

Planning Committee

Agenda Packet

December 20, 2016 |
Room 280
5:00 p.m. |

Charlotte-Mecklenburg Planning Commission
Planning Committee Meeting Agenda
December 20, 2016 – 5:00 p.m.
CMGC – 2nd Floor, Room 280

1. Call to Order and Introductions

2. Approve November 15, 2016 Minutes. *Attachment 1*

3. Mandatory Referral Process

Background: Consider adoption of the proposed process from the Executive Committee for the review and evaluation of mandatory referrals. ***Attachment 2***

Staff Resources: Ed McKinney & Jonathan Wells, Planning

Action Requested: For Committee discussion.

4. Strategic Priorities Discussion

Unified Development Ordinance & Place Type Update

Background: The Committee will continue to discuss the ordinance rewrite and place types.

Staff Resources: Ed McKinney & Grant Meacci, Planning

Action Requested: For Committee discussion.

5. Adjourn

Attendance

Commissioners Present: Planning Commission Chairperson Tony Lathrop, Planning Committee Chairperson Mike Sullivan, Planning Committee Vice-Chairperson John Fryday and Commissioners John Ham, Bolyn McClung, Elizabeth McMillan, Dionne Nelson and Deborah Ryan

Planning Staff Present: Scott Adams, Kathy Cornett, Alberto Gonzalez, Garet Johnson, Catherine Mahoney, Kent Main, Ed McKinney, Grant Meacci, Cheryl Neely, Bryman Suttle, Amanda Vari, Jonathan Wells and Julia Zweifel

Other Staff Present: Peggy Hey, Charlotte-Mecklenburg Schools; Lee Jones, Park and Recreation and Jacqueline McNeil, County Asset & Facility Management

Call to Order and Introductions

Planning Committee Chairperson Sullivan called the meeting to order at 5:07 p.m., welcomed those present and asked everyone to introduce themselves.

Approve October 18, 2016 Minutes

Commissioner Ryan stated that the minutes do not reflect a question that was asked about mandatory referrals by either her or Commissioner Nelson. *At the October 18 meeting, Commissioner Ryan shared her concern that the Committee's recommendation does not have any impact on the submitting agency's final decision. She asked if staff is aware of any decisions on mandatory referrals that were changed after the Planning Committee's recommendation. Staff could not recall an example where that occurred.*

Chairperson Sullivan asked that the minutes be modified to reflect Commissioner Ryan's comments.

A motion was made by Vice-chairperson Fryday and seconded by Commissioner McClung to approve the October 18, 2016 minutes with the amendment proposed by Commissioner Ryan.

The vote was unanimous to approve the October 18, 2016 minutes as amended.

Draft North Tryon Vision Plan Recommendation

Chairperson Sullivan asked Grant Meacci to present information on the draft *North Tryon Vision Plan*. Mr. Meacci provided responses to some of the questions that were asked at the last meeting. He mentioned that City Council received public comment on the draft plan the previous night. He is asking the Planning Committee to make a recommendation on the draft plan tonight. The plan will go back to the TAP Committee in December for a recommendation to Council. Council will be asked to adopt the plan in January 2017.

Mr. Meacci said that he summarized the questions the Committee asked at the last meeting. One question was about the priorities of implementation. One of the main outcomes of the planning process was the desire to create an implementation committee. This was the desire of the steering committee and property owners who wanted to make sure the plan was implemented. The Foundation of the Carolinas, Center City Partners, Bank of America, the city and the county have formed an implementation committee to set the priorities for the project.

Another question was in regards to how the recommendations align with Council priorities. Mr. Meacci explained that this plan was the result of recommendations in the *Center City 2020 Vision Plan*. The actions and recommendations in the plan generally fall into the Council focus areas of community safety, economic development, housing and neighborhood development. Staff thinks that what they heard from the community aligns with the direction that Council has been headed and the recommendations in this plan are essentially implementing a part of the previously adopted plan.

The Committee also inquired about including Charlotte-Mecklenburg Schools in this process. Staff responded that CMS will be included in the formation of the implementation committee.

