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# Planning Committee

## Agenda Packet

October 15, 2019 |  
Room 280  
5:00 p.m. |



# Charlotte-Mecklenburg Planning Commission

## Planning Committee Meeting Agenda

October 15, 2019 | 5 p.m.

CMGC – 2<sup>nd</sup> Floor, Room 280

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### 1. Call to Order and Introductions

### 2. Approval of September 17, 2019 Minutes. *Attachment 1*

3. **M.R. #19-24** | Mecklenburg County Storm Water Services Program proposes to acquire several flood prone properties located on Riverside Drive and Lake Drive near the Catawba River (see mandatory referral for tax parcel numbers). *Attachment 2*

Staff Resources:        Alberto Gonzalez - Planning, Design & Development  
                                 Katie Daughtry - County Asset & Facility Management

4. **M.R. #19-25** | Mecklenburg County Alcohol Beverage Control Board proposes to lease approximately 1.76 acres of vacant land bounded by Steelcroft Parkway to the north, Hoover Creek Boulevard to the west, and Steele Creek Road to the southeast to operate an ABC Store (Tax Parcel 219-061-09). *Attachment 3*

Staff Resources:        Alberto Gonzalez - Planning, Design & Development  
                                 Michael Tully - Mecklenburg County Alcohol Beverage Control Board

### 5. Adjournment



**Charlotte-Mecklenburg Planning Commission**  
**Planning Committee Meeting Minutes (D-R-A-F-T)**

**ATTACHMENT 1**

September 17, 2019 – 5:00 p.m.

CMGC – 2nd Floor, Room 280

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**Attendance**

**Planning Committee Members Present:** Chairperson Keba Samuel, Vice-Chairperson Douglas Welton, Commissioners: Erin Barbee, Andrew Blumenthal, John Friday, Peter Kelly, and Elizabeth McMillan

**Other Planning Commissioners Present:** Commissioner Phillip Gussman

**Planning Staff Present:** Robert Cook, Scott Correll, Zenia Duhaney, Alan Goodwin, Alberto Gonzalez, Laura Harmon, Garet Johnson, Charlotte Lamb, Kevin May, Melony McCullough, and Sandy Montgomery

**Other Staff Present:** Bill Coxe, Town of Huntersville; Jennifer Morell, County Asset & Facility Management; Miles Vaughn, Housing and Neighborhood Services; and Roberta Whitner, General Services

**Welcome and Introductions**

Chairperson Samuel called the meeting to order at 5:06 p.m., welcomed those present and asked everyone to introduce themselves.

**Approval of Minutes**

*A motion was made by Commissioner Kelly and seconded by Vice-Chairperson Welton to approve the July 16, 2019 minutes. The minutes were unanimously approved.*

**Mandatory Referrals**

The Chairperson asked if the Committee would like to discuss any of the mandatory referrals. Vice-Chairperson Welton asked to discuss M.R.#19-20.

**M.R. #19-20** | Mecklenburg County proposes to acquire approximately 71 acres of vacant land located east of Trails End Land and north of Asbury Chapel Road in the Town of Huntersville's extraterritorial jurisdiction for Asbury Chapel area park gap (tax parcels 019-341-10, 17 & 019-351-08).

Candice Rorie (Planning) provided an overview of the mandatory referral. The parcels are located within a park gap area in the Asbury Chapel Road area of Huntersville. A master plan has not been developed for the area. However, potential features may include community park amenities such as a park shelter, half-court basketball, sports fields, and a play structure.

Bill Coxe (Town of Huntersville) provided more details about the proposal. He stated that the parcels are in the town's extra-territorial jurisdiction (ETJ) and explained that they are significantly impacted by two future minor thoroughfares on the Charlotte Regional Transportation Planning Organization's (CRTPO) adopted Comprehensive Transportation Plan (CTP) Highway Map. The two roadways are the Verhoeff Drive Extension and Ferrelltown Parkway (formerly known as Asbury Chapel Rd realignment). Any alteration of these routes will require an environmental analysis and heavy public engagement as originally conducted. Mr. Coxe noted that the road alignments can be moved, but it will be difficult.

