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 Joint Meeting

A joint meeting of the City Council of the City of Charlotte and the Board of County Commissioners of Mecklenburg County was held in the Commissioner's Room, Fourth Floor County Office Building, on Tuesday, October 13, 1970, at 2:00 o'clock p.m., with Chairman Charles Lowe presiding.

FOR THE CITY: Mayor John M. Belk, Councilmen Sandy R. Jordan, Milton Short, John H. Thrower and James B. Whittington.

ABSENT: Councilmen Fred D. Alexander, Jerry Tuttle and Joe D. Withrow.

FOR THE COUNTY: Commissioners Martin, Myers, Osborne and Peterson.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council and the Planning Commission, and as a separate body, held its public hearing on the petition to amend the zoning ordinance and subdivision ordinance regulating apartment communities and land use controls, with the following members present: Chairman Toy, and Commissioners Blanton, Sibley, Moss, Tate and Turner.

Absent: Commissioners Albea and Godley.

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INVOCATION.

The invocation was given by Councilman James B. Whittington.

HEARING ON PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE REGULATING APARTMENT COMMUNITIES AND LAND USE CONTROLS.

The public hearing was held on the proposed amendments by the Planning Commission to the zoning ordinance and subdivision ordinance pertaining to the development of multi-family for apartment purposes.

Mr. Fred Bryant, Assistant Planning Director, stated the Planning Commission has held a number of public hearings on the proposed amendments; the Planning staff has held a number of meetings with representatives of various groups who are concerned with this matter. Recently there was a presentation to the Council and the County Commissioners concerning the problems as they see them, giving some actual examples of what they see as some of the developing problems and an explanation of why they feel some additional regulations concerning apartment development is necessary.

Mr. Bryant stated the following changes are recommended in the text of the ordinance:

- (1) Change the definition of Planned Multi-family Development.

The only change involved reads as follows: "and developed in accordance with an approved site plan as required in Chapter 18 of this Code." This involves Chapter 18, the Subdivision Ordinance of the City Code regulations into apartment development proposals.

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(2) Presentation of a table for the first time requiring a certain percentage of usable open space in apartment projects. This would add the usable open space requirement as opposed to what is presently in the ordinance as it relates to unobstructive open space requirements. The difference being that unobstructive open space includes parking areas as well as open space. The usable open space would be only green areas or usable open space and would not include parking lots per se.

(3) An addition to attempt to relate yard requirements between multi-family housing and single family housing. At present there is only the one standard dimensional requirement in the zoning ordinance that applies around the perimeter of the property. That would range from 15 feet in the R-6MFH district up to 30 feet in the R-15MF district. This one set of dimension is required regardless of whether it is a rear yard relationship to the house or the apartment or whether it is a side yard relationship. This is an attempt to recognize there are some basic differences and distinctions between the rear of an apartment building and a type of activity associated with that versus the side of an apartment building and the relatively inoffensive sort of relationship you could have to adjoining single family properties. Where there is a rear yard relationship this could range from 50 to 55 feet. The way this would be determined would be an orientation of the building itself. Where a building is located horizontally then the greater setback would apply. In order to apply the less restrictive requirement where you could come down to the 15 feet, it would depend on whether or not the building is located at a break away angle of 45 degrees or more. If the building is as close as 45 degrees or less to the line then it would recognize the greater setback. If it becomes 45 degrees to 90 degrees then the lesser setback would apply on the theory it would be the side and not the rear.

(4) A dimensional change that will relate to only district. Change the requirement for building separation in the R-9MF district from 16 feet to 20 feet.

(5) Add the following new or revised requirements:

(a) All portions of every residential building will be located within 300 feet of a public street or a private drive that furnishes direct access to it. At present a building can be located anywhere on a given piece of property without any given relationship to the public street. Under this proposal that would be eliminated and each building would be located within 300 feet of either a public street or a private drive. The determination of what would be a public street and what would be a private drive would be a determination by the Planning Commission with recommendations from the Department of Public Works and the Traffic Engineering Department. The considerations given in determining whether it would be a public street or a private drive would be as it relates to the Thoroughfare Plan, existing and proposed neighborhood streets and circulation needs, the relationship of the site to adjoining lands, the size and shape of the tract to be developed, to the number of dwelling units to ultimately be constructed on the tract and on adjoining lands, and to anticipated traffic volumes. In each instance there would be a determination made as to whether or not a public street would be necessary or whether or not a private drive would be permitted.

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(b) Private Drives. Until now there has been no recognition given a private drive. This proposal would recognize the private drive for the first time, and would establish some minimum requirements as they pertain to the private drive.

This would try to differentiate between a private drive for circulation and a parking lot. A private drive would be related to (1) minimum improvement requirements to require a minimum width of 30 feet, with a minimum pavement of 20 feet for two way movements and 10 feet for one way movement. Additional width for parking would be required. (2) Standard curb and gutter or a suitable substitute approved by the Department of Public Works along private drives. (3) Private drives would be terminated by a turnaround. (4) The type of parking that would be permitted along the private drives. There could be a total of parking along this drive equal to 50% of the frontage; this means you could have it along one side or it could be staggered as you wish. (5) There would have to be at least one private drive or a public street given an entry to the facility that would have longitudinal grade not greater than 10%. This is an attempt to prevent a situation where you would have an extreme topography and the only entry into a large apartment project might be a drive with 15% or so grade that made it impossible to get out in any sort of bad weather. Propose to recognize for the first time a naming system for these private drives. These would be recognized by permanent street names approved by the Planning Commission and then recognized by the Traffic Engineering Department and the Public Works Department in assigning numbering systems based on those street names.

(c) Parking and circulation plan to assure safe, quick and convenient access and circulation for firefighting equipment, refuse collection and service and delivery vehicles.

- (1) The plans would have to show the locations for fire hydrants and show refuse collection points.
- (2) Surface parking would have to observe a distance of at least 20 feet away from the apartment on one side.
- (3) A statement saying the circulation plans will be checked for sufficiency in all the various areas. This proposed that the plans will be checked by the Planning Commission in coordination with the Fire Department, Traffic Engineering Department and the Department of Public Works.

(d) This deals with such things as being able to recognize on the plans the efficient and harmonious arrangement proposed, taken into consideration such things as topography, the size and shape of the tract and the existing major vegetation, the character of adjacent property and the type and size of the buildings.

(e) This is to indicate that not only will consideration be given factors around the property and at the same time consideration would be given within the site in order to come up with an overall arrangement as good as possible.

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(f) A requirement for active recreational areas in the projects. This means recreational areas intended for small children. The basis for recognizing this type of space will be related to the number of bedrooms in the project. The theory being that low bedroom units are not as likely to have children in them as the larger units. This proposes that for a one bedroom unit, there would be no active recreation space actually required. This would range up to a four bedroom unit that would require a minimum of 100 square feet per unit. The recreation space is required to be at reasonable locations to provide safe and convenient access for the children. The recreation areas will be credited as useable open space.

(g) A statement to invoke the subdivision ordinance with subdivision procedures to apply to the apartment projects.

Mr. Bryant stated they consider these proposals to be very important from a standpoint of providing for the community a type of development concerning multi-family uses to insure that we have a harmonious overall development of the plan for the city and the county.

He stated the Planning Commission is not the only department of the city and county to be concerned with these proposals. That a number of the departments are interested and have worked together on these recommendations:

Speaking for the proposals were Mr. Ervin Clanton, U. S. Post Office, Mr. W. H. Jamison, Superintendent of the Inspection Department, Chief Joe Morris of the Charlotte Fire Department, Mr. Bernie Corbett, Traffic Engineering Department, Mr. Lee Rea, Public Works Department, Mr. Randolph Norton for the Providence Planning and Improvement Association Mrs. Christina Edmonds, a private citizen, Mr. Preston Ing, Northeast Property Owners Association and Mrs. Janette Howell, League of Women Voters.

Mr. J. Vaughn Klutz, President of Charlotte Home Builders Association, stated they have made a careful analysis of the proposed ordinance. They are not opposed to any ordinance that would enhance safety from a standpoint of traffic, safety from a standpoint of fire, aesthetics or conveniences of the postal authority. They do believe that portions of the ordinance are unwise and unfair and will be costly to the community at large. He presented written copies of their proposals to the members of Council and Commission present.