There was also a question in regards to the responsibility of developing the design standards. Staff will be primarily responsible for the design standards which will be implemented by development. The city will generally lead this effort. However, it will be a partnership.

One of the last questions was about the future of the Hall House and McGlohon Theatre. Both historic structures are recognized as great assets and the plan recommends integrating them into new development.

The final question was about some of the social services that currently exist in the district, particularly on the Hal Marshall site. Mr. Meacci said a larger discussion needs to take place with the county. Mr. Meacci concluded his presentation.

Chairperson Sullivan asked if the Committee had questions or would like to make a recommendation on the draft *North Tryon Vision Plan*.

A motion was made by Commissioner McClung and seconded by Commissioner Nelson to recommend approval of the draft North Tryon Vision Plan.

The vote was unanimous to recommend approval of the North Tryon Vision Plan.

Mandatory Referrals

Chairperson Sullivan asked if the Committee would like additional information on any of the mandatory referrals. Vice-chairperson Fryday asked to discuss M.R. #16-46 and M.R. #16-51. Chairperson Sullivan stated that those two mandatory referrals will be moved to the end of the agenda to allow the Committee time to discuss the Unified Development Ordinance (UDO) and place types in more detail.

M.R. #16-43: Proposal by Charlotte-Mecklenburg Board of Education to Renew the Grier Heights Community Center Lease

Background: The Board of Education proposes to renew the Grier Heights Community Center lease with the Billingsville Leadership Academy (also known as the Rosenwald School) which is located adjacent to Grier Heights Neighborhood Park (Tax Parcel 157-038-08 p/o).

M.R. #16-44: Proposal by Central Piedmont Community College (CPCC) to Construct a New Commercial Drivers' License Driving Course and a Lab Building on the Merancas Campus in the Town of Huntersville

Background: CPCC proposes to construct a new 115,000 square foot Commercial Drivers' License Driving Course and a 5,000 square foot, 1 story lab building on 9.3 acres located at 12332 Statesville Road in the Town of Huntersville (Tax Parcel 017-421-11).

M.R. #16-45: Proposal by Central Piedmont Community College (CPCC) to Construct a New North Energy Plant on the Central Campus

Background: CPCC proposes to construct a 7,138 square foot, two story centrally-located Energy Plant at the existing CPCC Central Campus on 12.4 acres located in the 1200 block of Sam Ryburn Walk (Tax Parcel 080-132-03).

M.R. #16-47: Proposal by Mecklenburg County to Accept the Donation of Property off Arrowridge Boulevard

Mecklenburg County proposes to accept the donation of 4 acres of vacant land located off Arrowridge Boulevard along the future Sugar Creek Greenway corridor (Tax Parcel 203-031-09 p/o).

M.R. #16-48: Proposal by Mecklenburg County to Exchange Land in Westmoreland Regional Park for Land Located on Robbins Park Drive in the Town of Cornelius

Mecklenburg County proposes to exchange 958 square feet of land located in Westmoreland Regional Park (Tax Parcel 005-071-12) for 958 square feet of land located on Robbins Park Drive in Cornelius (Tax Parcel 005-071-22).

M.R. #16-49: Proposal by Mecklenburg County to Accept the Donation of Property Located off Celia Avenue for Open Space

Mecklenburg County proposes to accept the donation of .14 acres of vacant land located off Celia Avenue and along a tributary to Stewart Creek (Tax Parcel 069-081-19). The parcel will be preserved as floodplain open space which reduces future flood risk.

M.R. #16-50: Proposal by CPCC to construct a new Classroom and Related Site Improvements on the Merancas Campus (Phase 4) in the Town of Huntersville

Background: CPCC proposes to construct a new 95,000 square foot, 3 story classroom building and related site improvements on a 49 acre site located at 11920 Verhoeff Drive in Huntersville (Tax Parcel 017-421-07).

A motion was made by Commissioner McClung and seconded by Vice-chairperson Fryday to approve by consent Planning staff's recommendation for M.R. #16-43, M.R. #16-44, M.R. #16-45, M.R. #16-47, M.R. #16-48, M.R. #16-49 and M.R. #16-50.

