



October 13, 2008

Chairwoman Diane Carter &
Planning Committee Members

Dear Committee Members:

Attached for your review are the agenda and attachments for your regular meeting to be held on **Tuesday, October 21st, 2008 at 5:00 p.m. Please note, this meeting will be held in Room 280** located on the 2nd Floor of the Charlotte-Mecklenburg Government Center.

At the October 21st meeting, the Committee will be asked to make recommendations on two mandatory referrals and receive an overview of the Arrowood Transit Station Area Plan.

If you cannot attend the October 21st meeting, please contact me at **704-336-8364** or gwjohnson@ci.charlotte.nc.us at your earliest convenience.

Sincerely,

Garet W. Johnson, AICP
Assistant Director – Long Range Planning
Charlotte-Mecklenburg Planning Department

- c. Planning Staff
Michele Crouch, Charlotte Observer
Tim O'Brien, City Real Estate

Charlotte-Mecklenburg Planning Committee Meeting
October 21, 2008
CMGC – 2nd Floor, Conference Room 280, 5:00 p.m.

AGENDA

I. Introductions and Call to Order

II. M.R. #08-38: Land Exchange for Airport Expansion

Background: The proposed transaction is a 3-party land exchange between Charlotte-Mecklenburg Schools, the Charlotte Douglas Airport and Berryhill Baptist Church. The intent of the transaction is to enable the relocation of power poles and utility lines as part of the airport runway expansion project. **Attachment #1.**

Staff Resources: Wendy Martz, Planning; Susan DeSoto, CMS Real Estate

Action Requested: Approve Planning staff recommendation for M.R. #08-38.

III. M.R. #08-39: Proposed Acquisitions of Flood-prone Structures Along Briar Creek

Background: Mecklenburg County is proposing to acquire property within the Briar Creek floodplain for inclusion in the County Storm Water Services buy-out/water quality program and the Park and Recreation Greenway Program.

Attachment #2.

Staff Resources: John Howard, Planning; Jacqueline McNeal, County Real Estate

Action Requested: Approve Planning staff recommendation for M.R. #08-39.

IV. Overview of the Arrowood Transit Station Area Plan

Background: The Arrowood Transit Station is the 13th station heading south from Center City along the South Corridor Light Rail Transit Line. The plan area will become part of the series of vibrant, high density transit villages along the South Corridor. The Committee will be asked to receive public comments on the draft plan on November 18th. **Attachment #3.**

Staff Resource: Kent Main, Planning

Action Requested: None. For Information Only.

V. Area Plan Status and Meeting Report

Background: Committee members assigned to area plans will provide a report on any meetings that have occurred since the last report.

Resources: Commissioners Carter and Griffith – Catawba Area Plan

Commissioners Simmons and Locher – Independence Blvd. Area Plan

Action Requested: None, for information only.

VI. Approve September 16, 2008 Meeting Minutes. Attachments #4.

VII. Adjourn

MANDATORY REFERRAL REPORT NO. 08-38
Proposed Exchange of Land Among CMS, the City of Charlotte, and Berryhill Baptist Church
for the Purpose of Supporting Airport Expansion

PROJECT PROPOSAL AND LOCATION:

The proposed transaction consists of a three-party real estate exchange involving Charlotte-Mecklenburg Schools (CMS), the City of Charlotte (acting on behalf of the Airport), and Berryhill Baptist Church.

Charlotte Douglas International Airport is undergoing a runway expansion project which will require the relocation of power poles and utility lines from the east side of I-485 to the west side. The Airport needs to obtain land or right of way on Walkers Ferry Road where it adjoins the right of way for the outer I-485 beltway (property suitable for this purpose is owned by Berryhill Baptist Church, adjoining its cemetery) upon which to locate these utilities. Berryhill Baptist Church is located at 9791 Walkers Ferry Road about ½ mile west of this property. No graves are located on the portion of the church-owned property proposed to be conveyed to the City.

The City of Charlotte proposes to convey City-owned land located on Denver Avenue in front of Westerly Hills Elementary school (parcels # 061-081-04 and 061-081-05) for a parcel of CMS-owned land along the north side of Walkers Ferry Road (parcel # 113-361-18). The City proposes to then exchange the Walkers Ferry parcel with the church for an equivalent portion of church-owned property on Walkers Ferry Road (parcel 113-361-19) upon which to locate the power poles and utility lines.

Finally, in order to prevent the Denver Avenue lot exchange from resulting in a “hop-scotch” ownership pattern, CMS and the City propose to exchange two equivalent sized parcels on Denver Avenue containing 0.115 acres each (the City-owned parcel is # 061-08-103; the CMS-owned parcel is # 061-08-102) to provide larger contiguous parcels for both the City of Charlotte (owner of a larger tract of land immediately to the west) and CMS’s Westerly Hills campus. These parcels would be exchanged with the City to CMS, allowing CMS to “square off” the existing elementary school campus.

