



May 9, 2012

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, May 15, 2012 at 5:00 p.m. in Room 280** located on the 2nd Floor of the Charlotte-Mecklenburg Government Center.

At this meeting, the Committee will be asked to make recommendations on three Mandatory Referrals and receive an overview of the plan assessment process. Attached are copies of the minutes from the March 20, 2012 meeting and Mandatory Referrals #11-05, #12-04, and #12-06.

If you cannot attend the May 15th meeting, please contact me at (704) 336-5993 or mmcullough@charlottenc.gov at your earliest convenience.

Sincerely,

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

c. Planning Staff
Tim O'Brien, City Real Estate
Dennis LaCaria, CMS
Jacqueline McNeil, County Real Estate

Charlotte-Mecklenburg Planning Committee Meeting

May 15, 2012

CMGC – 2nd Floor, Room 280, 5:00 p.m.

Meeting Agenda

I. Call to Order and Introductions

II. Approve March 20, 2012 Meeting Minutes. *Attachment 1*

III. M.R. #11-15: Proposal by Charlotte-Mecklenburg Schools to Accept Donated Land near J. T. Williams School

Background: Charlotte-Mecklenburg Schools (CMS) proposes to accept a 2.8 acre parcel of vacant land located on Tipton Drive, adjacent to J. T. Williams School. CMS has no plans to develop the land; however, its acquisition could serve a number of purposes in the future. ***Attachment 2***

Staff Resources: Alberto Gonzalez, Planning
Dennis K. LaCaria, CMS Real Estate.

Action Requested: Approve Planning staff's recommendation for M.R. #11-15.

IV. M.R. #12-04: Proposal to Lease Portions of Several School Sites for Cell Towers

Background: CMS proposes to lease portions of seven school sites for cell tower construction, operation and maintenance. ***Attachment 3***

Staff Resources: Bryman Suttle, Planning
Jacqueline McNeil, County Real Estate

Action Requested: Approve Planning staff's recommendation for M.R. #12-04.

V. M.R. #12-06: Proposal by Mecklenburg County to Exchange Land Located along Little Sugar Creek Greenway in the Belmont Neighborhood with Duke Energy

Background: Mecklenburg County proposes to exchange a portion of a County owned parcel located on 13th Street east of N. Alexander Street (PID 081-082-04) with Duke Energy for a portion of a parcel located at the corner of Belmont Avenue and N. Alexander Street (PID 081-082-01). This land exchange will allow Duke Energy to construct a substation. ***Attachment 4***

Staff Resources: Melony McCullough, Planning
Jacqueline McNeil, County Real Estate

Action Requested: Approve Planning staff's recommendation for M.R. #12-06.

VI. Overview of the Plan Assessment Process

Background: Staff will provide a brief overview of the Plan Assessment Process. This is an analytical tool used by staff to help determine where future planning efforts should be focused.

Staff Resource: Melony McCullough, Planning

Action Requested: None, for information only.

VII. Area Plan Status and Meeting Report

Background: Committee members will provide an update on area plans.

Committee Resources and Upcoming Area Plan Meetings:

Area Plan	Assigned Commissioner(s)	Scheduled Meeting(s)	Meeting Location
Park Woodlawn	Karen Labovitz	TBD	YWCA – Central Carolinas 3420 Park Road

Action Requested: None, for information only.

VIII. Adjourn

**Charlotte-Mecklenburg Planning Commission
Planning Committee Meeting Minutes
CMGC – Conference Room 280, 2nd Floor
March 20, 2012**

Commissioners Present: Chairperson Yolanda Johnson, Vice-Chairperson Margaret Nealon, Commissioners Raymond Eschert, Karen Labovitz, Tony Lathrop, Deb Ryan, and Dwayne Walker

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

Other Staff Present: Jacqueline O'Neil (County Real Estate)

Call to Order

Chairperson Johnson called the meeting to order at 5:10 p.m.

Approval of Meeting Minutes

A motion was made by Commissioner Labovitz and seconded by Commissioner Walker to approve the February 21, 2012 minutes with the following modifications: Under Mandatory Referral #11-15, change the arrival time of Commissioner Walker from 5:28 p.m. to 5:27 p.m. and under Mandatory Referral #12-01, change Chairperson Ryan to Commissioner Ryan. The vote was 6-0 to approve the February 21, 2012 minutes as modified.

Review of the Mandatory Referral Process

Mr. Jonathan Wells (Planning) gave a brief overview of the Mandatory Referral process. Mandatory referrals are required when the City or County propose real estate transactions involving capital investments. The Planning Committee must take action on mandatory referrals within 30 days of submittal of a request to Planning staff. City Council or the Board of County Commissioners makes the final decision.

When considering mandatory referrals, consideration should be given to the consistency of the proposed use with adopted plans and policies, compatibility with surrounding land uses, potential impact on existing infrastructure, and opportunities for joint use. Factors that should not be considered include project costs, better use of public resources, and alternative locations. Transactions that are not subject to the mandatory referral process include land acquisitions for landfills, projects proposed by Mecklenburg towns, and acquisition of rights of way and easements. Commissioner Lathrop inquired about the authority that governs mandatory referrals. Mr. Wells replied that mandatory referrals are governed by state law. The Committee received Mr. Wells report as information.

M.R. #12-03: Proposed Acquisition of Property in the Wilmore Neighborhood for a Park

Mr. Kent Main (Planning) gave a presentation for the proposed acquisition of property in the Wilmore Community for a neighborhood park. Mecklenburg County proposes to purchase three parcels, totaling approximately one acre, located at the intersection of South Tryon Street and West Kingston Avenue. He stated that this proposal serves a critical need in an area underserved by park facilities and will be part of an evolving network of small urban open spaces. Commissioner Ryan asked if the parcels are contiguous. Ms. Jacqueline McNeil (County Real Estate) stated that one of the parcels is separated from the other two by a paper alley. The County will work with Charlotte Department of Transportation on how to address the alley. Commissioner Eschert added that this is a defined alley and the property is vacant. Commissioner Labovitz asked about the surrounding land uses. Mr. Main explained that there are houses and offices which will likely redevelop in the future to Transit Oriented Development – Residential (TOD-R).

A motion was made by Commissioner Walker and seconded by Vice-Chairperson Nealon to approve Planning staff's recommendation for Mandatory Referral #12-03. The vote was 7-0 to approve Planning staff's recommendation for Mandatory Referral #12-03.

Overview of the Area Planning Process

Ms. Melony McCullough (Planning) provided background information on the area plan development process. The outline of her presentation included defining an area plan, the policy framework, the plan development process, and plan implementation. She stated that an area plan is the framework for future growth and development that updates the broader, more general district plans.

Commissioner Eschert asked how the community is notified of planning processes. Ms. McCullough explained that notifications are sent to all property owners within the plan area as well as neighborhood leaders within one mile of the plan area boundaries. Commissioner Eschert inquired about the number of meetings held. Ms. McCullough answered that the number of meetings varies. However, staff attempts to limit the number to around nine. After further discussion, the Committee received the presentation as information.

Park Woodlawn Area Plan Update

Vice-Chairperson Nealon recused herself because of a conflict of interest involving her company.

Mr. Alberto Gonzalez gave an update on the Park Woodlawn Area planning process. The area is comprised of approximately 2,000 acres and includes established neighborhoods such as Madison Park and Sedgefield as well as the Park Road / Woodlawn Road Mixed-Use Activity. He shared the development history of the area and discussed the planning process. Vice-Chair Nealon asked why the neighborhood is not growing. Mr. Gonzalez stated that the neighborhood is stable and new development is often in the form of redevelopment. Commissioner Eschert stated that one factor may be the age of single family homes. Commissioner Labovitz said that she thinks the area's success can be attributed to its housing stock and the fact that it is a good place to buy a less expensive home. Commissioner Ryan asked about the aging population. Mr. Gonzalez stated that consideration of the aging population has been discussed. He continued with information on the area's walkability, connections, and increases in density. After further discussion, the Committee received the presentation as information.

Vice-Chairperson Nealon returned to the meeting.

Area Plan Status and Meeting Report

Park Woodlawn Area Plan Update

Commissioner Labovitz stated that the next Citizens Advisory Group meeting will be held on April 12, 2012. Commissioner Lathrop was appointed as back-up for Commissioner Labovitz on this plan.

Adjourn

Chairperson Johnson adjourned the meeting at 5:55 p.m.

**Charlotte-Mecklenburg Planning Commission
Planning Committee Meeting Minutes
CMGC – Conference Room 267, 2nd Floor
May 7, 2012**

Commissioners Present: Chairperson Yolanda Johnson, Vice-Chairperson Margaret Nealon, Commissioners Raymond Eschert, Karen Labovitz, Deb Ryan, and Dwayne Walker

Planning Staff Present: Alberto Gonzalez, Sonda Kennedy, Melony McCullough, and Jonathan Wells

Other Staff Present: Jacqueline O'Neil (County Real Estate) and Michelle Lancaster (County Manager's Office)

Call to Order

Chairperson Johnson called the meeting to order at 1:55 p.m.

M.R. #12-05: Proposed Conveyance of Mecklenburg County Owned Property to Charlotte-Mecklenburg Hospital Authority

Mr. Alberto Gonzalez (Planning) gave an overview of the mandatory referral to convey a County owned facility and approximately eight acres of land surrounding the building located at 501 Billingsley Road (CMC Randolph/Behavioral Health Center) to the Charlotte-Mecklenburg Hospital Authority for the continued operation of a behavioral health center. The *Central District Plan* and *Grier Heights Special Project Plan* recognize the institutional and office land uses in the area.

Commissioner Walker asked what measures are in place to ensure the continued operation of the Behavioral Health Center. Jacqueline O'Neil (County Real Estate) referred to Michelle Lancaster (County Manager's Office). Michelle explained that the County is in talks with the Hospital to determine the restrictions that will be placed on the site. Chairperson Johnson asked if it is normal to receive a Mandatory Referral before the contracts are finalized. Jonathan Wells (Planning) replied that staff doesn't usually get copies of the contract and each mandatory referral is unique. Commissioner Walker stated that given the parameters to keep designation on a property purchase in which he was involved, he wants to know if this is standard practice.

Commissioner Walker had concerns that it remain a behavioral health center and was opposed to approving mandatory referral #12-05.

A motion was made by Commissioner Ryan and seconded by Vice-Chairperson Nealon to approve Planning staff's recommendation for Mandatory Referral #12-05. The vote was 5-1 to approve Planning staff's recommendation for Mandatory Referral #12-05.

Yeas: Eschert, Johnson, Labovitz, Nealon, and Ryan

Nays: Walker

Adjourn

Chairperson Johnson adjourned the meeting at 2:07 p.m.

Submitted by: Katherine Bowen, CMS Real Estate Dept.

Initiated by: Katherine Bowen, CMS Real Estate Dept.

MANDATORY REFERRAL REPORT NO. 11-15
Charlotte Mecklenburg Schools Proposal to Accept Donated Land Near J.T. Williams School

PROJECT PROPOSAL AND LOCATION:

Charlotte-Mecklenburg Schools has been approached by the owner of a property located in the vicinity of the J.T. Williams school campus in Charlotte with a proposal to donate a 2.855-acre parcel of land to the school district. The parcel number of this vacant parcel is 077-031-01 which has a Tipton Drive address although it lacks access frontage on Tipton. Zoning of the property according to the Charlotte Zoning Ordinance is I-1(CD) Light Industrial (conditional), Rezoning Petition No. 94-96. The majority of the parcel lies within a floodplain. The real estate taxes currently due on the property total \$1,949; while the donor has requested no funds for the value of the property, she has requested assistance from CMS with taxes and other costs associated with the proposed transfer.

J.T. Williams school has for many years served as a middle school, housing grades 6 through 8. In spring, 2011, facing fiscal challenges, the Board of Education voted to close J.T. Williams and to move the Right Choices Program into the building. The Right Choices Program provides a constructive intervention and early support program for a group of students who have violated the CMS Code of Student Conduct. Right Choices is a six weeks placement that provides a more structured alternative setting, with support services from various human services agencies, for aggressive students.

While CMS has no specific or immediate plans to develop this vacant parcel, its acquisition could serve a number of purposes:

- The parcel could serve as a buffer between the school campus and the I-77/I-85 interchange that is immediately adjacent to the parcel
- Land-banking the property has the potential of securing the property either for future school district site development (or other public purpose) or for redevelopment opportunities at very little cost to the taxpayer
- The parcel has limited development potential without combining it with adjoining parcel(s) inasmuch as it has no direct street frontage.
- Public ownership of the property could serve to protect the floodplain portions from development.

PROJECT JUSTIFICATION:

The proposed action would add real estate to an existing school site for future development or expansion, at very little cost.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

No existing policies specifically apply to the proposed acquisition.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The *Central District Plan* (1993) recommends Greenway use for the portion of the parcel (majority of the parcel) that is within the floodplain and Light Industrial land use for the remainder of the parcel. Greenway use would be considered consistent with use of the property as a school campus.

PROJECT IMPACT:

The proposed action should have no impact inasmuch as no development is anticipated at this time.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

Given the frequency of rollover accidents on ramps in the I-77/I-85 interchange, the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) is proposing that an interchange re-design study be undertaken (which likely would be completed within the next 24 months). Eventual reconstruction of this interchange could potentially involve the need for additional interstate right-of-way. Since the subject parcel shares a boundary with the current interstate right-of-way, it could be impacted by a potential future re-design.

ESTIMATED PROJECT COMPLETION DATE:

The goal is to complete this transaction by December 31, 2011.

JOINT USE TASK FORCE REVIEW COMMENTS:

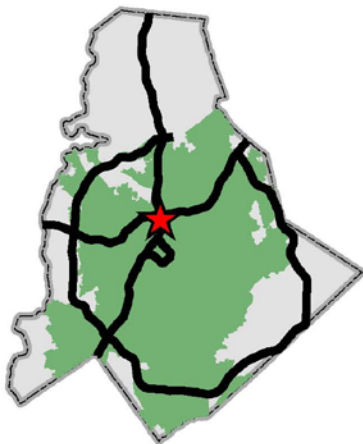
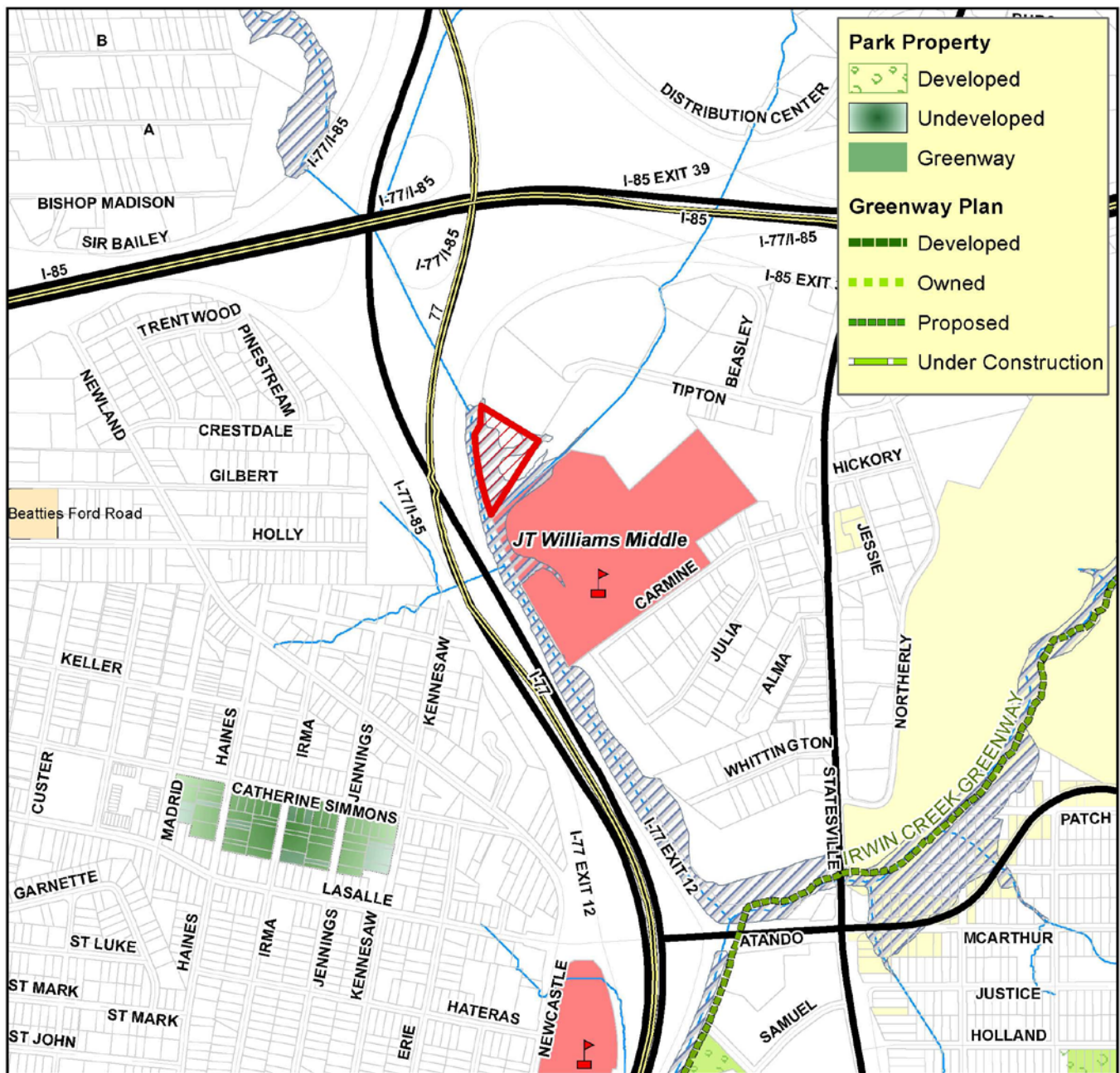
The Joint Use Task Force reviewed this matter at their December 7, 2011 meeting. The Park & Recreation representative stated interest in collaboratively examining greenway opportunities in the future.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed land donation to Charlotte-Mecklenburg Schools.

