



October 14, 2009

Chairperson Yolanda Johnson
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 20, 2009 at 5:00 p.m. in Room 280** located on the 2nd Floor of the Charlotte-Mecklenburg Government Center.

At the October 20th meeting, the Committee will be asked to make recommendations on three mandatory referrals. Attached are copies of Mandatory Referrals #09-07, #09-15 and #09-16. In addition, staff will provide an overview of the Catawba and Independence Boulevard area plans.

If you cannot attend the October 20th 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
October 20, 2009
CMGC – 2nd Floor, Conference Room 280, 5:00 p.m.**

AGENDA

I. Introductions and Call to Order

II. Approve July 21, 2009 Meeting Minutes. *Attachment 1.*

III. M.R. #09-07: Proposed Sale of a Portion of City-Owned Property located at 409 W. 9th Street

Background: City Real Estate proposes to sale a portion of a parcel located in Fourth Ward to an adjoining property owner. The adjoining property owner would like to purchase the property to construct a garage and other structure for storage of personal property in connection with his adjoining residential property. ***Attachment 2.***

Staff Resources: Dan Thilo, Planning
Lynnea Pulver, City Real Estate

Action Requested: Approve Planning staff recommendation for M.R. #09-07.

IV. M.R. #09-15: Proposed Acquisition of Land For a Fire Administration Headquarters

Background: Charlotte Fire Department proposes to purchase approximately five acres of industrial property located at Statesville and Dalton avenues (former Sealtest Creamery) for Charlotte Fire Department Administration offices (including Emergency Management and Fire Prevention). ***Attachment 3.***

Staff Resources: John Howard, Planning
Rich Granger, Charlotte Fire Department

Action Requested: Approve Planning staff recommendation for M.R. #09-15.

V. M.R. #09-16: Proposed Sale of a City-Owned Parcel at 429 Coxe Avenue

Background: The City of Charlotte has received a request from a citizen to purchase a 7,500 square foot (0.17 acre) City-owned parcel to construct a single family home. ***Attachment 4.***

Staff Resources: Greg Burnham, Planning
Lynnea Pulver, City Real Estate

Action Requested: Approve Planning staff recommendation for M.R. #09-16

VI. Overview of the draft *Catawba Area Plan*

Background: The Catawba Area Plan encompasses approximately 4,800 acres and includes the US National Whitewater Center, Whitewater Academy Elementary School, and several new and existing neighborhoods. The plan focus on land use, transportation, environmental and community design issues. The Committee will be asked to receive public comments on the draft plan later this fall.

Staff Resource: Alberto Gonzalez, Planning

Action Requested: None. For Information Only.

VII. Overview of the draft *Independence Boulevard Area Plan*

Background: Over the past several months, City staff and the planning consultant, Glatting Jackson, have worked to complete the draft document for the Independence Boulevard Area Plan. This document includes parcel specific policy guidance for approximately 5800 acres within the study area and six (6) transit station area plans for the Southeast Rapid Transit Corridor. The Committee will be asked to receive public comments on the draft plan later this fall.

Staff Resource: Alysia Osborne, Planning

Action Requested: None. For Information Only.

VIII. 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: Catawba Area Plan – Commissioners Firestone and Zoutwelle
Elizabeth Area Plan – Commissioner Lipton
Independence Blvd. Area Plan – Commissioners Johnson and Lipton
Steele Creek Area Plan – Commissioners Locher and Fallon

Action Requested: None, for information only.

IX. Adjourn

DRAFT

**Charlotte-Mecklenburg Planning Commission
Planning Committee Meeting Minutes
CMGC – Room 280
July 21, 2009 – 5:00 p.m.**

Commissioners Present: Yolanda Johnson (Chairperson), Eric Locher (Vice-Chairperson), Claire Green Fallon, Steven Firestone, Greg Phipps, and Andrew Zoutewelle

Commissioners Absent: Nina Lipton

Planning Staff Present: John Howard, Crissy Huffstickler, Kent Main, Melony McCullough, Bryman Suttle, and Jonathan Wells

Other City/County Staff Present: Chris Bauer (CATS), Nancy Brunnemer (County Real Estate), and Robert Drayton (City Real Estate)

Call to Order

Chairperson Johnson called the meeting to order at 5:00 p.m.

Chairperson Johnson welcomed new commissioners Claire Fallon and Andrew Zoutewelle to their first meeting and announced that Eric Locher is the new Planning Committee Vice-Chairperson.

Approval of Meeting Minutes

A motion was made by Commissioner Phipps and seconded by Commissioner Firestone to approve the minutes from the June 16, 2009 meeting. The vote was 6-0 to approve the minutes.

