

## Work Session Summary Minutes

May 2, 2022

Hybrid Meeting

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### Attendance

**Commissioners Present:** Keba Samuel (Chairperson), Phillip Gussman (Vice Chairperson), Douglas Welton, John Ham, Elizabeth McMillan, Erin Barbee, Peter Kelly, Andrew Blumenthal, Astrid Chirinos, Courtney Rhodes, Ronnie Harvey, Melissa Gaston, and Wil Russell

**Commissioner Absent:** Sam Spencer

**Planning Staff Present:** Alyson Craig (*Interim Planning Director*), Candice Rorie, Shavon Davis, Alysia Osborne, Kathy Cornett, Yolanda Jones, Alan Goodwin, Sandy Montgomery, Mariah Wozniak, Andrew Ausel, Kevin May, and Laura Harmon

### Call to Order & Introductions

The Vice Chairperson called the meeting to order at 12:02 pm, welcomed those present and went over the protocols of the hybrid meeting.

### Minutes and Reports

#### **Approval April 4 Work Session Minutes**

*A motion was made by Commissioner Barbee and seconded by Commissioner Welton to approve the April 4, 2022 minutes. The vote was unanimous to approve the minutes.*

### New Business

#### **Leadership Nominations**

Chairperson Samuel shared they established the Nominating Committee last month that consisted of Commissioner Ham, Commissioner McMillan, and Commissioner Spencer. She reminded the Commission that nominations can be made from the floor if there are any.

Commissioner Chirinos made a nomination from the floor to nominate Keba Samuel for chair.

Commissioner McMillan announced the recommendation from the Nominating Committee will be Keba Samuel as Chair and Phillip Gussman as Vice Chair for fiscal year 2023. She thanked everyone for their participation.

Vice Chairperson Gussman expressed his gratitude and said that he and Chairperson Samuel are looking forward to helping carry through some of the very first ideas that they were presented with on the Planning Commission with the passing of the UDO expectedly in the next few months and helping drive the implementation of that going forward.

Chairperson Samuel also thanked the Nominating Committee for the work and time that they've invested in vetting the nominees and making the recommendation. She graciously accepted the nomination and said that she looks forward to earning the vote of her fellow Commission members and to continue the work as Vice Chairperson Gussman just shared. She went on to exclaim that some Committee changes may be made a little earlier and some may happen a little later just because of timing, so they will talk about this a bit more as they go into their June meeting.

### **Unified Development Ordinance (UDO) Planning Commission Comment Discussion**

Vice Chairperson Gussman opened the UDO comment discussion and explained this is their opportunity to push forward good ideas, changes, or amendments to the plan as they see it. He told the Commission this is not the only opportunity they will have but they should make their suggestions early so that staff has a chance to respond.

Commissioner Russell explained the justification behind his UDO Comment Topic and UDO Comment: Quadraplex Housing - Remove the affordability requirement from quadraplexes. Duplexes, triplexes and quadraplexes are affordable by nature, as they allow the mortgage to be paid by multiple families. Adding an affordability provision would require higher rents on the other three units in order to provide an affordability option for a single unit.

Ms. Harmon replied that provision is for the Neighborhood 1 zoning districts and can be found in policy 2.2 of the Comprehensive Plan, so they just carried it forward in the UDO. Vice Chairperson Gussman added staff is adhering to the already passed Comprehensive Plan kind of specifically to this one.

Interim Planning Director Craig asked Ms. Harmon to talk about where quadraplexes in the UDO is proposed are allowed. Ms. Harmon advised they are allowed in the N-1 districts and the N-2 districts as well but they do have limitations. Mr. Goodwin confirmed quadraplexes are allowed in the N-1A through N-1B zoning districts with prescribed conditions. They are allowed by right in the N1-F into N2-A districts and again there are prescribed conditions in the N-2B districts.

Commissioner Kelly commented that he agrees with Commissioner Russell and they've said all along that the 2040 plan is a living and breathing document and that it will be subject to revisions. He thinks Commissioner Russell is raising a good point and this is something that should be raised and discussed.

The Commission continued to discuss and provide feedback towards the topic. Vice Chairperson Gussman thinks this is a really good point and would rather see more quads even if they don't always get affordable housing built into it. Chairperson Samuel questioned if they removed it here, where does it get replaced. She asked what's the suggestion if they are taking the affordability away from here because she is not sure if she aligns with removing affordability from here without replacing it somewhere else. Commissioner Kelly thinks another alternative is to have a housing trust fund as another opportunity for investment and providing some subsidy to the quad so all four of them become affordable. Commissioner Welton talked about the viability of quadraplexes and believes higher viability can be achieved without the constraint of having an affordable component. Commissioner Gaston thinks the affordability requirement needs to remain because people will take advantage of that and build items that are not affordable.

