

Planning Committee

Agenda Packet

April 18, 2017 |
Room 280
5:00 p.m. |

Charlotte-Mecklenburg Planning Commission

Planning Committee Meeting Agenda

April 18, 2017 – 5:00 p.m.

CMGC – 2nd Floor, Room 280

1. Call to Order and Introductions

2. Approve March 21, 2017 Minutes. *Attachment 1*

3. Strategic Priorities Discussion

Unified Development Ordinance & Place Types Update

Background: The Committee will continue to discuss the ordinance rewrite and place types.

Staff Resources: Ed McKinney, Kathy Cornett & Grant Meacci, Planning

Action Requested: For Committee discussion.

4. Mandatory Referrals

Mandatory referrals that the Committee does not wish to discuss will be considered prior to the “main” agenda item and those that they would like to discuss will be considered afterwards.

M.R. #17-11: Proposal by the Mecklenburg County ABC Board to acquire land located in the Waverly Development for an ABC Store

Mecklenburg County ABC Board proposes to purchase approximately 1.3 acres of vacant land located in the Waverly Development in South Charlotte to operate an ABC Store on the site.

Attachment 2

M.R. #17-12: Proposal by Charlotte-Mecklenburg Schools (CMS) to purchase land located on Sandy Porter Road

Charlotte-Mecklenburg Board of Education proposes to purchase approximately 19.75 acres of land located on the southwest side of Sandy Porter Road west of S. Tryon Street (Tax Parcels 201-123-03, 04, 05, 06 and 201-124-13) for the construction of an elementary school. ***Attachment 3***

5. Adjourn

Attendance

Commissioners Present: Planning Committee Chairperson Mike Sullivan, Planning Committee Vice-Chairperson Elizabeth McMillan and Commissioners, John Ham, Karen Labovitz, Dionne Nelson and Deborah Ryan

Commissioner John Fryday, Zoning Committee member, was in the audience.

Commissioners Absent: Commissioner Ray Eschert

Planning Staff Present: Scott Adams, Kathy Cornett, Gareth Johnson, Linda Keich, Catherine Mahoney, Melony McCullough, Ed McKinney, Cheryl Neely, Amanda Vari, Jonathan Wells and Julia Zweifel

Other Staff Present: Amanda Byrum and Tim Porter, City Real Estate

Call to Order and Introductions

Planning Committee Chairperson Sullivan called the meeting to order at 5:08 p.m., welcomed those present and asked everyone to introduce themselves.

Approve February 21, 2017 Minutes

A motion was made by Commissioner Ryan and seconded by Commissioner Ham to approve the February 21, 2017 minutes. The vote was unanimous to approve the minutes.

Mandatory Referrals

M.R. #17-06: Proposal by Charlotte-Mecklenburg Schools (CMS) to Lease Property Located at Hawthorne Academy of Health Sciences for a Cell Tower

CMS proposes to lease a portion of a school site, Hawthorne Academy of Health Sciences, located at 1414 Pegram Street (Tax Parcel 081-163-35) for cell tower construction, operation and maintenance.

M.R. #17-07: Proposal by the City of Charlotte to Acquire Property Located in University Research Park for Tree Canopy Preservation

The City of Charlotte's Engineering and Property Management Department (E&PM) proposes to acquire approximately 27 acres of vacant land located near Research Drive and David Taylor Drive, adjacent to Mallard Creek Greenway in the University area (Tax Parcel 047-351-02) for tree canopy preservation.

M.R. #17-08: Proposal by the City of Charlotte to Sell City-Owned Property Located on Piaffe Avenue in Mint Hill

Charlotte Water Department proposes to sell or dispose of two City-owned parcels totaling approximately 3.3 acres located at 4125 Piaffe Avenue and 11915 Shady Oak Court in the Cheval subdivision off Lawyers Road (Tax Parcels 195-056-48 & 195-181-99).

M.R. #17-09: Proposal by the City of Charlotte to Sell Five City-Owned Properties located in Various Areas of the City

Charlotte Water Department proposes to sell or dispose of three former wastewater treatment plant sites - 2.5 acres located at 17806 Bondhaven Drive (Tax Parcel 111-308-30), 2.4 acres located at 399 McCarron Way (Tax Parcels 111-361-99 & 111-021-17) and 0.60 acres located on Starwood Avenue (Tax Parcels 105-271-74 & 75).

