



June 9, 2009

Chairman George Sheild, Sr. &
Planning Committee Members

Dear Committee Members:

Attached for your review are the agenda and attachments for your regular meeting to be held on **Tuesday, June 16, 2009 at 5:00 p.m. in Room 280** located on the 2nd Floor of the Charlotte-Mecklenburg Government Center.

At the June 16th meeting, the Committee will be asked to make recommendations on three mandatory referrals. Attached are copies of Mandatory Referrals #09-09, #09-11 and #09-12.

If you cannot attend the June 16th meeting, please contact me at (704) 336-5993 or mmcullough@ci.charlotte.nc.us at your earliest convenience.

Sincerely,

Melony C. McCullough,
Planning Coordinator
Charlotte-Mecklenburg Planning Department

c. Planning Staff
Tim O'Brien, City Real Estate

Charlotte-Mecklenburg Planning Committee Meeting
June 16, 2009
CMGC – 2nd Floor, Conference Room 280, 5:00 p.m.

AGENDA

I. Introductions and Call to Order

II. Approve May 19, 2009 Meeting Minutes. *Attachment 1.*

III. M.R. #09-09: Proposed acquisition of a Fire Station Site in the Eastland Mall Area

Background: The Charlotte Fire Department has identified the need for a new fire station in the Eastland Mall area. The 2.36 acre site is located at 5620 Central Avenue across the street from the mall. *Attachment 2.*

Staff Resources: Kent Main, Planning
Robert W. Drayton, City Real Estate

Action Requested: Approve Planning staff recommendation for M.R. #09-09.

IV. M.R. #09-11: Proposed Acquisition of Land for an Elementary School Site on Johnston Oehler Road in Mallard Creek Park

Background: Charlotte-Mecklenburg Schools (CMS) proposes to build an elementary school on approximately 10 acres fronting Johnston Oehler Road within Mallard Creek Park. *Attachment 3.*

Staff Resources: Kathy Cornett, Planning
Susan DeSoto, Charlotte-Mecklenburg Schools

Action Requested: Approve Planning staff recommendation for M.R. #09-11.

V. M.R. #09-12: Proposed County Acquisition, Exchange, and Sale of Land off Holbrooks Road near Huntersville

Background: Mecklenburg County proposes to purchase a parcel located at 13240 New Haven Drive. The County's former Community Development Department built a home on this parcel in error. The County will exchange the property for an adjoining vacant parcel on which the home should have been built. This parcel will then be sold as surplus property. *Attachment 4.*

Staff Resources: Bryman Suttle, Planning
Nancy Brunnemer, County Real Estate

Action Requested: Approve Planning staff recommendation for M.R. #09-12.

VI. 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 Firestone and Finch – Catawba Area Plan
Commissioners Johnson and Lipton – Independence Blvd. Area Plan

Action Requested: None, for information only.

VII. Adjourn

DRAFT

**Charlotte-Mecklenburg Planning Commission
Planning Committee Meeting Minutes
CMGC – Uptown Conference Room, 8th Floor
May 19, 2009 – 3:00 p.m.**

Commissioners Present: George Sheild (Chairman), Joel Randolph (Vice-Chairman); Tracy Finch-Dodson, Steven Firestone, Yolanda Johnson (joined the group at 3:20 p.m.), Nina Lipton, and Greg Phipps

Commissioners Absent: None

Planning Staff Present: Sonda Kennedy, Melony McCullough, Alysia Osborne, Bryman Suttle, and Jonathan Wells

Other City/County Staff Present: None

Chairman Sheild called the meeting to order at 3:10 p.m.

Approval of Meeting Minutes

A motion was made by Commissioner Lipton and seconded by Commissioner Steven Firestone to approve the minutes from the April 21, 2009 meeting. The vote was 6-0 to approve the minutes.

Carolinas Medical Center Discussion

Commissioner Lipton suggested that the Executive Committee discuss future development plans for Carolinas Medical Center in the Dilworth community. She would like for the Planning Commission to consider how the hospital can work with staff and the community to open up communications. She thinks that someone other than area residents should be involved in this effort to serve as an objective source of guidance. Vice-Chairman Joel Randolph will bring the suggestion to the Executive Committee's June meeting. Melony McCullough (Planning Staff) will notify the Planning Commission Chairman, David Howard, of this request. Commissioner Greg Phipps asked if a rezoning is required. Commissioner Lipton replied that a rezoning will be required but the hospital is not at that point in the process yet. She suggested that consideration be given to charrettes.

Commissioner Johnson arrived at 3:22 p.m.