Yeas: Sullivan, Fryday, Ham, McClung, McMillan and Nelson

Abstained: Ryan

Commissioner McClung asked about moving the discussion for M.R. #16-46 up on the agenda. Chairperson Sullivan stated that he would like to adhere closely to the agenda to allow adequate time to discuss the UDO and place types. He will also make sure there is time to discuss this mandatory referral.

Unified Development Ordinance (UDO) and Place Types Discussion

Mr. Meacci said he would review what staff individually discussed with Committee members. He said input centered on the schedule, upcoming meetings and outreach.

Mr. Meacci said that staff realized as they began to align the growth framework with the UDO, this gives us an opportunity to update and align all of our growth policies. We are thinking about this as a holistic update to our growth framework. He thinks that it will make a seamless connection between the vision for growth and implementation.

He reminded the Committee that a while back discussions centered around the palette of place types; primarily 16 place types that range from open space to urban space. Staff heard that there was not enough specificity that differentiates between places. Staff has done a lot of analysis on how to capture that differentiation. For example, a historic neighborhood located close to Uptown that might differentiate from a newer neighborhood located on the edge of town. Consider how NoDa differs from Highland Creek or how Belmont differs from Ballantyne.

We have introduced the idea of an intensity tier. We have introduced an urban and a suburban intensity tier to allow for the differentiation between the same type of place but with different characteristics. This has been done for single family residential, mixed residential, light industrial, mixed use and mixed use neighborhoods.

We have also essentially introduced tiering for mixed use activity centers. If you think about the highest intensity activity center being Uptown and the lowest intensity mixed use activity center being a smaller version of a mixed use center, it could be located at any number of intersections between the south and the north. All activity centers are not created equal. There is a gradation in scale and size and one way to explain this is a matter of intensity. It is a matter of types, mix of uses and function of scale.

Mr. Meacci said the discussion at the next meeting will center on how form and pattern elements and numbers associated with them relate to the intensity tiers. For example, how does a height range change from an urban to a suburban area or a mixed use activity center one to a mixed use activity center four.

Commissioner McClung asked how the average citizen is supposed to understand the difference between mixed residential and mixed use residential because it is confusing. Mr. Meacci answered by seeing a lot of examples. A mixed residential neighborhood might have lots of different housing types and forms. There could be apartments integrated with duplexes and single family homes. The idea is that it is primarily a single family neighborhood of homes and does not have large commercial uses. A mixed use neighborhood may allow more commercial uses or there could be a historic commercial center on a main street.

Commissioner McClung said that CMS is creating a magnet plan and transportation plan based on socio economic statistics. Therefore, when people say or hear mixed residential, they might think of something different than what is being described. Mr. Meacci said the titles continue to evolve and some of them may change as we go into the community.

Mr. Meacci stated that the second item discussed was about the first attempt to place the schedule and deliverables together into one diagram. He presented an update. This diagram indicates how and when the community will be engaged. Committee members said that staff also needs to show where periodic updates from City Council and the Planning Commission will be located.

Mr. Meacci continued by stating that the diagram needs to show how the engagement process is really building toward specific milestones and ultimately, leading into a draft place type guide and draft UDO. Staff also heard that the diagram is not representative of all the meetings taking place.

Vice-chairperson Fryday stated that this is fine as long as it is your personal schedule and is not for the general public. Mr. Meacci stated that there is a summary that is geared more toward the general public and City Council that shows key milestones. Commissioner McClung asked if there will be coding to show what has been completed. Mr. Meacci responded yes there will be a way of showing where we are in the process including what has been completed.

Chairperson Sullivan stated that there are a number of thresholds that may require Council and the Committee to be more engaged. He said emphasizing those is important. Mr. Meacci replied that key points will be highlighted.

Mr. Meacci said that staff scheduled five community workshops that are intended to build awareness and knowledge about what place types are and how to get involved. Postcards were mailed and email blasts were sent. The city's social media sites and Next Door have been used to notify the public of this process. Also, a press release was distributed to 120 different media organizations.

Mr. Meacci said the workshops will include a short presentation summarizing some of the information that staff has shared with the Committee. There will also be an interactive table exercise to help people understand Place Types. The last portion of the meeting will include information stations with staff available to answer general questions about planning.