The parcels to be exchanged along Denver Avenue are within the city limits of Charlotte. The Walkers Ferry Road parcels are located in Charlotte’s extraterritorial jurisdiction. All of the subject properties are vacant.

The property to be acquired by the City from the church on Walkers Ferry Road will be used for the relocated utilities. The church plans an interim use of the land it proposes to acquire (adjacent to its existing cemetery property) from CMS for church-related functions such as picnics until it is needed for additional plots in the church-owned cemetery. The property acquired by CMS is planned to be added to the Westerly Hills campus to serve as landscaping and possibly in the longer term for enhanced campus access. The City has no immediate plans for the Denver Avenue property, other than to add it to the larger vacant City-owned parcel it adjoins for possible future sale.

Both of the properties on Walkers Ferry Road (the current CMS property and the portion of the church property proposed for conveyance to the City) are zoned R-3 (single family residential). The City-owned properties along Denver Avenue are zoned O-1 (Office), and the CMS-owned property on Denver Avenue proposed to be conveyed to the City is zoned R-22MF (multi-family residential), all according to the Charlotte Zoning Ordinance.

PROJECT JUSTIFICATION:

The Airport’s runway expansion requires relocation of power poles and utility lines in order to meet FAA (Federal Aviation Administration) height and distance requirements. These power poles serve the properties along Walkers Ferry Road. CMS owns the parcel to the west of the current church cemetery and has no need for this small parcel, so is willing to exchange it for the City’s land in front of Westerly Hills Elementary school for which there is no current need. The City will then exchange the land acquired by CMS for a portion of the church property.

The above exchange will provide benefit to all three parties at little or no public expense.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

These land exchanges are consistent with the following:

- The City of Charlotte and Charlotte-Mecklenburg Schools periodically exchange parcels to improve and/or expand the configuration of their lots. This exchange is consistent with that informal practice.
- Expansion of the Airport and the consequent need to relocate power poles and utility lines is consistent with the 1997 Master Plan for Charlotte-Douglas International Airport.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The 1993 *Central District Plan*, (as amended by a 1997 rezoning), provides the adopted future land use for the Denver Avenue parcels, recommending office use for the property proposed for CMS ownership, and industrial use for the CMS property proposed for acquisition by the City. The reconfiguration of the school and City sites would be considered consistent with the *Central District Plan*.

The adopted future land use for the subject parcels along Walkers Ferry Road is identified in the 2003 *Dixie Berryhill Strategic Plan*. The recommendation identifies mixed use (office, retail and industrial) with an emphasis on high density employment. The uses proposed for these properties through this Mandatory Referral are consistent with the adopted plan. In particular,

- because new locations for cemeteries are not typically identified in the City's land use plans, and a cemetery would not preclude the type and intensity of future development envisioned in the *Dixie Berryhill Strategic Plan*; and,
- because relocating power poles and utility lines would be an ancillary use to the subject parcel and would not preclude future development as identified by the *Dixie Berryhill Strategic Plan*.

PROJECT IMPACT:

The relocation of the utility lines will allow for continued electrical service to the residents along Walkers Ferry Road, while allowing for implementation of the runway expansion. There are no impacts to the church or CMS properties other than squaring off lot configurations.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

This project is directly related to the Airport expansion. There are no known private projects that will be impacted by this exchange.

ESTIMATED PROJECT COMPLETION

The project will be completed within the next six months.

