene Avenue, north to Bucknell Avenue from R-22MF to R-8MF.
	2. Petition No. 2009-076 by The Asian (Korean) Herald for a change in zoning of approximately 0.64 acres located on the west side of Cherry Street between Baxter Street and Luther Street from R-8 to O-2(CD).
	3. Petition No. 2010-009 by St. Paul Missionary Baptist Church, Inc. for a change in zoning of approximately 9.06 acres located within Harrill Street, East 16 th Street, Pegram Street and East 18 th Street from R-5 and O-2(CD) to MUDD-O and UR-C(CD).
	4. Petition No. 2010-032 by the Rock Worship Center for a change in zoning of approximately 1.59 acres located at the intersection of Fordham Road and West Boulevard from R-4 to O-1(CD).
	5. Petition No. 2010-035 by Lichtin Corporation for a CC site plan amendment of approximately 37.3 acres located at the intersection of Johnston Road and Toringdon Way, surrounded on the south side by Interstate 485.
	6. Petition No. 2010-036 by Grier Funeral Service, Inc. for a change in zoning of approximately 1.60 acres located at the north corner of Rozzelles Ferry Road and John McCarroll Avenue from R-22MF and O-2(CD) to O-2(CD) and O-2(CD) site plan amendment.
	7. Petition No. 2010-037 by Boxman Studios, LLC for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to expand the type of structures acceptable for use under the Mobile Food Vending Services definition, and to add additional standards for their use.
	8. Petition No. 2010-043 by Valley Development, Inc. for a UR-2(CD) site plan amendment of approximately 4.27 acres located along Wendwood Lane off Randolph Road.

**Charlotte-Mecklenburg Planning Commission
Planning Committee Meeting Minutes
CMGC – Innovation Station, 8th Floor
May 18, 2010 – 5:00 p.m.
Revised**

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

Planning Staff Present: Kathy Cornett, Alberto Gonzalez, Garet Johnson, Sonda Kennedy, Kent Main, Melony McCullough, Alysia Osborne, Bryman Suttle, and Jonathan Wells

Other Staff Present: Brian Horton (CDOT), Robert Drayton (City Real Estate), and Steve Law (Mecklenburg County Real Estate Services)

Call to Order

Chairperson Johnson called the meeting to order at 5:05 p.m.

Approval of Meeting Minutes

A motion was made by Commissioner Zoutewelle and seconded by Commissioner Locher to approve the April 20, 2010 meeting minutes. The vote was 7-0 to approve the minutes.

Receive Public Comments on the Draft Independence Boulevard Area Plan

Alysia Osborne (Planning Staff) gave a brief overview of the draft *Independence Boulevard Area Plan* and reminded the Committee that she shared detailed information about the plan at their previous meeting. Information shared at this meeting included the plan area boundaries, process to date, plan purpose, key recommendations, and next steps. Next steps in the process include giving Council Committee an overview of the plan and requesting that Council receive public comments on the draft plan. Chairperson Johnson recognized Council Member Nancy Carter. Council Member Carter shared her interest and concern about the Independence Boulevard Corridor. She stated that she was pleased that citizens' concerns about preserving the community were heard during the planning process. She added that through this process, staff and citizens have worked together to address multiple issues. Council Member Carter spoke of her support for light rail along the corridor, cutouts for small businesses, and access to the rear of businesses as a vital part of the plan. She stated that "We looked at transitional setbacks; we've deleted 150 feet within a certain parameter in the Conference Drive area so that businesses can develop using that designated setback for undesignated parking"; and noted the importance of signage, connecting roads between shopping centers and streets, well marked access, CATS involvement, and sharing information.

Ron and Kathy McManus own a building on Independence Boulevard which is leased to the Olive Garden Restaurant. They would like to have access to this business, especially during construction, and expressed a need for parking. The McManus' contract/lease may not be renewed because of access issues. The State will not purchase the property because it will still have access. The owners believe the access is unsafe because it is between two ramps.

Brian Horton, CDOT staff, confirmed that it is the State's view that the property is accessible, even if it is right-in and right-out only. Ms. McManus reiterated their concern that their business will have to relocate and leave an empty building.