Commissioner Ryan asked what feedback do you think you will get from these meetings. Mr. Meacci answered for the public to get a basic understanding of what place types are and how they will be used. Secondly, how the public can remain involved in the process.

Commissioner Ryan clarified that the first part is education not engagement. She said that she would like to hear about the interactive table where you can explore the elements of place types. She added that she was surprised to get an email today about the meetings and did not know they were happening so quickly. She is concerned about what the public will get the first time out and asked Mr. Meacci to expound upon the four elements of place types.

Mr. Meacci explained that we have the form and pattern elements that primarily make up place types. This could mean height ranges, setback or building type. We have a lot of pictures from around the city to explain a particular place type. Essentially, we are trying to explain form and pattern and how they relate to a specific place type by using photos of real places.

Commissioner Ryan stated that she is hesitant to go to a community meeting which is educational where people are actually given a chance to provide input. One of the things that may be helpful is to get people in the community to help you with what a particular place type means relative to a category. For instance, you could have people from Dilworth tell you what makes the word Dilworth relative to these issues. She shared that she still has concern about using these names if we are trying to make a big shift between places defined by use and places defined by type. She thinks to continue to use titles based on the land use is counterproductive long term. Mr. Meacci stated he did not have an answer for her at this time. Finding the right words and language is important but not easy. It has been an ongoing discussion and staff recognizes that we are not there. Commissioner Ryan acknowledged that this is really hard to accomplish.

Commissioner McClung said he is concerned about expectations when the public sees the place types' concept. Mr. Meacci mentioned Belmont and Ballantyne. Commissioner McClung asked how do you control or build expectations. For example, if you try to create walkable communities in Ballantyne, they already have them in the Beatties Ford Road area. You are not talking the same language to people.

Commissioner McClung asked on a scale of one to ten what input have developers had. Mr. Meacci answered that staff has visited development specific professional groups but very few neighborhood groups, if any. Information has been shared with the Chamber Land Use Committee, American Institutes of Architects (AIA), Real Estate and Building Industry Coalition (REBIC) and professional engineers. Commissioner McClung asked what is the quality of their input. Mr. Meacci said that it is too early to tell because they are not sure what to expect.

Commissioner Nelson asked for clarification on the description of place types on the chart in Mr. Meacci's presentation. The use of descriptors such as mixed residential impacts people's current perception of a residential land use. If the description is supposed to be about the character of a place, consider using a descriptor about a character and not words like mixed use, residential or other traditional land use words. It may difficult to change the terms later in the process after people have become accustomed to their use.

Chairperson Sullivan stated that the information shared at the upcoming workshops will help the public understand what is coming. He suggested that since the workshops will take place in different parts of the community, they will focus on the specific area and how it would be classified. For example, explain a development that you may see in that particular area or how what we are trying to accomplish could work that area. It is important to help people better understand how this will impact where they live. Mr. Meacci agreed and said that is the way the process is setup.

Chairperson Sullivan further explained that some of the terms may mean something different in some areas. Some communities are concerned about major changes that are occurring and may think this is not for them. Mr. Meacci confirmed that it is more like using examples in the geography of the meeting location. Chairperson Sullivan answered yes. Vice-chairperson Fryday suggested some minor adjustments to the interactive table exercise.

Ed McKinney (Planning) said what he heard from the Committee is really valuable. He said that staff needs to lighten the terminology and the way it is described. He said what we would like to get out of these meetings is an understanding of the concept and place types. He said the way to make it clear is to give real world examples of places in their geography and their characteristics. Hopefully, we will get new vocabulary about the characteristics that are important to them. We can take that information and test it against the things that we are doing behind the scenes.

Commissioner McClung suggested coordinating with CMS on this. He said CMS is doing something similar now. They are taking five transportation zones and creating 3 transportation zones. This effort is causing people to rethink who they are associating with and the same sort thing is happening here.

Commissioner Ryan said that through teaching urban design she finds that her students don't know what these terms mean. In terms of single family residential, it's really places that have individual homes and mixed residential might be a place that has individual homes, duplexes and 3-story apartment buildings. A mixed use neighborhood may have retail shops, churches, individual homes and apartments. We could let the public help us name those places without using jargon. A description would be more helpful.

