

staff have worked on this text amendment and the prior presentations to the Planning Commission. She encouraged the Committee to set a special meeting if they decided to defer the amendments.

After further discussion, a motion was made by Commissioner Walker, and seconded by Commissioner Dodson that the text amendments are consistent with the *Urban Street Design Guidelines*, the *Transportation Action Plan*, and the *Centers, Corridors and Wedges Growth Framework*, and are reasonable and in the public interest. The motion did not carry with a vote of 3 to 4.

A motion was made by Commissioner Lipton and seconded by Commissioner Firestone to defer the text amendments for one month. The motion passed 4 to 3.

A substitute motion was made by Lipton and seconded by Firestone to defer the text amendments to a special meeting on December 6, 2010 at 2:00 pm. The motion passed 6-1.

The Zoning Committee asked that staff be prepared to discuss the following issues at the special meeting:

1. Tracking Changes to the Ordinance
2. Block Length Examples
3. Alternative Compliance and Development Review Board

ZONING COMMITTEE DISCUSSION

DECEMBER 6, 2010

Staff presented additional information on the three issues raised by the Zoning Committee at their last meeting:

Tracking Changes to the Ordinance: Staff reviewed the comment tracking sheet used to manage and organize comments and track staff responses throughout the process.

The Subdivision Ordinance text amendment has remained unchanged since the Zoning Committee meeting on November 23, 2010, with the exception of one modification to the approval criteria used by the Development Review Committee in reviewing alternative compliance applications (Section 20-24(8)(a)). Instead of the Development Review Board determining if "the proposed alternative design meets the intent of the *Urban Street Design Guidelines*", the following replacement was proposed: "While the proposed alternative design does not strictly meet all of the standards of the *Urban Street Design Guidelines*, it nevertheless satisfies their intent and is not an inferior improvement design."

Block Length Examples: The block lengths for local streets were taken directly from the adopted *Urban Street Design Guidelines*, and were based on location and type of use. Staff reviewed between 50-60 real site plans while developing the text amendments to ensure the block lengths would work. Staff presented several examples of existing block lengths in Dilworth, Myers Park, Elizabeth, Eastover, Chantilly, Southampton Commons, Whitewater, and Blakeney.

Alternative Compliance and Development Review Board: Staff stated that the purpose of alternative compliance is to allow for the approval of innovative, quality development proposals that were not anticipated by the Subdivision Ordinance standards. Alternative compliance

would only be applied to those sections of the Subdivision Ordinance that address street design.

Staff explained that during the development of these text amendments, five options were presented to the Transportation and Planning Committee of the City Council regarding the composition of the Development Review Board. The Transportation and Planning Committee voted to select the option where a separate Development Review Board of nine members would be appointed with a pre-determined composition of expertise.

The majority of the Zoning Committee discussion centered on the composition of the Development Review Board. Committee members felt strongly that the Planning Commission has a high level of expertise, and should serve as the Development Review Board.

The Zoning Committee discussion also included:

Ex Parte communication;
Adding to the "tool box" of standards in the future;
Irrigation systems in the planting strips;
Cost impacts of these text amendments, Post Construction Control Ordinance, etc.; and
Sustainability and a greener future.

FINAL STAFF ANALYSIS (Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

Proposed Request Details

2010-074SUB

The text amendment contains the following major provisions:

- Requirements for streets: Expands the requirement for streets (public or private) to be constructed for all uses, including multiple building sites,
 - Block lengths: Modifies block spacing requirements. Exemptions are allowed based on existing environmental and other site conditions.
 - Private streets: Adds new requirements that sidewalks and planting strips are required along private streets, and all other public street construction standards apply except for centerline design criteria, parking, and the use of materials.
 - Half streets: Allows streets to be split along property lines as an alternative to building a full street based on consultation with staff. However, no half streets are permitted for single family development.
 - Paper streets: Allows paper streets only when stubbing to existing single family lots that are likely to subdivide in the future.
 - Selection of local streets: Modifies the street types and names and allows alternative street type selection.
 - Sidewalk standards for local streets: Modifies the sidewalk widths according to land use, and specifies the requirements for sidewalk location (unless more specific guidance is provided in an adopted streetscape plan).
 - Right-of-way: Expands the right-of-way to contain sidewalks and on-street parking.
 - Transition points: Incorporates standards to address transition at an intersection between street types.
 - Requirements for slow points: Requires traffic calming to be included in local street design.
- Alternative compliance: Adds a non-hardship waiver process based on meeting the underlying intent of the Subdivision Ordinance.

2010-073

The text amendment contains the following major provisions:

- Modifies the "required setback" definition to amend the measurement from the right-of-way to the back of curb for local streets and maintain from the right-of-way for thoroughfares.
- Revises the minimum setback for new single family and multi-family residential development to be consistent with the established building line of existing development.
- Updates the average setback provisions in the single family zoning districts and the Surface Water Improvement and Management Stream Buffer incentives to recognize the change in where the setback is measured.
- Removes the on-street parking or recessed parallel parking provisions from the multi-family zoning district because the *USDG* cross-section includes on-street parking as part of the construction detail in the *Charlotte Land Development Standards Manual*.
- Adds new provisions to allow on-street parking or recessed parking to count towards the minimum off-street parking requirements.

Tree Ordinance Text Amendment

The text amendment contains the following major provisions:

- The text amendment modifies the perimeter planting requirements in the Tree Ordinance by allowing the continuous perimeter planting strip to be located in either the public right-of-way between the curb and sidewalk or on private property abutting the public right-of-way behind the sidewalk.

Public Plans and Policies

These petitions are consistent with the *Urban Street Design Guidelines*, the *Transportation Action Plan*, and the *Centers, Corridors and Wedges Growth Framework*. The *Urban Street Design Guidelines (USDG)*, adopted in 2007, contain a number of policies for planning and designing Charlotte's streets and for providing viable transportation choices. The *USDG* are intended to create "complete" streets meaning streets that provide capacity and mobility for motorists, while also being safer and more comfortable for pedestrians, cyclists, and neighborhood residents. The *USDG* are a supporting component of the *Transportation Action Plan*, and the *Centers, Corridors and Wedges Growth Framework*.

STAFF RECOMMENDATION (Updated)

Staff recommends approval of these petitions, with one modification proposed by staff and the City Attorney's office to modify the approval criteria used by the Development Review Board in evaluating an application for alternative compliance. However, staff does not support the Planning Commission being the designated body to hear and decide applications for alternative compliance for street design.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No comments received.
- **Charlotte Department of Transportation:** No comments received.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Not applicable.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No comments received.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.
 - There is no site plan associated with this text amendment.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review

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