Mandatory Referral Overview

Chairperson Johnson stated that Jonathan Wells, Planning staff person will give a brief overview of the Mandatory Referral process. Mr. Wells shared information on the history and the usage of Mandatory Referrals for the City and County. Below are highlights from his presentation:

- Required by State legislation passed in 1973
- Required when City or County propose real estate transactions involving capital investments
- Action required within 30 days
- Planning Committee makes recommendation to elected officials

Considerations

- Is proposed land use consistent with adopted plans and policies
- Is proposal appropriate given surrounding land uses
- Potential future impact on area and on infrastructure
- Is joint use possible

Factors that cannot be considered

- Project/real estate cost
- Is expense reasonable or justified
- Better use of public resources
- Other locations

Commissioner Locher asked if Charlotte-Mecklenburg is the only municipality in the area to use this process. Mr. Wells replied that he is not aware of other municipalities that utilize this process.

Mr. Wells explained that the Joint Use Task Force (JUTF) meets monthly and is comprised of staff from various local public agencies charged with developing, funding, locating, and/or maintaining public facilities.

Commissioner Phipps requested more background information on the mandatory referral process. Mr. Wells will make this information available to the commissioners.

Mandatory Referral #09-08: Proposed Acquisition of Property for Expansion of the I-485 / South Boulevard Park and Ride Lot

Kent Main (Planning Staff) presented the mandatory referral proposing the acquisition of 3.5 acres located at 9530 South Boulevard by Charlotte Area Transit (CATS) for expansion of the I-485 / South Boulevard Park and Ride Lot. The subject property is the site of the Texas Roadhouse Restaurant. Commissioner Fallon asked if the parcel will be used for commercial or residential development in the future. Mr. Main stated that he is not aware of any other future use. Commissioner Fallon inquired about the number of parking spaces that the lot could accommodate. Mr. Chris Bauer (CATS Staff) stated that the lot will have room for 85 parking spaces. Commissioner Zoutewelle asked if there are any grade changes between the subject site and the adjacent lot that is currently used for parking. Mr. Main stated that there is no grade change and that the Planning Department supports this request.

A motion was made by Commissioner Locher and seconded by Commissioner Zoutewelle to approve the proposal. The vote was 6-0 to approve the mandatory referral.

Mandatory Referral: #09-13: Proposed Acquisition of Land for a Park on Shearer Road in Davidson's ETJ

Mr. Wells presented the mandatory referral. He stated that Mecklenburg County Park and Recreation Department proposes to acquire approximately 70.86 acres of land on Shearer Road in Davidson's ETJ for park and open space uses. Mr. Wells stated that this acquisition will enable a 302 acre tract of land to be used for park and open space. Commissioner Phipps questioned if the intent is to create a park or have contiguous open space. Mr. Wells stated that the only use would be for a park or open space.

Commissioner Zoutewelle shared that his survey business has a relationship with Mecklenburg County Park and Recreation Department. The committee determined that the percentage of business was not large enough to present a conflict.

A motion was made by Commissioner Firestone and seconded by Commissioner Zoutewelle to approve the proposal. The vote was 6-0 to approve the mandatory referral.

Mandatory Referral: #09-14: Proposed Design and Construction of a new Providence Division Headquarters for Charlotte-Mecklenburg Police Department

John Howard (Planning Staff) presented the mandatory referral for the proposed design and construction of a new Providence Division Headquarters for the Charlotte-Mecklenburg Police Department. The construction of this facility will replace the current 7,000 square foot leased space at 3500 Latrobe Drive. The proposed facility would be 12,500 square feet. Commissioner Locher asked if the parcels that are to be purchased are owned by the same person and asked what will happen to the current residents. Mr. Howard stated that the parcels are owned by the same person and that the owner will relocate residents to other nearby properties.

Commissioner Zoutewelle asked staff what happens when a mandatory referral is inconsistent with the adopted land use plan. Mr. Wells explained that the *Central District Plan* was adopted in 1993 and several changes have taken place in the Grier Heights Neighborhood since that time. He added that staff did a thorough analysis and searched for other sites and that the subject property meet the needs for the facility.

A motion was made by Commissioner Locher and seconded by Commissioner Fallon to approve the proposal. The vote was 6-0 to approve the mandatory referral.

Area Plan Status and Meeting Report

Commissioner Firestone stated that there has not been any Catawba Area Plan Citizen Advisory Group meetings since the last Planning Committee meeting. Commissioner Zoutewelle told the group that Charlotte-Mecklenburg Utilities (CMU) is planning to develop a wastewater treatment plant along the Catawba River. Commissioner Locher asked if there is a need in the area. Commissioner Zoutewelle answered that there is a need but thinks the facility should be developed further off of the shoreline. He suggests that the shoreline be reserved for public uses such as parks. Commissioner Fallon asked if there are certain EPA standards for locating development in close proximity to the River. Melony McCullough (Planning Department) stated that during the Catawba Area Plan Citizen Advisory Group meetings this issue was discussed and suggested that CMU staff share that information with the Committee. Chairperson Johnson stated that she will check on what the Planning Commission can do to assist with this matter.