M.R. #17-10: Proposal by the City of Charlotte to Sell Property Located on Kale Wood Drive in Matthews

Charlotte Water Department proposes to sell or dispose of a former private wastewater treatment facility on a 1.0 acre parcel located at 1076 Kale Wood Drive in the Town of Matthews (Tax Parcel 193-338-09).

Chairperson Sullivan asked if the Committee would like to discuss any of the mandatory referrals. None of the mandatory referrals were pulled for discussion.

A motion was made by Commissioner Nelson and seconded by Commissioner Ryan to state that the Planning Committee has reviewed M.R. # 17-06, M.R. # 17-07, M.R. # 17-08, M.R. # 17-09 and M.R. #17-10 and has no additional comments for the submitting agencies. The vote was unanimous to state that the Planning Committee has reviewed the mandatory referrals and has no additional comments for the submitting agencies.

Update on the Unified Development Ordinance and Place Types

Garet Johnson (Planning) reminded the Committee that at the last meeting staff reviewed the place types' palette for neighborhoods and shared some examples.

Ms. Johnson said the Committee confirmed that we are headed in the right direction but asked that consideration be given to the following:

1. What is the foundation for place types and how do place types link to the city's broader goals?
2. How does this link to zoning?
3. What is the community engagement strategy and schedule?

Commissioner Ryan stated that in order to be comfortable moving forward, it is important to see the accompanying zoning and to develop draft zoning districts in tandem with place types. She would like to see the form based code language. She also inquired about the community engagement strategy and schedule. Ms. Johnson said some of this information will be covered in the presentation. If not, it will be addressed at the next meeting. Staff will highlight how zoning aligns with place types here and in other cities.

Commissioner Labovitz said the Committee has discussed the city's goals at various meetings but she would like to see the goals bulleted. Ms. Johnson replied that staff has heard this and will address this information in the presentation. Click [here](#) to view presentation.

Ms. Johnson reviewed the *Centers, Corridors and Wedges Growth Framework (CCW)* vision and the Commissioner's *Livable City Policy Statement*. The CCW vision statement was developed over several years through visioning exercises. It was discussed by the community and it was vetted through City Council and the Planning Commission. The CCW vision was adopted as the city's vision for future growth and development. She noted that the vision statement is usually shared at the beginning of place type presentations.

Ms. Johnson compared some of the key words found in both CCW's vision and the vision developed by the Committee as part of the *Livable City Policy Statement*. She said these visions reinforce each other. They set the framework and speak to the key values for this community.

Next, Ms. Johnson reviewed the *Guiding Principles* for CCW and the *Livable City Policy Statement*. She said the principles build on the vision and speak to the key values. The first principle addresses neighborhoods and making sure we have a safe community and housing choices. The second principle speaks to design and livability (building walkable places and vibrant places). The third one refers to a vibrant economy and the revitalization of economically challenged areas. This is done by promoting land uses and making sure we have what is needed in different communities. The fourth principle discusses infrastructure and meeting the transportation needs of different users (pedestrians, cyclists, transit users, motorists). The final principle talks about the environment which includes the air we breathe and the tree canopy.

Ms. Johnson explained that referring to this information while moving through the process will help explain what we are trying to achieve and why we are proposing certain concepts. For example, ground floor retail promotes vibrant and activity-filled public streets, open spaces and walkable places. Another example is the *Unified Development Ordinance (UDO)* requiring sidewalks on both sides of the street to help create more walkable neighborhoods. Referring to the vision and guiding principles, gives us a reference point to ensure that the place type policies are consistent with them. It also helps communicate to the public why we are doing this and what we hope to achieve.

Commissioner Ham asked how HB2 relates to this. He said that you hear in the media about companies changing plans to locate here and asked if any thought has been given to that impacting growth. Ms. Johnson answered that one of City Council's focus areas is the economy and they are trying to move this conversation forward. Ed McKinney (Planning) said this language comes from our adopted growth framework and was designed for planning development policies.

