

REQUEST	Text amendment to Sections 10.810 and 10.813 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes The petition proposes to: <ol style="list-style-type: none"> 1) clarify how requirements for screening and streetscape improvements in the pedestrian overlay district (PED) are determined when there is a change of use from one non-residential use to another non-residential use with no expansion; 2) revise the applicability of the PED urban design standards along the street frontage of structured parking facilities; and 3) remove references to "transitways" in the PED structured parking facility regulations.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Dodson).

ZONING COMMITTEE ACTION	The Zoning Committee voted unanimously to recommend APPROVAL of this petition.
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VOTE	Motion/Second: Allen/Dodson Yeas: Allen, Dodson, Firestone, Rosenburgh, and Zoutewelle Nays: None Absent: Griffith and Phipps Recused: None
ZONING COMMITTEE DISCUSSION	Staff summarized the text amendment and recommended approval. There were no questions.
STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.

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

PLANNING STAFF REVIEW

- **Background**
 - This text amendment is in response to the following two concerns raised by the Real Estate and Building Industry Coalition (REBIC) regarding the PED requirements:
 - The need to clarify how requirements for streetscape improvements are determined when there is a change of use from one non-residential use to another, with no expansion of the building.

- The applicability of provisions requiring active uses along the street frontage of structured parking decks.
 - Section 10.810 identifies a number of circumstances where certain types of PED development are not required to meet all the PED development and urban design standards. One of those “exceptions” is when there is a change of use from a non-residential use to another non-residential use, involving no expansion. Based on the number of additional parking spaces required for the new use, one of the following applies:
 - If no more than five additional parking spaces are required, based on the PED parking standards, screening of the existing and expanded parking area is required.
 - If more than five additional parking spaces are required, based on the PED parking standards, screening of the existing and expanded parking area must be provided, and streetscape improvements are required.
 - Section 10.813 establishes a number of urban design standards for structured parking facilities:
 - The first floor of structured parking facilities that front onto a public street must be designed and/or used for active uses. The uses must include transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor building elevation along the first floor street frontage.
 - The remainder of the street or transitway level frontage must be either available for commercial or residential space or have an architecturally articulated façade designed to screen the parking areas of the structure and encourage pedestrian activity. If the facility fronts onto a Class III (major arterial) or a Class IV (minor arterial), the street level portion of the first level along those streets must be available for retail, office, or residential space.
 - **Proposed Request Details**

The text amendment contains the following provisions:

 - Clarifies the exception so that when there is a change of use from one non-residential use to another, with no expansion, the determining factor in providing parking lot screening and/or streetscape improvements hinges on if the new use requires “no more than five” or “more than five” additional parking spaces above what is already provided.
 - Revises the application of the urban design standards for structured parking facilities by adding references to specific street classifications:
 - The first floor of structured parking facilities fronting a public street Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), and a non-residential Class V (collector street) must be designed and/or used for active uses. These uses must include transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor building elevation along the first floor street frontage.
 - The first floor of structured parking facilities fronting a Class VI (local street) or residential Class V (collector street) must be available for commercial or residential space or have an architecturally articulated façade designed to screen the parking areas of the structure and to encourage pedestrian activity.
 - Removes language related to “transitways”.
 - **Public Plans and Policies**
 - The petition is consistent with adopted policy.
 - **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Solid Waste Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - 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 Department of Solid Waste Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review

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