Chairperson Johnson asked commissioners to volunteer to attend the area plan citizen advisory group meetings. Commissioner Zoutewelle agreed to attend the Catawba Area Plan meetings since he is familiar with the process and attended several of the meetings prior to being appointed to the Planning Commission. He disclosed that he owns two lots in the study area. Ms. McCullough said that the Steele Creek Area planning process is underway and asked for commissioners to be assigned to this process. Commissioners Locher and Fallon were assigned to Steele Creek.

Chairperson Johnson stated that the next Planning Commission Worksession will be the August retreat.

Adjourn

The meeting adjourned at 6:09 p.m.

Submitted by: Lynnea Pulver, E & PM, Real Estate

Initiated by: Lynnea Pulver, E & PM, Real Estate

MANDATORY REFERRAL REPORT NO. 09-07

Proposed Sale of a Portion of City-Owned Property on W. 9th Street in Fourth Ward of Charlotte

PROJECT PROPOSAL AND LOCATION:

City Real Estate has been approached by an individual who owns the residential property at 410 W. 8th Street (PID 078-074-57) interested in acquiring a portion of City-owned parcel (PID 078-074-18) located at 409 W. 9th Street in Charlotte's Fourth Ward. The prospective buyer's property adjoins this City-owned property. The majority of the City's parcel is developed and used as a parking lot (currently maintained by the Charlotte Department of Transportation), accommodating approximately 30 cars and used by patrons of area businesses during the daytime and by area residents and patrons of nearby restaurants during the evening. The portion of the parcel under consideration is the rear portion (currently landscaped and not used for parking) measuring approximately 56.13 feet in width (at the rear property line) and 31 feet deep (running perpendicular from the rear lot line), representing 1,740 square feet, or 11.5% of the total parcel. Therefore, the proposed transaction would not affect parking on the site.

The portion of the parcel under consideration is zoned UR-1 and UR-2 (Urban Residential). The remaining property for the parking lot is almost entirely zoned UR-C (Urban Residential-Commercial). The property is also within the Fourth Ward Historic District and improvements made to the property by the prospective purchaser would be subject to review and approval by the Historic District Commission.

The prospective purchaser proposes to acquire the property and add it to his adjoining property in order to construct a garage and other structure for storage of personal property in connection with his adjoining residential property.

PROJECT JUSTIFICATION:

The undeveloped portion of this property has reportedly been used as a magnet for loitering. The sale and redevelopment of the land will reduce the opportunities for behavior that is considered less than desirable by some nearby residents. The potential addition of a garage and storage building would increase the property tax base and contribute to the viability of the prospective buyer's residential property. The president of Friends of Fourth Ward has been contacted and has expressed no problems with the sale of the land as proposed.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

The sale of this portion of the land is consistent with the City's policy to maximize the performance of its assets. Sale will also reduce the maintenance liability incurred by the City. The sale of this land does not reduce the amount of parking spaces available to the neighborhood (the original goal of acquiring the land and developing the parking lot).

Departmental Polling was conducted in June, 2009 to gauge interest in other possible uses for this property, particularly in response to adding spaces to the parking lot to increase the amount of available parking for the area. No responses were received to the polling.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The last time a specific land use plan was adopted for this area was 1987. This plan - *Fourth Ward Special Project Plan* - recommended the parcel be zoned UR-C (Urban Residential-Commercial). Under this classification, the parcel could include a diversity of residential, retail, office, recreational and cultural uses in a mixed use and a higher density pattern. The proposed use of the land would meet this objective (as it would be residential), but its sale could prevent the parcel from becoming part of an opportunity to develop a larger/dense development in the future.

The *Center City 2010 Plan*, adopted by City Council in May 2000, made a general recommendation to increase densities on vacant tracts in Center City. If this parcel were to be combined with adjacent properties in the future, a large dense mixed use project could be possible. Loss of City control via sale of the property could lessen the likelihood of such a development occurring.

PROJECT IMPACT:

The sale of the land will increase the tax base and produce revenue for the City, while reducing loitering in the vicinity of the parking lot. The sale of the land has the potential of possibly negating future redevelopment opportunities.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

This project has no relationship with any other planned public or private projects. However, if the adjacent strip commercial center were to redevelop, this parcel could be combined with that property and the nearby park's parking lot to create a desirable development in Fourth Ward. If the property is sold, it is likely to become a garage for a single family residence.

ESTIMATED PROJECT COMPLETION DATE:

This project does not require funding as the expenditures for value estimate will be funded by the Real Estate Division's asset management account. The land would be sold through the upset bid process and it will likely take until the end of October to complete the entire process.

