



Charlotte City Council
Transportation & Planning Committee
Meeting Summary for April 24, 2014

COMMITTEE AGENDA TOPICS

- I. **Subject:** Rezoning Notification Process
Action: For information only
- II. **Subject:** Auto-Oriented Uses
Action: For information only

COMMITTEE INFORMATION

Present: Vi Lyles, David Howard, Patsy Kinsey, Greg Phipps, Kenny Smith

Time: 12:05 pm – 1:01 pm

ATTACHMENTS

Handouts
Agenda package

DISCUSSION HIGHLIGHTS

Committee Chair Lyles called the meeting to order at 12:05 and asked everyone in the room to introduce themselves.

I. **Rezoning Notification Process**

Lyles: The Committee was asked to determine if the current process to notify of adjacent property owners is adequate or should it be expanded. Tammy Keplinger is going to give us the background and share the practices of other communities in North Carolina.

Ms. Keplinger began the presentation with slide 3, NC State Law Requirements.

Howard: Did you say the state requires one notification be sent, but you do more?

Keplinger: The state requires us to send one mail notification and we send two. We send one early in the process about three to four weeks after the rezoning, and then one closer to the

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public hearing.

Ms. Keplinger continued the presentation with slide 8, Notification Comparison with other NC cities.

Lyles: Is there anything else on the sheet that's significant?

Keplinger: If you look at the first column (see attached Survey of Rezoning Notification Requirements document), it talks about who receives mail notification. It seems that everyone is doing more than what state statute requires.

Smith: Is our neighborhood leader hard copied and electronic, or just hard copied?

Keplinger: Both. It's called the NOL list, and it's available on our website.

Ms. Keplinger resumed the presentation with slide 10, Radius Map 1.

Howard: Where did the three mile radius idea come from? Who brought that up?

Lyles: Council member Mayfield suggested this when we had the February 17 meeting. She referred to the outlet mall rezoning.

Smith: Was that 22 different (see slide 10) neighborhoods, or are there multiple leaders within those neighborhoods?

Keplinger: I'm sure there are multiple leaders within those neighborhoods, but we made sure there were no duplicate names.

Ms. Keplinger resumed the presentation with slide 11, Questions and Discussion.

Lyles: What caused the need to drive this change?

Howard: What was the concern?

Lyles: Any example of what's driving this question would be helpful.

Keplinger: It was mainly some of the issues Council member Mayfield had, such as who was notified in neighborhoods where there are no organizations.

Campbell: It's simply a matter of, are we giving a broad enough opportunity for people to comment and participate in the rezoning process? There is consideration that a Tanger outlet has more impact on communities that just neighborhood organizations that may be within a one mile radius. My response is that we give other opportunities of notification such as our website and signage. There is a lot of information out there. The major issue that we hear from neighborhood organizations is not that someone wants to be notified of something three miles from there, it is to make sure they receive notification when something is directly going to

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impact them.

Kinsey: I have a hard time convincing the neighborhood leaders to sign up, because they often change every year. I know that some of the people who are still on the list don't have anything to do with the neighborhoods anymore, so we're probably sending out more notices than we need to. When does the actual sign go up? The only complaint I've heard is that the sign didn't go up early enough.

Keplinger: The signs go up within three weeks of the application being submitted. I will tell you they go up near my house sometimes and I don't see them. They are bright yellow and we try to make sure they are huge, but at times people do just simply miss them.

Kinsey: Do we dictate where they should be placed?

Keplinger: Yes. We provide maps to CDOT to show exactly where they should be placed.

Kinsey: I want to comment about the distance. If you go three miles you are picking up other neighborhoods. Regarding my experience with District 1, I think three miles is way too far, and it's overload on staff. I wouldn't support three miles, but can support one mile.

Phipps: In my experience as an HOA president who received notifications, I think our process is adequate.

Smith: Our reliance is on the neighborhood leaders. There is a point where we cannot regulate how they send the information, and some neighborhoods are not as responsive as others.

Kinsey: I request that the District representative be on the first mailing list. The reason I say that is because when a developer or a neighborhood leader calls me, I want to already be informed.

Howard: It also lets us know that the mailing happened.

Campbell: We may consider forms of social media, such as Facebook to let the neighborhoods know the resource is out there. The other thing is that we are working with Code for America to see if we can come up with something that isn't a formal notification but a way that we can post these where all neighborhood organizations will have access.