Speaking for these proposals were Mr. Ed Thomas, President of the Charlotte Apartment Association who suggested that the changes to be made be less revolutionary; that the solutions to problems be based on real problems and they should get black and white answers to the problems. The solutions should represent a fair return to the community and the renter. He stated they would like to be in on these solutions while they are in the workings from the beginning.

Mr. Chester Brown, representing the Mortgage Bankers Association, stated they approve the changes to improve the traffic flow as it relates to the safety of the tenants. They feel two items should be eliminated or changed. (1) The right of some governmental agency to decide whether or not roads in a project should be dedicated; this right should stay with the developer. If given to the Planning Agency the developer will lose his Control of the traffic in the project and the privacy of his tenants. It would also change the design concept of the apartment process. (2) They do not feel the governmental agency should have the right to approve the design and aesthetics of the project that does not concern itself with the safety and well being of the tenants and citizens around the project. This could be time consuming and would allow the Planning Commission to impose its likes and dislikes on a particular project. They do think Public Works should be able to review the drainage plans for the projects.

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Mr. Robert I. Goode, Professional City Planner, spoke to the proposals as recommended by the Home Builders Association. Among other things he stated a ten foot setback rather than 20 feet would give enough space for planting, for sidewalks and putting in the curbs. This would give enough safety to the building and to the pedestrian.

Mr. Walter Hendrix of the John Crosland Company read from a source that said a good quality apartment project should avoid having dedicated or public streets as security against crime and other nuisances and undesirables. That safety, convenience and moveability can be maintained as well as with private streets. The use of city type streets will be more costly to all concerned. The property owner should decide whether the streets will be private or public.

Mr. Phil Forlidas of the Marion Company stated he has read the codes of the City of Atlanta, City of Richmond, City of Nashville and Davidson County and the City of Memphis and none provide that developers be compelled to make provisions for public street and the site plan review as proposed. That this has little to do with fire, safety and health of the public at large.

Mr. J. J. Delaney, Jackson Engineering Company, stated in the preparation of this document, Council is being requested to approve a zoning change which includes subdivision arrangements, street definitions and curbs and gutters. He asked if an applicant must go through the proposed zoning ordinance to then find he must subscribe to the subdivision ordinance? Will there not be a line of demarcation as to where a man must go, or do you make him go through it twice and then make him come back again.

He stated they think the administration belongs properly in the zoning administrator not in the Planning Commission. They are not a Body so constituted to make these examinations as they submit with the guidance and cooperation of the other departments. There are already ordinances in the city and county that set up rules in the Building Inspection Department for examination of plans for the approval or disapproval in accordance with regulations that have been established by the Governing Bodies on a Planning Commission basis. Why complicate the situation? Mr. Delaney stated they are proper channelization, proper zoning regulations and proper controls. They object to language that has different interpretations that bring into play proposals they know now and can get along with for evaluation of their plans and proposals for development.

They think the personal interpretations of the planning people are wrong; the aesthetic provisions are wrong. Architects and engineers are employed by the developer to produce a workable and economical sound improvement. Why should there be imposed an interpretation by an individual who may not like the plan or the idea? He stated they are for the objectives of the Planning Commission but without subscribing entirely to their words.

Also speaking were Mr. Everett Escott with Griffin Realty Company, Mr. Jerry Workman with Ervin Company Multi-Family Division, Mr. Bill Allan with Trotter and Allan Construction Company, Mr. M. A. Lyons, C. D. Spangler Company, Mr. Jack Gray, an architect, Mr. Howard Nance, Mr. Bill Trotter, William Trotter Company, and Mr. John Johnston, Marsh Company.

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Mr. Klutz stated Charlotte is fortunate to have such a competent planning staff. He stated they do want regulated ordinances. There are a few they would ask the governing bodies to take a look at. They feel the enactment of some of the proposals today would deter future apartment constructions as well as rental economics. He referred to the counter-proposal which they propose and stated many work hours have gone into it, and they would appreciate the City and County Governing bodies looking at these proposals before making any decision.

Also speaking was Mr. Frank Rose, a Senior Citizen, who spoke in support of the Planning Commission's recommendations.

Decision on the recommendations was deferred for further recommendations from the Planning Commission.

ADJOURNMENT.

Upon motion of Councilman Short, seconded by Commissioner Peterson, and unanimously carried, the meeting was adjourned.



Ruth Armstrong, City Clerk