Commissioner Lipton asked Ms. Osborne how the State's road improvements plans fit into the area plan. Ms. Osborne replied that area plan recommends property acquisition. Brian Horton (CDOT) added that an acquisition program is recommended for the entire corridor.

Walter Fields, Urban Resource Group, represents several area property owners. He shared concerned about several of the plan recommendations: the frontage road - how will it connect and where will it go, green space, and how will stream openings occur and how property owners will be compensated.

Commissioner Zoutewelle asked Mr. Fields to speak on the transitional setback issues. Mr. Fields is interested in how it will affect the new road right-of-way. City Council approved a portion of the transitional setback along Independence Boulevard. He noted that he thought the transitional setback would be addressed in the plan but it is barely mentioned. Commissioner Zoutewelle asked Mr. Horton to explain the transitional setbacks width. Mr. Horton stated that transitional setback is on every thoroughfare and explained the dimensions. A portion of the transitional setback along Independence Boulevard (between Briar Creek and Harris Boulevard) has been reduced to 250 feet.

Commissioner Lipton asked about increasing parking near Conference Drive which is a station area. Ms. Osborne noted that the plan recommends Transit Oriented Development for this area.

Due to time constraints, Commissioner Phipps asked Mr. Fields to provide his comments in writing. Mr. Fields agreed to send committee members a copy of his comments.

The next speaker was Frank Rader, 2401 N. Sharon Road, who shared concerns about access.

The next speaker, Chris Bakis shared that he has lived in the area for 48 years and has watched the area decline over the years. He thinks the decline of the business corridor is the problem. He doesn't think transit will work in the area and suggests a parallel overpass with toll booths, restoration of left turns, and improved connectivity. Commissioner Lipton asked Mr. Bakis to explain the concept of a parallel over path. Mr. Bakis explained that the concept is used in Tampa for connectivity.

Chairperson Johnson thanked everyone for coming out and gave them information on how to contact Planning Committee members.

Commissioner Fallon was excused from the meeting at 6:00 p.m.

Receive Public Comments on the Draft University Research Park Area Plan

Kathy Cornett (Planning Staff) gave an overview of the *University Research Area Plan*. She summarized the plan's purpose and plan development process, highlighted the area boundaries, and discussed key recommendations.

Mary Hopper (University City Partners Executive Director) and Rhett Crocker (Land Design Consultants) were present for public comments. Ms. Hopper explained the plan purpose and added that the area is faced with several opportunities and challenges. She stated that the University Research Park will bring new jobs to the area. Commissioner Zoutewelle inquired about the area's topography and homes proposed in the park area. Mr. Rhett Crockett (Land Design) stated that the area is very unique and has many opportunities for growth. Commissioner Lipton shared concerns about residential heights that exceed twelve stories and asked if signage has been worked out. Ms. Hopper answered that the state has been contacted about a way finding system.

Catawba Area Plan

Commissioner Zoutewelle recused himself because of a conflict of interest.

Alberto Gonzalez (Planning Staff) gave a brief overview of the draft *Catawba Area Plan* which included a description of the plan boundaries, purpose, and key recommendations. Barry Shearin, Charlotte-Mecklenburg Utilities (CMU), discussed issues concerning the proposed waste water treatment plant. Commissioner Locher asked what impact the facility will have on the area. Mr. Shearin replied that no one will know the facility is there and that the sewage plant will use the latest odor tracking technology. Commissioner Lipton asked what will happen if the permit is not granted. Mr. Shearin stated that the option to purchase the land is based on securing the necessary permits. Mr. Gonzalez added that the land use recommendation is for utilities; however, the property is zoned I-2 (CD).

Commissioner Firestone made a motion to recommend approval of the draft Catawba Area Plan and Commissioner Locher seconded. The vote was 6-0 to recommend approval of the draft Catawba Area Plan.

M.R. #10-05: Proposed Acquisition of Property at 3501 Reid Avenue for Irwin Creek Greenway

Jonathan Wells (Planning Staff) presented the mandatory referral for Mecklenburg County to purchase a vacant parcel located at 3501 Reid Avenue in the Reid Park Neighborhood. Proposed acquisition of this property is part of the land assemblage for the Irwin Creek Greenway and the entire parcel is located within the 100-year floodplain.