Commissioner Nelson said that she is concerned about neighborhoods that have changed or that are changing a lot. It is one of the challenges we have collectively as a community. There are some neighborhoods where parcel to parcel those descriptions are meaningfully different. We need to be prepared to address this issue because when you think about changing neighborhoods it is a more complex conversation.

Vice-chairperson Fryday said rather than trying to identify neighborhoods to plug in certain buckets, it may be the exact opposite. For example, East Boulevard is not talking about what East Boulevard is today but about what it is going to be. Mr. Meacci said there will be neighborhoods that say this is the place type that we want to be and it describes the place that it is now. They do not want to change. While other neighborhoods will say we are this now but we really want to be something different. Both of these answers are appropriate. Each leads to different outcomes in the zoning ordinance. Explaining this to the community is important.

Mr. Meacci said staff will elevate the discussion on design, form and other elements.

Mandatory Referrals Continued

M.R. #16-46: Proposal by Charlotte-Mecklenburg Board of Education (CMS) to Sell Land at Ballantyne Elementary School

Background: CMS proposes to sell 32 acres of surplus property located at 15422 Marvin Road (Tax Parcel 223-091-03) near Johnston Road, adjacent to Ballantyne Elementary School.

Mr. Main stated that the property was designed and rezoned for single family residential. He explained that for various reasons, including the recession, it was not developed residentially. It was developed with a full street network and subdivided into lots and is ready for residential development. However, there was a very controversial proposal for affordable housing that slowed development. The concern is that Ballantyne is an area where there is a shortage of affordable housing and the Neighborhood and Business Services Department (N&BS) wants to look at how that need might be met by this parcel or other parcels in the area.

Vice-chairperson Fryday asked about transit connections. Mr. Main answered there are not any. Vice-chairperson Fryday asked if they have employment centers. Mr. Main replied that this property is located in the greater Ballantyne area and there are not any immediate connections to neighborhood services.

Commissioner Nelson said that we have to think broadly about affordable housing and who uses affordable housing. In reality, the school is an employment center for somebody that needs affordable housing. She also thanked staff for a more comprehensive description of the complexity of this mandatory referral.

A motion was made by Commissioner Nelson and seconded by Commissioner Ham to approve Planning staff's recommendation for M.R. #16-46. The vote was unanimous to approve staff's recommendation for M.R. #16-46.

Yeas: Sullivan, Fryday, Ham, McClung, McMillan and Nelson

Abstained: Ryan

Commissioner Nelson stated this continues to reflect the challenges with the mandatory referral process and the Planning Committee's role in the process. She acknowledged that she understands that CMS had an offer on the property but she believes it is the Committee's job to provide feedback that the Board of Education and superintendent can consider in deciding whether or not to move forward with this transaction. She thinks this is an opportunity to provide feedback relative to the broader concern.

M.R. #16-51: Proposal by Mecklenburg County to Exchange Land Located in the Morningside Neighborhood

Background: Mecklenburg County proposes to exchange 1,250 square feet of land located south of Ivey Drive and bounded by Briar Creek and Morningside Drive (Tax Parcel 129-024-09 p/o) for 1,250 square feet of vacant land located on the westerly side of Briar Creek north of McClintock Road (Tax Parcel 129-024-08 p/o).

Vice-chairperson Fryday stated that the property being added to the adjacent lot is zoned MUDD-O and the adjacent lot is zoned MUDD-O. The report says that it is being done for a single family residence. He asked if there is a restriction that it be single family or can land be added and someone build whatever is allowed. Jacqueline McNeil (County Asset & Facility Management) said that she understands that the developer is supposed to develop three single family lots. However, he could petition for a rezoning.

Vice-chairperson Fryday shared his concern about the potential for the property to be developed with a four story apartment building instead of three single family units. Ms. McNeil stated there is no restriction on the property once the transaction occurs. However, she understands that it is supposed to be developed with three single family homes.

