Charlotte City Council

Transportation & Planning Committee

Meeting Summary for October 28, 2010

COMMITTEE AGENDA TOPICS

I. **Subject:** **Urban Street Design Guidelines**
Action: The Committee requested Option 2 and asked staff to come back on November 8 for a quick update.

II. **Subject:** **Plaza-Central Plan Amendment**
Action: Motion made to forward plan amendment to the full Council for public comment *(passed unanimously)*

III. **Subject:** **Transportation Action Plan 5-Year Update**
Action: None

COMMITTEE INFORMATION

Present: David Howard, Nancy Carter, Warren Cooksey, Patsy Kinsey
Time: 2:00 pm – 3:30 pm

ATTACHMENTS

1. Agenda Package

DISCUSSION HIGHLIGHTS

Chairman David Howard called the meeting to order and asked everyone in the room to introduce themselves. He then turned it over to Transportation Director Danny Pleasant.

I. **Urban Street Design Guidelines**

Mr. Pleasant said we are moving toward the finish line on the ordinance implementation of the Urban Street Design Guidelines (USDG). Mike Davis and Shannon Frye will focus on a couple of things in the presentation and are looking for some feedback and direction from the Committee. Mr. Davis began reviewing the "Urban Street Design Guidelines Ordinance

Implementation" presentation (copy attached).

["Block Averaging" slide]

Mr. Davis said that in the previous draft they had proposed certain language about block averaging. This language is meant to provide some flexibility in residential uses in the Wedge around how you apply maximum block spacing. He stated that in the last couple of weeks, people were responding well to the block averaging and wanted to look into expanding the applicability of the block average concept. So, staff went back and looked into the concept of expanding it and they found that non-wedge locations tend to be infill-type sites. The example shown on the slide is Crosland Greens from the Scaleybark Transit Station Area. The other thing they found is that even in successful examples, like Crosland Greens, that those developments are sometimes made up of big and small blocks, which is sometimes what you get with averaging. He stated that they now recommend expanding the block averaging provision to include all land uses in all geographic locations.

Howard: When it comes to infill lots and dealing with interior streets, you have that flexibility because of what's around it already, right?

Davis: Actually, no matter where you are in the City and no matter what kind of land use you are, it starts from the proposition of what's built around you.

Kinsey: So, if the streets are already there, then they are - there?

Davis: Yes, and you could just extend those streets.

Howard: I'd like to point out that this was something that came from the industry and we listened to the industry and made some sense out of it. So, thank you staff and industry for working on that together.

["Alternative Compliance Fee" slide]

Mr. Davis said that this has to do with a specific question asked at the last Committee meeting concerning the cost to someone to go through the Alternative Compliance process. City Code determines what the staff's costs are associated with different land development processes. The City's practice has been to recover administrative costs. By way of comparison, subdivision variance/appeal applications cost $2,500. Also, back in 2007, the Council adopted the Right-of-Way Utility ordinance and during that roll out, they went through a 6-month period where it was free and they used data from the 6-month period to determine actual costs before they started charging the people for that time.

Mr. Davis stated that based on that, staff recommends to offer the Alternative Compliance process with no user fee for a full year. They would need to go through a year to get enough submittals to have some idea of what this might take, and they would use the first year information to set fees for the following year.

Howard: What if you end up getting more submittals than you thought. Would you still want to go through a whole year with no fee?

Pleasant: Typically, when we set our fees, we do it by looking in the rear view mirror. We reflect on our experience over the past year and look at the base line costs of staff. It's a process we are accustomed to doing.

["Development Review Board Options" slide]

Mr. Davis said this slide is one that they need direction from the Committee on. He laid out the 5 different options. He pointed out that the first column was what staff brought to the Committee initially, a 7-member board. He also stated that at the bottom of the table is the option used to appeal a decision. Mr. Davis then discussed the make-up of the other 4 options. Chairman Howard asked the Committee for their thoughts and feelings on the different options.

Kinsey: Remind me why we had a public health professional on there?

Davis: The person in every slot represents a person that has the expertise necessary to be able to determine whether or not something was in the public's interest, with regard to things like health, safety and welfare. The idea is that this person would be someone who is involved in how built environment relates to public health.

Kinsey: Why would we get the Zoning Committee of the Planning Commission involved with USDG? Why would it not be someone in Transportation?

Cooksey: The Zoning Committee is already the quasi-judicial appeal board for challenges to interpretations to the subdivision ordinance. The benefit of Option 5 is it takes advantage of a structure that exists already.

(Council member Carter entered the meeting)

Kinsey: I'm against Option 5.

Cooksey: What concerns me about Option 5 is the technical level of this is probably more than what the Zoning Committee might be able to deal with.

Kinsey: I would say either Option 3 or 4. I think there will be some Council members that would like to have a resident on the board.

Carter: I want a resident on the board to have the neighborhood perspective. The Planning Commission could represent neighborhoods, but that's not necessarily the case. Planning Commission is an interesting process that might be proactive, but I'm not sure it wouldn't be seen as an interim step with the plan always to go to Superior Court.

Howard: My first gut was Option 5 because I've been on that body and understand what the

inter-local agreement calls for, for the Planning Commission. However, having heard staff's explanation of what we are trying to get to, moves me away from Option 5. I'm leaning towards Option 2. That option has someone from the Planning Commission who is also a resident. They are representatives from the community. Looking at the different categories of members listed, I think we will run into some situations where there are people that are very active, but couldn't be put on this body because of conflicts of interest.

Davis: We are thinking we may need to have alternates designated for 3 of these slots. That would be for the Architect, Landscape Architect and the Civil Engineer. They could have a frequent need to recuse themselves. It was also pointed out that there may be a disincentive to participate on the board for the frequent need to be recused.

Carter: For Option 2, could there be a statement inserted that the resident could be a Planning Commissioner, but not necessarily be required to be one? What concerns me is we have an overwhelming concentration of people who are allied in the industry and no one to speak for those who live in the areas which would be created.

Cooksey: I fall on the side that we are talking about the technical interpretation of law. I don't know that a resident, as a resident, has the time or the ability to get brought up to speed on that. The initial learning process was very extensive when I was on the Zoning Committee. These residents would be looking at what is the law, what does the ordinance say, what is the spirit of that ordinance that you derive from, and how do you figure out if it's the acceptable exception or not. I'm also inclined to Option 2 because with a Planning Commissioner, you get an appointed community person who has some level of familiarity with land use in general.

Kinsey: Would that be any Planning Commissioner or would it have to be someone from the Zoning Committee?

Howard: I was thinking the Chairman could appoint someone.

