

November 7, 2016

REQUEST	Text amendment to Sections 10.905, 10.907, 10.908, 10.909, and 10.910 of the Charlotte Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to modify transit supportive (TS) overlay district regulations related to uses, maximum height, parking standards, screening requirements, change of use exceptions, and administrative alterations.
PETITIONER AGENT/REPRESENTATIVE	The Gold District of Charlotte, Inc. Walter Fields, III, Walter Fields Group
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none">• The Zoning Committee found this petition to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> and the <i>General Development Policies/Transit Station Area Principles</i>;• As the goals for Growth Corridors are increased intensity and a more pedestrian form of development, with the greatest intensity development in Transit Station Areas.• Therefore, they found this petition be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none">• The proposed modifications strengthen and support the purpose of the Transit Supportive (TS) Overlay District to create a set of additional standards designed to accommodate the continued existence and minor expansion of existing uses while transitioning to a more compact, high intensity, transit supportive mix of uses at a lesser intensity than traditional transit oriented development including:<ul style="list-style-type: none">• Modifying permitted use standards, change of use requirements and administrative procedures to further support the reuse of existing buildings as part of the transition to a transit supportive form and intensity; and• Clarifying and adjusting parking and screening standards to ensure consistency with overall code and simplify interpretation; and• Adjusting maximum height standards to support current needs and requirements for multi-story, mixed use buildings. <p>By a 6-0 vote of the Zoning Committee (motion by Majeed seconded by Labovitz).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 6-0 to recommend APPROVAL of this petition.
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VOTE	Motion/Second: Eschert / Majeed Yeas: Eschert, Fryday, Ham, Labovitz, Majeed and Watkins Nays: None Absent: Lathrop, Spencer, and Wiggins Recused: None
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ZONING COMMITTEE DISCUSSION	Staff asked if there were any questions about the text amendment.
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A Commissioner asked a question about the change of use provisions that includes the addition of "and does not add" in the following sentence:

"If the change of use in an existing building does not require, and

does not add, more than five (5) additional parking spaces based on the minimum/ maximum number of parking spaces required in Section 10.907(6)(a), then the requirement to provide additional parking spaces is waived."

Staff responded that these additional words close a loophole that could have allowed new parking spaces that were not required to not meet the parking standards, internal planting requirements, and parking lot screening requirements.

Staff noted that this petition is consistent with the *Centers, Corridors and Wedges Growth Framework* and the *General Development Policies/Transit Station Area Principles*.

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

• **Proposed Request Details**

The text amendment contains the following provisions:

• **Permitted Use Standards:**

- Expands the list of prohibited uses to include automobile service stations.
- Expands the maximum size of distributive businesses and wholesale sales establishments from 10,000 to 20,000 square feet.

• **Maximum Height:**

- Increases the maximum height from 60 to 80 feet for property located within one mile of Interstate 277. The maximum height elsewhere will remain at 60 feet.

• **Parking Provisions:**

- Increases the maximum number of parking spaces for residential uses from 1.6 to two parking spaces per dwelling unit.
- Adds a new parking standard for multi-family elderly or disabled dwelling units requiring a minimum of 0.25 spaces per unit to align with the same parking standard in other zoning districts for this use.
- Adds a new parking standard for hotels and motels, setting a maximum of one space per room, plus one space per four seats of meeting room capacity, plus a maximum of one parking space per 250 square feet of eating/drinking/entertainment establishments.
- Deletes the office parking requirements of a maximum of one parking space per 300 square feet, and includes office uses with "all other non-residential uses" which sets a maximum of one parking space per 250 square feet.
- Modifies the parking requirement for all other non-residential uses by setting a maximum of one parking space per 250 square feet for non-residential uses. Currently the maximum number of parking spaces is set at the minimum listed in the Table 12.202, per the non-residential use.
- Clarifies that off-street parking may count towards the minimum residential parking requirements only if located on the same side(s) of the street and abutting the use.
- Deletes the requirement that recessed on-street parking shall comply with the *Urban Street Design Guidelines*, as CDOT already has standards for on-street parking.
- Clarifies that driveways are included in the calculation of the maximum total lot width that can be occupied by parking. A maximum 35 percent of the total lot width can be utilized for parking.

• **Screening:**

- Adds outdoor storage of materials, stock, and equipment to the list of uses that require screening from abutting property and from view from a public or private street or transit-way.
- Modifies the screening requirements for rooftop mechanical equipment by deleting references to building heights, and requiring all buildings to meet the screening requirement.

• **Administrative Approval Procedures:**

- Modifies the authority of the Planning Director, with the affirmative recommendation of the City Arborist/Senior Urban Forester, to modify the streetscape standards in order to preserve existing buildings, and to provide flexibility for a hard surface next to the curb line

- where appropriate for on-street parking. Currently, modification of the streetscape standards is only allowed to preserve existing trees.
- Modifies the authority of the Planning Director to administratively alter any of the development or urban design standards if there are difficulties implementing the transit supportive (TS) overlay standards due to site constraints such as lot configuration, lot size, lot width, mature trees, topography, number of streets or other physical considerations. If the administrative approval is for parking, or any item normally subject to approval by the Charlotte Department of Transportation (CDOT), then the request must be approved by the Planning Director in conjunction with the CDOT Director.
 - **Change of Use Standards:**
 - Change from one non-residential use to another non-residential use type, with no building expansion:
 - Adds a new subsection that clarifies the standards that need to be met for a change of use. This subsection requires the new use to meet all the requirements of the transit supportive (TS) overlay district except when the standards would require significant building and site changes such as meeting the minimum setback and side and rear yards; maximum height; minimum residential density; floor area ratio; loading standard; and buffer standards.
 - Clarifies that if a change of use in an existing building does not require, and does not add, more than five additional parking spaces, based on the minimum/maximum number of parking spaces required, then the requirement to provide the additional parking spaces is waived. The text, "and does not add" is the clarification.
 - Adds new text that the addition of more than five parking spaces triggers the requirement for the new parking area to meet the parking standards, internal planting, and parking lot screening requirements. The clarification is the addition of "more than five".
 - Requires streetscape improvements only if sidewalks and a perimeter planting strip with trees are non-existent along street frontages. The improvements must be consistent with a Council adopted streetscape plan, or a streetscape alternative approved by the Planning Director, based on an affirmative recommendation from the City Arborist or Senior Urban Forester and the Charlotte Department of Transportation Director.
 - Change from a residential use to a non-residential use with no building expansion:
 - Revises the list of standards that do not need to be met.
 - Adds a provision that if the change of use in an existing building does not require, and does not add, more than five additional parking spaces, based on the minimum/maximum number of parking spaces required, then the need to provide the additional parking spaces is waived. Parking in excess can remain.
 - Adds a provision that if more than five additional parking spaces are added, then the new parking area shall meet the parking standards, internal planting, and parking lot screening requirements.
 - Requires streetscape improvements only if sidewalks and a perimeter planting strip with trees are non-existent along street frontages. The improvements must be consistent with a Council adopted streetscape plan, or a streetscape alternative approved by the Planning Director, based on an affirmative recommendation from the City Arborist or Senior Urban Forester and the Charlotte Department of Transportation Director.
 - **Public Plans and Policies**
 - The petition is consistent with the *Centers, Corridors and Wedges Growth Framework* and the *General Development Policies/Transit Station Area Principles* goal for Growth Corridors to have increased intensity and a more pedestrian form of development, with the greatest intensity development in Transit Station Areas.
 - **TRANSPORTATION CONSIDERATIONS**
 - No issues.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **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 issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Department Comments
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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