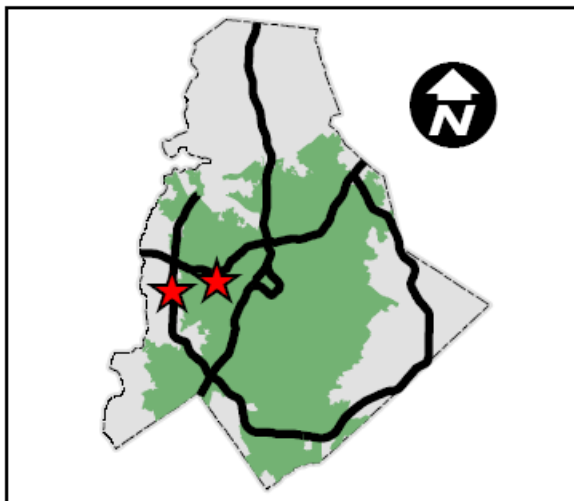
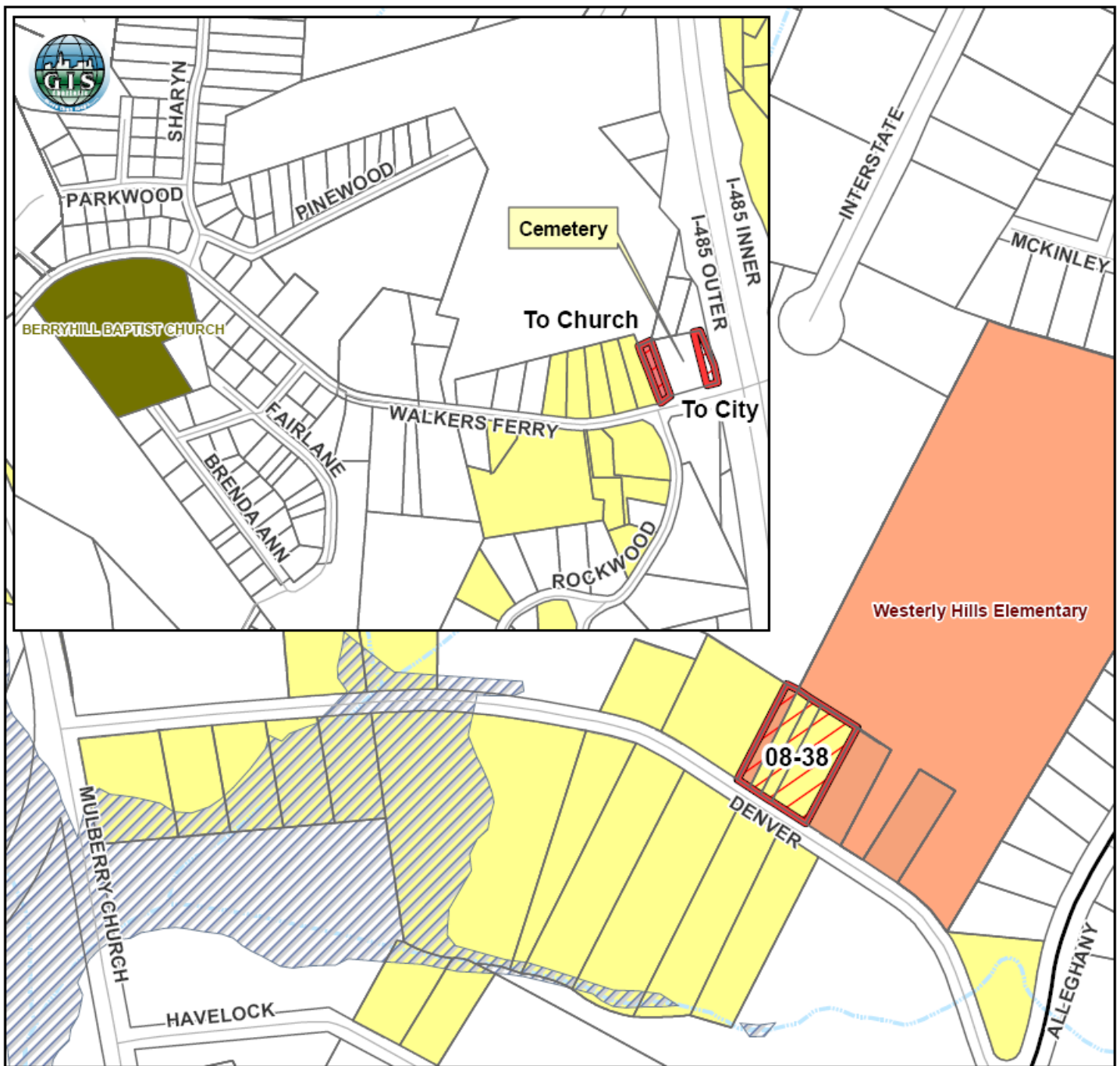
JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force discussed this matter at their October 1, 2008 meeting and no relevant comments were offered.

PLANNING STAFF RECOMMENDATION:




Staff recommends approval of these transfers so that relocation of the power lines and utility lines may take place.

CMPC PLANNING COMMITTEE RECOMMENDATION:



Mandatory Referral 08-38

CMS

-  Mandatory Referral
-  City Property
-  CMS Property

MANDATORY REFERRAL REPORT NO. 08-39

Proposed Voluntary Acquisition by Mecklenburg County of Flood-prone Structures Along Briar Creek

PROJECT PROPOSAL AND LOCATION:

On August 27, 2008 and again on September 10, 2008, significant flooding damage occurred to many properties within the floodplain of Briar Creek in East Charlotte. Mecklenburg County therefore proposes to acquire property within the Briar Creek floodplain for inclusion in the County Storm Water Services buy-out/water quality program and the Park and Recreation Greenway Program. As a first step, the County has identified those properties hardest hit upon which to concentrate its effort. These properties are primarily single-family residential properties, that include parcels on Central Avenue, Harbinger Court, St. George Street, Brixton Court, Dunlavin Way, Harrow Place, Cutshaw Court, Dolphin Lane, Ilford Street, Kildare Drive, Ruth Drive, and Shannonhouse Drive. It is proposed to prioritize, and make an effort to acquire, as many of these properties as funding and owner willingness will allow.

Improvements on properties that would be acquired through negotiated transactions (participation in the program on the part of the current property owners would be voluntary) would be removed, and the properties would be added to the County's open space and/or greenway inventory, to be maintained in a natural state. Mecklenburg County Storm Water Services will also make stream improvements to the creek to restore its natural function and performance.

At its September 16, 2008 meeting, the Mecklenburg County Board of Commissioners approved eligibility criteria (both storm water and park & recreation) to prioritize the acquisition of these properties and to govern procedures associated with making offers to property owners. This criteria stipulates:

Storm Water Criteria:

- Structure must be "damaged" or "substantially damaged" as defined by the City of Charlotte and Mecklenburg County Floodplain Ordinances. ("Substantially damaged" structures are those that cost 50% or greater pre-damage value to repair, or if the structure has been damaged twice, 25% or greater each time, during the past 10 years.)
- Structure sustained damage to the living space or flood damage of 25% or greater of its pre-flood value.
- Structure is in the Community Encroachment Area portion of the floodplain
- The structure does not have finished living space that is in violation of Floodplain Regulations and was damaged by one of the floods

Park & Recreation Criteria:

- Identified in the *2008 Park and Recreation 10-Year Master Plan*
- Structure located in geographic priority areas for future greenway
- Structure located in geographic priority areas for future park (as identified in proposed 2008 Park/Recreation bond referendum)

The criteria also stipulates that the County will prioritize presentation of offers to sell based on the following until all available funds are exhausted:

Storm Water

- Structure located in the Community Encroachment Area and meets "substantially damaged" criteria
- Structure in the Community Encroachment Area that has damage of 25% or greater than the value of the structure prior to the flood
- Other structure meeting the Storm Water Criteria in the vicinity of structures meeting the Park & Recreation Criteria
- Other structure meeting the Storm Water Criteria

Park & Recreation

- Geographic priority to other eligible properties
- Property adjacent to existing public land
- Property provides connectivity opportunity between eligible storm water purchases

PROJECT JUSTIFICATION:

The proposed acquisitions are located within a Federal Emergency Management Administration (FEMA) designated floodplain and are at continued risk of life and property damage and/or loss from future floods. The proposed acquisitions are intended to eliminate these potential future losses. Additionally, acquisition of these parcels will add to greenway connectivity and assemblage along Briar Creek.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

Acquisition of these parcels is consistent with the *Mecklenburg County Floodplain Management Guidance Document* (adopted by County Commission on December 3, 1997) which aimed to 1) prevent and reduce the loss of life, property damage, and service disruptions and 2) restore natural and beneficial functions of the floodplain.

Continued greenway property assembly along Briar Creek is supported by and consistent with the *2008 Greenway Master Plan*, a component of the *2008 Park and Recreation 10-Year Master Plan* adopted by the County Commission on May 7, 2008.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

Properties located northeast of Eastway Drive are referenced in the *Eastside Strategy Plan* (2001). Parcels southwest of Eastway Drive are within the *Central District Plan* (1993). Both plans recommend Greenway and Open Space in the proposed acquisition areas, making the proposed action consistent with applicable plans.

PROJECT IMPACT:

Acquisition of these parcels will contribute to a reduction in property damage and potential loss of life for the affected communities as well as adding to the water quality/open space needs of the community. Indirectly, this action should serve to abate future flooding situations further downstream along Briar Creek. Other impacts associated with this project will be dependent upon the exact number and location of properties acquired.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

The purpose of these acquisitions is the protection of life and property. Where appropriate, the County will work with Charlotte-Mecklenburg Utilities in the placement of the Briar Creek Sewer pipeline project.

ESTIMATED PROJECT COMPLETION DATE:

Mecklenburg County anticipates acquiring these properties by December 2008.

JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force reviewed this matter at their October 1, 2008 meeting and no joint use comments were made.

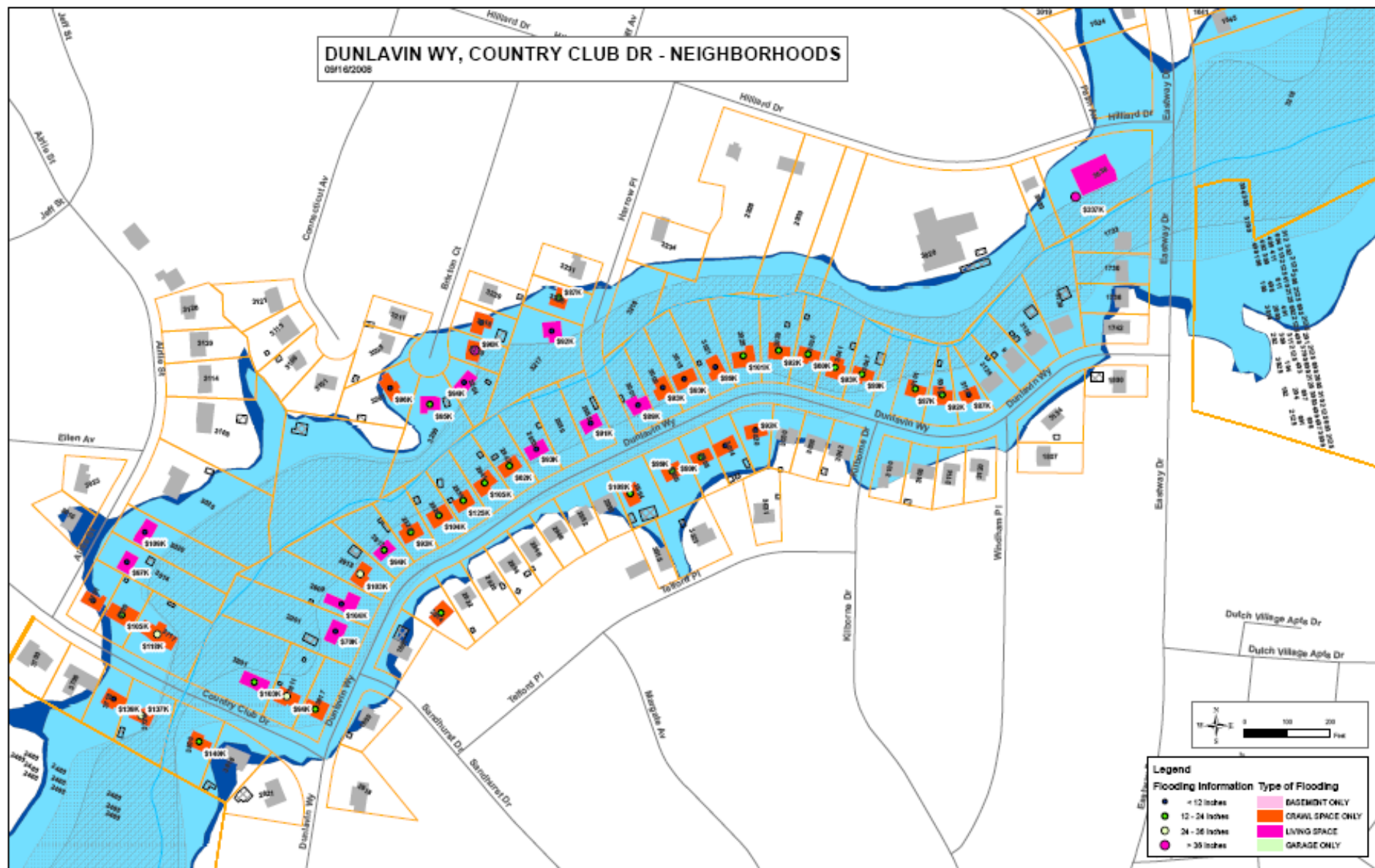
PLANNING STAFF RECOMMENDATION:

Planning staff recommends the proposed voluntary acquisition by Mecklenburg County of flood-prone structures along Briar Creek.

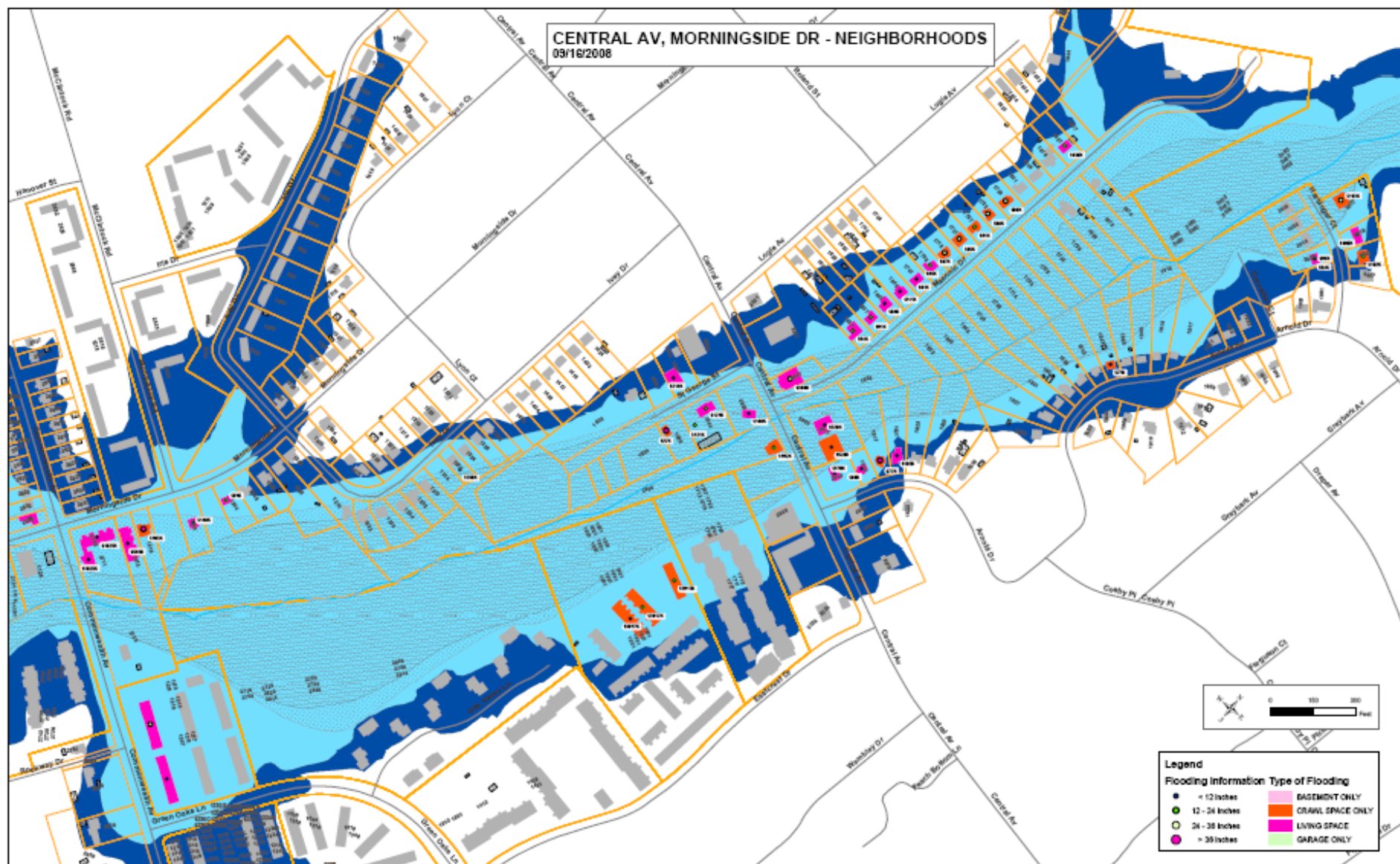
CMPC PLANNING COMMITTEE RECOMMENDATION:

DUNLAVIN WY, COUNTRY CLUB DR - NEIGHBORHOODS

09/16/2008

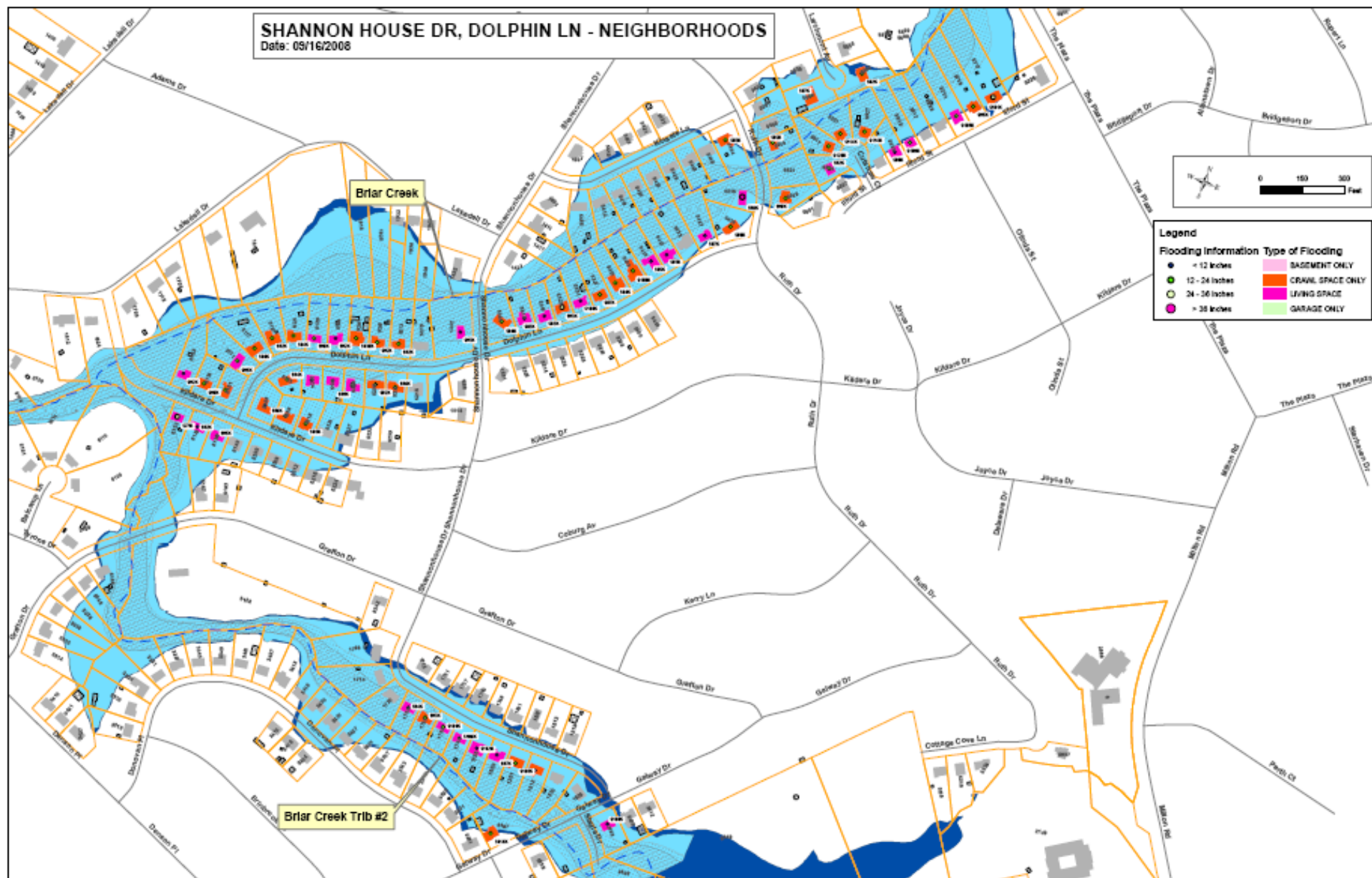


CENTRAL AV, MORNINGSIDE DR - NEIGHBORHOODS 03/16/2008



Date: 09/16/2008

Date: 09/16/2008



CHARLOTTE-MECKLENBURG PLANNING COMMISSION

DRAFT

PLANNING COMMITTEE MEETING – Conference Room 270/271

September 16, 2008 @ 5:00 P.M.

Commissioners Present: Chairwoman Diane Carter, Vice-Chairman Wesley Simmons
Commissioners: Steven Firestone, Eric Locher, George Sheild, and Dwayne Walker

Commissioners Absent: None

Planning Staff Present: Karen Chavis, Kathy Cornett, Garett Johnson, Wendy Martz, Marci Sigmon, Bryman Suttle, Dan Thilo, Lori Quinn and Jonathan Wells

Other City/County Staff Present: Mike Raible (CMS), Dennis LaCaria (CMS), Steve Law (County Real Estate), Rich Rosenthal (Central Piedmont Community College)

The meeting was called to order by the Chairwoman at 5:08 p.m.

Mandatory Referral #08-31: Proposed Land Transaction for CPCC Parking Deck

Jonathan Wells (Planning Staff) presented the mandatory referral request to approve a transfer of property from Central Piedmont Community College (CPCC) to Mecklenburg County for the construction of a student parking deck on their central campus.

Commissioner Sheild raised concerns about the aesthetics of the parking deck, given its location on a fairly prominent road. Mr. Rosenthal (Central Piedmont Community College) reported that the parking deck would be a well-designed, architecturally detailed parking deck. He emphasized that they are very sensitive to aesthetics. Mr. Rosenthal mentioned that he, Dan Thilo (Planning Staff), and staff from Parks & Recreation, had met with representatives from the Elizabeth Community Association to discuss the design of the structure. Staff from Parks & Recreation was involved because the parking deck will be on County-owned property.

A motion was made by Commissioner Sheild and seconded by Commissioner Simmons to approve the Planning Staff's recommendation. The vote was 6-0 to approve the mandatory referral.

Mandatory Referral #08-32: Proposed CMS Transfer of Land on Sycamore Street

Dan Thilo (Planning Staff) presented the mandatory referral request to allow Charlotte Mecklenburg Schools (CMS) to convey approximately 2.3 acres of land on the northwest side of Sycamore Street for private development in exchange for office and parking space on that same property. The developer intends to combine the 2.3 acres from CMS with an adjacent parcel to construct a mixed-use development that would include residential and office condominiums, retail space and a multi-story parking garage, totaling approximately 218,000 square feet. This will also include approximately 40,000 to 50,000 square feet of office space and associated parking.

Mr. Thilo explained that the Third Ward Land Use and Urban Design Plan, adopted by City Council in 1997, recommends that the site be used for parks/open space. This development

proposal includes densities, land uses, and heights that are neither consistent with adjacent land use patterns nor with the adopted plan. Mr. Thilo also commented that the existing zoning is UR-3 (Urban Residential-3). Staff recommends that the density of the proposed development is restricted to what is allowed within that zoning classification.

Mike Raible (Charlotte Mecklenburg Schools) commented that he and Jonathan Wells (Planning Staff) have a meeting set up with the developer to address zoning issues. He reiterated that, in exchange for the land, CMS would receive 25,000 square feet of office condominium space and associated parking. This would reduce overall leasing costs to CMS.

Mr. Thilo noted that the developer plans to rezone the property to UMUD (Urban Mixed Use District) but there is no request to rezone at this time. Based upon existing adopted land use plans, staff will support only up to UR-3.

Commissioner Simmons asked for more information about the difference between UR-3 and UMUD. Mr. Thilo explained that the developer cannot do what he has planned until the site is rezoned. Commissioner Sheild expressed concern about scale and the transition to neighboring areas, but noted that the density and details would be revisited in the rezoning process.

A motion was made by Commissioner Simmons and seconded by Commissioner Sheild to approve the Planning Staff's recommendation. The vote was 6-0 to approve the mandatory referral.

Mandatory Referral #08-33: Proposed Expansion of Latta Plantation Nature Preserve

Marci Sigmon (Planning Staff) presented the mandatory referral request to allow Mecklenburg County Real Estate to acquire land in Huntersville's Extra Territorial Jurisdiction (ETJ) for the purpose of increasing the existing Latta Plantation Nature Preserve. Ms. Sigmon stated that the property is approximately 3.3 acres and is located along the northwestern boundary of the preserve. The property is undeveloped, forested, and encompasses the tip of a cove on Mountain Island Lake. Ms. Sigmon informed the Committee that the proposal is consistent with adopted plans.

A motion was made by Commissioner Sheild and seconded by Commissioner Locher to approve the Planning Staff's recommendation. The vote was 6-0 to approve the mandatory referral.

Mandatory Referral #08-34: Proposed Land Acquisition for Elementary School on Johnston-Oehler Road

Wendy Martz (Planning Staff) presented the mandatory referral request to allow Charlotte-Mecklenburg Schools (CMS) to acquire approximately 22 acres of land along Johnston-Oehler Road for a future elementary school site. Ms. Martz explained that the request involved three different parcels; CMS would like to acquire only a portion in order to construct an elementary school to relieve overcrowding in the northeast area.

Commissioner Simmons questioned the likelihood of using the school as a water quality education facility. Mr. Wells commented that the Joint Use Task Force raised that possibility at

their meeting. Dennis LaCaria (CMS) commented that this is one of the last funded elementary school sites for 2007 school bonds.

A motion was made by Commissioner Sheild and seconded by Commissioner Firestone to approve the Planning Staff's recommendation. The vote was 6-0 to approve the mandatory referral.

Mandatory Referral #08-35: Proposed Berewick Park Site Land Exchange

Alberto Gonzalez (Planning Staff) presented the mandatory referral request to exchange land between Mecklenburg County and a private land owner. The County would receive approximately 8.25 acres and the private land owner would receive approximately 5.7 acres of County-owned land. Mr. Gonzalez explained that the property obtained by the County would become part of the larger Berewick Park site. The property going to the private land owner would be developed for multi-family housing by the Charlotte-Mecklenburg Housing Partnership (CMHP).

Commissioner Sheild requested an explanation about the high tension power lines and how that would impact the park. Mr. Steve Law (County Real Estate) stated that the land associated with the power lines would provide additional open space for the park.

A motion was made by Commissioner Simmons and seconded by Commissioner Sheild to approve the Planning Staff's recommendation. The vote was 6-0 to approve the mandatory referral.

Mandatory Referral #08-36: Proposed Expansion of Open Space at Winget Park

Lori Quinn (Planning Staff) presented the mandatory referral request to allow Mecklenburg County Real Estate to purchase approximately 41 acres of land for park/open space across Winget Road from Winget Park. The property is located in the southwest portion of the County within Charlotte's extraterritorial jurisdiction (ETJ).

Staff noted that potential future uses for the land include soccer/ball fields or open space.

Ms. Quinn also noted that the parcels lie within the Lower Lake Wylie Protected Watershed and using the land as a park would be consistent with the regulated protected watershed policy.

Commissioner Locher asked why the land has not yet been developed. Ms. Quinn explained that when Crescent Resources wanted to purchase the land, the owners did not want to sell.

A motion was made by Commissioner Sheild and seconded by Commissioner Locher to approve the Planning Staff's recommendation. The vote was 6-0 to approve the mandatory referral.

Mandatory Referral #08-37: Proposed Land Acquisition for Jail Expansion on Spector Drive

Kathy Cornett (Planning Staff) presented the mandatory referral request to allow Mecklenburg County to acquire land on Spector Drive to expand the County-owned Jail North Facility. Ms. Cornett noted that the current use of the property is for a trucking terminal and is zoned

industrial. She further explained that the City's land use plans do not typically specify where correctional facilities may be located. However, this type of land use is considered compatible with industrial uses. The acquisition would be funded by 1999 land bonds. Planning Staff recommends that the site be adequately screened and landscaped.

Commissioner Sheild wanted to know what other land uses are in the area. Ms. Cornett explained that the area is primarily characterized by trucking facilities and warehouse/distributive uses. Commissioner Sheild was concerned that the three parcels fronting Statesville Road would have appropriate screening based on their exiting uses.

A motion was made by Commissioner Sheild and seconded by Commissioner Simmons to approve the Planning Staff's recommendation. The vote was 6-0 to approve the mandatory referral.

Area Plan Status and Meeting Report

Wendy Martz and Alberto Gonzalez (Planning Staff) reported that meetings have been held for the Catawba Area Plan on August 19, 2008 and again on September 4, 2008. The next meeting is scheduled for September 23, 2008.

It was also reported that the next Task Force meeting on the Independence Boulevard Area Plan is scheduled for October 14, 2008.

Approval of Meeting Minutes

A motion was made by Commissioner Simmons and seconded by Commissioner Firestone to approve the July 15, 2008 meeting minutes. The vote was 6-0 to approve the minutes.

Adjournment

The meeting adjourned at 5:50 pm