JOINT USE TASK FORCE REVIEW COMMENTS:

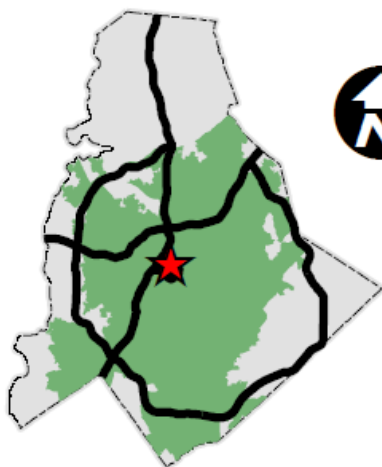
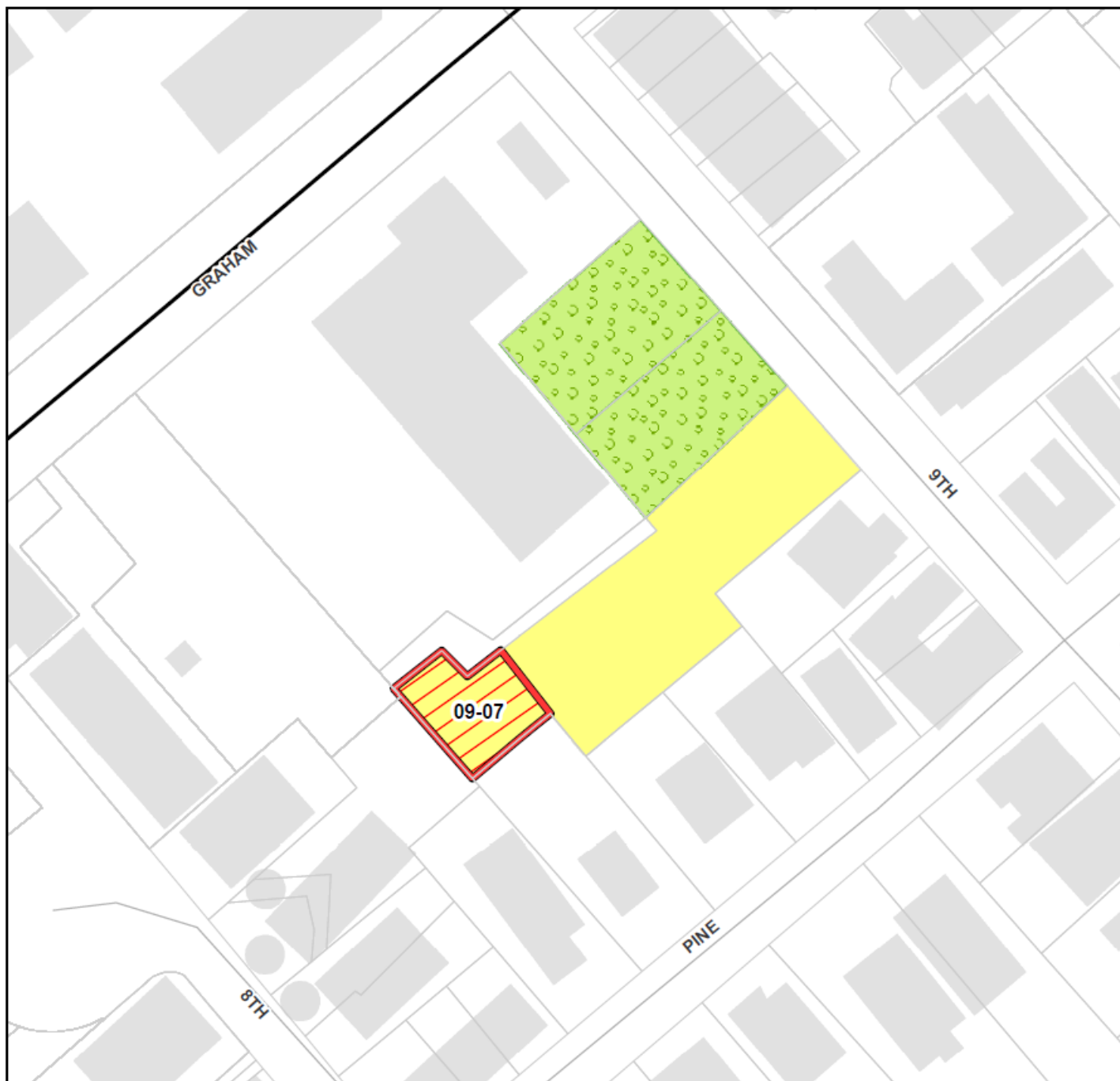
The Joint Use Task Force discussed this matter at their May 6, 2009 meeting and the question was raised as to the advisability of the sale if there is a need to expand the lot to accommodate more parking needed in the area. The Park & Recreation representative in attendance commented on the increased popularity of the nearby neighborhood park and the resulting increased parking demand. The comment was also offered that the size and configuration of the area proposed for sale would probably be insufficient to accommodate additional parking spaces.