Howard: Don't include that in a policy. Be careful when you talk to the full Council about policy and practice.

Phipps: We already have an app that people can sign up for called Notify Me in place. People can sign up and check the things in their areas they would like to be notified about. There are all kinds of ways the information is disseminated.

Smith: It may be somewhat accommodating if we expand the notification from 300 feet to 500 or 600 feet for suburban areas where the neighborhood network might not be as dense or where there is no homeowner's association. There may be some compromise in extending beyond 300

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feet. This is not a recommendation from me, but just a thought.

Lyles: When we look at best practices, the range is from 100 feet to 600 feet. Looking at how our city is laid out, is 500 or 600 feet better? I think that's a good question to ask.

Smith: We may determine that 300 feet is adequate. I'm just thinking about rural areas such as District 3.

Howard: I have a problem with changing rules to accommodate problems where no one complained. I'm not sure what we're solving. If we heard widespread concerns, I'd be ready to do something. Council member Mayfield mentioned major projects. I only heard Tanger Outlets mentioned, so we might be talking about projects that have regional impacts.

Lyles: I think we should ask Council member Mayfield what problem she was really trying to address, and let her know we have reviewed this and share the material. If the Committee feels that is the next best step, I would be glad to ask staff to meet with me and Council member Mayfield.

Phipps: I think that would be plausible. Aren't six Council members supposed to agree that something is to be referred to a committee? Was this referred properly?

Lyles: It was an end of meeting discussion, and there were two referrals. I think there is no harm in going back to check.

Howard: I think we should find out and roll it up into a conversation, not just a one-off.

Kinsey: This is a little different from what I remember. Usually, if an issue is sent to us, we consider it and give our opinion. I think if we go back to Council member Mayfield it will just prolong the discussion, but the majority rules.

Lyles: I want to handle it in a way that is appropriate and respectful. I just want to make sure we didn't miss something.

Kinsey: She got the notice just like we did, and she could have been here.

Campbell: We did invite her to come to this meeting, and obviously there was some type of conflict. The best we can do is to convey the conversations that we've had with her with regards to her definition of the issue. Again, we do not feel there is anything broken in terms of the formal notification process and Council's policy.

Lyles: Do I have a motion for action on this item from the Committee?

Howard: I make a motion that we recommend no changes.

Smith: I second that.

Lyles: Any further discussion?

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Phipps: I think this brings up a point that it's critically important that we vet referrals first so that when we get to the Committee level, we know what the problem is.

Lyles: Thank you. All those who recommend no changes, say I (the motion was unanimous that no changes be made to the existing policy). The next item that we have on our agenda is the second referral that was made to the Committee by Mr. Howard on Auto-oriented Uses. We were asked to determine if the current policies and ordinances need to be changed. Mr. Howard will start.

II. Auto-Oriented Uses

Howard: The Centers, Corridors, and Wedges initiatives make people less dependent on cars, and it's important that we have conversations about policies in general about how development, people and cars co-exist.

Harmon: This was the second referral of the February 17 Council meeting. We were looking to see if we needed to make changes to ordinances or regulations related to auto-oriented uses. That was our understanding of the referral (see slide 3 of the Auto-Oriented Uses attachment).

Ms. Harmon continued with slide 4, Features.

Howard: We need to balance how we plan, and how do we do that? It's a complete development process, especially in the urban areas where we want mass transit, and to encourage fewer cars. They have to work together. I would like to be invited when you have the public meeting to hear the feedback; that would be important to me.

Phipps: I agree with Mr. Howard about balance. We have a situation on N. Tryon Street near UNCC where you have Chipotle on one end that's a walk in restaurant, a drive thru on the opposite end of the same complex, and it's located on the proposed Blue Line Extension station stop. Also, a nearby Panera Bread restaurant that never had a drive thru now has one. How did we get a drive thru on something that didn't originally have one? It doesn't seem to support a pedestrian friendly initiative.

Campbell: The issue for us is not whether you have a drive thru or not, but how it's designed. Obviously, they are trying to accommodate the automobile, but if there is a doorway entrance, you have to make sure the pedestrian traffic and the auto traffic can coexist. The unfortunate thing for example is Chick-fil-A where pedestrians run head into the drive thru traffic. Now there are double and triple drive thru lanes that pedestrians have to traverse. We appreciate that you understand the complexity of this issue. What are the districts that don't allow drive thrus?