Mandatory Referral #09-10: Proposed Exchange of Land at Oakhurst Elementary School

Alysia Osborne (Planning Staff) presented the mandatory referral proposing the exchange of land located at the rear of Oakhurst Elementary School for an adjacent parcel. Vice-Chairman Randolph asked who owns the property adjacent to the school. Ms. Osborne stated that the parcels are privately owned. Commissioner Finch-Dodson asked if adjacent property owners have expressed any concerns. Ms. Osborne replied that staff is not aware of any concerns from area property owners. Jonathan Wells (Planning Staff) added that the only concern heard from the community was about the potential impact of this proposal on the community garden. He

emphasized that this proposal would not impact the garden. Commissioner Phipps asked for clarification on how the property will be used and if it will be used exclusively for a parking lot. Mr. Wells stated that there are no specific plans for other uses at this time. Chairman Sheild asked how the property and the garden are zoned. Ms. Osborne responded that both are zoned R-5. Chairman Sheild also inquired about the buffer requirements between institutional and residential uses. Ms. McCullough stated that a "Class C" buffer is required. Commissioner Lipton asked if this proposal creates a nonconforming lot. Mr. Wells replied that the lot is probably nonconforming now and this land transaction will eliminate the nonconformity.

A motion was made by Commissioner Lipton and seconded by Vice-Chairman Randolph to approve the proposal. The vote was 7-0 to approve the mandatory referral.

Area Plan Update

Ms. McCullough stated that staff is currently working on planning initiatives for the Catawba Area, Independence Boulevard, North Tryon and updating Centers, Corridors and Wedges. Draft documents for some of these plans will be complete by June 30th. In addition to the plans underway, the planning process will begin this summer for Steele Creek, Elizabeth, and the Center City 2020 Plan - Gateway/Third Ward.

Ms. McCullough further explained that the Steele Creek area plan boundaries are very large (approximately 27,000 acres). Staff is devoting a lot of resources, time and effort to compiling background information prior to beginning the public input process. Questions were raised about contracts. Ms. McCullough responded that most work that was previously contracted out will be completed by staff. Other planning initiatives that Planning staff is working on include completing the South Corridor station area plans, updating the Long Range Transportation Plan (LRTP), updating the transportation improvement plan for 2011 and 2017, and developing a gated community policy. Recently, the TOD (Transit Oriented Development) text amendment was adopted and staff is working on the PED text amendment. Chairman Sheild asked what the boundaries are for the North Tryon Plan. Ms. McCullough stated she thinks that it extends from the Center City to Sugar Creek Road. She will provide an answer to this question at the next meeting.

Chairman Sheild wanted to know how many acres of the Steele Creek plan include the airport. Ms. McCullough stated that the airport is not within the project boundaries but is located just north of the plan area. He asked at what stage in the planning process will stakeholders become involved. Ms. McCullough replied after the first public meeting.

Vice-Chairman Randolph recommends that staff involve the Arrowood Association Organization. The organization has individuals who are willing to represent the Steele Creek area. Chairman Sheild also stated that he has contacts willing to be a part of the stakeholders group. Commissioner Lipton asked that the entire Planning Commission be notified of the kick-off meeting and asked staff to let commissioners know if they can help. She is curious as to how a project of this magnitude will be approached by staff and the community.

Area Plan Status and Meeting Report

Catawba Area Plan

Commissioner Firestone updated the committee on the advisory group meeting held on April 28th. He highlighted two concerns heard from citizens: (1) if retail will develop adjacent to I-85 and I-485 or will there be more retail on the Belmeade Drive side and (2) a need for more clarity on the planning process, is this plan written in stone or will the Planning Commission or Planning Committee be able to make changes after the plan is adopted. Commissioner Firestone told the group that this was a dynamic process which definitely changes as conditions change along the ground. He commended Planning staff, Ms. McCullough and Mr. Alberto Gonzalez on how they handled the advisory group meeting and told the Committee about compliments both of them received from advisory group members. Commissioner Phipps wanted to know the mix between residents and developers. Commissioner Firestone stated that it was mostly residents.

Independence Boulevard Area Plan

Commissioner Johnson presented an update on the Independence Boulevard planning process. She stated that the stakeholders were given an opportunity to circle what was good or bad on maps to highlight their main concerns. There was a lengthy discussion about corrective rezonings and how density relates to the value of homes. Ms. Osborne responded to citizen's questions about market data and plan implementation.

There was discussion about City Council's approval of the text amendment to modify the transitional setback on April 27th. This reduced the future right-of-way along Independence Boulevard from 350' to 250' from Briar Creek to Harris Boulevard and from 350' to 280' beyond Harris Boulevard to the city limits. Chairman Sheild asked about the Amity Gardens Wal-Mart rezoning plans. Ms. Osborne stated that the plans are very much alive. Commissioner Johnson wanted to know the balance of participation at the stakeholders meeting. Ms. Osborne told the group that 150 people volunteered at the first meeting and the group eventually dwindled to 30. The balance in participation between residents and business owners is good. Sheffield Park and Commonwealth Park are the neighborhoods that have been consistently represented. Next steps include a public meeting this summer and the review and adoption process this fall.

Chairman Sheild thanked everyone for their reports. Vice-Chairman Randolph asked if consideration could be given to adding training sessions or educational information to meetings if there continues to be on only a few items on the agenda. Ms. McCullough said that if the committee is interested in information on a particular subject, she will contact the appropriate staff about providing the requested information.