Commissioner Nelson asked if Council has livable city recommendations and if there are goals that Council has adopted that the Committee should consider. Mr. McKinney answered that staff will provide an update on place types and the UDO at the April 10 Transportation and Planning Committee (TAP) meeting. This presentation will include the *Livable City Policy Statement*.

Commissioner Nelson asked if there are other principles or goals that Council has adopted that may not be land use goals but the Committee needs to think about in the context of our guiding principles. Ms. Johnson said that City Council's goals from the retreat and *Letter to the Community* focuses on the economy, jobs, affordable housing and community safety. She thinks we are embracing those and need to be flexible. Vice-Chairperson McMillan said the *Livable City Policy Statement* needs to live on and represent full Council.

Commissioner Nelson asked how the *Livable City* principles line up with the *10 Traits of Winning Cities*. She suggested layering all Council's policies with the *Livable City Policy* to make sure they align. Ms. Johnson said Council embraced them and she thinks their existing policy framework is in line with them. Commissioner Nelson asked is that in relation to CCW. Ms. Johnson answered CCW, Council focus area plans and adopted policies such as the *Transportation Action Plan*.

Mr. McKinney said if the Committee likes, staff can paint a better picture of the *10 Traits of Winning Cities* and show how it aligns with the work we are doing at the next meeting. Chairperson Sullivan said it will be good to see how the *10 Traits of Winning Cities* align with the CCW and the *Livable City Policy Statement*.

The second part of the presentation, Place Types and the Unified Development Ordinance was given by Mr. McKinney: He used New Orleans as an example of a city that currently has place types and an UDO. He referenced an example from the palette of neighborhood place types that was shared at last month's meeting and discussed how to integrate it into the ordinance.

Commissioner Labovitz asked for a definition of place types in relation to what we are doing. Mr. McKinney explained that we are defining the character of places that we would like to see here.

Commissioner Nelson said there is a rising demand for affordable housing and asked how the city becomes more attractive to a variety of people. Commissioner Ryan said that she thinks designing a city that attracts millennials is important. It would be more walkable. She thinks that CCW is the closest we have to a vision statement in Charlotte and thinks there are opportunities to build on it.

Mr. McKinney reviewed in detail how place types and the zoning ordinance works in New Orleans. He explained how place types and zoning are related and how you ultimately get to development. It still has to be determined how much definition goes in the place type versus how much goes into the regulations. Some of that clarity will come later in the process. We are trying to make sure place types are about broader aspirational elements like character, scale and mix of use; allowing the zoning ordinance to function as the tool used for more specificity such as building height or placement. We have been sharing information on place types and testing it with our consultant. When we have a working palette, we will test what the ordinance language will look like with them.

Mr. McKinney referred to an example from New Orleans that walks you through the definition of the place type and how the ordinance addresses it. Staff chose one that is somewhat similar to one discussed at last month's meeting. A neighborhood node at Selwyn and Colony with a place type called neighborhood commercial, small scale neighborhood serving uses with a strong relationship to the surrounding neighborhood. Mr. McKinney shared some images from New Orleans to give a sense of the architectural character and scale for this place type. New Orleans went through a process similar to what we are currently going through to map and test their place types.

After defining place types and developing a sense of where they fit in the community, New Orleans designed a set of ordinance tools for implementation. Mr. McKinney shared other examples. He noted that they have actual photographs included in the ordinance. The planning director has the ability to change the images. The images are important because they visually describe the character of the place. Diagrams include information about height, setback, building placement and gives visual clarity. Mr. McKinney said that he hopes this information gives the Committee a sense of the basic communication tools that will be a part of the ordinance.

Mr. McKinney said that he pulled specific language from the business district category because it ties directly to a lot of the discussion about the Transit Oriented Development (TOD) ordinance. It includes a very specific example on how to deal with street level activity. There are specifics about the height of the ground floor, relationship of entrances to the street, amount of activity that happens at the street and details on how you define transparency. He noted that the TOD language is not this precise. He said we have to raise the bar to ensure that we are meeting the goals that have been discussed. He also used the Pedestrian Overlay District (PED) as an example of an implementation tool for the neighborhood node.