A motion was made by Commissioner Phipps to approve staff's recommendation for M.R. #10-05 and seconded by Commissioner Lipton. The vote was 6-0 to approve staff's recommendation for the mandatory referral.

M.R. #10-06: Proposed Land Acquisition to allow expansion of Metrolina Recycling Facility

Greg Burnham (Planning Staff) presented the mandatory referral for Mecklenburg County to acquire a one acre site located at 926 West Craighead Road to provide alternate access to the adjacent County-operated Metrolina Recycling Facility. Currently, the only access to the recycling facility is from Amble Drive. A future access from West Craighead Road will help reduce truck traffic on Amble Drive and enhance vehicular circulation at the facility. This additional property will also support expansion of the facility in the future, if needed.

A motion was made by Commissioner Phipps to approve staff's recommendation for M.R. #10-06 and seconded by Commissioner Locher. The vote was 6-0 to approve staff's recommendation for the mandatory referral.

M.R. #10-07: Proposed Holbrooks Road Landfill Buffer Acquisition

Jonathan Wells (Planning Staff) presented the mandatory referral for Mecklenburg County to purchase a 200 foot wide strip of land totaling approximately 5.5 acres located off of Old Statesville Road on the northerly side of Holbrooks Road. The property is located in the Town of Huntersville's extraterritorial jurisdiction. The purpose of this acquisition is to buffer the adjacent County-owned Holbrooks Road Landfill/Waymer Flying Field from future encroaching development.

A motion was made by Commissioner Lipton and seconded by Commissioner Phipps to approve staff's recommendation for M.R. #10-07. The vote was 6-0 to approve staff's recommendation for the mandatory referral.

Area Plan Status and Meeting Report

Elizabeth Area Plan

Commissioner Lipton stated that the plan is moving along and may be ready for the adoption process in the fall. There are questions concerning transportation recommendations.

Steele Creek Area Plan

Ms. McCullough shared that staff is working on preliminary land use polices and that the next Citizen's Advisory Group Meeting is scheduled for May 20th.

Independence Boulevard Area Plan

Ms. McCullough reminded the Committee that they are scheduled to tour the Independence Boulevard plan area after the full Planning Commission meeting on Monday, June 7th. The plan will be on the next meeting Planning Committee agenda for a recommendation and on City Council's June 24th agenda for action. Commissioner Lipton would like more information on the road project and Commissioner Zoutewelle is interested in the nodes.

Executive Committee Update

Chairperson Johnson asked the Committee to think about for the upcoming full commission retreat which is tentatively scheduled for the end of July.

Adjourn

The meeting adjourned at 7:20 p.m.

Charlotte Historic District Commission Update**July 1, 2010**

At their June 9, 2010 meeting, the Charlotte Historic District Commission made the following rulings on Applications for Certificates of Appropriateness.

- | | | |
|----|--|----------------------------------|
| A. | 943 Romany Road, Dilworth Local Historic District
Changes in Existing Fenestration
Keith Lehr, Applicant | Approved |
| B. | 928 East Park Avenue, Dilworth Local Historic District
Change in Previously Approved Plans
Jamie & Casey Rentch, Applicants | Deferred for
Redesign |
| C. | 404 East Tremont Avenue, Dilworth Local Historic District
Installation of Driveway, Change in Previously Approved Site Plan
John Fryday, Applicant | Approved |
| D. | 900 East Worthington Avenue, Dilworth Local Historic District
Rear Addition
Allen Brooks, Applicant | Approved |

Also in June, the Commission elected officers for 2010-2011. Mary Ellen George was named HDC Chair. Dominick Ristaino was selected as Vice Chair, and Debra Glennon was named Second Vice Chair.

The HDC also recognized the outgoing Commission members at their last meeting. Jonathan Crotty, Damon Rumsch, John Phares and Lucia Griffith rotated off the HDC as of June 30th. The newly appointed members take their seats on the Commission July 1st