Adjournment

The meeting adjourned at 4:10 p.m.

Submitted by: Robert W. Drayton, City Real Estate Division

Initiated by: Rich Granger, Charlotte Fire Department

MANDATORY REFERRAL-REPORT NO. 09-09

Proposed Acquisition of a Fire Station Site in the Eastland Mall Area of Charlotte

PROJECT PROPOSAL AND LOCATION:

The Charlotte Fire Department has identified the need to construct a new fire station in the Eastland Mall area. The proposed site is at 5620 Central Avenue in East Charlotte near Eastland Mall. Parcel 103-021-04 is approximately 1.209 acres of land currently zoned B-2 and O-1 and parcel 103-021-12 is approximately 1.151 acres currently zoned O-1, for a total of approximately 2.36 acres. The area is primarily commercial in nature. The site is located across Central Avenue from the Eastland Mall property.

PROJECT JUSTIFICATION:

This area has experienced significant change and growth over the years. Not only are there response time issues due to the spacing of current Station 3 (located at 6512 Monroe Road), Station 8 (1201 The Plaza), Station 15 (3617 Frontenac Avenue), Station 23 (7400 East W.T. Harris Blvd.) and Station 29 (2121 Margaret Wallace Road), but the emergency workload in this area is also the heaviest in the city. Engine 15, Ladder 23, and Engine 23 (listed above with the corresponding station numbers) were the first, third, and fifth busiest companies from July 1, 2007 through June 30, 2008 with 4,311, 3,450, and 3,160 runs, respectively. A new station is needed to ease the workload at the surrounding stations and to improve response time to incidents in the area. This station would serve to provide stability to the area and address fire workload and response concerns. The new station will fill a gap in the service area.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

The Charlotte Fire Department applies several standards to the placement and operation of fire stations, specifically:

- locate one Engine within 2.5 miles of all structures and a Ladder company within four miles of all structures, and
- provide response time of six minutes for first truck and nine minutes for three trucks within service area.

Constructing a fire station at this location helps achieve these goals and maximizes the efficiency of their fire protection coverage.

Additionally, the following criteria are used in selecting a fire station site. Site must be:

- Rectangular or square in shape
- Strategically spaced between neighboring stations to provide quick response to each neighboring station's area.
- Located on a main road, but not too close to a major intersection, to allow for easy site exit
- Good street line of sight distance
- Near the crest of a road and not located in the valley of a road.
- Located at or just above road elevation.
- Preferably vacant (no active business properties or owner occupant homes unless property owners agree to sell).

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The *Eastland Area Plan* (adopted by City Council in 2003) recommended the subject site for Mixed Use Multi-family/Office/Retail, as an element of the proposed "Town Center" in the Eastland Mall area. Although this plan does not specify locations for civic facilities, it does call out Civic Uses as a desirable element for the Town Center along Central Avenue, on either the north or south side of the street. The health and safety of the community depends on provision of appropriate support facilities such as fire stations. Both business and office zoning classifications permit government buildings.

PROJECT IMPACT:

The property to be acquired is approximately 2.36 acres of land improved with a 3,898 square foot commercial building that was previously leased to a bank. The building has been vacant for more than one year and will be demolished. The property is across from Eastland Mall and will be the first new development constructed in the area for several years. This site was specifically chosen as it provides easy access to both Central Avenue and Albemarle Road.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

Personnel at this location would be the first responders for health and safety issues in the immediate area. They will also provide the much needed backup for Fire Stations 3, 15, and 23.

ESTIMATED PROJECT COMPLETION DATE:

Land purchase is expected to be completed by June 30, 2009. Funding for design and construction of the station was approved in the FY 2009 Capital Investment Plan (CIP) and funding for land acquisition will be included again in the FY 2010 CIP request. A budget ordinance will be submitted on the May 26, 2009 agenda to enable closing prior to FY 2010 so the City can apply for stimulus funding for the fire station construction.