Mr. McKinney said that an ordinance like PED can be tested to determine if it needs to be tweaked, discarded or rewritten. He emphasized that is why it is important to have time on the front end of this process to develop a good working structure to analyze some of our current ordinances. We may discover that it might tell us to fix PED, it is not needed or there is a need for a new district.

Mr. McKinney said the same analysis may apply to TOD. This type of analysis with place types may tell us whether we need to create different districts. He said there are some fundamental questions that he wants to have answered before fixing an existing component of the current ordinance.

Commissioner Labovitz asked if place types will eliminate CCW. Mr. McKinney said that is an open question. It could support it or CCW could be revised.

Commissioner Ryan said that the Committee did not want to see examples from another city. The Committee would like to see what one of these place types would look like in language and diagrams for our city. She wants to see a real example and was hoping to see a draft of what Residential 1 looks like. She expressed concern that the consultant is not operating in tandem with what staff is doing in terms of place types. She said the consultants are experts on writing form based code and she would like to see them charged with giving the Committee an example. She is concerned that we may get too far down the road before understanding how the last piece looks.

Vice-Chairperson McMillan asked for clarification on the elimination of some of the zoning categories. She would like to see which ones will go and which ones will stay. She asked are we moving them around or are we creating districts.

Mr. McKinney stated that staff is sharing place types information with the consultant to make them aware of the direction that we are headed. He said this is not being created without basic testing. However, he would like to have better structure around the vocabulary before engaging the consultant to work on this. He added that he understands the need to show how the place type language relates to the zoning ordinance. The next step is working with the consultant to determine how to do that.

Commissioner Ryan asked if the information is not available next month, when do you think you will have it. Mr. McKinney said he will work with the consultant team on the schedule. He said it is critical for others to understand what this looks and feels like. Staff could take a couple of place type examples and show what they might look like.

Commissioner Nelson agreed with Commissioner Ryan that a hypothetical example would help the Committee fully understand how place types and the ordinance are related. She noted that there is a lot of overlap and the districts are falling into 3 or 4 categories and asked if it will remain that way. She also asked if there will be districts that are mutually exclusive to a particular place type.

Commissioner Ryan said that she is only seeing descriptive place types but not any aspirational place types. Chairperson Sullivan said in real estate, you describe places as stable, rejuvenating, etc. and asked how will place types address change and stay relevant. Ms. Johnson answered that it is similar to what we are doing today. We will still have area plans along with new tools. We will have our place types but can still take a closer look at an area that is experiencing unanticipated change. We could update an area plan to provide more guidance.

Commissioner Nelson asked what is the timeline for developing the zoning districts. She said the timeline is important and it does not feel like we are on schedule. Chairperson Sullivan said we need to accept and allow for errors because they will occur. He suggested focusing on the mechanics. Mr. McKinney will take the comments and develop useful information for the next meeting.

Commissioner Ryan asked if we are on schedule. Mr. McKinney will provide an update on the schedule next month.

Meeting adjourned at 6:25 p.m.

MANDATORY REFERRAL-REPORT NO. 17-11

Proposed Acquisition of ABC Store in Waverly Development in South Charlotte

PROJECT PROPOSAL AND LOCATION:

Potential purchase from Star City Partners, LLC of approximately 1.28 acres of land in Mecklenburg County as preliminarily shown on Exhibit A. The actual boundaries of the land will be established by a subdivision plat. The land currently is vacant. The Mecklenburg County ABC Board proposes to operate an ABC Store on the site. The property is zoned MUDD-O (approved October 19, 2015; Petition No. 2015-087); neighboring parcels are zoned MUDD-O, MX-2(INNOV), NS, and R-12MF(CD).

PROJECT JUSTIFICATION:

In the exercise of the ABC Board's business judgment, this is an appropriate location for an ABC Store. The project falls within the ABC Board's statutory authority.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

The purchase falls within the ABC Board's statutory authority and is consistent with its mission to manage the sale of distilled spirits in compliance with laws that govern the sale and use of alcoholic beverages. The proposed use is consistent with the approved zoning of the parcel.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The *Providence Road / I-485 Area Plan Update* (July 2000) as amended by Rezoning petition 2015-087 calls for a mix of retail, office and residential uses for the larger property of which the subject is a part. The approved conditional site plan shows a freestanding retail building at the specific subject location.