(Partially in response to the comment regarding increasing the quantity of parking, City Real Estate conducted the departmental polling in June, which resulted in no public agency recommending retention of the subject property for public use.)

PLANNING STAFF RECOMMENDATION:

Planning staff recommends retaining fee simple ownership of the property, while offering a lease to the adjoining property owner, allowing it to be used in a manner consistent with applicable ordinances. While redevelopment of the surrounding area (particularly the adjoining properties fronting North Graham Street) is not imminent, the longer term reuse of the property and the vicinity – and the role the City could play in guiding that redevelopment, if the City owns the property - should be considered.

CMPC PLANNING COMMITTEE RECOMMENDATION:



Mandatory Referral 09-07

City Real Estate



Mandatory Referral



Park Property



County Property



City Property



Produced by the Charlotte-Mecklenburg Planning Department

Submitted by: Tim O'Brien, City Real Estate

Initiated by: Rich Granger, Charlotte Fire Department

MANDATORY REFERRAL-REPORT NO. 09-15
Proposed Acquisition of Land for a Fire Administration Headquarters

PROJECT PROPOSAL AND LOCATION:

It is proposed to purchase approximately five acres of improved industrial property located at 500 Dalton Avenue and 1222 Statesville Avenue (PID # 07902103 and PID # 07902102) in the City of Charlotte. The land is just beyond Brookshire Freeway north of Uptown Charlotte and is bounded by Statesville Avenue, Dalton Avenue and North Graham Street. The majority of the property was formerly the Sealtest Creamery ice cream manufacturing facility, and is zoned I-2 for heavy industrial land uses. The property is improved with three industrial buildings of which the office portion of the parcel located at 500 Dalton Avenue is being studied to retain along with the industrial building located at 1222 Statesville Avenue.

The proposed use of the property is to serve as the future site of the Charlotte Fire Department Fire Administration (including the Emergency Management and Fire Prevention) offices. No rezoning of the property to accommodate this new use is contemplated.

PROJECT JUSTIFICATION:

Currently, the Fire Administration and Emergency Management offices are in leased office space located at 228 East 9th Street in the First Ward Neighborhood, adjacent to the west side of the terminus of the South Corridor Light Rail Line. The facility does not provide adequate space for their current administrative offices and the Emergency Management Command Center is woefully inadequate (it currently shares space with a conference room) to accommodate the many agencies that would converge into Charlotte in the event a disaster were to occur in the city. Additionally, it is in an area of Uptown where redevelopment is very likely in the foreseeable future, during which time the building owner is expected to seek more profitable building occupants.

This permanent facility (to be developed, owned, and operated by the City of Charlotte) will also enable the Fire Department operations to be less decentralized by co-locating the Fire Administration Staff with Emergency Management, and Fire Prevention. In this effort, the City-owned Fire Prevention property located at 441 Beaumont Avenue will likely become surplus property (subject to a separate Mandatory Referral that would be submitted in conjunction with the marketing of that property).

Several sites were considered for this facility, but this property most closely met the following site selection criteria:

- close to Charlotte's Central Business District but not within the Loop (emergency command centers should be near – but not within – areas considered to be most likely targets).
- within easy access to the Government Center.
- at least 5 acres and preferably contiguous land (preference to NOT interrupt street network to assemble 5 acres)
- reasonably priced.

It is also a plus that investment in the new facility can serve as a catalyst for investment in a struggling neighborhood. It places greater focus on this community which is expected to reduce crime by having more eyes on the community.

The property is in the Lockwood neighborhood which is mostly industrial in the immediate vicinity with single and multi-family residential development along the periphery. The area is just outside of Fourth Ward but development on and around the site has been stagnant for many years. The City's investment should help activate new investment in this area. The Sealtest Creamery office building is a significant structure in the community and one that City engineers and architects are looking seriously to retain and restore to serve future Fire Department use. Should it not be financially feasible, the City's intent is to construct a building that will complement the character of the neighborhood. One significant drawback to preservation is the fact that emergency command centers must conform to more rigorous seismic requirements than other types of buildings and uses. It might be difficult, if not impossible, to retrofit the existing structures to conform to these requirements.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

Consolidation of multiple functions within the Fire Department can serve to increase efficiency. Additionally, a shift from occupancy of leased facilities to owned facilities will serve to be more cost-effective in the future, while improving the ability to make long-term investments (such as for power and technology) in the facility. Finally, investments of public facilities in areas of limited investment can have a way of increasing public confidence (and investment) in such areas.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The *Central District Plan* (1993) recommends light industrial uses. The proposed fire administration and management project is a use consistent with the adopted plan and is allowed within the existing I-2 (heavy industrial) zoning district as long as the building(s) do not exceed 100,000 square feet. (The I-1 zoning district – which would be a closer alignment to the land use recommendation in the *Central District Plan* allows government buildings up to 400,000 square feet.)