Carter: It would be acceptable if it's someone not already represented by those categories, but if you get duplication, then that's where I question fairness. My point about the resident is perhaps this is the one individual that can see outside the parameter that is established by the law. This is a person that can see what a home area can be and wants to preserve something that might not be looked at by an attorney, such as a tree save, a wetland save, or where the sidewalks go.

Cooksey: I understand that, but it's probably more likely that the resident is a resident of a mid-1980's to mid-1990's cul-de-sac infested subdivision, who really likes cul-de-sacs, and doesn't like sidewalks along the street. They will be far more willing to deviate from the requirements of the USDG because they like the cul-de-sacs, which aren't even allowed anymore.

Howard: How is a Real Estate Development Industry Representative different from everyone else? Is that a developer? Everyone else up there is a real estate industry rep.

Davis: I think having someone who is speaking as a developer is representing a market

perspective that others are missing.

Cooksey: How about a realtor in that slot? They wouldn't necessarily have the same bias that I'm concerned a resident would have.

Howard: Back to Council member Carter's concerns earlier, I think Option 5 does more of what you are talking about.

Carter: There've been good arguments made, so right now I lean toward Option 2, but I do want to be assured that there will not be intentional replications. I do like the broader band of the Real Estate Development Industry because I think you can go realtor or developer and get the best person for the job that wants to apply for it. I think that gives us some flexibility. Do these members have to be practicing in those professions or can it be a selection or avocation for them?

Davis: There isn't anything that we have drafted in the ordinance that answers that question. I don't remember us talking about that.

Cooksey: As has been explained to me by the Attorney's Office, a standard interpretation of a slotted seat is that whoever the Council appoints fits the bill. In a 9-member board, 6 would be appointed by Council and 3 by the Mayor.

Kinsey: Can we veer from that? If we are going to have designated slots, then why would we say that the Council gets 6 and the Mayor gets 3? By the way, I do think they need to be licensed professionals.

Cooksey: Council policy is two-thirds/one-third.

Howard: Is that policy or tradition?

Schumacher: I don't think that's a policy. The Stormwater Committee doesn't follow that.

Howard: Who will lead these meetings?

Davis: We haven't designated that either.

Kinsey: They could select their own leader amongst themselves.

Schumacher: Back to what Council member Cooksey mentioned in terms of deciding someone's qualification, you can be as specific as you chose to be in defining the qualifications and when the Clerk puts out an invitation for people to apply, they will include all those qualifications. People fill out questionnaires to give them an opportunity to show how they meet those qualifications. Ultimately, if you vote for them, you are concluding they are the best fit.

Howard: Are we comfortable with the categories that have been defined on the left hand side?

Cooksey: Would a realtor qualify under the Real Estate Development Industry? Other than that, I'm fine with it.

Howard: Staff was trying to get someone who understood the financial side.

Pleasant: We could strike the word "development." I think that would allow a sales person, developer or a broker.

Howard: Then you may not have someone who understands the financial side of it. I don't want to mess with that. If you get an industry representative that doesn't have the financial side, then you are short that at the table.

Kinsey: Why don't we say architect or landscape architect and then put in a finance person? I'm not comfortable leaving off development because I'm not sure that would include a developer.

Davis: In terms of clarifying, when I said represent a market perspective earlier, I wasn't necessarily thinking just finance, as much as when you talk about ways in which things can get built, some of those things can work in the market place and some of those can't.

Howard: Okay, so we have to give them a recommendation today. So with categories, is everyone okay?

Cooksey: I'll make a motion to approve the categories.

Carter: I'll second, with debate, and offer an amendment that it should be stated that the Planning Commissioner has to be exclusive from the previously mentioned categories.

Howard: The only thing I would add to that is if you think about it, that's really Option 3.

Cooksey: No, it's not because a Planning Commissioner has had more experience in looking at a broader array of planning matters than a resident who just wants to be involved in the community.

Howard: That's why I'm asking Council member Carter to consider that you don't have to worry about them being so aligned with everyone else. Each person on the Commission is a resident. Is there any concern or conversation from staff on Council member Carter's request?

Pleasant: We can probably find some wording to add in there on the intent and specify that.

Carter: I'd like it as strongly worded as possible.

Chairman Howard asked for a second to the amendment motion and Council member Kinsey seconded. *(Motion failed 2-2, Carter & Kinsey – for, Howard & Cooksey – against)*

Chairman Howard said that leads us back to the original motion by Council member Cooksey and seconded by Council member Carter to select Option 2. *(Motion passed unanimously)*

["Next Steps" slide]

Mr. Davis said they will have a public hearing on November 15. They will then go to the Zoning Committee on November 23 and will request a Council decision on December 20.

Chairman Howard said that the leadership of the body and the appointment process was unclear. Council member Carter said that she thought staggered terms would be important to have some continuity of knowledge and experience. She also said she thought the appointment of two-thirds/one-third made sense and that the leadership should be determined by the Committee itself. Chairman Howard agreed with Council member Carter and mentioned they should look into considering alternates, which was discussed earlier in the meeting. He also requested that staff give a quick update at the November 8 Committee meeting to discuss those items just mentioned. He then requested to move to agenda item two.

II. Plaza-Central Plan Amendment

Ms. Garet Johnson stated that this presentation deals with a request for an amendment to the Plaza-Central Pedscape Plan. They have been working with the property owner and the community over the last several months. The request was to reduce the distance between residential and bars/nightclubs/lounges. The Pedestrian (PED) Overlay Zoning District sets the distance at 400' but it allows an area plan to set a different distance. The property owner has requested that we reduce the distance from 400' to 225'. Ms. Johnson then introduced Michelle Jones.

Ms. Jones began reviewing the "Plaza-Central Plan Amendment" presentation (copy attached). She stated that today she will give a brief description of the background of this Pedscape Plan, discuss the proposed plan amendment and review the public feedback. She said they are looking for the Committee to forward the plan amendment to City Council for public comment.

["Background" slides]

Ms. Jones stated that this Pedscape Plan was adopted in 2003 and it focuses on enhancing the pedestrian environment. PED zoning is their key strategy to implement their Pedscape Plans and overlays the existing zoning and provides additional development standards, but it doesn't change the underlying zoning. She went on to say that a plan amendment is a proposed changed to an adopted area plan. An amendment can be requested by the Planning Commission, the public, which it was in this case, City Council and/or the Planning staff. The process is a 3-9 month process, which includes public involvement and plan analysis. It also must be approved by City Council.

Kinsey: Who requested this amendment?

Jones: The property owner of the Century Vintage store.
[“Introduction/Scope” slides]

Ms. Jones stated that the amendment was submitted in February 2010 with a request to reduce the distance required from residential to businesses for alcohol sales from 400’ to 225’. They currently have no remedy for this because in PED you cannot apply for a variance and staff has not been supportive of going through this process piecemeal. They want to do it holistically, so it applies to the entire plan area. PED-O is basically the variance option for PED and staff does not recommend it. Ms. Jones read through the existing regulation. She stated that they have done this one time before for the West Morehead Pedscape Plan. Ms. Jones said that distinguishing between bars/nightclubs and restaurants can sometimes be difficult because some restaurants do turn into nightclubs later in the evening.