PROJECT IMPACT:

The ABC Board's proposed use of this site will not have a significant negative impact on traffic or other public infrastructure beyond that which would be created by any retail use, which is permitted on this site under the approved zoning. A subdivision plat will be recorded, delineating the boundaries of the property being purchased, but also identifying other infrastructure improvements surrounding the property.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

The ABC Board understands that its project will be part of a larger private retail development by Star City Partners, LLC and will complement the overall retail project. The ABC Board understands that a subdivision plat will be prepared for this area, identifying both the boundaries of the parcel it is purchasing from Star City Partners, LLC, and also identifying the internal street network and other infrastructure improvements to be constructed by Star City Partners, LLC. In addition to being a use permitted in the approved MUDD-O rezoning district, the *Providence Road / I-485 Area Plan Update* appears to call for a retail center in the approximate location of the parcel.

ESTIMATED PROJECT COMPLETION DATE:

The proposed purchase likely will close in the third or fourth quarter of 2017. The purchase has been approved by the Board and funded.

JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force discussed this matter at their April 5, 2017 meeting, and no comments were made. Agencies represented at the April 5, 2017 Joint Use Task Force meeting: County Park & Recreation, City Real Estate, Charlotte Water, Charlotte DOT, Charlotte Mecklenburg Schools, City Storm water, Charlotte Mecklenburg Library, County Manager's Office, Central Piedmont Community College, County Asset Management, County Finance, City Engineering & property Management, Charlotte Fire, Charlotte Mecklenburg Police, Mecklenburg ABC, Charlotte Mecklenburg Planning.

PLANNING STAFF REVIEW:

Planning staff has reviewed the proposed use of the subject property, and key findings were:

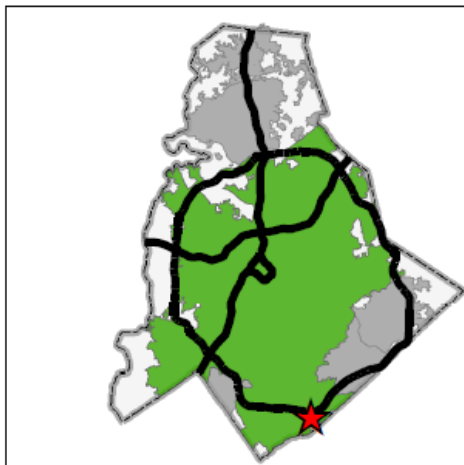
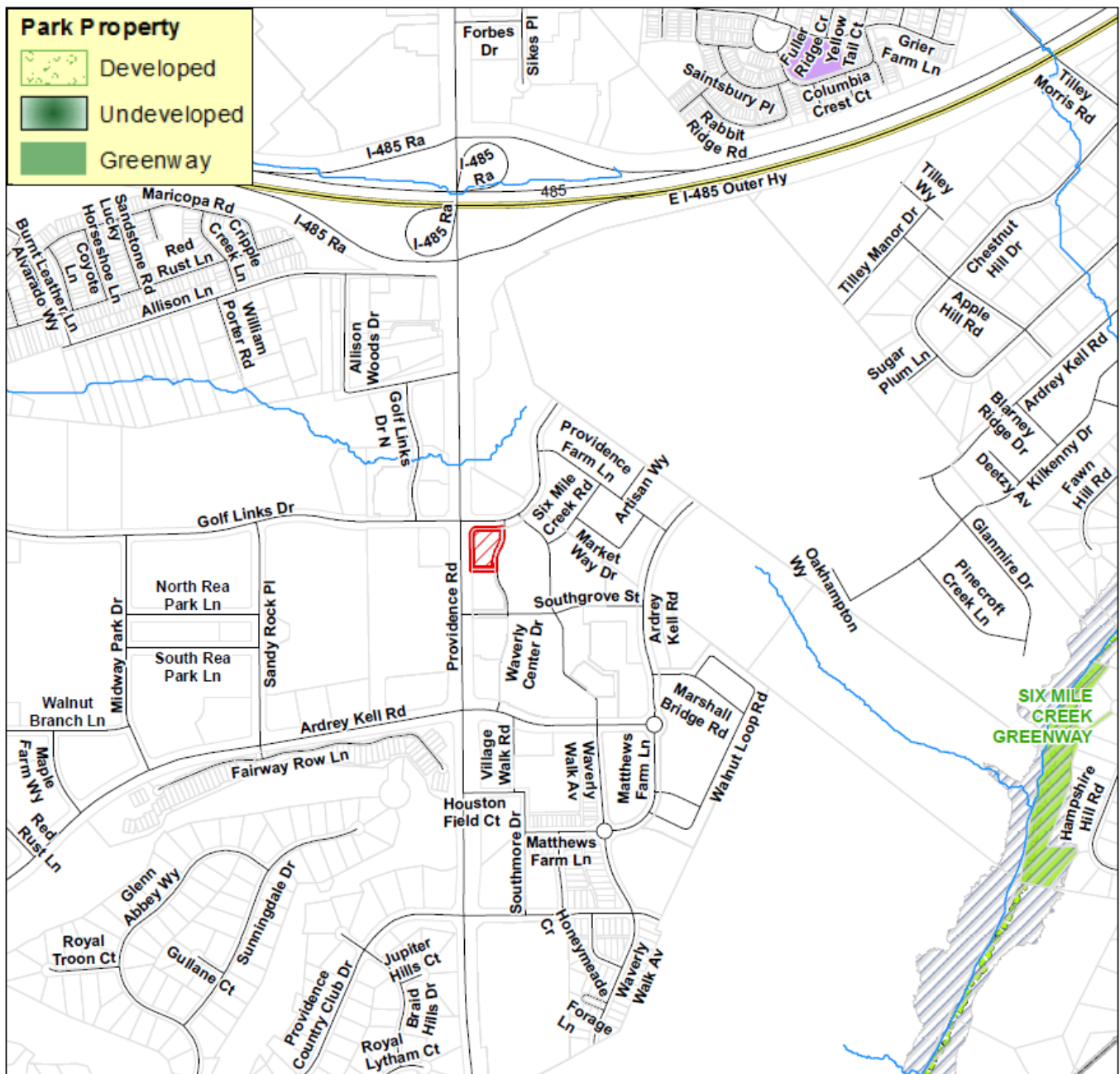
Conclusions:

- The proposed land use is consistent with Council adopted goals and policies for this property and the area.

Adopted Goals and Policies:

- The adopted future land use for the parcel and surrounding area is for a mix of retail, office, and residential uses, as per the *Providence Road/I-485 Area Plan Update* (adopted 2000, as amended by Rezoning petition 2015-087).

CMPC PLANNING COMMITTEE REVIEW:



Mandatory Referral 17-11

Initiated Submitted by:
Mecklenburg County ABC Board

- Mandatory Referral
- County Property
- FEMA 100 Year Floodplain
- Local Historic Landmark

Produced by the Charlotte-Mecklenburg Planning Department



MANDATORY REFERRAL REPORT NO. 17-12
Proposed Purchase by Charlotte Mecklenburg Schools of Property on Sandy Porter Road

PROJECT PROPOSAL AND LOCATION:

The Charlotte-Mecklenburg Board of Education proposes to purchase approximately 19.75 acres of land located on the southwest side of Sandy Porter Road in southwest Charlotte for the construction of an elementary school. The properties are made of up five contiguous tax parcel numbers 201-124-13 (6.92 acres), 201-123-05 (3.93 acres), 201-123-04 (3.77 acres), 201-123-03 (.65 acres) and 201-123-06 (4.48 acres) that make a total of 19.75 acres.

The properties – currently vacant - are located near South Tryon Street in an area bounded by residential and commercial uses to the north and west and residential multi-family to the east. The property proposed for purchase is currently zoned R-3 (residential single family) that permits schools, according to the Charlotte Zoning Ordinance.

PROJECT JUSTIFICATION

This location would be the site for an elementary school to provide crowding relief to Sterling Elementary School, Steele Creek Elementary School and Nations Ford Elementary School.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

This need was identified in the Capital Needs Assessment presented to the Board of Education (“BOE”) originally on February 23, 2016. The need was approved again by the BOE on December 13, 2016. The property is located in the preferred location for the relief school.