PROJECT IMPACT:

The Fire Administration Headquarters will be a sizable investment that should make a positive statement for the community. The industrial portion of the property is currently a huge structure that does not offer much curb appeal. If the City purchases the property, many of the industrial walls and chain link fencing will be removed, giving a good opportunity to build an aesthetically appealing structure.

The location of the new facility will be entirely on I-2 zoned property, will not displace any residential housing, increase noise or significantly impact traffic. The property is surrounded by three existing streets.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

The new state of the art Emergency Management Command Center will be housed in this new facility whereby local, state and federal agencies will converge to address whatever major emergency situation should arise.

ESTIMATED PROJECT COMPLETION DATE:

Land acquisition is proposed to begin this fiscal year (FY2010) with completion of the building around 2012.

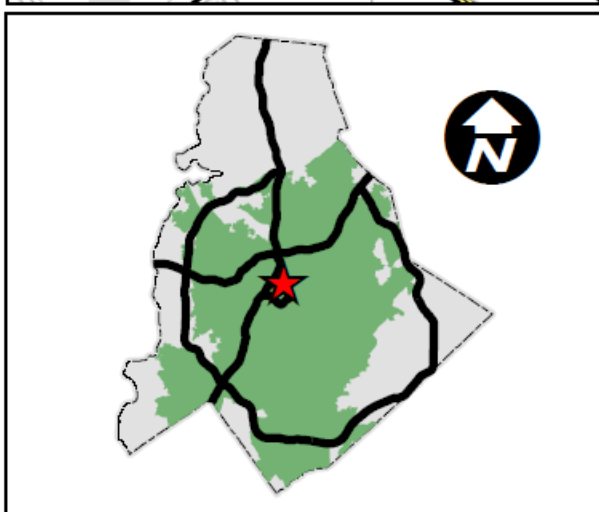
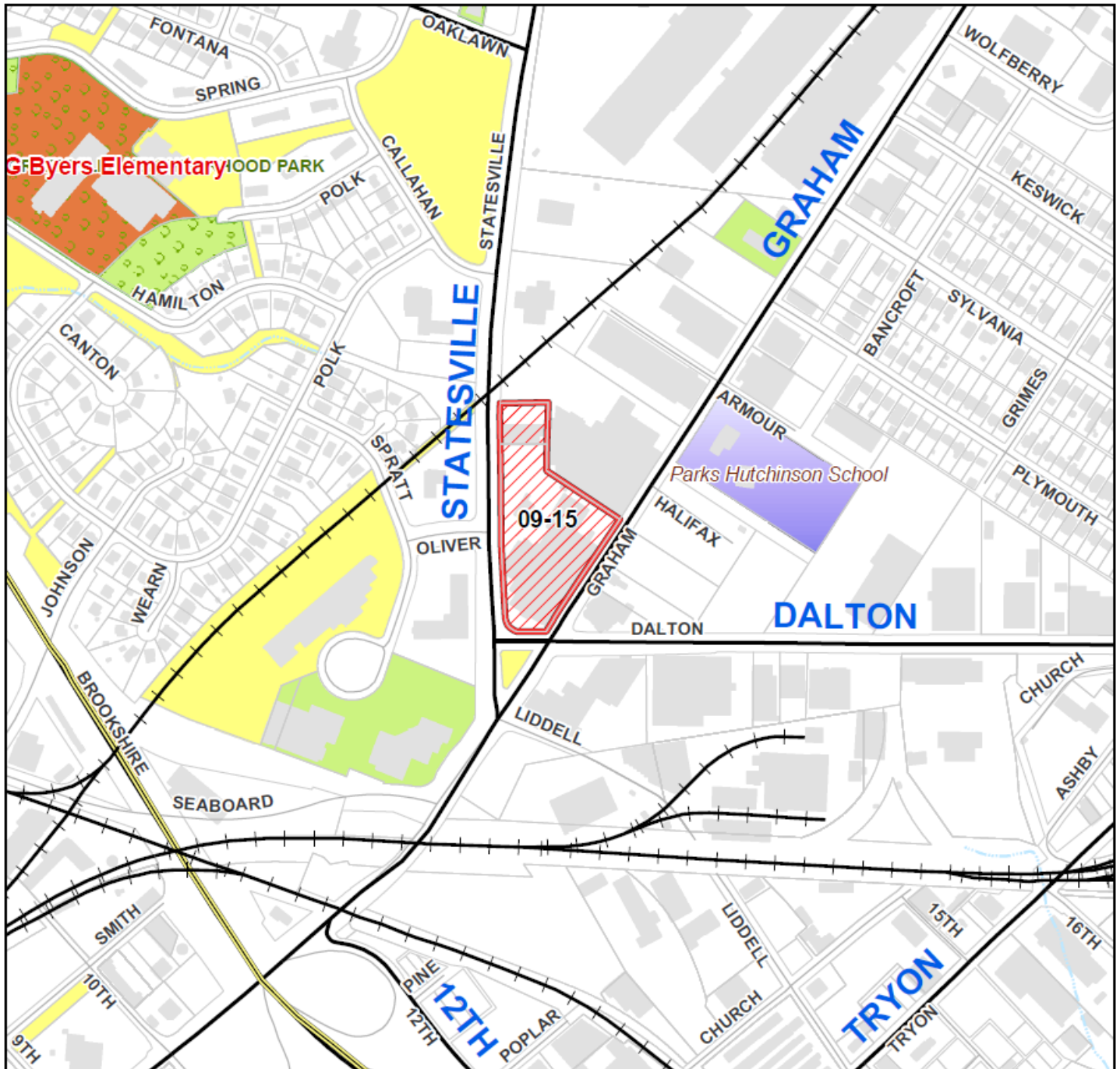
JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force discussed this matter at their September 2, 2009 meeting and no joint use comments were offered.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of this proposal.