Mr. McKinney stated this is a part of a larger master plan development under the MUDD-O rezoning, It has a range of entitlements which includes mixed residential. This mandatory referral does not change those entitlements or the intensity of development. There is a very specific site plan.

A motion was made by Vice-chairperson Fryday and seconded by Commissioner Nelson to approve Planning staff's recommendation for M.R. #16-51. The vote was unanimous to approve staff's recommendation for M.R. #16-51.

Yeas: Sullivan, Fryday, Ham, McClung, McMillan and Nelson

Abstained: Ryan

Mandatory Referral Process

Commissioner Sullivan stated this is a continuation of discussions from previous meetings about the need to get an understanding of the mandatory referral process. He shared a document, that the Executive Committee developed and asked Committee members to share any suggested changes with Vice-chairperson Fryday. The Executive Committee will discuss recommended changes and the Planning Committee will be asked to approve the document at the next meeting. The changes to the mandatory referral process will take effect in January.

Commissioner Nelson said some of the information in the Planning Commission handbook is not in the statute. She is trying to understand why there has been a practice that is not consistent with the requirements. She asked what the Committee is required to do. Ms. Johnson replied that the statutes do not provide a lot of direction and that is why the handbook includes Planning policy. Ms. Johnson agreed that there is not a lot in the statute that defines what the Committee is supposed to do other than review the mandatory referral and provide a response, if any.

Vice-chairperson Fryday said that he looked up old statutes from 1972 and found a very small article stating that the city asked for this and he tried to find in the city's minutes why they did this. What he gathered from his research is that in 1973 the Planning Commission was totally different and had a lot more power than it has today. Planning staff worked for the Planning Commission and the planning director was hired by the Planning Commission. The Planning Commission heard rezoning request with the City Council present. Vice-chairperson Fryday added that this is totally different from the way we operate today.

Vice-chairperson Fryday said that he thinks there must have been property in the school system, county or some quasi-judicial agency like the authority that has the auditorium. An agency must have sold or bought some land and did not go before the Planning Commission. As a result, someone went to the state legislature and got a bill passed to prevent this from happening again. Vice-chairperson Fryday said that the difficulty that he sees in this is that the Planning Commission does not have much power. He thinks whoever put together the process in the Planning Commission handbook did a nice job of saying what should be examined for mandatory referrals. He added that while the Commission is not the group that makes decisions on capital improvements, it seems like a decent list of what should be considered during the mandatory referral process.

Vice-chairperson Fryday said that he would like to see a process established that goes through and checks the boxes that a piece of property has gone through this process. He thinks the Joint Use Task Force is set up to do this. The report comes to this body for review and a recommendation. The Committee goes to the appropriate board and say we understand that we cannot stop you but we would like for you to consider certain things.

Commissioner Nelson commented on the text in red. She emphasized that the sale of a piece of property does not change the land use. The Committee can evaluate the proposal using some criteria but cannot ensure anything. She said that what she values about the vagueness of the state statute is that it gives the Committee the flexibility to decide what they would like to say and to whom. She thinks that even though the Committee cannot stop a transaction, they should at least have the flexibility to direct the feedback or a comment to a particular body. Currently, the Committee goes through this process and is not sure if anyone who has the authority to make a decision sees their recommendation. If that does not happen, she thinks this is a waste of the Committee's time.

Commissioner McClung said that M.R. #16-43 is an interesting one. He said that Peggy Hey (CMS) brought this forward because she thought that it was the right thing to do. It is for a lease agreement. He said some people decide to bring things forward for mandatory referrals and others do not. He added that there are people that see the Committee's comments and think they are important.

Commissioner Ryan commented on the information in red. She is concerned about some of the language because it refers to an evaluation based on land use not place types. This seems obsolete moving forward. She said that she is not sure if the text in red identifies the problem that the Committee needs to solve. She thinks the Committee has a good prospective on how to evaluate things. Commissioner Ryan said the Committee also might want to ask about a description of livability principles. She stated that the reason she abstains from these votes is because she objects to this process in general.