Carter: Is the 225’ from the back of the business to the residential area?

Jones: It’s from the building of the business to the property line of the nearest single-family residential zone in all directions.

[“Proposed Text Amendment” slide]

Ms. Jones read the proposed text amendment and showed the map of the area. She clarified that this is an amendment to the plan and not to the Zoning Ordinance. On the map, the red properties are the ones that would not be permitted to be a bar, nightclub, or lounge with the amendment as well as the area that is zoned office. The rest of the areas would be allowed.

Kinsey: Does this extend back to Commonwealth Avenue?

Jones: Yes, on both sides up to the Fire Station.

[“Public Comment” slide]

Ms. Jones said they held several public meetings throughout the process. Property owners within 400’ of the Pedscape boundary were notified by post cards and letters throughout the process. She said they didn’t have a great showing, but there were a few concerns raised with parking. Ms. Jones added that parking is a concern in that area all the time. Most people in the neighborhood said they would support the amendment if it concentrated the bars and nightclubs along Central Avenue and away from the single-family neighborhoods. Staff feels the 225’ does serve that request. She said that one property owner spoke in support of the amendment at the last Planning Committee meeting.

Kinsey: Was someone there from Morningside neighborhood?

Jones: They were invited, but no one came.

Howard: If anything develops where the industrial currently is, what happens?

Jones: If they rezone as residential, then this map would change. It would evolve as the zoning evolves.

Main: That's the Barnhardt Manufacturing plant now, so that's not likely to change to R-3.

Jones: It could become MUD, but in that case, the regulations would not apply.

Kinsey: What about the people who live in condos?

Jones: There are not that many. Also, some of those are zoned mixed-use.

Main: Most of the multi-family districts would apply. For example, the ones in the PED district in Hawthorne are mixed-use and our assumption is those are the kinds of folks who would want to be walking to the kinds of uses we are talking about.

Howard: So, the traditional residential would be prohibited?

Jones: That's correct.

Howard: What are we expecting to do when streetcar comes? Would PED be the only thing you would do to encourage Transit Orient Development?

Johnson: That's what we were thinking. For streetcar, we wouldn't do what we did for light rail. Streetcar would be better supported by a more urban form of development, which is a Pedscape type of environment.

Howard: Aren't you shrinking the Pedscape area when you do this amendment?

Jones: No, we are actually increasing it.

Carter: Will the Noise Ordinance be enforced? Will the hours change by this designation?

Jones: No, and the Police were involved throughout the process as well. They were good with the 225'.

Carter: It might be a good idea in 6 months to have this come back to the Committee to see if there has been any increase in crime.

Kinsey: We are working on the Noise Ordinance now and we are thinking about not allowing amplified music within a certain distance. It might be more than 225'.

Jones: We did hear some concerns about those restaurants that back directly up to residential and this wouldn't affect it.

[“Next Steps” slide]

Ms. Jones said they are looking to go to the Planning Committee on November 16 and then follow up with public comment on November 22. They would then come back to this Committee for recommendation in December and then get City Council action in January.

Council member Carter made a motion and was seconded by Council member Cooksey to forward the plan amendment to full Council for public hearing. *(Motion passed unanimously)* Chairman Howard added that when they consider the recommendation to the Council for adoption that they recommend a Committee review after 6 months to look at crime data like Council member Carter requested. He then thanked everyone for the information and moved on to the next agenda item.

III. Transportation Action Plan (TAP) 5-Year Update

Mr. Pleasant said that in 2006 the City Council adopted the TAP. There was a provision in it that said in year 5 they have to come back and do an update of the Plan. They will be going back and looking at policies, programs and projects and put emphasis on financing. He then turned it over to Dan Gallagher.

Mr. Gallagher began reviewing the “Transportation Action Plan 5-Year Update” presentation (copy attached). He said that the TAP was the City’s first long-range comprehensive multi-modal transportation plan that covered a series of policies, programs and projects all in one document. The TAP has been a great tool for elected officials, staff and citizens. He also mentioned that it is a 25-Year Plan. He continued reading through the presentation.

Mr. Gallagher discussed the 5 goals of the TAP. Those goals are: Centers, Corridors, & Wedges, quality design, collaboration with local/regional partners, communication with residents, and funding. The staff produces an annual report that documents, by each goal, the achievements, the current activities, and gives the Council an idea of what some of the issues and challenges are.

Mr. Gallagher said that since the TAP has been adopted, they have increased funding for transportation to $390 million. He also pointed out that the transportation bonds have significantly increased.

Mr. Gallagher quickly read through the many different projects that have been completed or are currently on the ground. He showed old pictures of examples of how they accommodated motorists, but didn’t take advantage of other design features, like pedestrian crossings and sidewalks. He then showed newer pictures of great examples where they now put in pedestrian crossings, sidewalks and other improvements.

Some other key achievements since the TAP was adopted are the LYNX Blue Line, which opened in 2007 and has 15,000 daily trips. The NCDOT transformation and strides they are

making towards "Complete Streets" is an achievement. Also, the City has crossed over the 100 mile mark in bike lanes and sidewalks. The Committee of 21 did a lot of great work and they plan to recognize that in the TAP update.

Mr. Gallagher said there are still state and local funding challenges and those are things they will bring forward in the update. There is no local dedicated funding source, CATS revenues are down and the percent of the residents that live within a ¼ mile of transit is less today than it was in 2004. Those are all challenges they will have to think about as they move forward.

Mr. Gallagher described the public involvement process they would use for the 5-year update. They would like to use a similar process to the one they used when producing the original TAP. They'll do public workshops to kick-off the process and to review the draft. They will have an internet-based survey again. They would also like to continue to work very closely with the Committee. He then read through the proposed schedule slide. Chairman Howard asked the Committee if they had any questions.

Carter: There is some push back going on in Eastway-Sheffield about the sidewalks and the 8' segment. Maturing trees are within that problem area and they are saying if you have those, then why not get a closer setback. You might have to have some individual meetings with those groups.

Kinsey: I want to piggyback and say that in older neighborhoods we can't apply the same standards or guidelines as we do in newer neighborhoods. In Plaza-Midwood, you can't go in and put in 6' sidewalks and 8' planting strips or you will be on their front porch. I think we've tried to be flexible, but right now, they don't think we are.

Pleasant: We would certainly start with what we think is ideal. Our staff knows they have to calibrate to whatever is in the environment already.