CMPC PLANNING COMMITTEE RECOMMENDATION:

Staff resource: Alberto Gonzalez



Mandatory Referral 11-15

Submitted & Initiated by: CMS Real Estate



Mandatory Referral



County Property



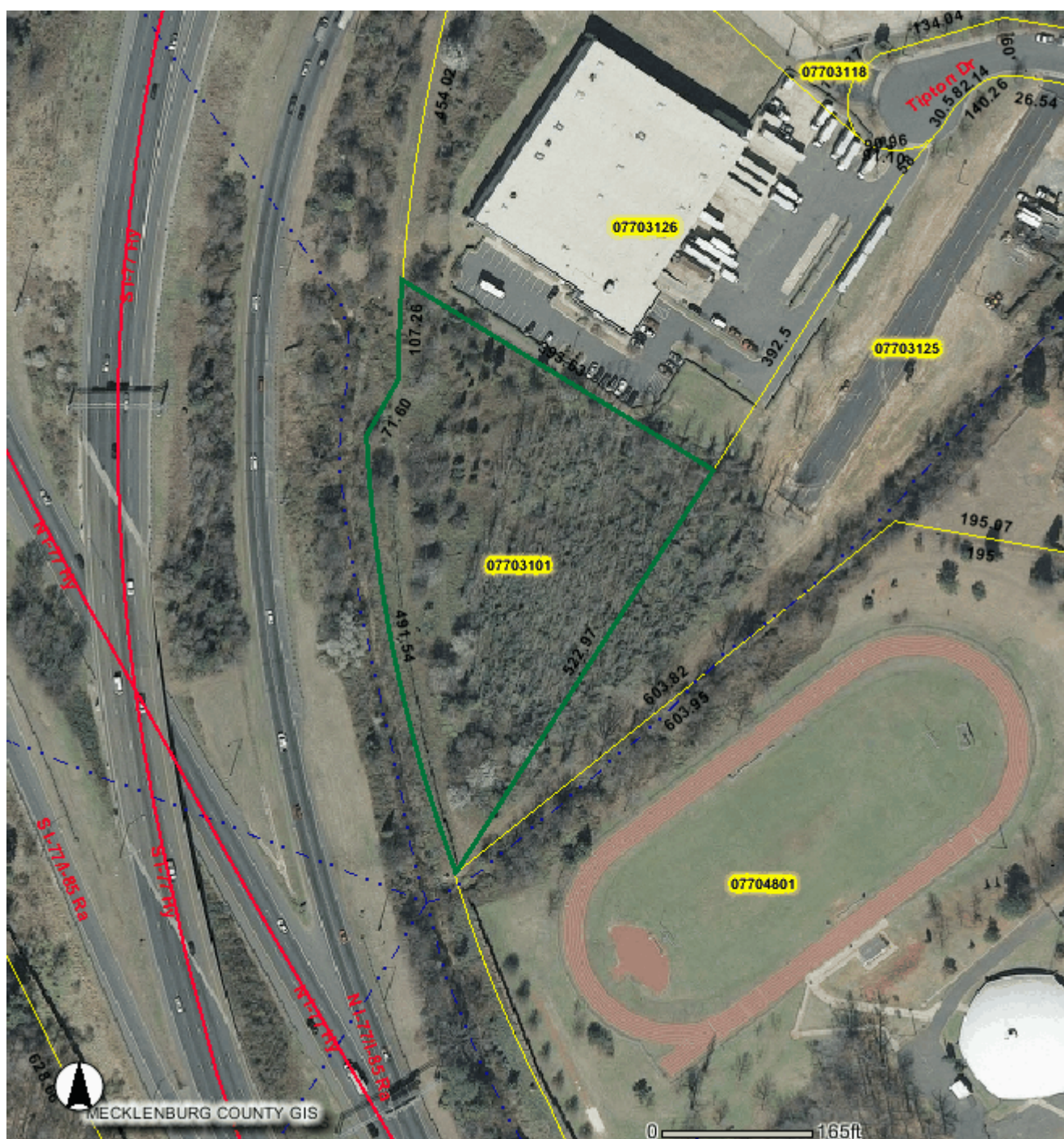
City Property



FEMA 100 Year Floodplain



Produced by the Charlotte-Mecklenburg Planning Department



Submitted by: Katherine Bowen, CMS Real Estate Dept.

Initiated by: Dennis LaCaria, CMS Facilities Planning

MANDATORY REFERRAL REPORT NO. 12-04
Proposed Leasing of Portions of Several School Sites for Cell Towers

PROJECT PROPOSAL AND LOCATION:

Charlotte-Mecklenburg Schools (CMS) proposes to lease portions of certain school sites for cell tower construction, operation and maintenance.

On August 18, 2010 a *Request for Expressions of Interest* (REI) to lease land for cell tower construction/cell service was posted on the CMS website. The deadline for submitting that request to CMS was October 31, 2011. Staff received expressions of interest for several school sites. The REI asked respondents to identify specific sites upon which they desired to locate cell towers. A total of seven school sites (see table below) were thereby identified.

On December 23, 2011, the Charlotte-Mecklenburg Board of Education gave approval for staff to negotiate with interested firms. CMS had entered into negotiations in accordance with applicable statutes and will advertise and seek upset bids.

The sites under consideration are:

Site Name	Address	Parcel Number	Parcel Zoning
Ardrey Kell High	10220 Ardrey Kell Rd	229-011-30	R-3
Community House Middle	9500 Community House Rd	223-041-32	R-3
Croft Community	4911 Hucks Rd	027-153-18	R-3
Elon Park Elementary	11401 Ardrey Kell Rd	223-521-04	R-3
Jay M. Robinson Middle	5925 Ballantyne Commons Pkwy	223-144-02,03; 229-151-01	R-3
Myers Park High	2400 Colony Rd	175-071-02	R-3
Sharon Elementary	4330 Foxcroft Rd	183-204-02	R-3
Leadership Academy	7920 Neal Rd/7600 IBM Dr.	047-391-08	INST

per Charlotte Zoning Ordinance

The proposed leases would be for five years (with renewal options). Liability would be limited for CMS (typical for CMS contracts), and clauses for termination and for convenience will be incorporated. The cell tower operators are not to interfere with school operations, staff, students, or the public who may use the school and property. These lease terms have proven successful with existing cell tower leases at Quail Hollow Middle School and Providence High School.

The leases are envisioned to include a 100 foot by 100 foot area to encompass tower pads, enclosures, access drives, etc. They are to be located on portions of the site that are not currently actively used (in no case will a current or planned school use be displaced by a tower).

PROJECT JUSTIFICATION:

Telecommunication towers offer an opportunity for public agencies to realize a revenue stream from current real estate assets.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

Prospective leases of portions of school sites for cell tower use are considered to be consistent with CMS policies regarding joint and community use of school sites. The City's General Development Policies for Infrastructure also support the co-location of facilities and private/public partnerships.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

Land use plans do not typically prescribe the location of public facilities, institutional uses, or utilities unless it is reflective of a preexisting facility or land banking/master planning efforts. These types of uses are governed by the zoning ordinance in terms of permitted uses by zoning district. Currently, cell towers are permitted within the R-3 and INST zoning districts subject to the conditions found in subsections 12.108(7) and 12.108(8) of Charlotte Zoning Ordinance.

PROJECT IMPACT:

These telecommunication towers will provide increased service to area customers and added revenue for the school district. Each cell tower operator is to be responsible for obtaining all permits and approvals necessary in order to erect the cell towers.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

There are no known public or private projects that will be adversely impacted by this project.

ESTIMATED PROJECT COMPLETION

The estimated completion for cell tower construction beginning with due diligence process is approximately twelve months per site.

JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force discussed this matter at their May 2, 2012 meeting and no joint use comments were offered.

PLANNING STAFF RECOMMENDATION:

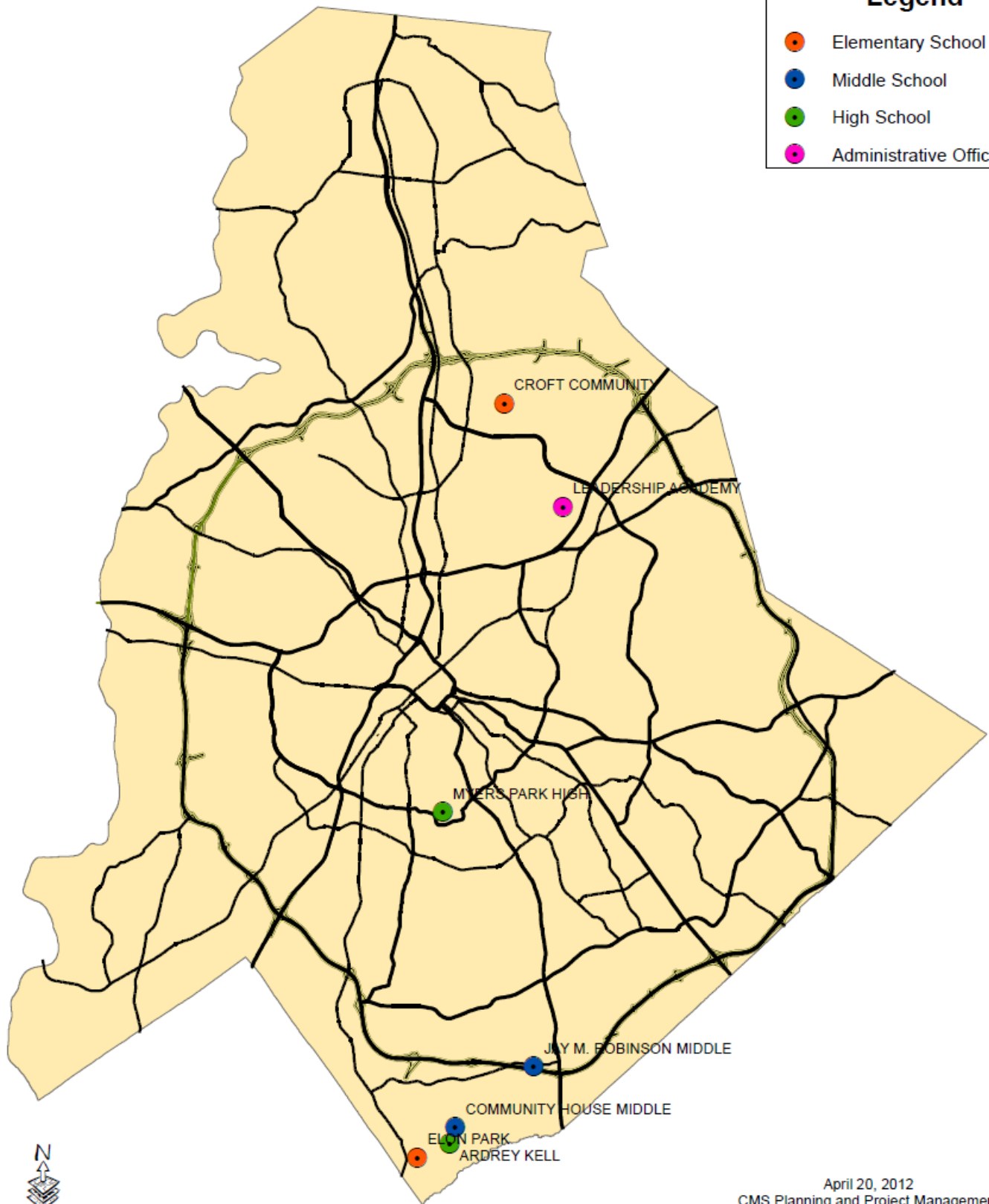
Staff recommends approval of this Mandatory Referral.

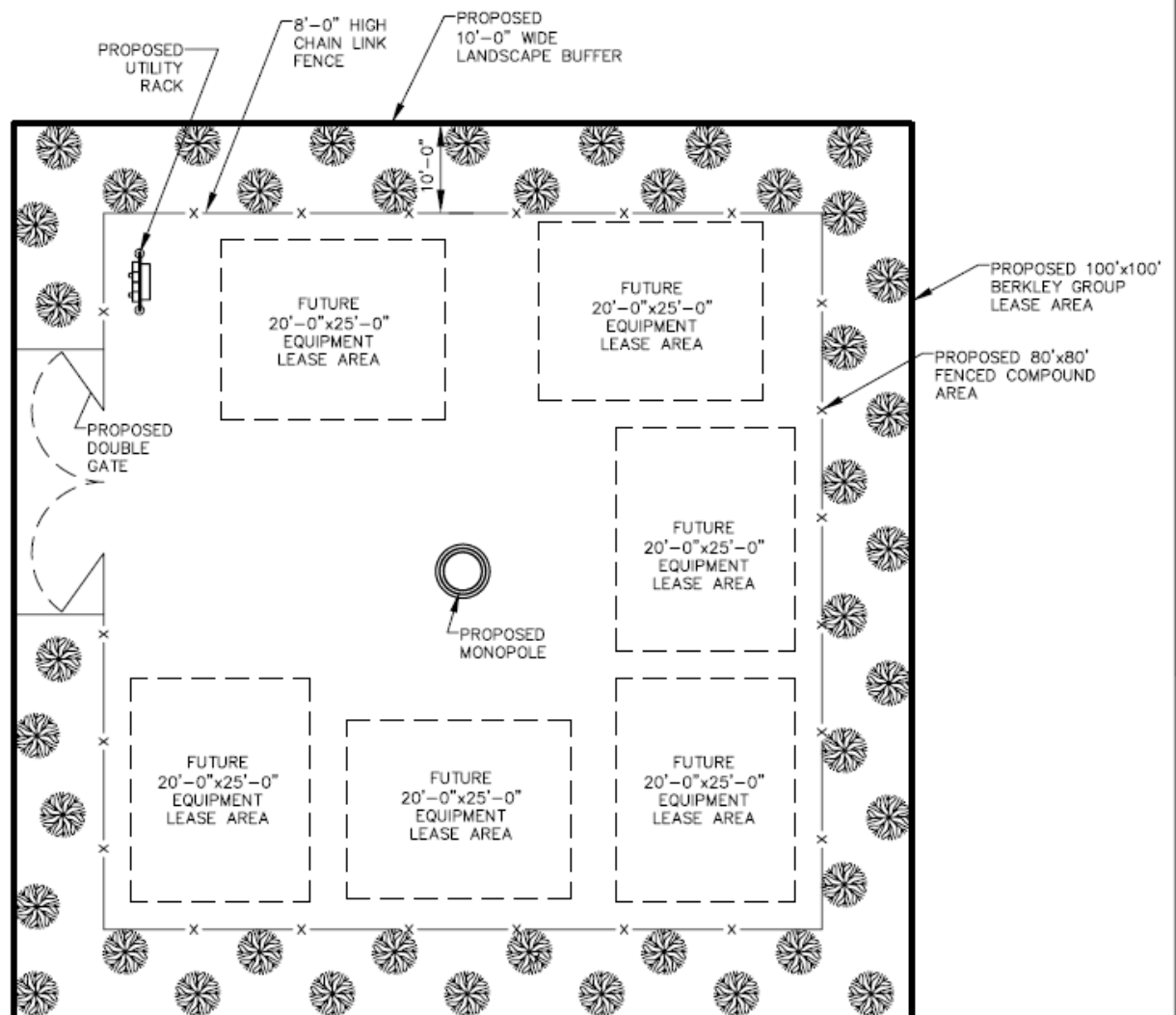
CMPC PLANNING COMMITTEE RECOMMENDATION:

Proposed Cell Tower Sites

Legend

- Elementary School
- Middle School
- High School
- Administrative Office





GRAPHIC SCALE: 1" = 20'



APPROX.

NOTE: ALL DIMENSIONS ARE APPROXIMATE



Engineering, Inc.
3 Marcus Drive
Greenville, SC 29615
Ph. (864) 288-0553
Fax. (864) 288-0559

**TYPICAL BERKLEY GROUP
100'x100' LEASE AREA LAYOUT**

BERKLEY GROUP LLC

SITE VISIT DATE:

N/A



INITIAL ISSUE

ISSUE DATE:

04/16/12

SKETCH NO:

C1

Submitted by: Jacqueline McNeil, Real Estate Services Dept.

Initiated by: Lee Jones, County Park and Recreation Department

MANDATORY REFERRAL REPORT NO. 12-06
Proposed Land Exchange of County Owned Property for Duke Energy Property in Belmont Community

PROJECT PROPOSAL AND LOCATION:

Mecklenburg County proposes a land exchange between the County and Duke Energy that will allow Duke Energy to construct a substation in the Belmont area to serve Uptown Charlotte. The County and Duke Energy both own property in the Belmont neighborhood along Little Sugar Creek and bounded by N. Alexander Street, Belmont Avenue, N. Myers Street, and 13th Street. The proposal involves Duke Energy exchanging a portion of the property it owns at the corner of Belmont Ave. and N. Alexander Street (a portion of parcel #081-082-01; +/- 0.40 acres) for a portion of County owned property along 13th Street (a portion of parcel #081-082-04; +/- 0.42 acres). The exact amount of the property to be exchanged will be determined by a survey that is mutually agreeable to both parties.

To meet regulatory setback requirements, Duke Energy is in the process of having the portions of 13th and N. Myers streets that border this property abandoned. (The Charlotte Department of Transportation has been working with Duke Energy on this matter and Duke staff are optimistic that the abandonment can be completed.) The portion of Duke Energy's property to be transferred to the County is vacant and zoned B-2 (Business), and the County's property is vacant and zoned R22MF (Residential Multi-Family) according to the Charlotte Zoning Ordinance. Duke has reported that no rezoning of the property to be acquired from the County will be required in order to construct the substation, once the portion of 13th Street is abandoned.

PROJECT JUSTIFICATION:

The proposed exchange will benefit the County by providing street frontage property that the County's Park and Recreation Department has deemed desirable for the greenway program. Park and Recreation envisions using the exchange property as an amenity area for the future greenway trail such as a parking lot/information kiosk center. The property exchange is necessary for Duke Energy to meet site requirements such as setback rules for its planned electrical substation.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

The exchange of this property is consistent with the County's 2008 Park and Recreation Master Plan goal of providing additional access to existing and future greenway trails. A future parking lot or other amenities at this location will provide citizens in this area and visitors increased access to trails.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The site is in the plan area of the *Belmont Area Revitalization Plan* (2003), which recommends the land use as Greenway/Open Space. Using this criteria, the proposed exchange is consistent for the portion of the site that will be used to enhance greenway access, but not for the land used for the substation. However, electrical substations are not typically contemplated in the area plan process; they are built where they are needed.

PROJECT IMPACT:

This project will have a positive impact on the community by helping to reduce the view of the substation from the street as well as providing increased greenway trail access.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

This project has no relationship with, nor is it anticipated to impact, other public or private projects in the vicinity.

ESTIMATED PROJECT COMPLETION DATE:

The goal is an August 2012 closing date for the land exchange.

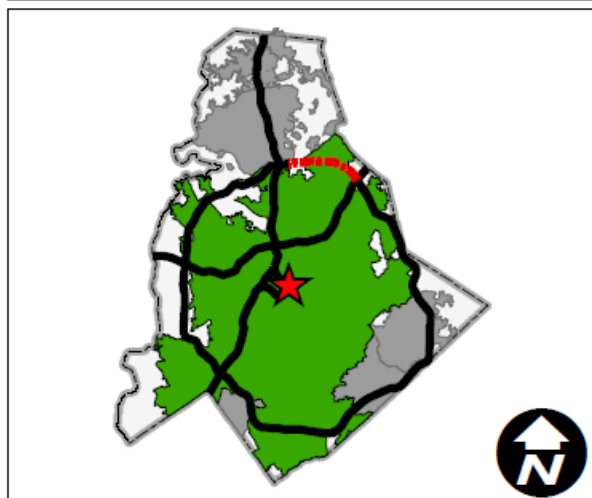
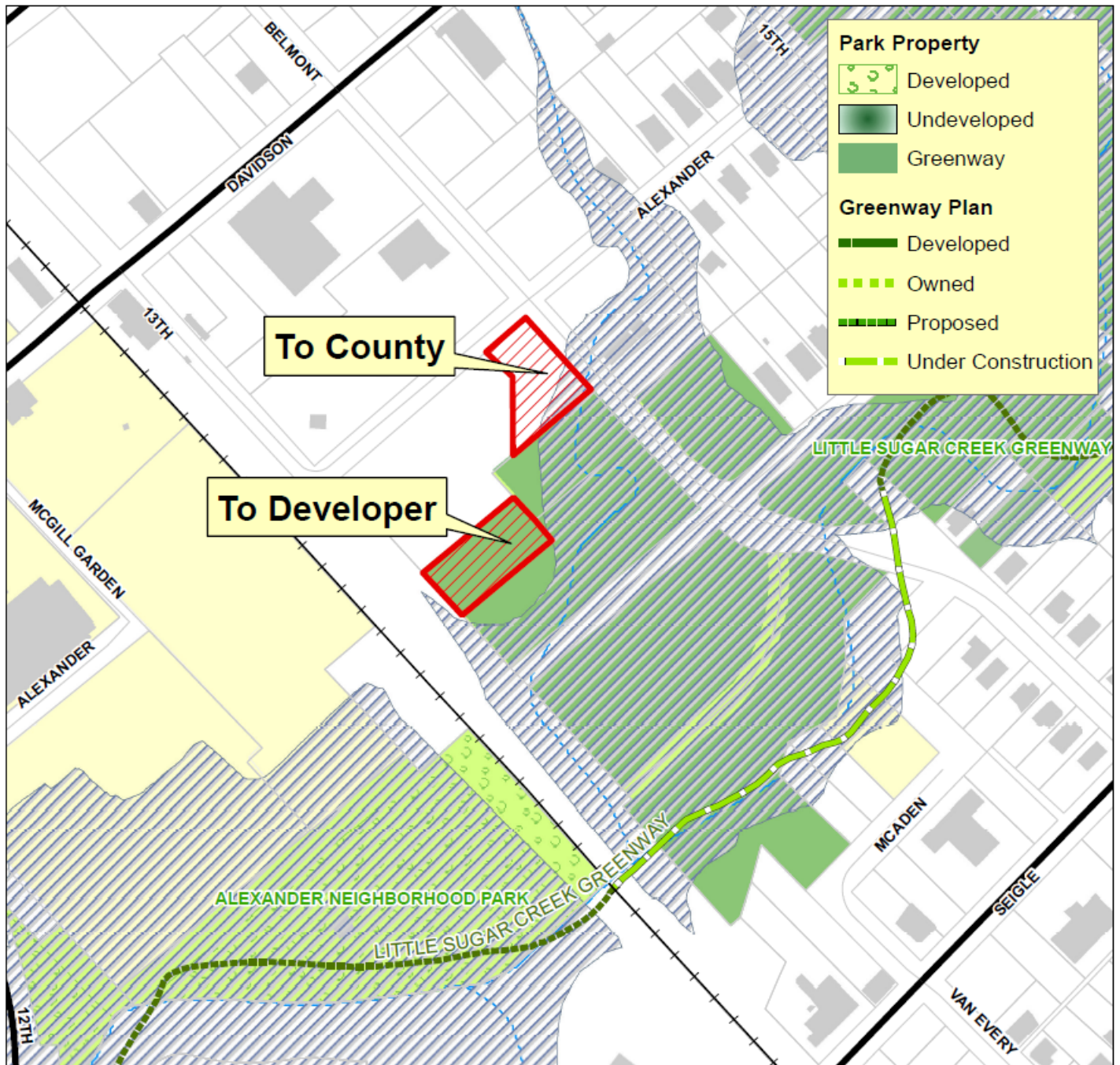
JOINT USE TASK FORCE REVIEW COMMENTS:

This matter was discussed at the May 2, 2012 meeting and no joint use comments were offered.

PLANNING STAFF RECOMMENDATION:

The subject location is bounded by a rail line, abandoned street right-of-way, and county-owned open space, and is across the street from a warehouse use. It is more than 300 away from single family zoning, and even further from the nearest single family residence. The current zoning, both-B-2 and R-22MF, appear to allow for electrical substations. However, Duke Energy should consider the addition of public art or other aesthetic enhancements in the area to mitigate the visual impact of the substation. In light of the benefit of enhanced greenway access and the limited impact the substation would have on surrounding residential areas, Planning staff supports this proposed land exchange.

CMPC PLANNING COMMITTEE RECOMMENDATION:



Mandatory Referral 12-06

Submitted by: County Real Estate Services Department

Initiated by: County Park & Recreation Department

- Mandatory Referral
- County Property
- City Property
- FEMA 100 Year Floodplain

Produced by the Charlotte-Mecklenburg Planning Department