CMPC PLANNING COMMITTEE RECOMMENDATION:



Mandatory Referral 09-15

Submitted by: City Real Estate

Initiated by: CFD

-  Mandatory Referral
-  County Property
-  City Property
-  Local Historic Landmark



Submitted by: Lynnea Pulver, E&PM, Real Estate Division

Initiated by: Lynnea Pulver, E&PM, Real Estate Division

MANDATORY REFERRAL REPORT NO. 09-16
Proposed Sale of City-Owned Parcel at 429 Coxe Avenue

PROJECT PROPOSAL AND LOCATION:

The City of Charlotte has received a request from a citizen to sell the City-owned parcel located at 429 Coxe Avenue (PID 071-105-50). The parcel is zoned O-2 (Office) and is approximately 7,500 square feet (0.17 acre) in size. It is currently wooded with undeveloped properties on either side. Across the street are two single family residences (also zoned O-2), with a single family residence behind the parcel (zoned B-1(CD) – Business Conditional). The undeveloped parcels to the west are zoned I-1 (Industrial).

The citizen interested in purchasing the parcel plans to build an owner-occupied single family residence on the lot.

PROJECT JUSTIFICATION:

Department polling was conducted in June/July 2009 on this parcel. No replies were received indicating interest by any City departments or other participating entities. The City acquired the property in 1948 in a tax foreclosure situation. The property has remained unused since that time.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

It is a City Real Estate policy to maximize the City's assets by generating revenue with the sale of surplus property. The value of the property will be determined by an independent appraisal and will be sold via the upset bid process as outlined in the State of North Carolina General Statutes.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The *Central District Plan* adopted in 1993 recommends a mix of single and multi-family residential land uses on this property (as well as on the properties to the west and north). Therefore, the proposal to construct a single family house at this location is consistent with the Plan.

PROJECT IMPACT:

Sale and development of this property will eliminate maintenance costs for the City and will eliminate the possibility of loitering on the property. Sale of this parcel will also create revenue to be added to the City's General Fund as well as return a property to the tax base.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

The sale of this parcel is not related to any known public or private projects.

ESTIMATED PROJECT COMPLETION DATE:

Completion of the upset bid process and Council approval should be complete by the end of 2009.