Harmon: I believe MUD doesn't unless you go through optional TOD limits with the exception of banks, which probably needs to be reviewed. PED has limitations. I don't believe UMUD has a limitation. We have some inconsistencies.

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Smith: I want to make sure that if we have a problem, we solve it. You hit close to home with Chick-fil-A. I want to make sure they can still build in District 6. It was a great example, but I recognize that traffic is an issue there.

Howard: When I mentioned balance, I want to clarify that I want stakeholders in the room, because I want conversation. Developers have to understand they have a stake in this too. I want to make sure there is balanced conversation, where the developers understand they have to bring something to the table too.

Kinsey: It's a design issue. Just recently, I saw a McDonald's that didn't look like the traditional restaurant. It fit into the neighborhood. I wish we could somehow encourage these companies to redesign, especially for urban areas.

Smith: I want to make sure we don't create hurdles for folks to do business in Charlotte.

Howard: The tension is coming from the development community. The conversation of late has been more about pedestrian friendly environments, which is us trying to self-correct after catering to cars for so long. Now that we're getting there, how do we balance the two?

Lyles: I'm going to use the work balance in a different way. When I look at the list of example uses (see slide 5), the list includes other things like car washes, dry cleaners and banking. I want to ask Ms. Campbell now that we see the problem, what is the path to solving it? We have a lot of requests for you to do some things in the queue already. I'm asking how we balance and prioritize what you do? Talk about this from an allocation of your time and energy and outstanding projects perspective.

Howard: Can we back up a little? I don't know if I care about moving fast.

Campbell: If you will recall, there are some major initiatives that we have underway. For example, you asked us to look at and update the TOD zoning district. We have several text amendments we are also reviewing, so the answer is something slows down. We will always work on everything you have assigned us, but we will not be able to work at the pace we had already scheduled if we tack on this initiative. If we could start this one in the fall, that would be a tremendous help.

Lyles: I appreciate that information, because I think one of the most important things we do is not only start something, but we finish it and wrap it up in a timely manner.

Howard: I've always left these things to Ms. Campbell, and thought it would be put in the queue with everything else.

Campbell: I wanted to clarify why it's not in front of the other items, but is on a list along with the other items. It's a juggling issue.

Howard: I thought you were saying we need to jump on this issue.

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Phipps: I agree. So, how can we add some sort of balance going forward? Are we going to be looking closely at the drive thru requests to make sure they are properly designed?

Campbell: We are, and to be honest with you, we've taken the approach with staff that it's about where they are located, how they are designed and how it impacts pedestrian traffic.

Lyles: The Committee has expressed the real concerns here, and we understand the broad scope of this work. We ask you to come back on May 12 and tell us when you think it can work, and if you have any other items you'd like for us to establish some timelines on, we will do so. I think concluding some of this in a timely manner is important.

Phipps: We have a stakeholders group who will be looking at auto-oriented uses around colleges and universities. There is student housing going up with oceans of cars that will come with it.

Campbell: I think what you are sensing is what we've been sensing for years, which is that we need a major overhaul to our zoning ordinance because it is out of alignment with our vision. Reviewing the text amendments one by one is not getting us where we need to be in a timely manner. We are wearing our citizens out. It's more than just us, it's the public too.

Lyles: I think the City Manager talked about the rezoning ordinance rewrite and the resources needed to do it at our last Budget Workshop, and it is a question about whether or not we are going to move forward incrementally or tackle it with a major overhaul. Do we need a motion on this item?

Campbell: No. You can recommend something at your next meeting.

Lyles: With that, are there any other items?

The meeting adjourned at 1:01.




CHARLOTTE.
CHARLOTTE-MECKLENBURG
PLANNING

The Rezoning Mail Notification Process

Charlotte City Council
Transportation & Planning Committee
April 24, 2014


CHARLOTTE.

Purpose



Goal:

Review rezoning mail notification process to determine if it should be expanded.

2



CHARLOTTE.