Interim Director Craig said she and Ms. Harmon have been working with Housing and Neighborhood Services on a number of different affordability items that are not in there now that they could

potentially add, so they are working on having a stronger toolbox for affordable housing across the board but nothing specific to quadrplexes that she can think of at this point.

A motion was made by Commissioner Blumenthal and seconded by Commissioner Welton to include this item in their slate to recommend to the Planning Committee. The vote was unanimous to include this UDO Comment Topic.

Vice Chairperson Gussman explained the justification behind his UDO Comment Topic and UDO Comment: Transition between immediately adjacent N-1 and non-residential Place Types - In the UDO a recurring note about height relative to less dense N-1 Placetype should change to restore that transition scale.

Ms. Harmon said this is a very interesting topic and they have been hearing from folks through the comment portal about a desire to adjust this so they will be talking to council on Thursday about it. She went on to say the one thing to keep in mind is this can have impacts economically on a project and on the projects they've tested, you could be removing some of the development potential on those projects and that could have an impact on the viability of those projects; so that's where they are, trying to find that balance.

Commissioner Russell asked does this take into account tree buffers and Ms. Harmon replied the draft UDO does have a landscape yard which is their new term for buffers in zoning requirement in these circumstances, so the answer is yes.

Vice Chairperson Gussman wanted to know does that operate any differently than open space. Ms. Harmon replied open space doesn't have to be planted and so it's probably not going to provide the screening/separation that a landscape yard would. He then asked is it in the code that the buffer gives them the ability to get a little closer and Ms. Harmon replied the buffer doesn't necessarily allow people to get closer, it just requires that planted separation.

A motion was made by Commissioner Barbee and seconded by Commissioner Welton to include this item in their slate to recommend to the Planning Committee. The vote was 11 – yes, 1 – no response to include this UDO Comment Topic.

Vice Chairperson Gussman explained the justification behind his UDO Comment Topic and UDO Comment: Required Stepbacks for tall buildings in certain areas should be reinstated in the TOD – Section F: Required height Stepback in the 2019 council approved TOD ordinance has been DELETED by the current UDO draft.

Interim Director Craig asked is this talking about those neighborhood areas in wanting some transition and Vice Chairperson Gussman replied this is pertaining to the stepback from the primary road. Ms. Harmon wanted to know if they are only talking about the TOD district or could get some clarity on which districts; this would be helpful. She went on to share this was something that was in the regional activity center placetype that was removed after discussion from council, so they thought to be consistent with that, it really did make sense to include stepbacks in the ordinance in light of that change from council.

Commissioners Blumenthal and Welton provided their feedback before the motion was made by Commissioner Blumenthal and seconded by Commissioner Chirinos to include this item in their slate to recommend to the Planning Committee. The vote was 7- yes, 5 - no, 1- no response to include this UDO Comment Topic.

Vice Chairperson Gussman explained the justification behind his UDO Comment Topic and UDO Comment: Parking in attached residential structures in tier 1 – Quads, duplex, triplex have 1.5 req min., suggest lowering to 1. (The same as a mobile home).

Ms. Harmon commented that parking is another topic that has gotten a lot of attention and they'll be discussing also in addition with council on Thursday. She explained a lot of feedback that they've gotten was that their minimums were too high, which is consistent with the comment, so they are looking at how they can adjust those. Vice Chairperson Gussman stated he is willing to adjust the comment to say that general parking may be too high.

Commissioner Russell shared that he agreed with Vice Chairperson Gussman's comment and said every extra space that one requires for development, you lose some square footage.

Vice Chairperson Gussman rephrased his comment before the motion saying it will be more along the lines of: reconsider the parking minimums in the UDO specifically those around residential but also throughout and lowering them. A motion was made by Commissioner Welton and seconded by Commissioner Russell to include this item in their slate to recommend to the Planning Committee. The vote was 12 – yes, 1 – no response to include this UDO Comment Topic.

### **Other Business**

Vice Chairperson Gussman asked everyone to note the upcoming dates and topics in the agenda. Commissioner Welton asked staff do they have a landing date for the next draft and will this happen before Planning Committee's meeting. Ms. Harmon responded saying they are looking to release the week of May 23<sup>rd</sup> which will be 4 weeks before the hearing.

Chairperson Samuel gave final comment saying they want to make sure that the Planning Committee is not the hold up in the process, so she asked they make themselves available in late June for a special called meeting. She thanked the Commission for the discussion at this meeting and encouraged them to tune into the council meeting on May 5<sup>th</sup>. Lastly, she acknowledged the Commissioners whose tenure will soon be up said that she hopes that council, Board of County Commissioners, and Board of Education are timely with their replacements.

Commissioner Chirinos announced that she will be resigning from the Charlotte Mecklenburg Planning Commission due to relocation. She thanked the entire Commission and said that it has been an honor and a privilege to have served on this body. Several members of the Commission and staff expressed well wishes and words of gratitude.

### **Adjournment**

The meeting adjourned at 1:20 pm.