

**Board of County Commissioners  
Follow-Up Report  
From the September 18, 2018  
Public Hearing – 2018-001(c)**

**2018-001(c) Northwood Ravin Development – Approximately 12 acres located on the west side of Lancaster Highway, south of Southcrest Lane. (District 6 – Bill James)**

**Provide information related to CDOT and NCDOT traffic study thresholds and traffic signal thresholds.**

Staff Response:

CDOT requires a traffic impact study (TIS) for rezoning petitions within the City of Charlotte City Limits and extraterritorial jurisdiction (ETJ) that are estimated to generate 2,500 or more trips per day in addition to the current entitlement. If the rezoning petition abuts a NCDOT maintained road the plans are shared with NCDOT, however, NCDOT does not provide the Planning department with comments. CDOT will consult with NCDOT when developing their comments to Planning. NCDOT will require a traffic study during construction permitting for any development that is estimated to generate 3,000 trips per day.

The intersection of Southcrest Lane and Lancaster Highway may be studied to see if it meets signalization warrants. Commissioner James stated at the hearing that this intersection has been looked at in the past but NCDOT did not authorize a signal. When asked about a potential signal, CDOT staff suggested that the petitioner could do a signal warrant analysis to determine if the proposed development will require a traffic signal.

**When will Lancaster Highway be expanded and has the City taken control of any portion of Lancaster Highway and where?**

Staff Response:

Lancaster Highway is NCDOT maintained. CDOT does not control any portion of it. Widening for this road is unfunded at this time.

**Provide an update from the City regarding the extension of the ETJ.**

Staff Response:

Annexation agreement (setting the context):

- Annexation agreement between Charlotte & Pineville was scheduled to expire on August 1, 2014.
- In 2013, Charlotte and Pineville planning staff discussed the prospect of renewal of the agreement,
- Pineville staff reported at the time (and several times since) that the town had no interest in renewing the agreement.
- The agreement consequently was allowed to expire and was not renewed.

ETJ (extraterritorial jurisdiction) authority:

- Expiration of the annexation agreement opened the matter of ETJ authority (including zoning) in the unincorporated area south of Pineville, since the annexation agreement – so long as it was in effect – established a “sphere of influence” boundary across which neither Charlotte nor Pineville could extend either ETJ authority or municipal boundary.

- Therefore, lacking an agreement Charlotte could be free to extend ETJ authority into this unincorporated area that under the expired agreement would have been Pineville's (had they opted to extend their own ETJ).
- In winter 2015, a County Commissioner made a request of County Manager Dena Diorio to explore the prospect of having Charlotte extend its ETJ into this unincorporated area thereby eliminating County jurisdictional zoning control.
- As a result, on April 2, 2015, Charlotte-Mecklenburg Planning staff convened a meeting among staffs of Mecklenburg County, City of Charlotte, Town of Pineville, and Charlotte-Mecklenburg Planning Department to discuss this matter.
- At that meeting, both Pineville and County staffs stated neither had any objection to having Charlotte assume ETJ authority over this area.
- City of Charlotte staff assessed the possibility of extending the ETJ and concluded it is highly unlikely they would recommend Council consider extending Charlotte's ETJ to include this area due to increased costs associated with extending City services, with no corresponding increases in revenues to cover these additional costs (ETJ extension is not accompanied by any taxing authority).
- Staff has not formally presented this information to City Council and currently there is no schedule as to when this issue would be discussed with them.

### **Are the County rules similar to the City's.**

#### **Staff Response:**

The City and County Zoning Ordinance are very similar and both were adopted in January of 1992. Zoning text amendments can modify the text of a Zoning Ordinance. The County Zoning Ordinance was last amended in 2001 and the City Zoning Ordinance was last amended in 2017.

The rezoning process, scheduling, review periods, and notification process is essentially the same for both City and County rezoning petitions. There is a difference in the fees because City rezoning petitions have multiple City departments that review rezoning petitions. (ie. Stormwater, Urban Forestry etc). These departments do not have jurisdiction and their Ordinances do not apply in this part of the County.

### **What can the Board legally consider when making decisions on rezonings?**

#### **Staff Response:**

The County Zoning Ordinance provides the following guidance to the Board when making decisions on rezonings.

Section 6.202(3) states:

- (3) In the course of evaluating the proposed use, the Planning Director, Planning Commission, or Board of Commissioners may request additional information from the petitioner. This information may include the following:
  - (a) Proposed number and general location of all structures;
  - (b) Proposed screening, buffers and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
  - (c) Existing and general proposed topography, if available, at four-foot contour intervals or less;
  - (d) The location of significant trees on the subject property;
  - (e) Scale of buildings relative to abutting property;
  - (f) Height of structures;
  - (g) Exterior features of proposed development;
  - (h) Any other information needed to demonstrate compliance with these regulations; and
  - (i) Proposed number and location of signs.

Section 6.205 states:

In approving a petition for the reclassification of property to a conditional zoning district, the Planning Commission may recommend, and the Board of Commissioners request, that reasonable and appropriate conditions be attached to approval of the petition. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space, and other matters that the Board of Commissioners may find appropriate or the petitioner may propose. Such conditions to approval of the petition may include dedication to the County or State, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners.