

MANDATORY REFERRAL REPORT NO. 08-38
Proposed Exchange of Land Among CMS, the City of Charlotte, and Berryhill Baptist Church
for the Purpose of Supporting Airport Expansion

PROJECT PROPOSAL AND LOCATION:

The proposed transaction consists of a three-party real estate exchange involving Charlotte-Mecklenburg Schools (CMS), the City of Charlotte (acting on behalf of the Airport), and Berryhill Baptist Church.

Charlotte Douglas International Airport is undergoing a runway expansion project which will require the relocation of power poles and utility lines from the east side of I-485 to the west side. The Airport needs to obtain land or right of way on Walkers Ferry Road where it adjoins the right of way for the outer I-485 beltway (property suitable for this purpose is owned by Berryhill Baptist Church, adjoining its cemetery) upon which to locate these utilities. Berryhill Baptist Church is located at 9791 Walkers Ferry Road about ½ mile west of this property. No graves are located on the portion of the church-owned property proposed to be conveyed to the City.

The City of Charlotte proposes to convey City-owned land located on Denver Avenue in front of Westerly Hills Elementary school (parcels # 061-081-04 and 061-081-05) for a parcel of CMS-owned land along the north side of Walkers Ferry Road (parcel # 113-361-18). The City proposes to then exchange the Walkers Ferry parcel with the church for an equivalent portion of church-owned property on Walkers Ferry Road (parcel 113-361-19) upon which to locate the power poles and utility lines.

Finally, in order to prevent the Denver Avenue lot exchange from resulting in a “hop-scotch” ownership pattern, CMS and the City propose to exchange two equivalent sized parcels on Denver Avenue containing 0.115 acres each (the City-owned parcel is # 061-08-103; the CMS-owned parcel is # 061-08-102) to provide larger contiguous parcels for both the City of Charlotte (owner of a larger tract of land immediately to the west) and CMS’s Westerly Hills campus. These parcels would be exchanged with the City to CMS, allowing CMS to “square off” the existing elementary school campus.

The parcels to be exchanged along Denver Avenue are within the city limits of Charlotte. The Walkers Ferry Road parcels are located in Charlotte’s extraterritorial jurisdiction. All of the subject properties are vacant.

The property to be acquired by the City from the church on Walkers Ferry Road will be used for the relocated utilities. The church plans an interim use of the land it proposes to acquire (adjacent to its existing cemetery property) from CMS for church-related functions such as picnics until it is needed for additional plots in the church-owned cemetery. The property acquired by CMS is planned to be added to the Westerly Hills campus to serve as landscaping and possibly in the longer term for enhanced campus access. The City has no immediate plans for the Denver Avenue property, other than to add it to the larger vacant City-owned parcel it adjoins for possible future sale.

Both of the properties on Walkers Ferry Road (the current CMS property and the portion of the church property proposed for conveyance to the City) are zoned R-3 (single family residential). The City-owned properties along Denver Avenue are zoned O-1 (Office), and the CMS-owned property on Denver Avenue proposed to be conveyed to the City is zoned R-22MF (multi-family residential), all according to the Charlotte Zoning Ordinance.

PROJECT JUSTIFICATION:

The Airport’s runway expansion requires relocation of power poles and utility lines in order to meet FAA (Federal Aviation Administration) height and distance requirements. These power poles serve the properties along Walkers Ferry Road. CMS owns the parcel to the west of the current church cemetery and has no need for this small parcel, so is willing to exchange it for the City’s land in front of Westerly Hills Elementary school for which there is no current need. The City will then exchange the land acquired by CMS for a portion of the church property.

The above exchange will provide benefit to all three parties at little or no public expense.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

These land exchanges are consistent with the following:

- The City of Charlotte and Charlotte-Mecklenburg Schools periodically exchange parcels to improve and/or expand the configuration of their lots. This exchange is consistent with that informal practice.
- Expansion of the Airport and the consequent need to relocate power poles and utility lines is consistent with the 1997 Master Plan for Charlotte-Douglas International Airport.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The 1993 *Central District Plan*, (as amended by a 1997 rezoning), provides the adopted future land use for the Denver Avenue parcels, recommending office use for the property proposed for CMS ownership, and industrial use for the CMS property proposed for acquisition by the City. The reconfiguration of the school and City sites would be considered consistent with the *Central District Plan*.

The adopted future land use for the subject parcels along Walkers Ferry Road is identified in the 2003 *Dixie Berryhill Strategic Plan*. The recommendation identifies mixed use (office, retail and industrial) with an emphasis on high density employment. The uses proposed for these properties through this Mandatory Referral are consistent with the adopted plan. In particular,

because new locations for cemeteries are not typically identified in the City's land use plans, and a cemetery would not preclude the type and intensity of future development envisioned in the *Dixie Berryhill Strategic Plan*; and,
because relocating power poles and utility lines would be an ancillary use to the subject parcel and would not preclude future development as identified by the *Dixie Berryhill Strategic Plan*.

PROJECT IMPACT:

The relocation of the utility lines will allow for continued electrical service to the residents along Walkers Ferry Road, while allowing for implementation of the runway expansion. There are no impacts to the church or CMS properties other than squaring off lot configurations.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

This project is directly related to the Airport expansion. There are no known private projects that will be impacted by this exchange.

ESTIMATED PROJECT COMPLETION

The project will be completed within the next six months.

