

REQUEST Text amendment to modify the Transit Oriented Development (TOD) district standards.

SUMMARY OF PETITION This petition proposes to amend the Transit Oriented Development standards by 1) adding new permitted uses, 2) modifying the development and urban design standards, 3) modifying the conditions under which property can be reclassified to a Transit Oriented Development district, 4) modifying the applicability and exception section, and 5) modifying the situations in which the optional Transit Oriented Development district can be utilized.

STAFF RECOMMENDATION Staff recommends approval of this petition. The petition is consistent with the *Transit Station Area Principles (2001)* and is reasonable and in the public interest.

Petitioner Agent/Representative Charlotte-Mecklenburg Planning Commission
Charlotte-Mecklenburg Planning Department

Community Meeting Meeting not required.

ZONING COMMITTEE ACTION The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition as revised.

VOTE

Motion/Second:	Griffith/Allen
Yeas:	Allen, Griffith, Howard, Locher, Simmons and Walker
Nays:	None
Absent:	Rosenburgh
Recused:	None

ZONING COMMITTEE DISCUSSION Staff noted that a stakeholder meeting was held on February 12, 2009, to respond to additional comments raised at the public hearing, and prior to the hearing. The revised text amendment, including revisions made as a result of citizen input, was reviewed by staff.

Debra Campbell added that staff documented all the concerns and responded to each at the meeting, even working with the stakeholders to craft text language that would be mutually agreeable and help clarify and resolve the remaining stakeholder concerns that centered around neighborhood transition, parking, and open space.

Several commissioners applauded staff's efforts at establishing a good dialogue and communication with the stakeholders that allowed this text amendment to move forward.

A committee member asked for clarification on the purpose for the amendments for front-loaded garages, building entrances for single family and townhouse units, and fence materials and location changes. Staff responded that the purpose of not permitting front loaded garages for residential units along public or private streets, with several exceptions, is to improve the attractiveness of the streetscape, based on experience with development that has already occurred in TOD.

Another committee member asked if an analysis had been done on not allowing front-loaded garages to determine if the number of units would be reduced. Another committee member stated that most developers

are providing rear loaded garages.

The purpose of the modification to the building entrance changes to single family and townhouse units is to provide an entrance on one building façade fronting a street, not on each building facade fronting a street.

Staff added that the screening standards for fences and walls now allow more flexibility for where they may be located, and remove height limits and material requirements.

Staff added that properties already zoned TOD on March 1, 2009 will not be subject to this text amendment if the site plan has been submitted for formal review by March 1, 2011.

**STATEMENT OF
CONSISTENCY**

This petition is found to be consistent with adopted plans and policies and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Simmons seconded by Commissioner Allen).

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:

- Removes the restriction for warehousing and distribution uses from the TOD-Employment district.
- Expands the conditions under which properties can be rezoned to a TOD zoning district.
- Modifies the applicability and exception section to exempt properties zoned TOD on March 1, 2009, from these text amendment modifications, if a site plan has been submitted for formal review by March 1.
- Adds moped sales and showrooms as allowable uses.
- Modifies the minimum setback standards including:
 - Applies the standards to both public and private streets.
 - Sets new setback standards for new development located across the street from, or abutting, existing single family zoning districts.
 - Amends the type of architectural features which can encroach into the setback.
- Modifies the minimum side and rear yard standards by adding standards for lots abutting a rapid transit corridor or a freight rail corridor.
- Modifies the maximum height standards by changing the height plane for new development located across a local public or private street from existing single family districts. The height plane would be measured from the required setback and required yards, rather than from the zoning boundary of the nearest single family district(s).
- Modifies the parking standards, including:
 - Sets a new minimum parking space requirement for dwelling units on blocks with single family zoning, and modifies the parking ratio for restaurants and nightclubs.
 - Requires on-street parking on blocks with single family zoning.
 - Adds standards for residential front-loaded garages, parking pads, and driveways.
- Modifies the loading standards to prohibit loading and service areas across from, or abutting, single family uses.
- Modifies the screening standards including:
 - Requires screening of service entrances, utility structures, and loading docks or spaces from private streets, in addition to public streets.
 - Adds large above-ground utility structures to the uses that must be screened.
 - Clarifies that only surface parking lots must be screened, not parking structures.
- Modifies the urban open space requirements by specifying that the required open space must be private or public based on the type of use, the lot size, and the gross square footage of the building floor area.

- Modifies the urban design standards for “street walls”, including:
 - Requires retail and office buildings that front on private streets, or that front onto a public multi-use path along a transit line, to provide clear glass windows and doors on the first floor street level frontage.
 - Adds standards for roof line variations, façade variations, and porches.
 - Requires new buildings on retail streets to have a percentage of nonresidential uses on the first floor.
 - Requires the ground floor of parking structures located across the street from, or abutting single family zoning to be wrapped with active uses.
 - Requires the first floor of new buildings on a retail street to have at least 50% of the linear street frontage designed to accommodate non-residential uses, but they may be occupied with residential uses.
 - Modifies the building entrance and orientation standards by changing the number of pedestrian entrances that must be provided.
 - Modifies the building standards to require the first floor of residential buildings located on major thoroughfares to be visually and physically separated from the sidewalk.
 - Modifies the sign standards by deleting the bonus provision for signs lit with neon.
 - Modifies the streetscape standards by adding references and standards for amenity zones, which can be required in lieu of planting strips.
 - Modifies the optional TOD standards by expanding the allowable circumstances for opting out of certain development standards.
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 - **Public Plans and Policies**
 - This petition is consistent with the *Transit Station Area Principles (2001)*.
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PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)**PUBLIC INFRASTRUCTURE** (see full department reports online)

- **CDOT:** No comments received.
 - **Charlotte Fire Department:** No issues.
 - **CATS:** No issues.
 - **Connectivity:** No issues.
 - **Schools:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No issues.
 - **LUESA:** No issues.
 - **SITE DESIGN:** No issues.
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OUTSTANDING ISSUES

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

- Application
- CATS Review
- LUESA Review
- Pre-Hearing Staff Analysis
- Storm Water Review
- Zoning Committee Recommendation

Planner: Sandra Montgomery (704) 336-5722