NC State Law Requirements

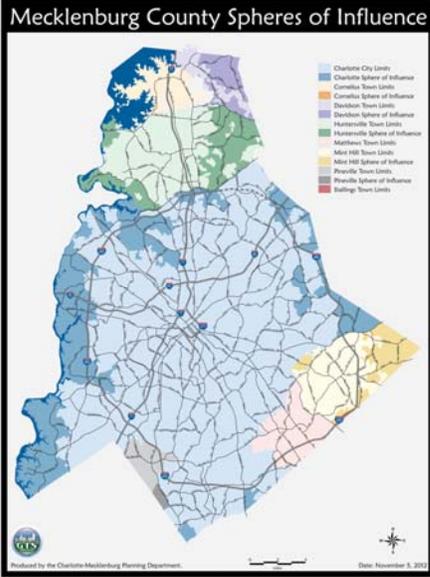
GS 160A-384

Who

- First class mail notice to all property owners abutting the parcel(s) to be rezoned.

When

- Legal notice between 10 days and 25 days prior to the public hearing.



Mecklenburg County Spheres of Influence

Produced by the Charlotte-Mecklenburg Planning Department Date: November 8, 2011

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CHARLOTTE.

Charlotte City Council Policy



Who

- First class mail notice to all property owners within 300 feet of the parcel(s) to be rezoned.
- First class mail notice to all Neighborhood Organization Leaders within one mile of the parcel(s) to be rezoned.

4

 **Other Forms of Notification**



- Website (www.rezoning.org)
- Legal Ads (Charlotte Observer)

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 **Notification Comparison**

Cities in North Carolina

- Winston-Salem/FC
- Asheville
- Cary
- Charlotte
- Durham
- Fayetteville
- Greensboro
- High Point
- Raleigh
- Wilmington



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Provided by the Winston-Salem/Forsyth County Planning Board, January 2014



Other Cities

Survey of Rezoning Notification Requirements Winston-Salem/Forsyth County Planning Board, January 2014										
	Winston-Salem/FC	Acheville	Cary	Charlotte	Durham	Fayetteville	Greensboro	High Point	Raleigh	Wilmington
Who receives mail notification?	Property owners within 500'	Property owners within 200'	Property owners within 400'	Property owners within 300' and neighborhood leaders within 1 mile	Property owners within 600' and neighborhood leaders within 1,000'	Property owners within 500'	Property owners within 600'	Property owners within 300'	Property owners within 100'	Property owners within 100'
Sign size and posting location	30" x 36" On site plus vicinity	18" x 24" on site	24" x 30" on site	30" x 36" on site	24" x 30" on site	18" x 24" on site	24" x 36" on site	22" x 28" on site	18" x 24" on site	18" x 24" on site
Public hearing held before Planning Board?	Yes	Yes	Sometimes ¹	In tandem with the City Council ²	Yes	Yes	Yes	Yes	Yes	Yes
Planning Board hearing posted in newspaper?	Yes	Yes	Yes ¹	Yes	Yes	Yes	Yes	Yes	NA	Yes
Are notices posted on website?	Yes	Yes	Yes beginning February 2014	Yes	No	Yes	Yes	Yes	Yes	Yes
Are staff reports posted on website?	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
Are neighborhood organizations notified?	No	Yes, neighborhood leaders within 200' of site	No	Yes, neighborhood leaders within 1 mile of site	Yes, neighborhood leaders within 1,000' of site	Not typically	Not formally at this time but outreach method is being revised	No	Raleigh uses 19 geographically based Citizen Advisory Councils to informally review rezoning requests.	No
Are applicants required to have a neighborhood meeting?	Encouraged but not required	No	Yes	Yes	Yes, for certain special use cases	Only for certain specific Special Use Permits	Encouraged but not required	Yes	Yes	Only for conditional use district zoning requests
If so, when is meeting held?	NA, but preferably before the Planning Board hearing	NA	Prior to submitting an application	During the process	Prior to submitting an application	During the process	During the process	During the process	Prior to submitting an application	During the process

Clarifications/Special Circumstances

1. Cary starts with a public hearing before the Town Council. The Planning and Zoning Board then meets to formulate its recommendation; however this is typically not a public hearing. The Planning and Zoning Board holds a public hearing only in the following situations: either the request is for the MUD (Mixed Use) districts and the Council requests a special Community Workshop to be held; or if the request is a conditional use one in which the conditions initially proposed at the Council public hearing may change.

2. The Zoning Committee of Charlotte does not hold a public hearing but is present at the one public hearing before the City Council.

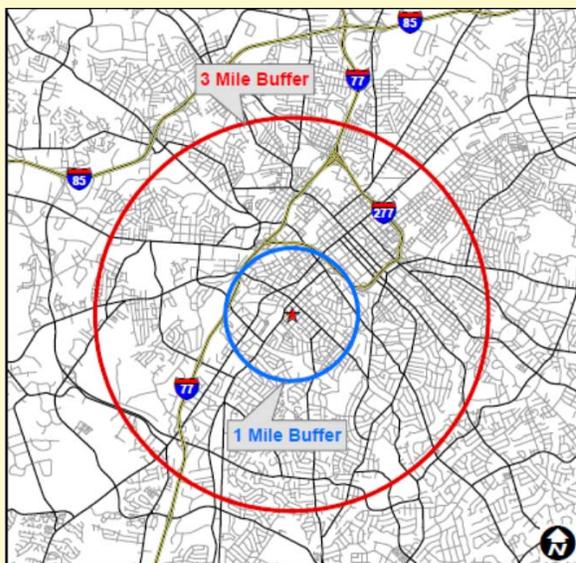
3. Beginning February 2014, Cary will use electronic notification in lieu of newspaper ads as per local legislation.



Radius Map 1

Rezoning Petition 2014-006 on Tremont

- Within one mile 22 neighborhood leaders would be notified
- Within three miles 108 additional neighborhood leaders would be notified



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Questions and Discussion

- Is the current mail notification process adequate?
- If not, what changes should be recommended?

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Next Steps

- Host 1 to 2 public workshops for citizen input.
- Report back to TAP in July with recommended changes.

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Auto-Oriented Uses

Transportation and Planning Committee
April 24, 2014



Presentation Outline

- Referral Background
- Features of Auto-Oriented Uses
- Example Uses
- Proposed Process and Schedule
- Committee Discussion



Referral Background

- Topic was referred to Transportation and Planning Committee at February 17, 2014 Council meeting.
- Charge was to determine if current policies and ordinances need to be changed to address issues associated with auto-oriented uses (focusing on location and design).



Features

Auto-oriented land uses:

The distinguishing feature is that consumers have to travel in an automobile to patronize the use.



 **Example Uses**

Principle Uses

- Automobile Service/Repair
- Car Wash
- Automobile Inspection
- Drive-In Restaurant
- Drive-In Theatre
- Surface Parking

Accessory Uses

- Gas Pumps
- Drive-Through Service Windows
- Drive-Up ATMs





 **Proposed Process and Schedule**

Research
May - June

➔

**Analysis/
Recommendations**
July – Sept

➔

Strategic Action
Begin October

- Define Uses/ Features
- Identify Issues, Focusing on Location & Design
- Inventory Existing Policies & Regulations
- Research Approaches from other Communities

- Identify potential:
 - Policy Changes
 - Regulatory Changes
 - Other
- Develop Staff Recommendation for Next Steps

- Policy and/or regulatory changes
- Other actions

Input During Process From:

- Transportation and Planning Committee
- Community Stakeholders – industry representatives, business owners, neighborhood leaders, environmental community reps, site designers, architects
- Planning Commission



Committee Discussion

- **Are there specific issues that you want us to study or concerns that should be addressed?**
- **Do you have any additional groups to be included in the process?**
- **Are there additional ways that you would like to be involved?**

Transportation & Planning Committee
Thursday, April 24, 2014
12:00 p.m. – 1:00 p.m.
Charlotte-Mecklenburg Government Center
Room 280

Committee Members: Vi Lyles, Chair
David Howard, Vice Chair
Patsy Kinsey
Greg Phipps
Kenny Smith

Staff Resource: Debra Campbell, Planning Director and City Manager's Office

AGENDA

I. Rezoning Notification Process – 30 minutes

Staff Resource: Laura Harmon, Planning

On February 17, 2014, Council referred this item to the Transportation and Planning Committee. The Committee is being asked to determine if the current notification to adjacent property owners and neighborhood organizations is adequate or should be expanded. Staff will provide an overview of the current process and provide information from other jurisdictions.

Action: For information only

II. Auto Oriented Uses – 25 minutes

Staff Resources: Laura Harmon, Planning

On February 17, 2014, Council referred this item to the Transportation and Planning Committee. The Committee is being asked to determine if current policies and ordinances need to be changed to address the issue of auto oriented uses. Staff will outline the process and seek direction as to the desired role and involvement of the Committee in this analysis.

Action: For information only

III. Future Meeting Topics – 5 minutes

Staff Resources: Debra Campbell, Planning

Staff will review and discuss future agenda topics.

Next Scheduled Meeting: May 12, 2014 at 3:30 p.m.