This project is planned for a future bond referendum for funding of the design and construction of the school.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The adopted future land use for this site is Residential up to four dwelling units per acre as per the *Steele Creek Area Plan* (adopted 2012). The Plan also has a goal to strive to extend school capacity as development occurs.

PROJECT IMPACT:

There will be limited impact to traffic. There will be improved recreational uses for the neighbors as there are limited public recreation facilities in the area currently. The playground and any play fields could be made available to the public including through joint use opportunities. The City of Charlotte has a Comprehensive Neighborhood Improvement Program (CNIP) planned in the area and will be making improvements to the street scape on Sandy Porter Road.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

On December 8, 2016 CMS staff met with Charlotte DOT and NCDOT staffs to discuss this location for a school. CMS met with the City Planning and Engineering teams on December 16, 2016 to discuss projects in the area including the CNIP and the potential school location. In addition, CMS met with County Park & Recreation on December 21, 2016 to discuss potential joint use opportunities. While no specific collaborative opportunities were identified as part of this process, issues can be re-visited as opportunities arise.

ESTIMATED PROJECT COMPLETION DATE:

The land acquisition is funded by the FY 2017 Authorization School Facilities Capital Project Ordinance approved by Mecklenburg County Board of County Commissioners on September 6, 2016. The goal is to complete land acquisition prior to June 2017.

JOINT USE TASK FORCE REVIEW COMMENTS:

This matter was discussed by the Joint Use Task Force at their April 5, 2017 meeting and the following comments were offered:

- There is limited utility capacity in the subject area and measures will need to be taken to improve capacity prior to school development.
- Funding for design and construction of the proposed school will be included on a future referendum, so the proposed school development is three to five years away.
- As part of the CNIP program, turn lanes are proposed to be added to Sandy Porter Road.
- This area might also be suitable for a potential shared stormwater management approach as well.

The following agencies were represented at the April 5, 2017 JUTF meeting:
County Park & Recreation, City Real Estate, Charlotte Water, Charlotte DOT, Charlotte Mecklenburg Schools, City Stormwater, Charlotte Mecklenburg Library, County Manager's Office, Central Piedmont Community College, County Asset Management, County Finance, City Engineering & Property Management, Charlotte Fire, Charlotte Mecklenburg Police, Mecklenburg ABC, Charlotte Mecklenburg Planning

PLANNING STAFF RECOMMENDATION:

Planning staff has reviewed the proposal to acquire these sites for a school and below are the key findings:

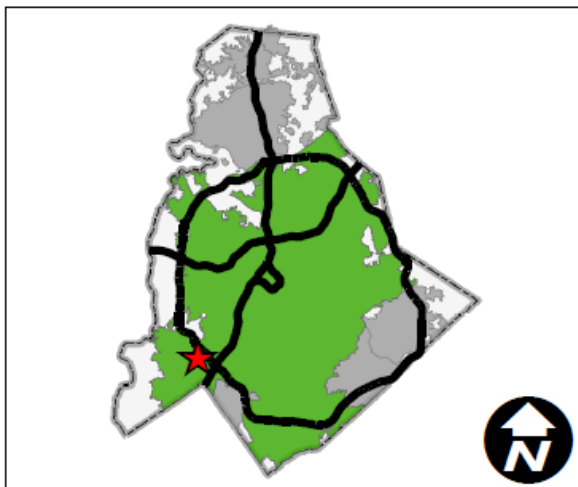
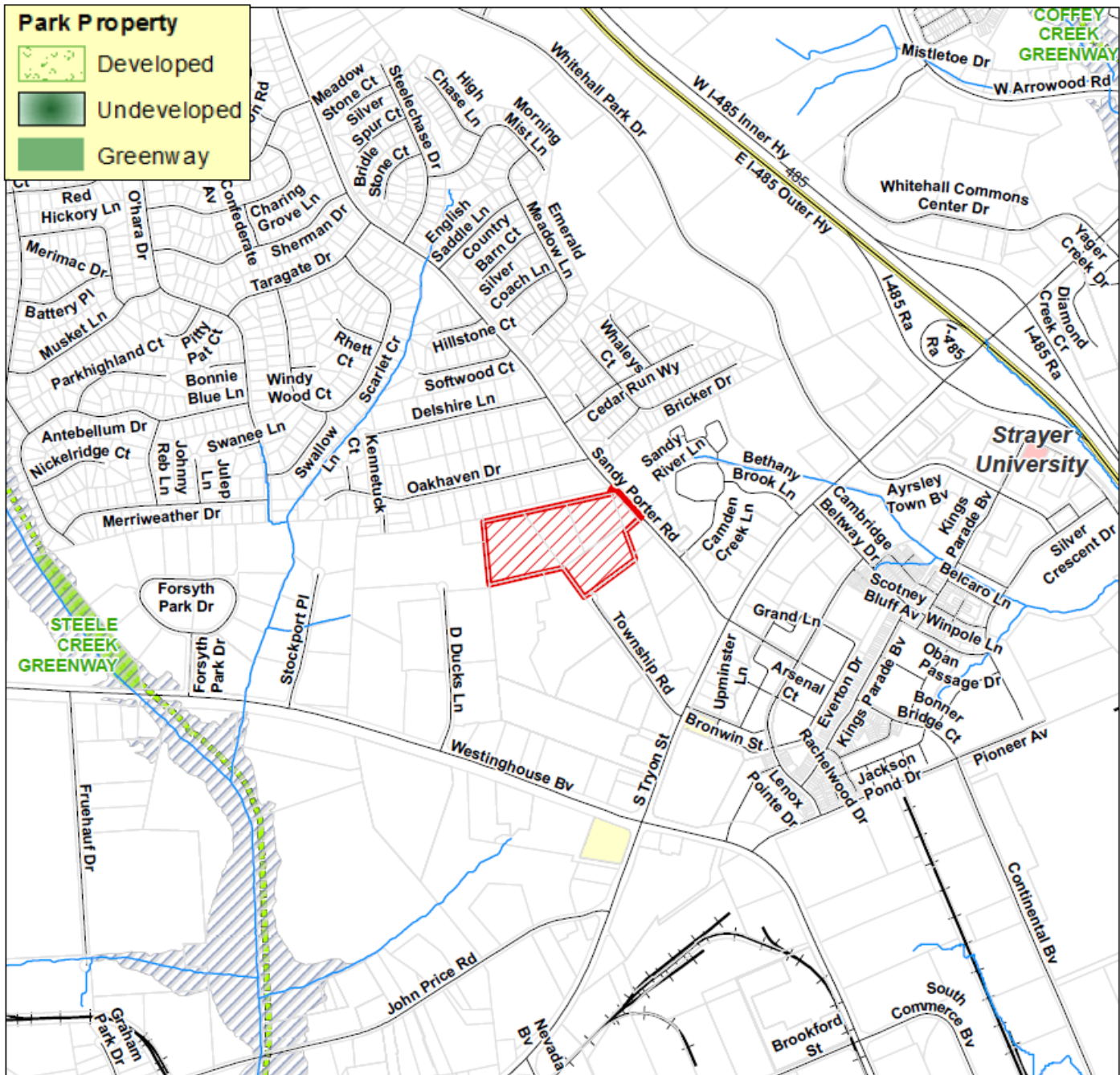
Conclusions:

- Land use plans do not typically prescribe the location of public facilities, institutional uses, or utilities unless it is reflective of a preexisting facility or land banking/master planning efforts. These types of uses are governed by the zoning ordinance in terms of permitted uses by zoning district.
- The current zoning permits schools as a land use.
- The proposed school would provide crowding relief to Steele Creek Elementary School.

Adopted Goals and Policies:

- The proposed use for the property for an elementary school is consistent with the Residential future land use for the site as it is a residential supporting facility and service as per the *Steele Creek Area Plan* (adopted 2012).
- The proposed use is also consistent with the stated goal in the *Steele Creek Area Plan* to strive to extend school capacity as development occurs.

CMPC PLANNING COMMITTEE RECOMMENDATION:



Mandatory Referral 17-12

Initiated Submitted by:
Facility Planning & Management, CMS

- Mandatory Referral
- City Property
- County Property
- Colleges
- FEMA 100 Year Floodplain

Produced by the Charlotte-Mecklenburg Planning Department