She walked through a scenario of the time frame said that she is not convinced that this can actually happen within 30 days. She asked if the Committee is suggesting that they will now report to City Council. Commissioner Nelson said if that is included in the motion. Commissioner Ryan said that if the Committee refers this to City Council maybe they can do something about it. She does not think that they will receive it in time to do take action within 30 days. If there was enough time for City Council to bring this into the public light then perhaps the Committee would be doing something worthwhile. She does not think the text helps solve the problem.

Commissioner Nelson agreed with Commissioner Ryan's concerns. Commissioner Nelson said she thinks that the city, county and schools should have a mutual discussion around the need to address this issue. She used the mandatory referral last month for the schools as an example and stated that a recommendation on the mandatory referral could go to City Council, Board of County Commissioners and CMS Board of Education as well as the city manager, county manager and superintendent. It will not take 30 days for action because someone in one of these groups or the leadership structure has the ability to call real estate and say stop. She thinks that voting to recommend something seems inappropriate because the Committee is not actually taking an action.

Commissioner Ryan said that she thinks Commissioner Nelson is saying what the Committee is doing now is ineffective but it could be effective if the right people receive the Committee's recommendation. Commissioner Ryan said the Committee should not to have to figure out who the right person is each time. She would like a standard response list.

Vice-chairperson Fryday said he agrees and thinks that every piece of property needs to go through a rigorous process that addresses these items. He said there are people who know the right answers and maybe there needs to be a formal committee that has representation from transportation, housing and other key areas who will check these requests.

Commissioner Ryan asked if it becomes something like the rezoning review where other agencies may not provide comments. Vice-chairperson Fryday said there could be a requirement that the assigned agency would have to sign off on the request. For example, if affordable housing is important, the request would be assigned to N&BS and they would have to check that they have reviewed the request.

Chairperson Sullivan said that he is often surprised when agencies do not comment on proposals. However, he said that the Committee has to be careful about beating on doors to different government entities. He said the Committee is to make a recommendation. He reiterated that the general statutes say that the Commission should give their input. It does not say that the Commission should tell others that we don't agree with them and they are wrong. The Commission should give a recommendation based on what they think is the correct response.

Commissioner Ryan said she thinks agencies are focused on their missions. She does not think that the Commission is overstepping their bounds by disagreeing with an agency's decision.

Commissioner Nelson said that she thinks the Committee needs to respect that staff is doing their job and having that conversation. There is value in the JUTF. She said the energy around affordable housing is fundamentally different today than it was a year ago. She trusts that staff will make that evolve as a priority. She suggests that if the Committee is going to tweak the process that they let everyone know. She also said the Committee should encourage the various bodies to make sure that their participation in JUTF is robust. Her expectation is that JUTF discussions happen at the beginning of a sale and that issues are fully vetted early in the process.

Chairperson Sullivan said he thinks this is a great conversation and the process can be improved. He wants to get to where the process is updated and the Committee's input is more meaningful. He asked the Committee members to share any Comments with Vice-chairperson Fryday.

Mr. McKinney said the text in red was developed over time because of the vagueness of the statute. He said that he does not think the Committee wants the kind of analysis that is put into a rezoning. This is just a good way for to check the box and ensure we considered these things. He said that Commissioner Ryan brought up a good point about the time frame and getting information to the Committee in advance. Given the current time frame, it will be difficult to commit every time to provide the level of analysis that you see tonight in advance of this meeting. Allow staff to think about how to get information to you or think about the 30 day window.

Mr. McKinney emphasized that the JUTF meeting is a staff meeting. Mandatory referrals are only one component of that staff meeting. It is designed to have holistic conversations regularly about all sorts of things. We use that to really check that last box that we have on that red list.

Ms. Johnson said that while staff is working on the timeframe we can also work with you on the text in the blue to formalize who receives the information.

Ms. McNeil suggested that the Committee consider how these changes may affect how agencies do business.

Mr. Wells stated there is something to be said about confidentiality with respect to the relationship between a buyer and also the confidentiality with the elected officials that are in the position to ultimately make decisions on these requests. He added that when a mandatory referral is submitted it becomes a public document.

Adjourned: 7:10 p.m.