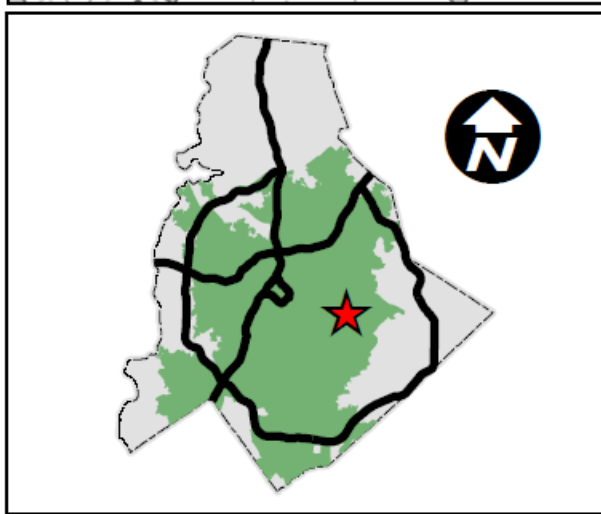
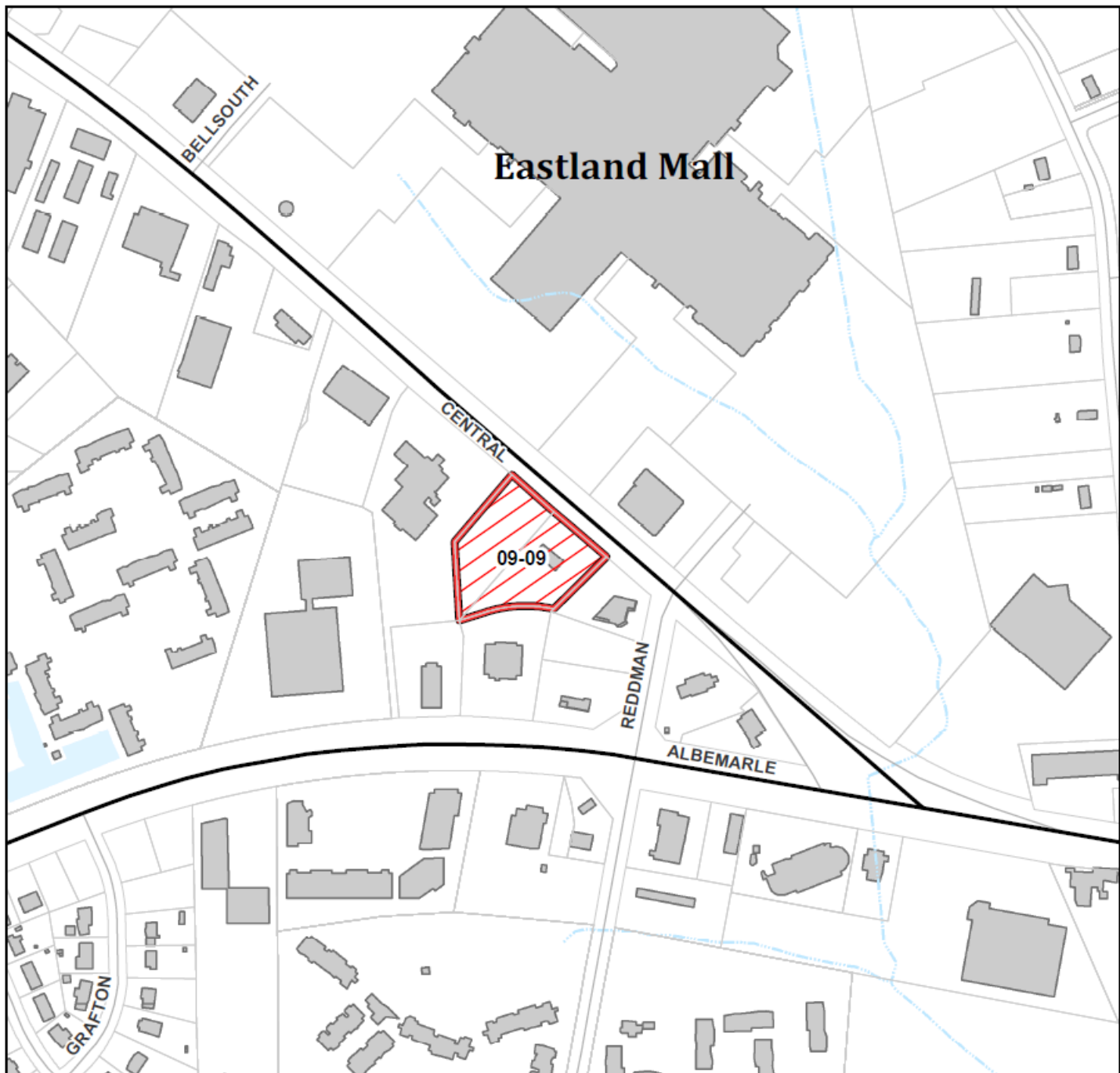
JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force reviewed this matter at their June 3, 2009 meeting and no joint use comments were offered.

PLANNING STAFF RECOMMENDATION:

The proposed fire station is consistent with the mixed use recommendation of the *Eastland Area Plan* to include civic facilities. It also is an element of health and safety necessary for the community. As such, staff recommends approval of the proposal.

CMPC PLANNING COMMITTEE RECOMMENDATION:



Mandatory Referral 09-09

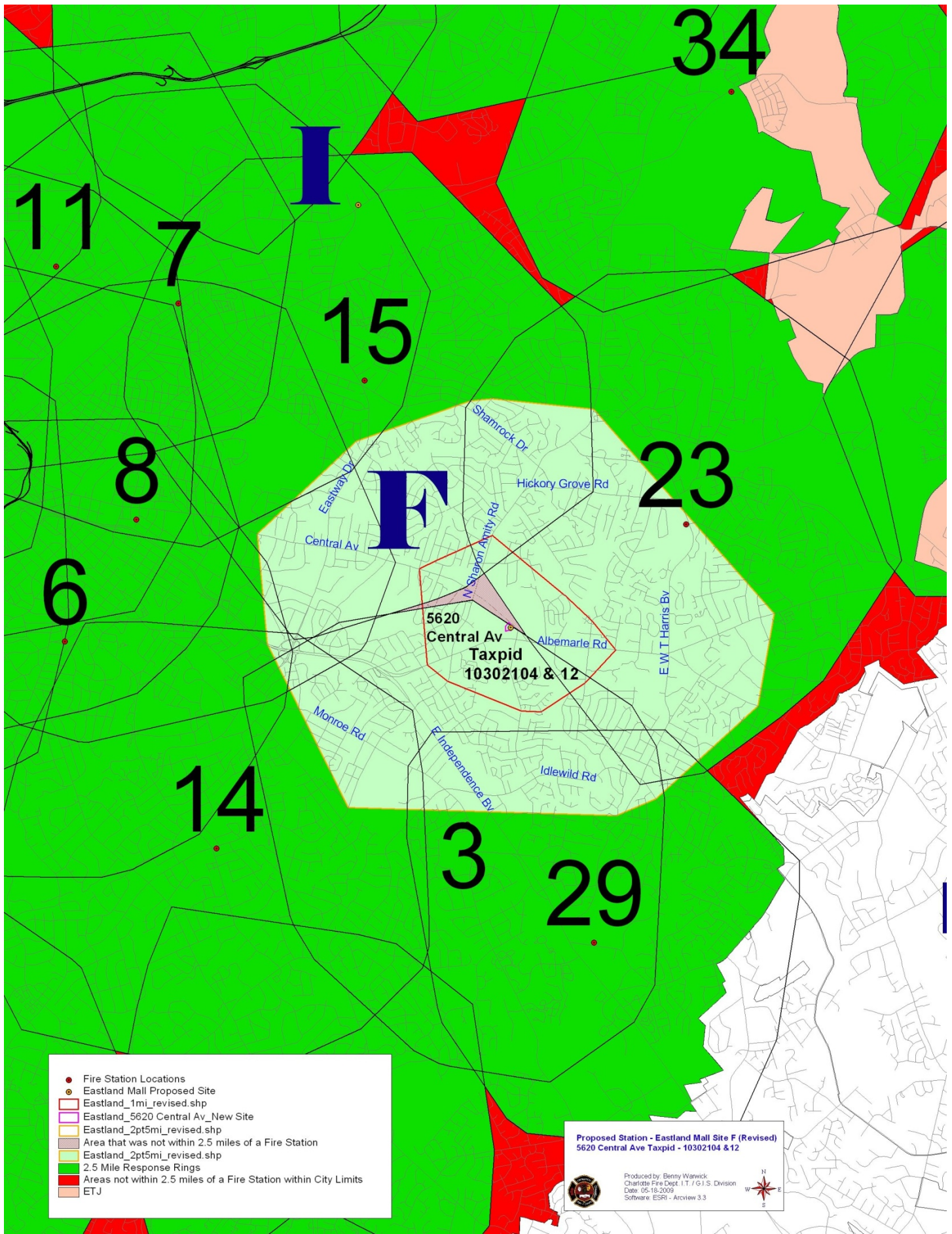
Submitted by: City Real Estate

Initiated by: Charlotte Fire Department



Mandatory Referral





Submitted by: Susan DeSoto, CMS Planning & Project Mgmt.

Initiated by: Dennis LaCaria, CMS Planning & Project Mgmt.

MANDATORY REFERRAL REPORT NO. 09-11

Proposed Acquisition of Land for an Elementary School Site on Johnston Oehler Road in Mallard Creek Park

PROJECT PROPOSAL AND LOCATION:

Charlotte-Mecklenburg Schools proposes to build an elementary school on approximately 10 acres fronting Johnston Oehler Road within Mallard Creek Park that is owned by Mecklenburg County. The park is located between Prosperity Church Road and Mallard Creek Road in north Charlotte. The tax parcel number assigned to the park is 029-342-33. (This Mandatory Referral replaces MR 08-34 as that property was not purchased.)

The specific site for the proposed elementary school is vacant and wooded, located at the southeast corner of the intersection of Johnston Oehler Road at the baseball field entrance drive. The site is located within an area which is zoned R-3 (single family residential), according to the Charlotte Zoning Ordinance. Mallard Creek High School is also within the park, located several hundred yards northwest of this proposed school site. The majority of the park is to the west (soccer fields) and to the south (ball fields). The community center and gym are located to the east, beyond several single family homes. The community center has a separate entrance.

Across Johnston Oehler Road to the northeast and northwest is vacant land, followed by a few older single family homes and the Robyn's Glen subdivision.

PROJECT JUSTIFICATION:

The proposed elementary school site currently lies within the Mallard Creek Elementary School attendance boundary and will relieve overcrowding at Mallard Creek and Highland Creek Elementary Schools. Highland Creek Elementary is approximately 1 ¼ miles north of the Johnston Oehler Road site. Mallard Creek Elementary is approximately 2 ½ miles southwest. The elementary school under construction at Salome Church Road will open in 2009 and is located 2 ½ miles to the southeast.

The overcrowding of these elementary schools is a result of the population growth that has occurred in the northeast portion of Mecklenburg County and the University area. Highland Creek Elementary School has a core capacity of 670 students and an expected enrollment of 1,207 in 2010. Mallard Creek Elementary School has a core capacity of 1,046 and an expected enrollment of 1,231 in 2010. Growth is expected to continue as the final sections of I-485 are completed.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

Charlotte-Mecklenburg Schools 2008 *Long Range School Facilities Master Plan* identifies the need to build a new elementary school in this approximate location by the year 2010-2011. Schools are located at or adjacent to park sites at many other locations in the county.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The *Northeast District Plan* (1996) recommends park/open space use for the project site. Land use plans do not always include all appropriate locations for schools, but schools are considered to be compatible land uses with parks.

PROJECT IMPACT:

The property is strategically located to address immediate elementary school enrollment growth in this region of Mecklenburg County. The opening of a new elementary school in this area would relieve overcrowding at Highland Creek Elementary School and Mallard Creek Elementary School.

Johnston Oehler Road is the main thoroughfare through the area. Increased traffic around the school campus is expected for two 30-minute periods in the morning and afternoon. Charlotte-Mecklenburg Schools works closely with Charlotte Department of Transportation and the site designers to minimize this impact.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

There are no known public or private projects that will be impacted by this project. The development of a school at this location may represent enhanced school/park joint use opportunities.

Outstanding County financial obligations to CMS for Joint Use activities operated by Park & Recreation will be offset in part by County dedication of the site for this school.

ESTIMATED PROJECT COMPLETION

School design and construction will be funded by a future bond referendum. Ideally, the expected elementary school completion date and move-in date is for the 2010-2011 academic year (per the *Long Range Plan*), however the completion date will be determined by the timing of the referendum.

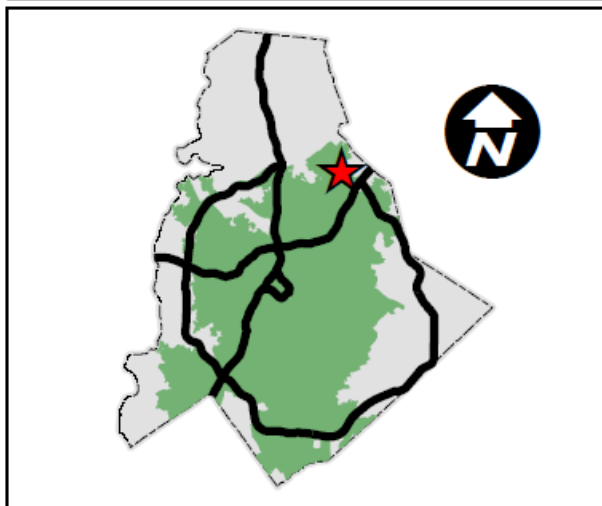
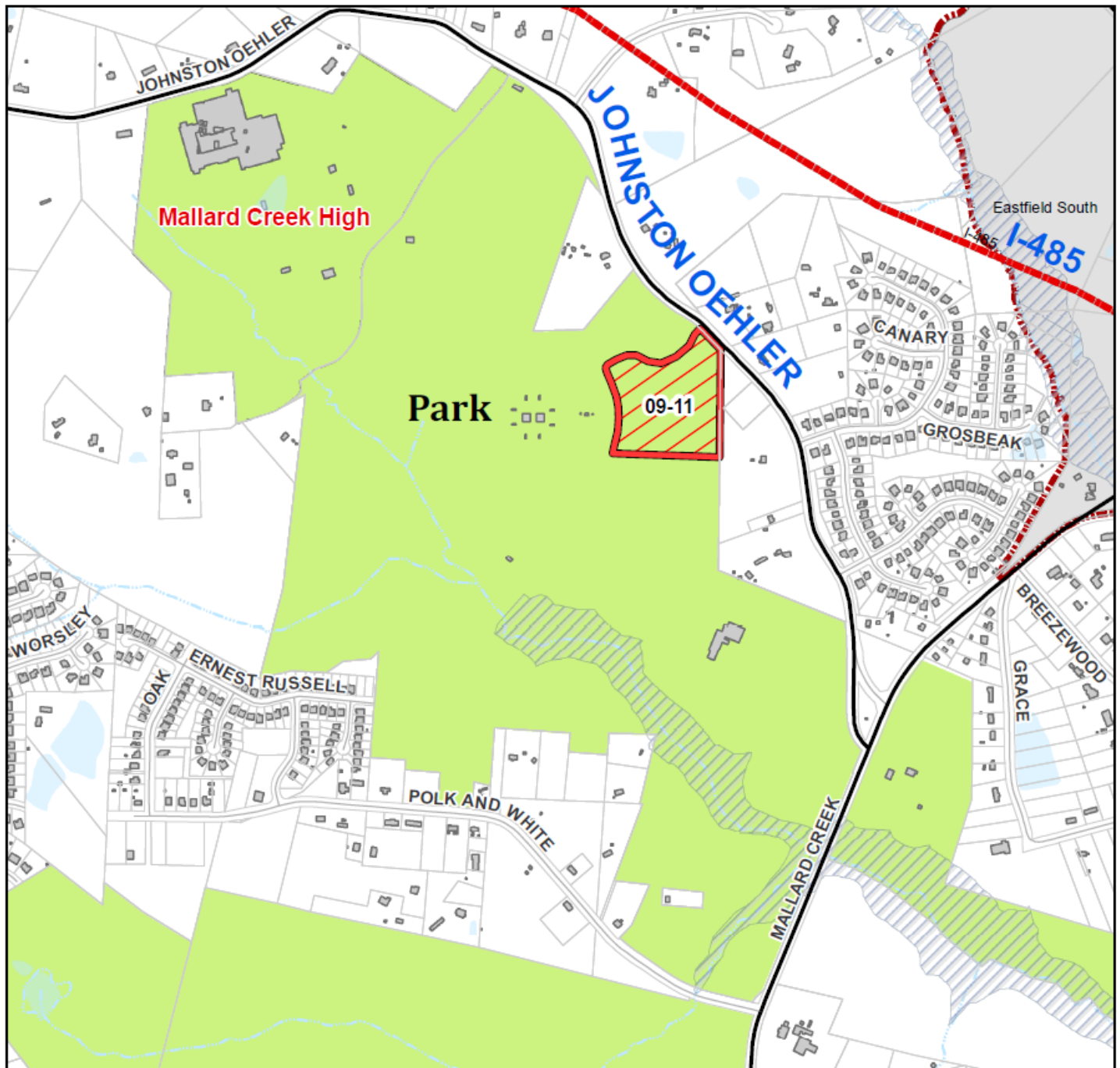
JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force discussed this matter at their June 3, 2009 meeting and no joint use comments were offered, although Park & Recreation staff in attendance acknowledged that this was a good joint use project that the department endorses.

PLANNING STAFF RECOMMENDATION:






Planning staff recommends approval of the proposed acquisition of the 10 acres within Mallard Creek Park to develop an elementary school.

CMPC PLANNING COMMITTEE RECOMMENDATION:



Mandatory Referral 09-11

Submitted and Initiated by: CMS

-  Mandatory Referral
-  County Property
-  2009 Annexation Areas
-  Existing Thoroughfare
-  Proposed Thoroughfare

Produced by the Charlotte-Mecklenburg Planning Department



Initiated and Submitted by: Nancy Brunnemer, County Real Estate Services Dept

MANDATORY REFERRAL REPORT NO. 09-12
Proposed County Acquisition, Exchange, and Sale of Land off Holbrooks Road near Huntersville

PROJECT PROPOSAL AND LOCATION:

This project is comprised of three parts:

- (1) County's proposed purchase of (land only) Tax Parcel 01920107 located at 13240 New Haven Drive, in Huntersville's extraterritorial jurisdiction;
- (2) proposed exchange of the acquired parcel 01920107 for adjoining vacant Tax Parcel 01920106 (13234 New Haven Drive); and
- (3) subsequent proposed sale of Tax Parcel 01920106 (acquired via the proposed exchange) by County as surplus property for future single family development.

The two single family lots proposed to be purchased, exchanged and sold are in a small residential subdivision off Holbrooks Road south of Huntersville, just east of Old Statesville Road (NC115). The area is zoned NR single family development according to the Huntersville zoning ordinance.

PROJECT JUSTIFICATION:

In 2000, a single family house was built in error on Tax Parcel 01920107 through the County's now defunct community development group. The house was built for a citizen who actually owned the adjoining lot (Tax Parcel 01920106) where the house should have been constructed. The purpose for the above series of transactions is to correct the error by purchasing the lot upon which the citizen's house sits, exchanging it for the adjoining lot that the citizen owns, and then selling the citizen's lot.

The family of the citizen for whom the house was originally built still owns and occupies the house.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

This series of transactions is proposed to correct an earlier error regarding ownership of the two residential lots and to sell the unneeded lot for single family development.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The use of both of the lots as single family residential is consistent with the *East Huntersville Area Development Plan*. It is also consistent with the zoning district (NR – Neighborhood Residential). Huntersville staff supports this transaction.

PROJECT IMPACT:

These transactions will have no impact on the surrounding neighborhood since the undeveloped parcel is also zoned for single family development (NR) under Huntersville's ordinance. The intent is to market the acquired parcel for single family residential development.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

There are no relationships to other projects.

ESTIMATED PROJECT COMPLETION DATE:

The purchase of this lot is funded; funds from the sale of the newly acquired lot will reimburse the purchase funding source. The three transactions will take place as quickly as possible once approvals are received.