Chairman Howard thanked everyone for the information and adjourned the meeting at 3:30 p.m.

Transportation & Planning Committee

Thursday, October 28; 2:00 – 3:30 PM
Charlotte-Mecklenburg Government Center
Room 280

Committee Members:	David Howard, Chair Michael Barnes, Vice Chair Nancy Carter Warren Cooksey Patsy Kinsey
Staff Resource:	Jim Schumacher

AGENDA

I. Urban Street Design Guidelines – 30 minutes
Staff Resources: Mike Davis & Shannon Frye
Staff will present recommended changes to the subdivision ordinance language related to block averaging, and present options related to Alternative Compliance and the Development Review Board.
Attachment: 1. USDG Ordinance Implementation.ppt

II. Plaza-Central Plan Amendment– 30 minutes
Staff Resource: Michelle Jones
Staff will present a draft amendment to the Plaza-Central Pedscape Plan to reduce the distance required between bars, nightclubs, and lounges and single-family residential from 400' to 225'.
Action: Consider forwarding the Plan Amendment for a public hearing by City Council.
Attachment: 2. Plaza-Central Plan Amendment.ppt
3. Map & Plan Amendment

III. Transportation Action Plan 5-Year Update– 30 minutes
Staff Resource: Dan Gallagher
The Transportation Action Plan (TAP) was adopted in 2006. Staff will provide a kick-off presentation detailing the proposed schedule and process for updating the TAP.
Attachment: 4. TAP 5-Year Update.ppt

Next Scheduled Meeting: Monday, November 8 at 3:30 pm in Room 280

Distribution:	Mayor & City Council Transportation Cabinet Shannon Frye	Curt Walton, City Manager Michelle Jones	Leadership Team Kent Main

CHARLOTTE
Urban Street Design Guidelines
Ordinance Implementation
Transportation and Planning Committee
October 28, 2010
Mike Davis, PE
Department of Transportation
Shannon Frye
Planning Department
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CITY OF CHARLOTTE
Agenda
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I. Block Averaging
II. Alternative Compliance Fee
III. Development Review Board Options
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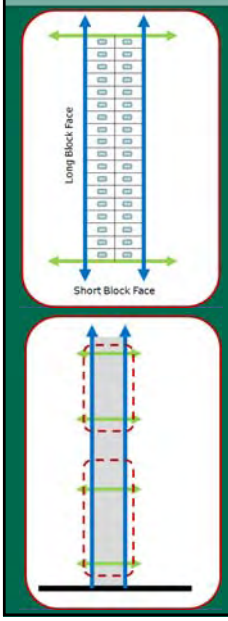
Block Averaging



Previous Recommendation

- Allow a "block averaging" provision to allow flexibility for residential uses in wedges.
- Addressed specific concern regarding the need for flexibility where it was needed.
- Following the 10/11 dinner briefing, staff began a study of expanded applicability of the provision.

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Block Averaging

Study Findings:

- Non-wedge locations tend to be infill-type sites.
- Site design for infill sites tends to be governed by boundary conditions and existing adjacent street network more than maximum block lengths.
- Some examples of urban development employ the use of a mixture of large blocks and small blocks to suit specific business needs.

Recommendation

Expand the block averaging provision to include all land uses in all geographic locations.

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Alternative Compliance Fee

Committee Question from 9/13

What will it cost to the applicant to apply for a review under alternative compliance?

Background

- City Code requires user fees for the City's actual expenses associated with development review.
- Subdivision variance/appeal applications cost $2500
- The Right-of-way utility ordinance adopted in October 2007 included an initial 6-month period with no user fee.

Recommendation

- Offer alternative compliance process with no user fee for the first year.
- Use information from the 1st year to set fees for the next year.

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Development Review Board Options

Option	1	2	3	4	5
Number of Members	7	9	9	7	7
Architect		X	X		Zoning Committee of Planning Commission
Transportation or Urban Planner	X	X	X	X	
Bicycle Advocate	X	X	X	X	
Civil Engineer	X	X	X	X	
Landscape Architect	X	X	X	X	
Public Health Professional	X	X	X	X	
Real Estate Attorney	X	X	X	X	
Real Estate Dev. Industry Rep.	X	X	X	X	
Planning Commissioner		X			
Resident			X		
Appeal By	Mecklenburg Superior Court	Mecklenburg Superior Court	Planning Commission Meck. Superior Court	Planning Commission Meck. Superior Court	Mecklenburg Superior Court

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Next Steps

Next Steps

Public Hearing on November 15

Zoning Committee on November 23

Council Decision on December 20

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Questions

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CHARLOTTE-MECKLENBURG PLANNING

Plaza-Central Plan Amendment

Transportation & Planning Committee
10.28.2010

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Background

Plaza-Central Pedscape Plan

- Adopted in 2003
- Guides land use, public investment and other decisions focused on enhancing the pedestrian environment

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Background

What is PED?

- *Pedestrian Overlay Zoning District*
- *Overlays the existing zoning district(s)*
- *Provides standards for form and design but does not change land use*
- *Key Implementation Strategy is a rezoning that applies the overlay standards*

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Introduction/Scope

What is a Plan Amendment?

- Proposed change to adopted area plan
- Can be requested by the public, Planning Commission, City Council, and/or staff
- Includes staff analysis and public involvement
- 3 – 9 month process
- Must be adopted by City Council

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Introduction/Scope

Proposed Plan Amendment to Plaza Central Pedscape Plan

- Submitted in February 2010
- Request for reduction in 400' distance from residential required for alcohol sales in Plaza-Central plan area to 225'
- Currently no remedy, cannot apply for variance in PED and staff would not support PED-O

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Introduction/Scope

Existing Regulation

10.802 (3) – Nightclubs, bars, lounges as a principal use shall be subject to the standards of this overlay district, and be at least 400 feet from any residential use in a residential district or from a residential district. ***This separation may be reduced by a streetscape plan approved by City Council.***

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Introduction/Scope

"As authorized in the Pedestrian Overlay District section of the *Zoning Ordinance, nightclubs, bars and lounges shall be allowed, provided* that they are located at least 100 feet from any residential structure located in a residential district." (*West Morehead Land Use and Pedscape Plan*, 2004)

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Introduction/Scope

Distinguishing bars/nightclubs from restaurants:

Nightclub, bar, lounge

- ***Zoning Ordinance***

Restaurant

- ***Zoning Ordinance***
- ***ABC – NC***

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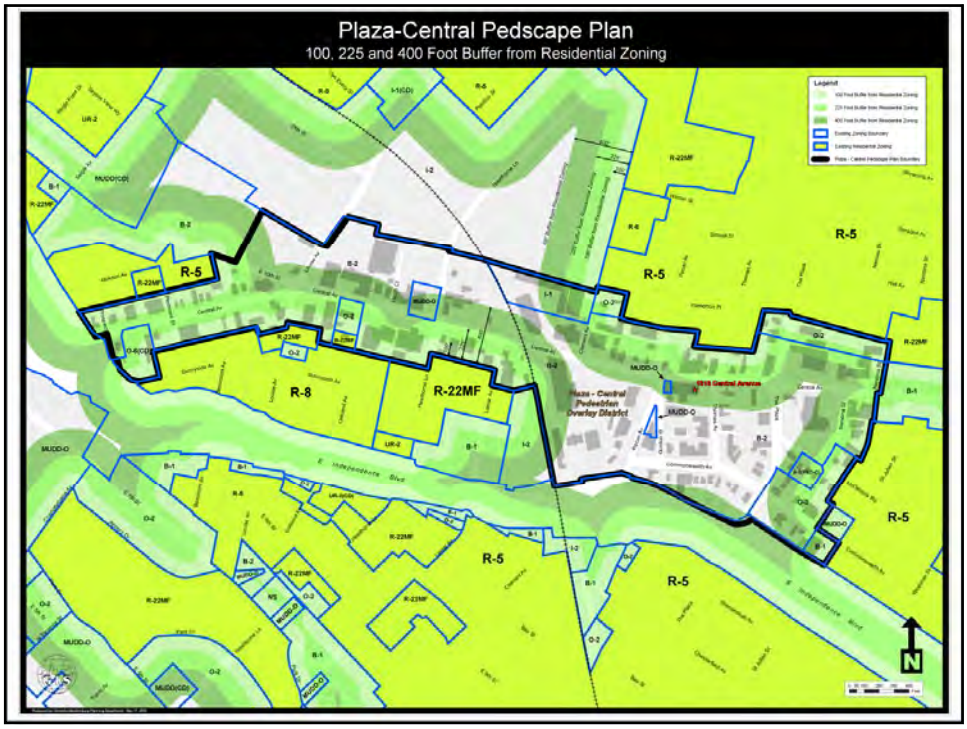

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Proposed Text Amendment

- *As authorized in the Pedestrian Overlay District section of the Zoning Ordinance, nightclubs, bars and lounges shall be allowed as a principal use, provided that they are located in an underlying zoning district that permits these uses and located at least 225' feet from a residential district (R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF, R-17MF, R-22MF, R-43MF, UR-1, UR-2, UR-3)*

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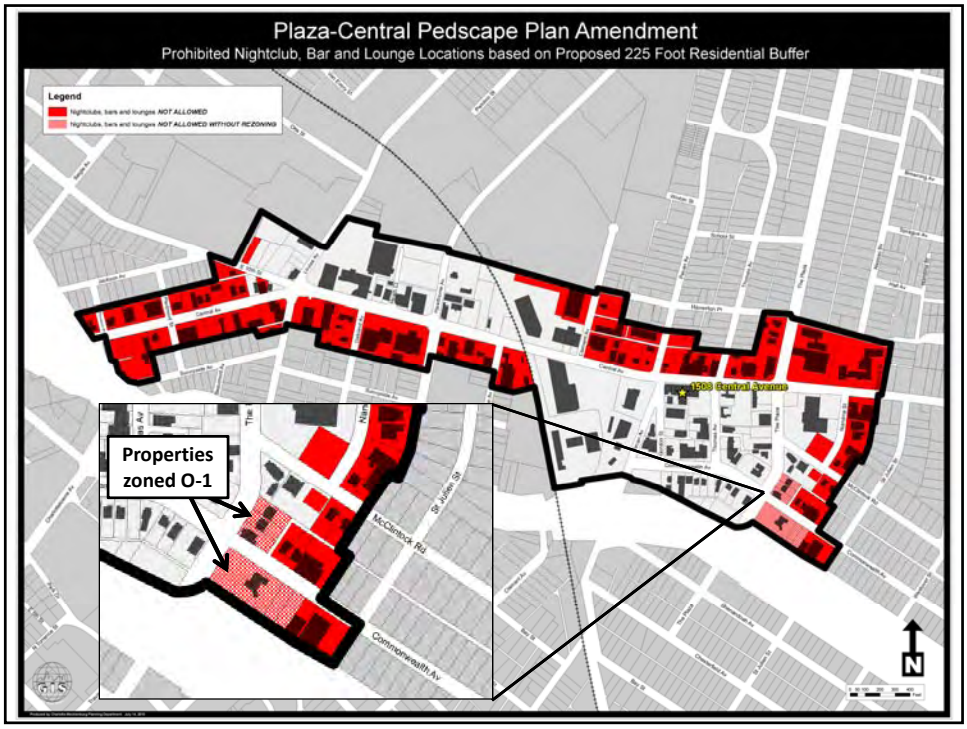
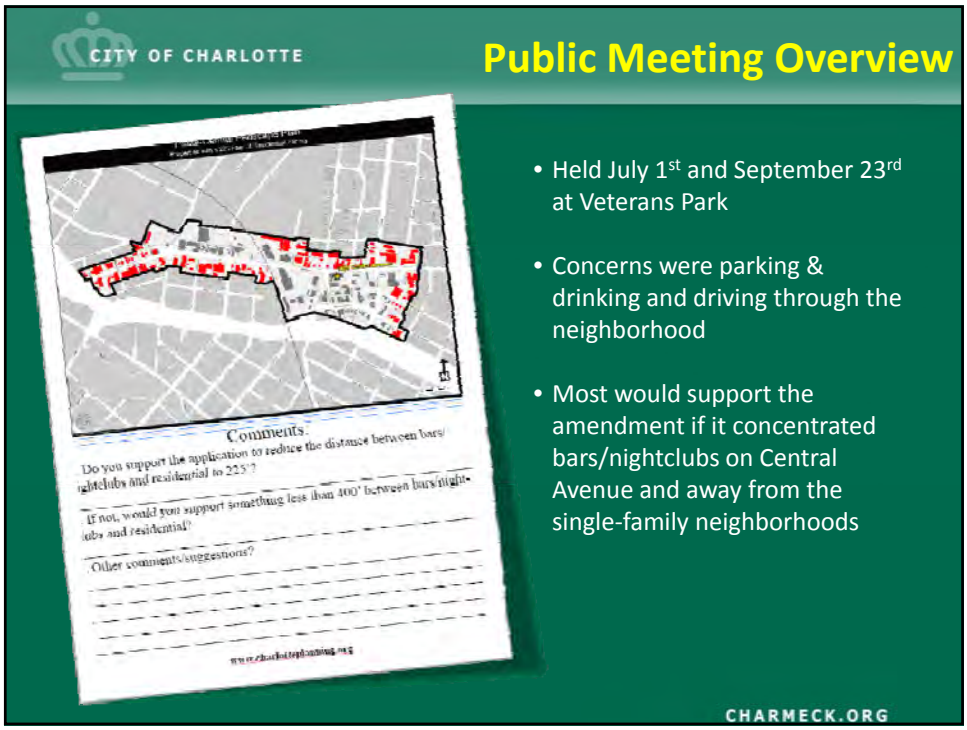