ATTACHMENT 2**Mandatory Referral Process (Draft proposal 11/28/2016)**

After reviewing the NC Statute, the Planning Committee recognized a need to better articulate the Mandatory Referral review process to ensure that each referral is appropriately evaluated and discussed and that Committee concerns are communicated to the appropriate parties. Below is the proposed process developed by the Executive Committee of the Planning Commission, working with staff and members of the Planning Committee.

Planning Staff Review and Evaluation

Planning Staff will ensure that each Mandatory Referral is evaluated for¹:

- Consistency with any applicable adopted planning policies (e.g, Area Plans, Place Types);
- Consistency with any other applicable public policies, goals, and capital plans for the area;
- Consistency with the submitting agency's capital plans and capital plans of other public agencies;
- Compatibility with surrounding land uses;
- Impact on public services and infrastructure; and
- Potential for shared use or joint use opportunities.

Staff will provide the Planning Committee with documentation of the above evaluation for their review and response. This documentation is referred to below as the "Mandatory Referral Report".

Planning Committee Review

Given the 30 day window of the Statute, and the time needed for staff review and evaluation, staff will provide the Committee the final Mandatory Referral Report that includes the staff evaluation and recommendation a week prior to the Planning Committee meeting. Included in this report will be a summary of any discussion of the Mandatory Referral by the Joint Use Task Force and a list of the departments/agencies in attendance at the Joint Use Task Force meeting. Committee members are responsible for reviewing this information.

Planning Committee Recommendation and Response

Conforming to the Statute, the Planning Committee "will review the project or action and make whatever response, if any, to the submitting body and others as it deems appropriate"². The Committee may choose to respond to the Mandatory Referrals as consent items, or may choose to discuss in more detail.

¹ Criteria based on the Mandatory Referrals Section of the Charlotte-Mecklenburg Planning Commission Handbook

² NC State Statute language on Mandatory Referral process

Typical Planning Committee responses will include:

Recommend Approval:

- Response - Mandatory Referrals that are recommended for approval by the Planning Committee.
- Transmittal and Communication - Planning Staff will provide email response, including full Mandatory Referral Report with the Planning Committee response, to submitting staff.

Not Recommend Approval:

- Response - Mandatory Referrals that are not recommended for approval by the Planning Committee. Included in the Planning Committee response will be an explanation of the rationale.
- Transmittal and Communication - Planning staff will provide email response, including full Mandatory Referral Report with the Planning Committee response, to submitting staff and a formal letter from the Planning Committee Chair to the submitting Board, agency or department, with a copy to submitting agency/department heads as applicable.

No Action:

- Response - Mandatory Referrals that the Planning Committee does not wish to take action on. These may be cases that the Planning Committee does not feel it has adequate information to make a recommendation or is requesting that the parties involved have further discussion to ensure the goals of the evaluation criteria are achieved. Included in the Planning Committee response will be an explanation of the reason no action was taken.
- Transmittal and Communication - Planning staff will provide email response, including full Mandatory Referral Report with the Planning Committee response, to submitting staff. The Committee may also choose to send a formal letter from the Planning Committee Chair to the submitting Board, agency or department, with a copy to submitting agency/department heads as applicable.

Transmittal and Communication Contact List:

Staff will draft an example letter to use as a template to facilitate the response letter from the Planning Committee Chairperson.

(Note that the below list is not yet complete, rather is provided for discussion)

- Mecklenburg County
 - Submitting Staff: Asset Management; County Manager's Office; County Stormwater; or Parks & Recreation
 - Agency/Department Head:
 - County Manager: Mecklenburg County Manager
 - Board of County Commission: Chairman
- Charlotte Mecklenburg Schools
 - Submitting Staff:
 - Agency/Department Head: Superintendent
 - School Board: Chairperson
- Charlotte Mecklenburg Public Library
 - Submitting Staff:
 - Agency/Department Head:
 - Board Chairperson:
- Central Piedmont Community College
 - Submitting Staff:
 - Agency/Department Head:
 - Board Chairperson:
- City of Charlotte
 - Submitting Staff: Real Estate (on behalf of numerous departments); CATS; Neighborhood & Business Services
 - Agency/Department Head:
 - City Manager
 - City Council