Jennifer Morrell (County Asset & Facility Management) stated that Mecklenburg County Park & Recreation is acquiring land in gap areas to provide additional parks in underserved areas. She said that although the land acquisition will continue, the County will work with the town to resolve issues. She emphasized that a master plan for the project has not been developed.

Commissioner Friday asked if the roads are constructed, will the remaining land be sufficient for a park. He also asked for an example of a similar road near a residential area and park. Mr. Coxie said that Park Road Park is the only park in Mecklenburg County with a thoroughfare going through it. Vice-Chairperson Welton stated that it functions as two separate parks. Ms. Morrell added that Park Road Park was split by road improvements. Commissioner Friday recommended that staff overlay the proposed road improvements over the parcels to determine how much land will remain.

Commissioners Kelly and Blumenthal asked about the timeline and how did the project get this far without conversation. Garett Johnson (Planning) explained that the mandatory referral process helps to identify outstanding issues and sometimes raises red flags.

*A motion was made by Commissioner Barbee and seconded by Commissioner Kelly to state that the Planning Committee reviewed M.R. #19-20 and has the following comment for the submitting agency: Review a map of the subject parcels overlaid with the proposed roadway alignments to determine the feasibility of the park and roads to operate in unison. The motion was unanimously approved.*

**M.R. #19-16** | Mecklenburg County proposes to acquire approximately 0.91 acres of vacant land located near Sharon Road for the construction of Briar Creek Greenway (Tax Parcel 181-042-05).

**M.R. #19-17** | Charlotte Mecklenburg Library proposes to dispose of a 5-acre vacant parcel located on the south side of Shopton Road extending from Steele Creek Place Drive to Gable Road (Tax Parcel 201-072-27).

**M.R. #19-18** | The City of Charlotte proposes to dispose of a parcel totaling approximately 0.8 located at 705 East Seventh Street (Tax Parcel 080-104-02).

**M.R. #19-19** | The City of Charlotte proposes the lease, transfer or sale of several parcels located in Lincoln Heights Park for the construction of affordable housing with deed restrictions to ensure long-term affordability (see mandatory referral for Tax Parcel numbers).

**M.R. #19-21** | Mecklenburg County proposes to acquire 4 parcels of land totaling approximately 7 acres located north of Wilkinson Blvd and the County's Iswa Nature Preserve near the Catawba River and the Mecklenburg/Gaston County Line for park land (Tax Parcels 053-241-01, 02 & 053-242-03, 05).

**M.R. #19-22** | Mecklenburg County proposes to acquire approximately 57 acres of vacant land located in the Palisades area, south of York Road and east of the South Carolina state line and Lake Wylie for park land (Tax Parcel 217-241-20).

**M.R. #19-23** | Mecklenburg County proposes to acquire approximately 1.1 acres of vacant land located on Riverside Drive in close vicinity to Mountain Island Lake for park land (Tax Parcels 031-152-14 - 17).

*A motion was made by Commissioner Barbee and seconded by Commissioner Kelly to state that the Planning Committee reviewed M.R. #19-16, M.R. #19-17, M.R. #19-18, M.R. #19-19, M.R. #19-21, M.R. #19-22, and M.R. #19-23 on September 17, 2019 and has no additional comments for the submitting agency. The motion was unanimously approved.*

## Recommendation on Sign Ordinance Text Amendment

Laura Harmon and Kevin May (Planning) asked the Planning Committee to make a recommendation to City Council on the draft sign regulations. Mr. May gave a brief overview of the text amendment. Below is a summary of the Committee's questions and staff's responses:

- Why are the definitions located in the middle of the document rather than the front or back?  
*Staff agreed to move Section 13.6 before 13.4, and renumber the sections accordingly.*
- Is maintenance of trees covered in the Tree Ordinance?  
*Staff: Yes, standards for maintenance are currently in the ordinance.*
- Why is the illumination of A-frame signs not allowed?  
*Staff: Flashing, blinking, or moving lights could impact pedestrian and vehicle safety.*
- How often can the message change on a projected wall sign?  
*Staff: The message can change every 8 seconds.*
- Are temporary signs allowed during construction?  
*Staff: Yes, planned developments and infill properties under construction are permitted to have temporary ground signs.*
- Can multiple sign types be allowed on a site?  
*Staff: Yes.*
- Was Code Enforcement staff involved in preparing the new Sign Chapter?  
*Staff: Yes, they were involved from the beginning and reviewed the various drafts.*
- Can amendments be made to the Sign Chapter after it is adopted?  
*Staff: Yes, there is always the opportunity, if needed, to adjust the regulations based on the impacts in the community. In addition, the zoning district names will likely change during the UDO process, which will require a future text amendment to the Sign Chapter.*
- Clarify "grandfathering".  
*Staff: Signs will be given legal non-conforming status (grandfathered) only if they were already legal.*
- Are feather signs permitted?  
*Staff: No, they are not currently allowed and they are prohibited in the new regulations.*
- Will this text amendment alleviate any of the existing sign violations?  
*Staff: No. Most violations are for portable signs, feather signs, and animated, fluttering, or moving signs.*
- Will the new regulations have a detrimental impact in the field?  
*Staff: Code Enforcement does anticipate a negative impact.*
- What signs are regulated and what are not?  
*Staff: Signs on private property are regulated, but signs in the rights-of-way are not captured in this text amendment. They have separate standards.*

- What dictates “instantaneous” in the change of one message to another?

*Staff: The message cannot wipe, scroll, fade, animate, or transition to the next message.*

- What are the temporary sign time limits for banners?

*Staff: Banners are limited to a maximum display period of 14 consecutive days with a minimum of ten days between display periods. Time limits for other temporary signs vary by the type of sign.*

- What is the impact of the new regulations on rezoning petitions for sign modifications?

*Staff: This should reduce the number of rezoning requests.*

- What is the timeframe for this amendment?

*Staff: The recommendation of the Planning Committee will be forwarded to the City Council for consideration at their October 21, 2019 Zoning Meeting for decision.*

*A motion was made by Commissioner Blumenthal and seconded by Commissioner Barbee to recommend approval of the Sign Ordinance Text Amendment to City Council. The motion was unanimously approved.*

## **Adjournment**

The meeting adjourned at 6:11 pm.



**MANDATORY REFERRAL | REPORT NO. 19-24**

**Proposal to acquire properties with Flood Prone Structures near Catawba River/Riverside Drive**

**PROJECT PROPOSAL AND LOCATION:**

Mecklenburg County's Storm Water Services Program proposes to acquire the flood prone properties listed below. These properties are subject to periodic and severe flooding. Use of County Storm Water Services capital funds is proposed for acquisition of these properties. Parcel owner participation is voluntary, no condemnation is proposed.

<b>TAX PARCEL ID</b>	<b>STREET ADDRESS</b>	<b>LAND USE</b>	<b>ZONING</b>
031-151-03	911 RIVERSIDE DR, CHARLOTTE	SF RESIDENTIAL	R-5
031-151-04	917 RIVERSIDE DR, CHARLOTTE	SF RESIDENTIAL	R-5
031-151-05	925 RIVERSIDE DR, CHARLOTTE	SF RESIDENTIAL	R-5
031-151-06	931 RIVERSIDE DR, CHARLOTTE	SF RESIDENTIAL	R-5
031-152-13	944 RIVERSIDE DR, CHARLOTTE	VACANT	R-5
031-152-21	950 RIVERSIDE DR, CHARLOTTE	VACANT	R-3
031-152-34	1004 RIVERSIDE DR, CHARLOTTE	SF RESIDENTIAL	R-3
031-152-12	1008 RIVERSIDE DR, CHARLOTTE	SF RESIDENTIAL	R-3/R-5
031-161-19	1415 RIVERSIDE DR, CHARLOTTE	SF RESIDENTIAL	R-5
031-472-03	1501 LAKE DR, CHARLOTTE	SF RESIDENTIAL	R-5
031-472-04	1509 LAKE DR, CHARLOTTE	SF RESIDENTIAL	R-5
031-472-05	1513 LAKE DR, CHARLOTTE	SF RESIDENTIAL	R-5
031-472-06	1521 LAKE DR, CHARLOTTE	VACANT	R-5
031-472-07	1529 LAKE DR, CHARLOTTE	SF RESIDENTIAL	R-5
031-472-09	1609 LAKE DR, CHARLOTTE	SF RESIDENTIAL	R-5
031-472-10	1613 LAKE DR, CHARLOTTE	SF RESIDENTIAL	R-5
031-472-11	1701 LAKE DR, CHARLOTTE	SF RESIDENTIAL	R-5
031-472-12	1715 LAKE DR, CHARLOTTE	SF RESIDENTIAL	R-5
031-472-13	1727 LAKE DR, CHARLOTTE	SF RESIDENTIAL	R-5