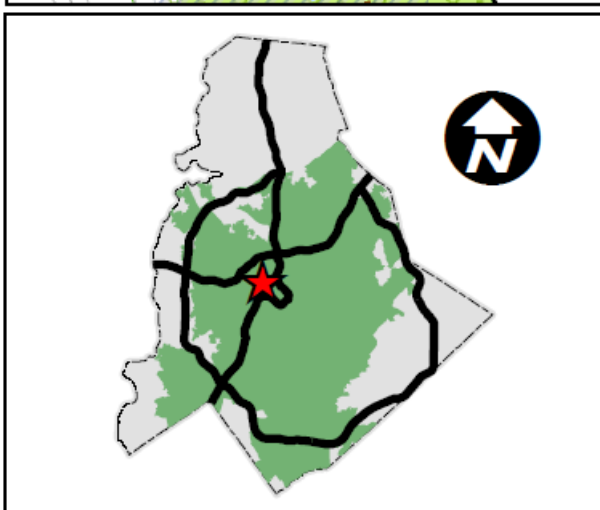
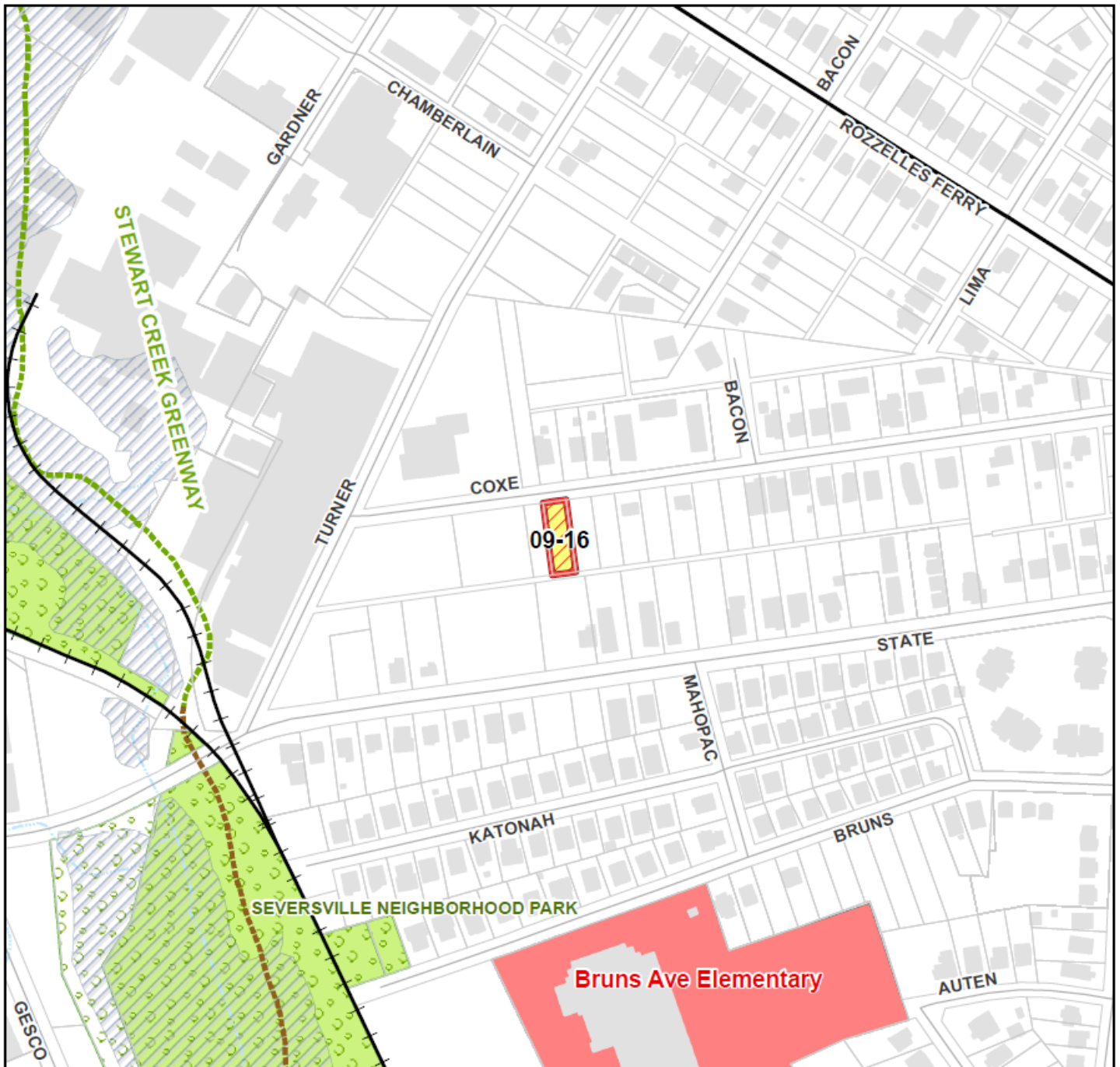
JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force reviewed this matter at their September 2, 2009 meeting and no joint use comments were offered.

PLANNING STAFF RECOMMENDATION:








Planning staff recommends approval of the sale for the proposed use, conditioned upon the property being rezoned from its current O-2 (Office) zoning to a zoning classification more appropriate to the intended use and consistent with the single family/multi-family land uses recommended in the *Central District Plan*. Consistent zoning is essential to minimize the likelihood of future conversion of the property to an office use that is inconsistent with the land use recommendation in the *Plan*.

CMPC PLANNING COMMITTEE RECOMMENDATION:



Mandatory Referral 09-16

Submitted & Initiated by: City Real Estate

- | | | | |
|---|-------------------------------|---|-----------------------|
|  | Mandatory Referral |  | Existing Greenway |
|  | County Property |  | Greenway Construction |
|  | City Property |  | Proposed Greenway |
|  | Charlotte-Mecklenburg Schools | | |