JOINT USE TASK FORCE REVIEW COMMENTS:

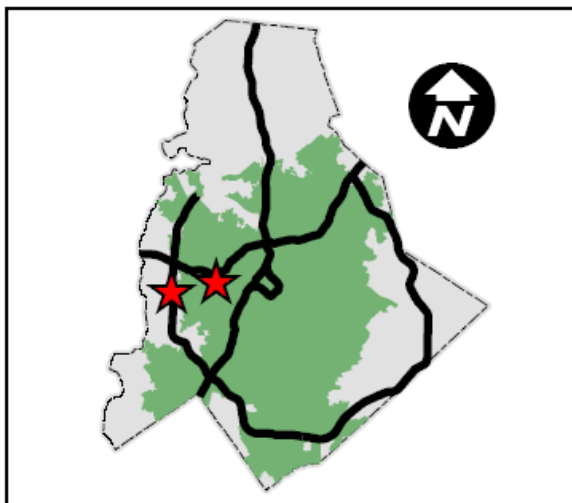
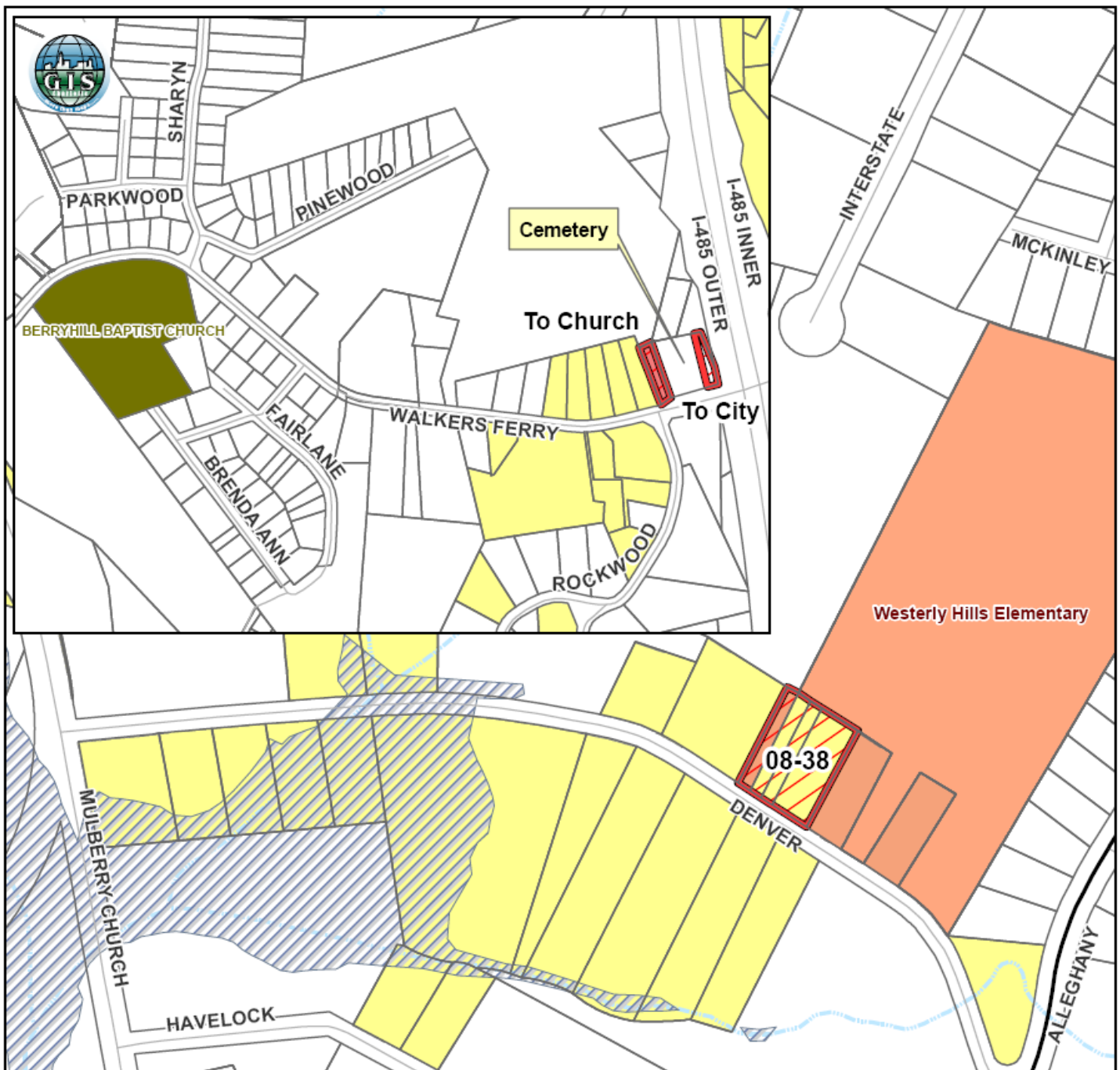
The Joint Use Task Force discussed this matter at their October 1, 2008 meeting and no relevant comments were offered.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of these transfers so that relocation of the power lines and utility lines may take place.




CMPC PLANNING COMMITTEE RECOMMENDATION:

At their October 21, 2008 meeting the Planning Committee recommended approval by a 6-0 vote.



Mandatory Referral 08-38

CMS

-  Mandatory Referral
-  City Property
-  CMS Property