**PROJECT JUSTIFICATION:**

The proposed acquisitions are located within a FEMA-designated floodplain and are at continued risk of life and property damage and/or loss from future floods. The proposed acquisitions are intended to eliminate potential future losses by removing the improvements.

**CONSISTENCY WITH ADOPTED PUBLIC POLICIES:**

General acquisition of floodplain parcels is consistent with the *Mecklenburg County Floodplain Management Guidance Document* (adopted by County Commission on December 3, 1997) which aimed to 1) prevent and reduce the loss of life, property damage, and service disruptions and 2) restore natural and beneficial functions of the floodplain. The selection of these specific parcels for acquisition is supported by the July 2, 2019 *Mecklenburg Board of County Commissioners Resolution Adopting Guidelines for a Voluntary Buyout and retroFIT Grant Program for Floodplain Structures that sustained Damage During Flooding Along the Catawba River on June 9 and 10, 2019*.

**CONSISTENCY WITH ADOPTED LAND USE PLANS:**

The adopted future land use for these parcels as recommended by the Northwest District Plan (1990) is single family up to 4 DUA.

**PROJECT IMPACT:**

Acquisition of these parcels will contribute to a reduction in property damage and potential loss of life for the affected communities as well as adding to the water quality/open space needs of the community

**RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:**

While other projects are not currently identified, acquired parcels can be available for future public/private projects with the understanding that new structures (buildings) will not be allowed.

**ESTIMATED PROJECT COMPLETION DATE:**

Mecklenburg County anticipates acquiring these properties by the end of 2019 or early 2020, provided the owners are willing.

**JOINT USE TASK FORCE REVIEW COMMENTS:**

The Joint Use Task Force reviewed the proposed request electronically and offered no comments.

**PLANNING STAFF REVIEW:**

Planning staff has reviewed the proposed request and states the following:

Conclusions:

- The properties will be acquired with County Storm Water Services capital funds backed by property tax assessments.
- The acquisition program is entirely voluntary.
- The acquisition provides the opportunity of reducing future property damage and potentially loss of life in a flood prone area of the County.