Plaza-Central Pedscape Plan Amendment
Prohibited Nightclub, Bar and Lounge Locations based on Proposed 225 Foot Residential Buffer
Legend
Properties zoned O-1
McClintock Rd
St Julian St
Commonwealth Av
1500 Central Avenue
N


CITY OF CHARLOTTE
Public Meeting Overview
Comments:
Do you support the application to reduce the distance between bars/nightclubs and residential to 225'?
If not, would you support something less than 400' between bars/nightclubs and residential?
Other comments/suggestions?
• Held July 1st and September 23rd at Veterans Park
• Concerns were parking & drinking and driving through the neighborhood
• Most would support the amendment if it concentrated bars/nightclubs on Central Avenue and away from the single-family neighborhoods
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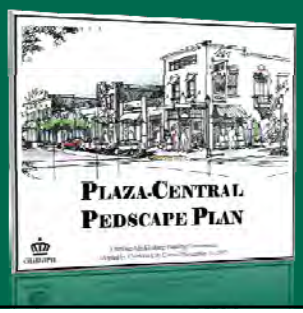
Next Steps

- Planning Committee Public Comment – October 18th
- Planning Committee Overview – October 28th
- Planning Committee Recommendation - November
- City Council –November



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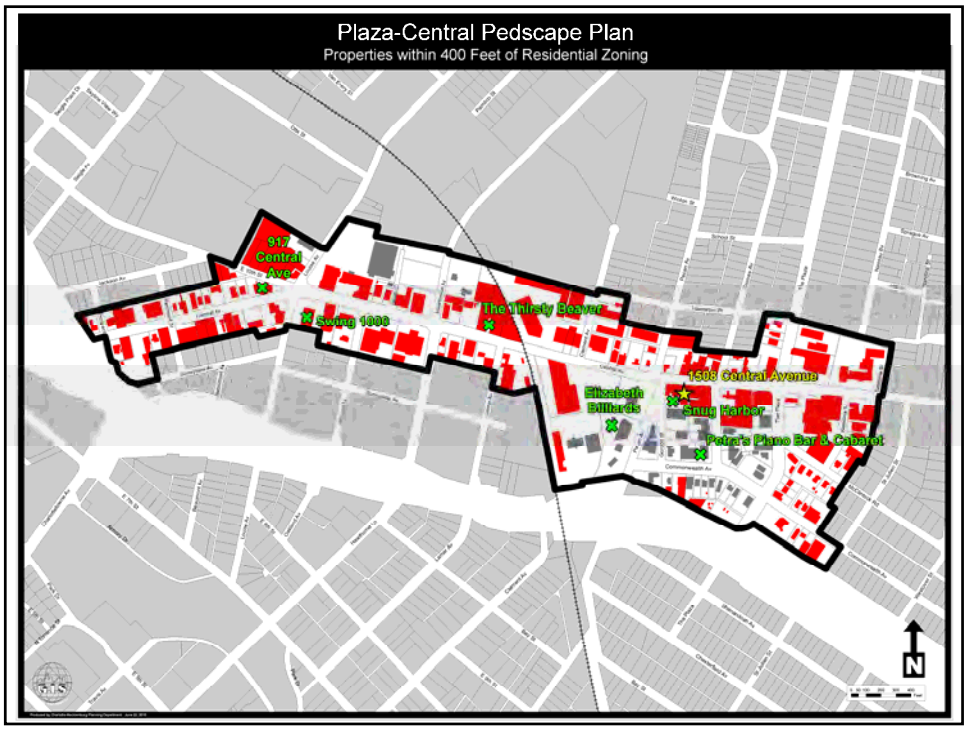
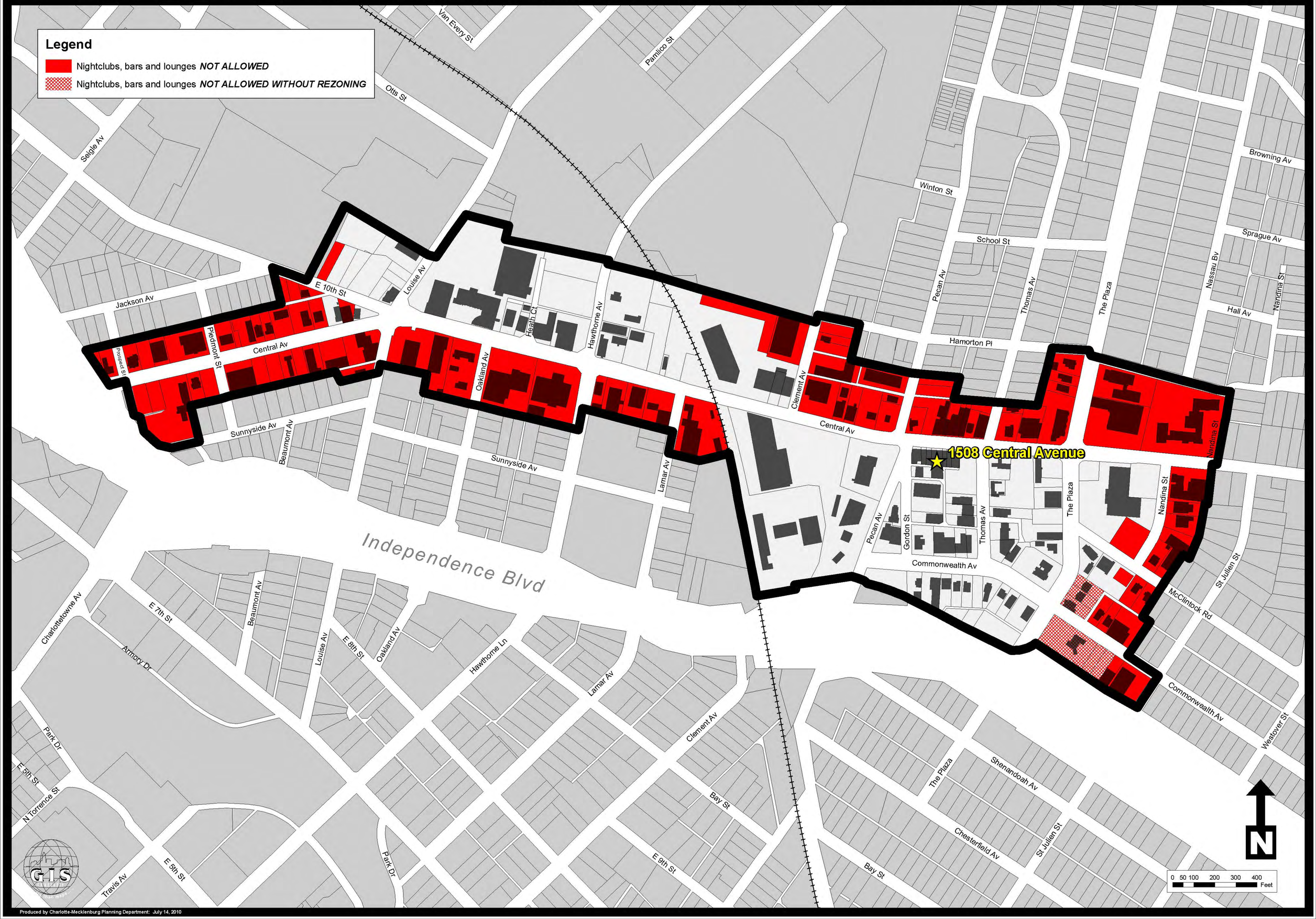