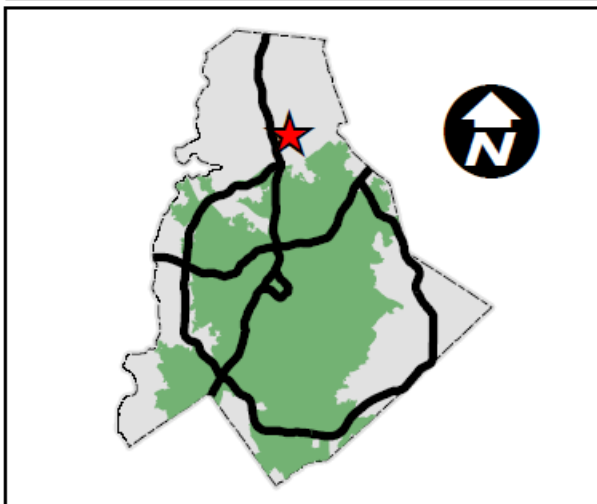
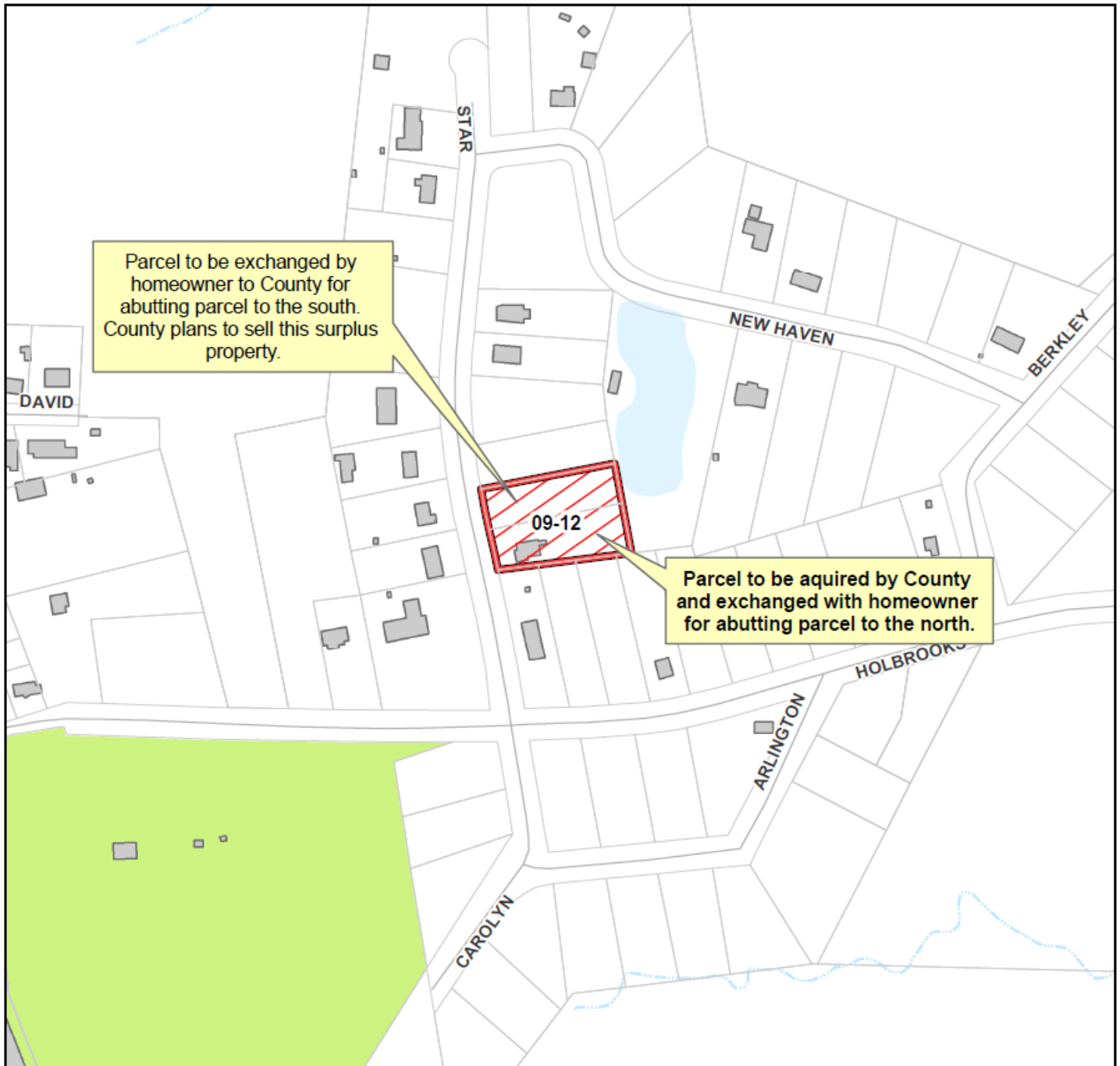
JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force reviewed this matter at their June 3, 2009 meeting and no joint use comments were offered.

PLANNING STAFF RECOMMENDATION:



Staff recommends approval of these transactions.

CMPC PLANNING COMMITTEE RECOMMENDATION:



Mandatory Referral 09-12

Submitted and Initiated by: County Real Estate

-  Mandatory Referral
-  County Property