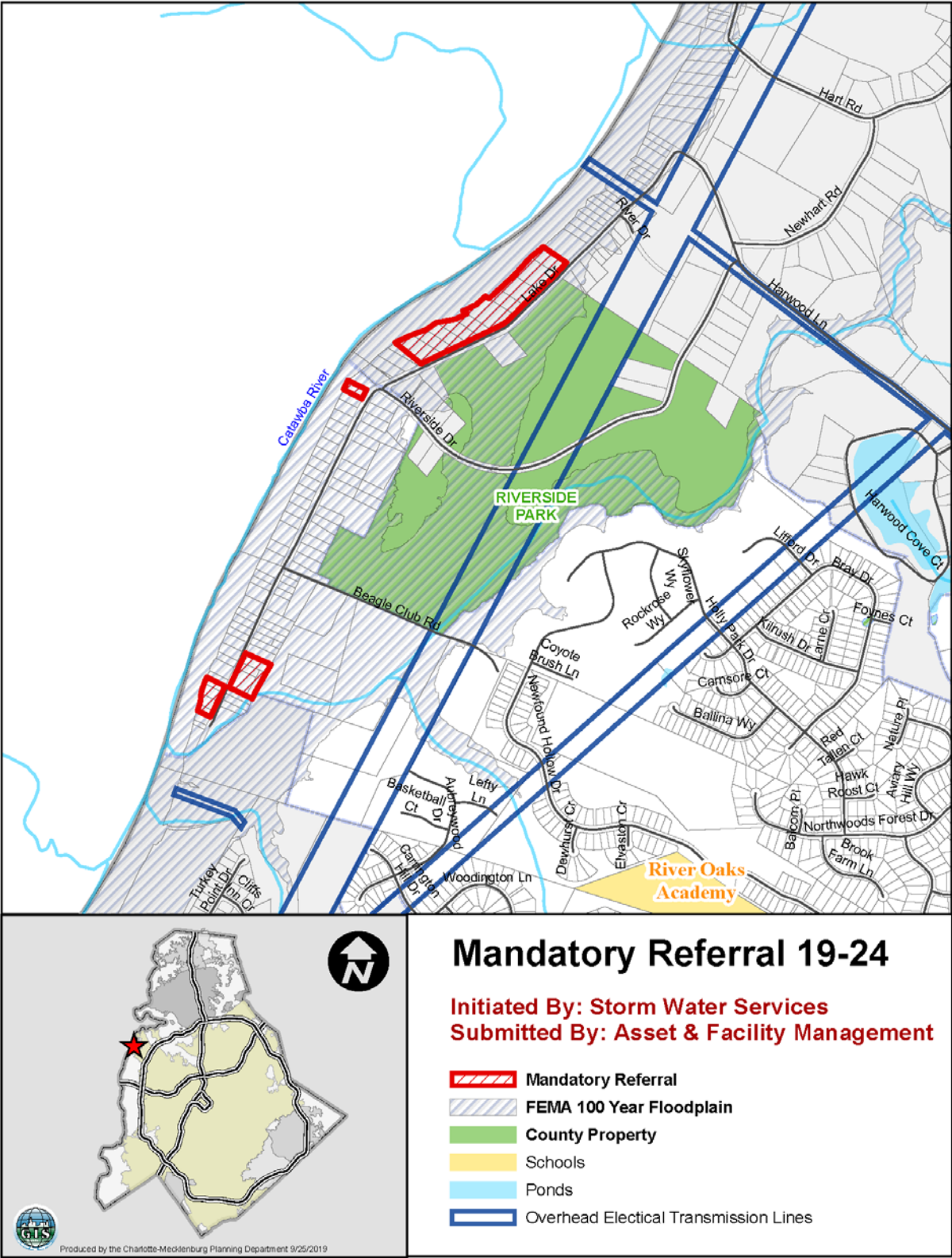
Adopted Goals and Policies:

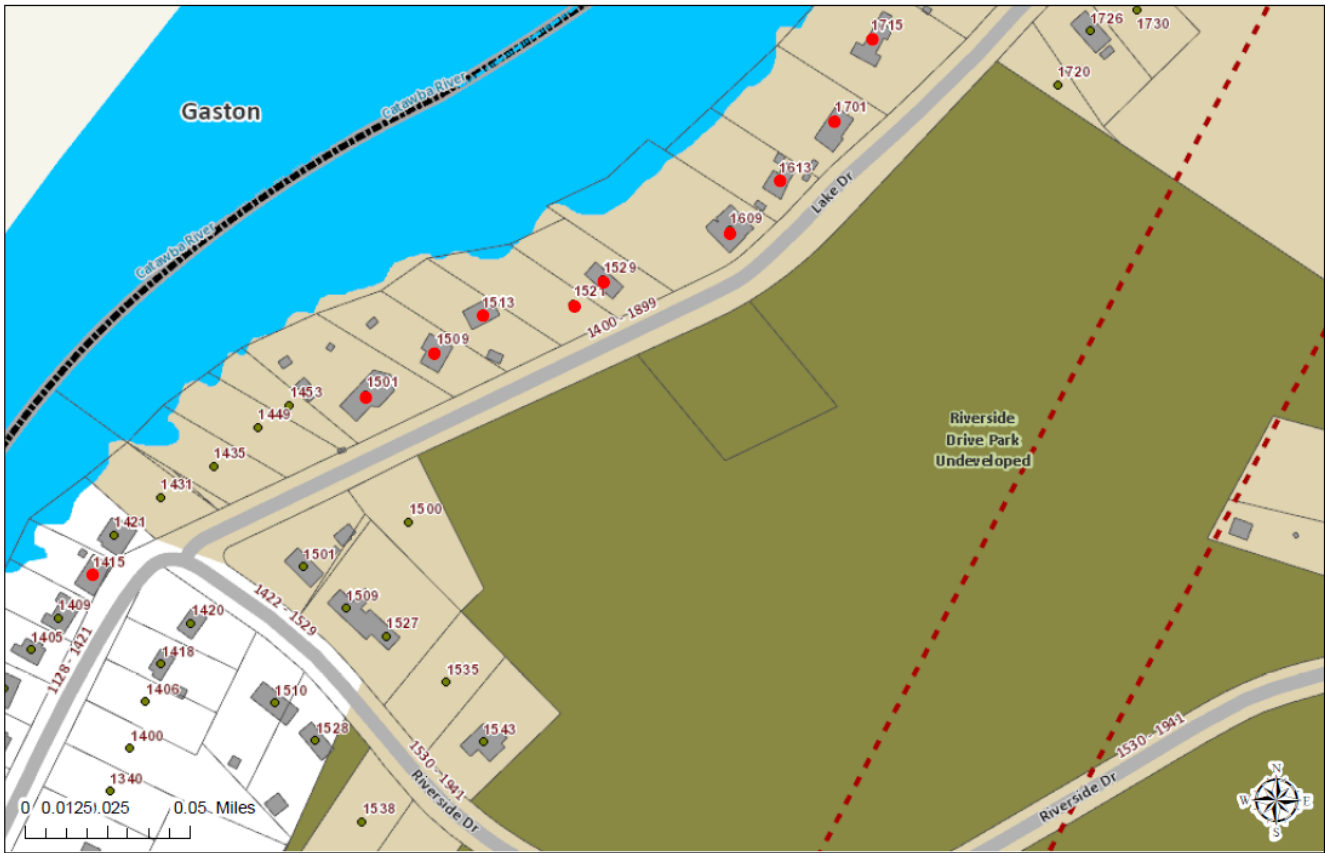
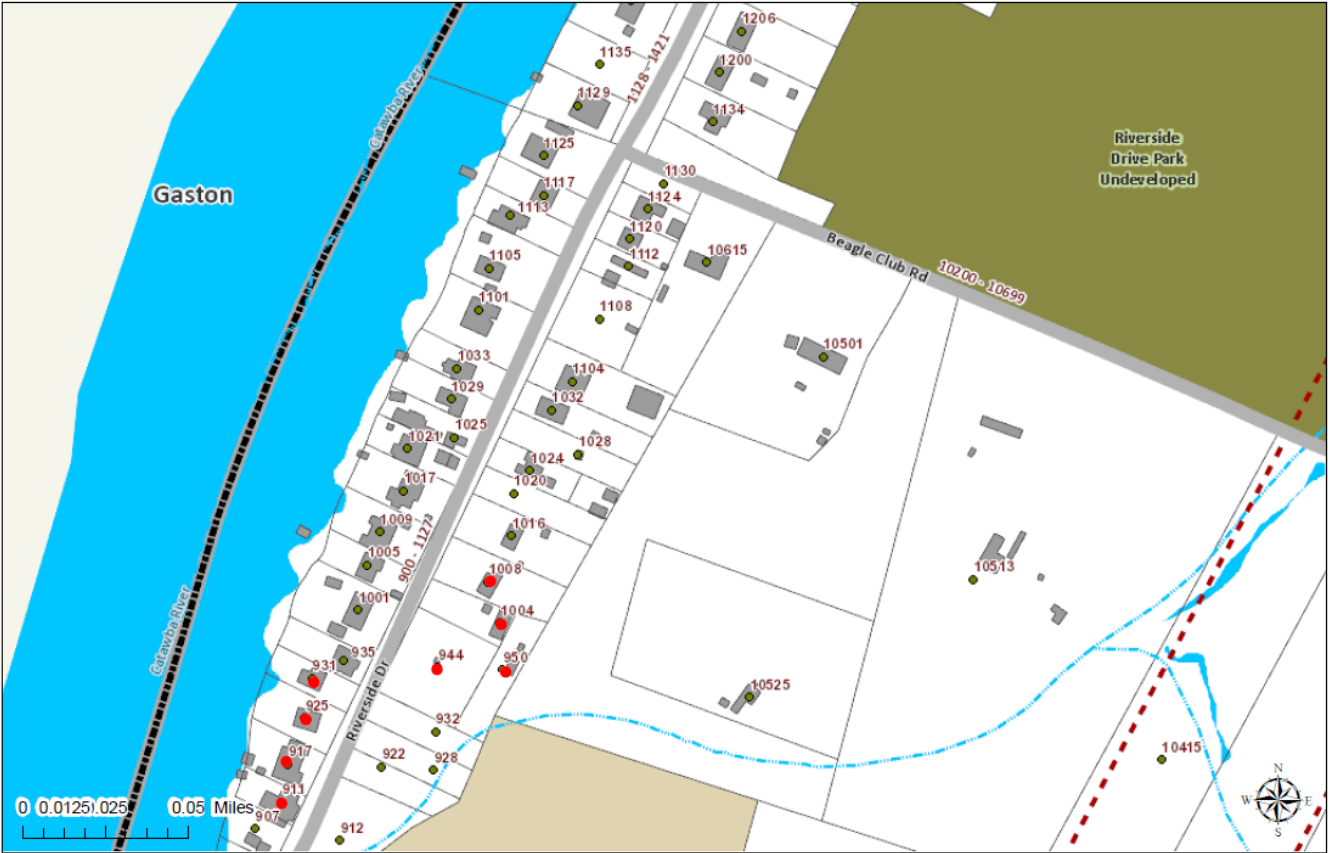
- The acquisition of this property will enable the County to work towards preventing the loss of life, property damage and service disruptions, as well as restoring natural and beneficial functions of the floodplain.
- The acquisition of this property is consistent with the County's *Flood Risk Assessment and Risk Reduction Plan* (adopted 2012).