Plaza-Central Pedscape Plan Amendment

Prohibited Nightclub, Bar and Lounge Locations based on Proposed 225 Foot Residential Buffer



Produced by Charlotte-Mecklenburg Planning Department: July 14, 2010

4. Recommended Land Uses

The land use vision for the Plaza-Central District is somewhat different from what was proposed in the *Central District Plan*, which called for undifferentiated retail/commercial use throughout the entire district except for some areas along the perimeter. This *Pedscape Plan* recommends a number of changes to the proposed land uses. The changes are generally consistent with existing land uses and the intent of the Pedestrian Overlay District. The recommended land uses, as shown on Map 5, are as follows:

- The bulk of the district east of the railroad tracks is recommended for Retail Mixed -use, including office and residential uses as well as retail and restaurant use. New development or redevelopment of any one or more of these uses would be permitted.
- A second node of Retail Mixed-use is recommended at the Central Five Points intersection (at Tenth Street and Louise Avenue) to serve neighborhood shopping needs. New development of any one or more of retail, restaurant, office, and/or residential uses would be permitted.
- The portion of the district extending between these two Retail Mixed-use Nodes, generally from Louise Avenue to the railroad track and Clement Street, is recommended for Office Mixed-use. As larger new development occurs, this plan recommends that office and residential uses predominate, with retail and restaurant uses on the ground floors. Existing smaller retail properties would remain. This portion includes all of the land within the district currently zoned I-2 Industrial.
- The portions of the district on Central Avenue west of the Central Five Points Retail Mixed-use area is recommended for Office Mixed-use. This particular area has wide building setbacks, trees, and a residential feeling not conducive to intensive retail use. Again, appropriate uses are offices and residential, with retail and restaurants permitted on the ground floors.
- Portions of the district in the southeast corner along Commonwealth Avenue and McClintock Road designated for office use are recommended for Office Mixed-use, with a mix of residential, and limited retail also permitted. This is intended as a transition to the adjoining single-family residential areas in the Commonwealth Morningside neighborhood.
- A section of the district along Hamorton Place east of The Plaza extending to Nandina Street, previously was shown as single-family residential, but occupied by a church and school. These areas and the portion of the school property previously shown as commercial are now recommended for institutional use to reflect their present and anticipated continuing use.
- A small section southwest of Hamorton Place and The Plaza previously was shown as single-family residential, but zoned as office. This area is recommended for Office Mixed-use as a transition to the adjoining single-family residential to the north.

> As authorized in the Pedestrian Overlay District section of the Zoning Ordinance, nightclubs, bars and lounges shall be allowed as a principal use, provided that they are located in an underlying zoning district that permits these uses and located at least 225' feet from a residential district (R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF, R-17MF, R-22MF, R-43MF, UR-1, UR-2, UR-3). <

Most aspects of these land use recommendations either are consistent with existing underlying zoning, or are addressed through the establishment of the PED overlay itself. However, portions of the district are zoned I-2 for industrial uses. For the most part, these areas have transitioned to retail and office uses appropriate to the district. There remains potential for new incompatible uses unless the underlying industrial zoning is changed.

Rezoning recommendations are further defined in Part IV, the Implementation component of this report.

CHARLOTTE

TRANSPORTATION

Transportation Action Plan (TAP) 5-Year Update

Dan Gallagher, AICP

CDOT

October 28, 2010

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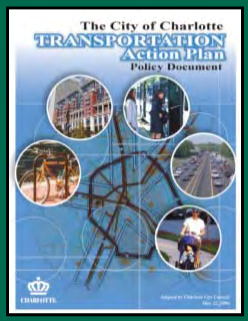
TAP Background



- In ***May 2006***, City Council adopted the TAP – Charlotte's first long-range, comprehensive multi-modal transportation plan
- TAP defines transportation-related
  - Policy
  - Programs
  - Projects
- TAP is nationally recognized:
  - *2007 ITE Transportation Planning Council Award – Best Project*
  - *2008 FHWA Transportation Planning Excellence Award*

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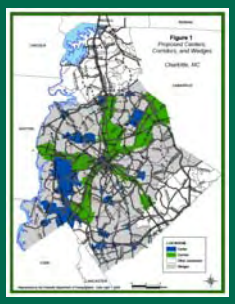
5 TAP goals

Goal 1 – Centers, Corridors & Wedges
Goal 2 – Quality design
Goal 3 – Collaboration with local/regional partners
Goal 4 – Communicate with our residents
Goal 5 - Funding



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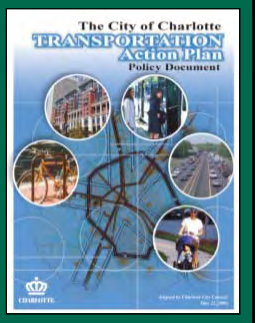
Why do an update now?

- Policy 4.1.1 – "The City will update the TAP every five years, at a minimum, so that Charlotte residents are provided the latest information regarding the City's short-term and long-term transportation conditions, objectives and accomplishments."



TAP

Great foundation to work with…most of the TAP is still up to date!

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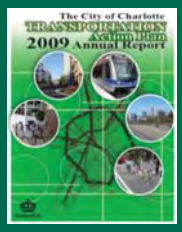
What has the City accomplished?

For each of the 5 TAP goals:

- Achievements
- Current Activities
- Issues and Challenges



2009 TAP Annual Report

Dozens of quality projects on the ground!