**CMPC PLANNING COMMITTEE REVIEW:**

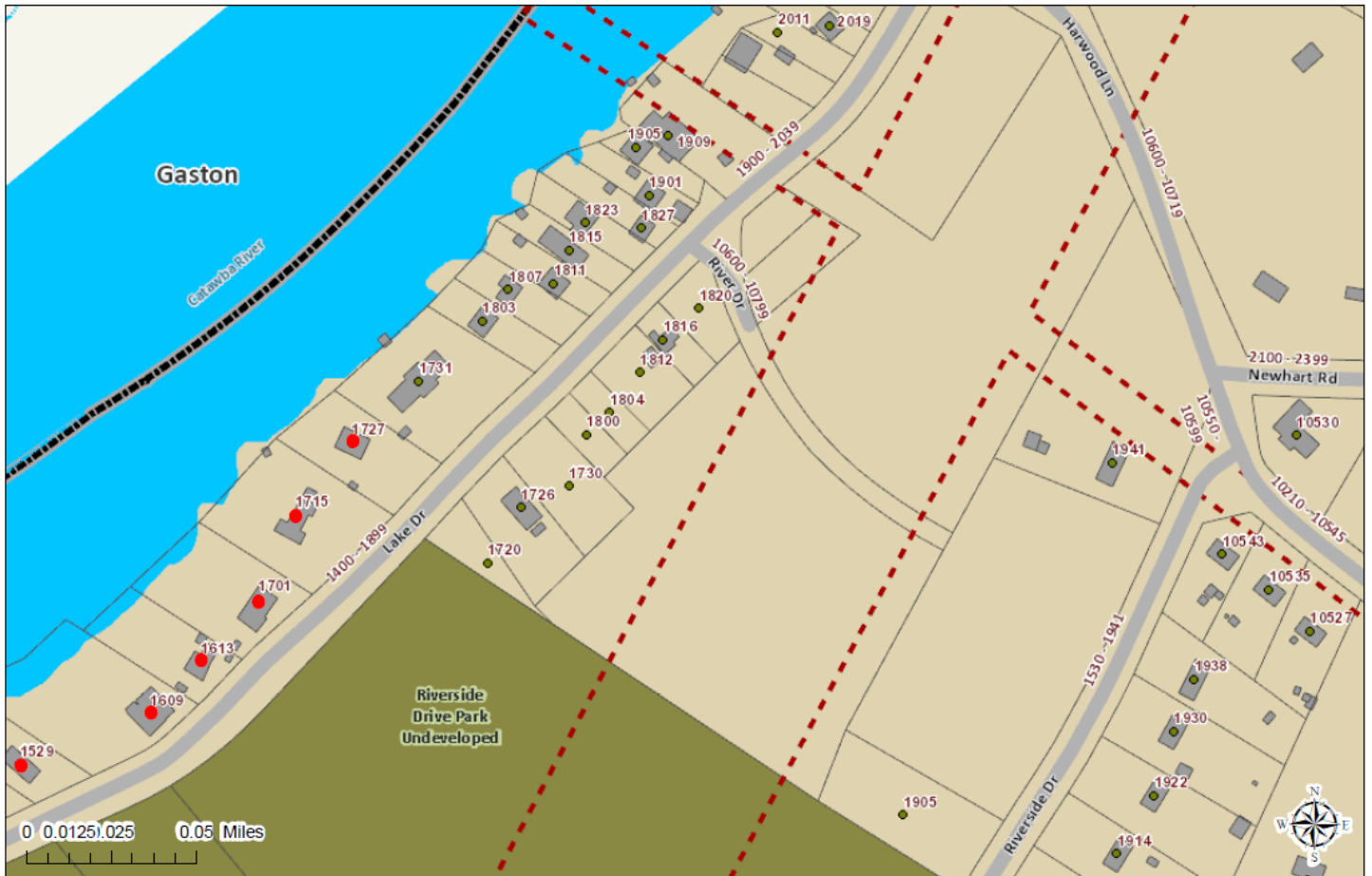
At their October 15<sup>th</sup> meeting, the Planning Committee reviewed the proposed request and had the following comments:

LOCATION MAP





## MANDATORY REFERRAL | REPORT NO. 19-24





**MANDATORY REFERRAL | REPORT NO. 19-25**  
**Proposal to lease property on Steelcroft Pkwy Road**

**PROJECT PROPOSAL AND LOCATION:**

Potential land lease from RGOP 5, LLC of approximately 1.76 acres of land in Mecklenburg County, Parcel 21906109, as preliminarily shown on Exhibit A. The boundaries of the land include Steelcroft Pkwy to the north, Hoover Creek Blvd to the west, and Steele Creek Rd to the southeast. The land currently is vacant. The Mecklenburg County ABC Board proposes to operate an ABC Store on the site. The property is zoned for commercial use. The site is part of a larger development, RiverGate Park.

**PROJECT JUSTIFICATION:**

In the exercise of the ABC Board's business judgment, this is an appropriate location for an ABC Store. The project falls within the ABC Board's statutory authority.

**CONSISTENCY WITH ADOPTED PUBLIC POLICIES:**

The purchase falls within the ABC Board's statutory authority and is consistent with its mission to manage the sale of distilled spirits in compliance with laws that govern the sale and use of alcoholic beverages.

**CONSISTENCY WITH ADOPTED LAND USE PLANS:**

The Steele Creek Area Plan (2012) recommends Office/Retail land uses for this site and surrounding area.

**PROJECT IMPACT:**

The ABC Board's proposed use of this site will not have a significant negative impact on traffic or other public infrastructure beyond that which would be created by any retail use, which is permitted on this site under the approved zoning.

**RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:**

The ABC Board understands that the project will be part of a larger private retail development, RiverGate Park and will complement the overall retail project.

**ESTIMATED PROJECT COMPLETION DATE:**

The contract to lease will likely be signed in the fourth quarter of 2019. The lease has been approved by the Board and will be funded by location generated revenue as well as the Board's working capital.

**JOINT USE TASK FORCE REVIEW COMMENTS:**

The Joint Use Task Force reviewed this proposal electronically and offered no comments.

**PLANNING STAFF REVIEW:**

Planning staff has reviewed the proposed request and has the following comments:

Conclusions:

- Since the site is currently proposed to be developed under the existing CC zoning, the use currently is permitted. However, over time this site may be impacted by the proposed NCDOT Steele Creek Road (NC 160) widening project.
- Retail land uses are compatible at this site.

Adopted Goals and Policies:

- The site is within a mixed-use activity center, as per the Centers, Corridors and Wedges Growth Framework and includes a mix of office, retail and residential uses.

**CMPC PLANNING COMMITTEE REVIEW:**

At their October 15<sup>th</sup> meeting, the Planning Committee reviewed the proposed request and had the following comments:



LOCATION MAP