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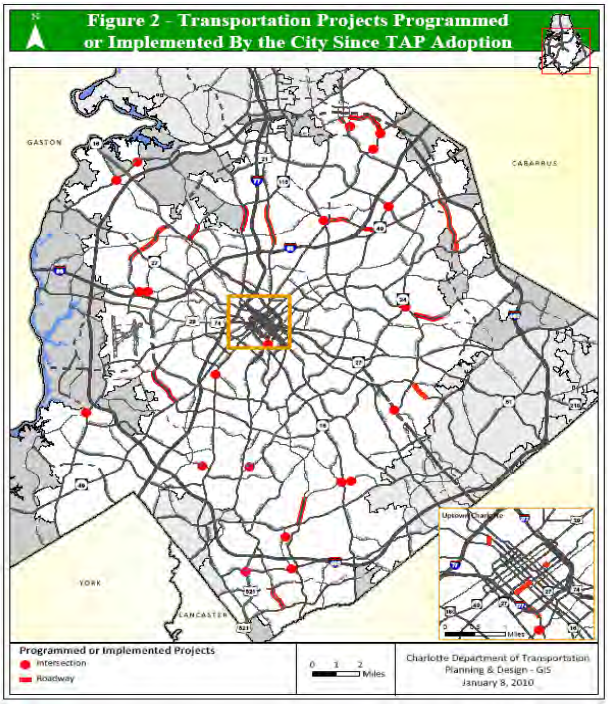
Since the TAP was adopted in 2006, **increased funding ($390M)** for transportation has helped the City to advance key road and intersection projects.



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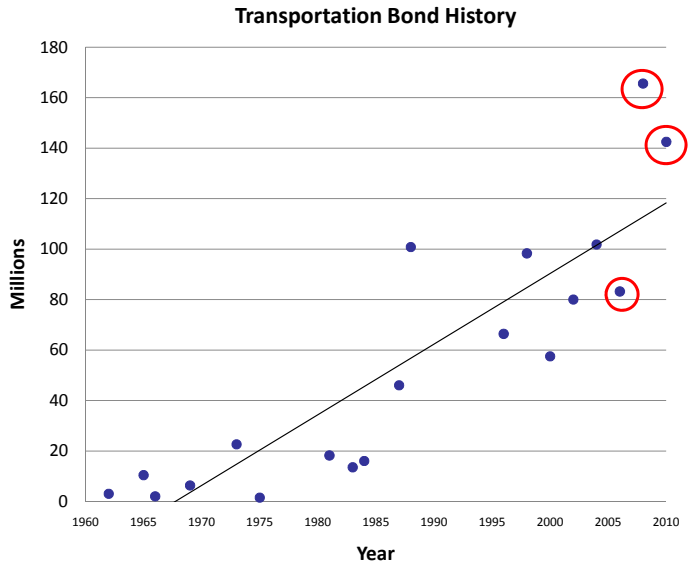
TAP tied to Charlotte Transportation Bonds



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TAP is about getting projects on the ground!

- Rozzelles Ferry Rd.
- Charlottetowne Ave.
- Cindy Ln.
- East Blvd.
- Hickory Grove Rd.
- Old Pineville Road
- Prosperity Church Rd.
- Stonewall Ave.
- Morris Field Dr.
- W. Trade/Rozzelles Ferry
- Woodlawn/South
- 49/John Kirk
- Fred D. Alexander
- 29/49

People don't travel on policies!

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City's Philosophy Changed!

OLD **NEW**

Transportation investments can be used to move people and create better places…13% of all land is streets!

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Other key achievements since TAP adopted

- LYNX Blue Line opened in 2007 – 15,000 daily riders
- NCDOT adopted "Complete Streets" policy – USDG being implemented
- 100+ miles of bikeways
- 100+ miles of sidewalks since TAP
- Committee of 21 funding recommendations

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What are some of our key challenges?

- Funding at state and local level lags behind identified needs
- Without local dedicated funding we are not keeping pace with TAP identified projects
- CATS service impacted by decline in sales tax revenues
- % of population within ¼ mile of transit is less than in 2004

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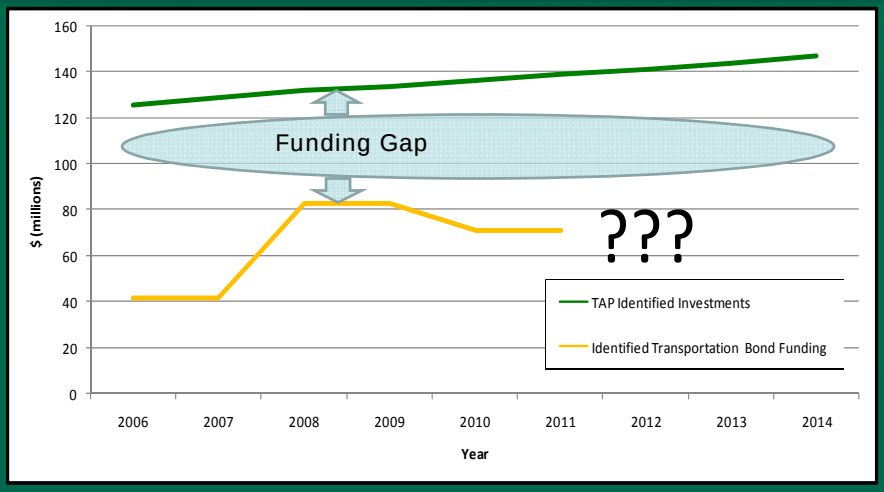
TAP Annual Funding Gap for Capital Projects (in millions)



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Key topics to be reviewed in the TAP 5-Year Update?

- ✓ Policies
  - Date specific, clarification, new topics
- ✓ Project & Program lists
- ✓ Regional coordination efforts
- ✓ Other planning efforts (CATS, Planning & other Departments)
- ✓ Committee of 21 funding recommendations

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What about public involvement?

- Similar to original TAP process
- Public workshops to kick-off process and then again to review draft
- Internet-based survey and public feedback loop
- Work closely with the T&P Committee

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Proposed Schedule

T&P Committee

- 10/2010 Introduction of 5-Year Update
- 11/2010 Discussion of Accomplishments
- 12/2010 Discussion of Challenges
- 2/2011 Feedback - Public Workshops/Outreach Funding Review
- 3/2011 Draft Document Presented
- 4/2011 Feedback from Public Workshop/Outreach
- 5/2011 Advance to City Council

Public Review

- 1/2011 1st Round - Public Workshops/Internet Survey
- 3/2011 Draft Document Review & Comment Period
- 4/2011 2nd Round – Public Workshops

Full City Council

- 5/2011 Council Workshop
- 6/2011 Public Hearing
- 7/2011 Decision

CITY OF CHARLOTTE

Questions

Dan Gallagher, AICP
CDOT Planning Section Manager
dgallagher@ci.charlotte.nc.us

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