



June 20, 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, June 26, 2012 at 5:00 p.m. in the Innovation Station Conference Room** located on the 8<sup>th</sup> Floor of the Charlotte-Mecklenburg Government Center.

At this meeting, the Committee will be asked to make recommendations on five Mandatory Referrals. Attached are copies of the minutes from the May 15, 2012 meeting and Mandatory Referrals #12-07, #12-08, #12-09, #12-10, and #12-11.

If you cannot attend the June 26<sup>th</sup> meeting, please contact me at (704) 336-5993 or [mmcullough@charlottenc.gov](mailto: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**  
**June 26, 2012**  
**CMGC – 8<sup>th</sup> Floor, Innovation Station, 5:00 p.m.**  
**Meeting Agenda**

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**I. Call to Order and Introductions**

**II. Approve May 15, 2012 Meeting Minutes. *Attachment 1***

**III. M.R. #12-07: Proposal by Charlotte-Mecklenburg Schools (CMS) to Lease Portions of Two School Sites for Cell Towers**

*Background:* CMS proposes to lease portions of Idlewild and Endhaven elementary schools for cell tower construction, operation and maintenance. ***Attachment 2***

*Staff Resources:* Bryman Suttle, Planning  
Dennis K. LaCaria, CMS Real Estate.

*Action Requested:* Approve Planning staff's recommendation for M.R. #12-07.

**IV. M.R. #12-08: Proposal by Charlotte-Mecklenburg Schools to Lease Portions of Two School Sites within the Town of Matthews for Cell Antennas**

*Background:* CMS proposes to lease portions of Elizabeth Lane and Matthews elementary schools for cell antenna construction, operation and maintenance.  
***Attachment 3***

*Staff Resources:* Jonathan Wells, Planning  
Dennis K. LaCaria, CMS Real Estate.

*Action Requested:* Approve Planning staff's recommendation for M.R. #12-08.

**V. M.R. #12-09: Proposal by Mecklenburg County to Sale the County Fleet Management Site to North Carolina Department of Transportation (NCDOT) and the NC Music Factory**

*Background:* This proposed transaction among Mecklenburg County, NCDOT, and the NC Music Factory will create road right-of-way that will ensure property access during and following major railroad improvements adjoining the site, will enable a successful music and entertainment venue to expand operations, and will allow the County to relocate its fleet maintenance facility to a more suitable location. ***Attachment 4***

*Staff Resources:* Jonathan Wells, Planning  
Jacqueline McNeil, County Real Estate

*Action Requested:* Approve Planning staff's recommendation for M.R. #12-09.

**VI. M.R. #12-10: Proposal by Mecklenburg County to Acquire Land on McIlwaine Road in the Town of Huntersville to Serve as Park Land**

*Background:* Mecklenburg County proposes to acquire approximately 138 acres of land located on McIlwaine Road in the Town of Huntersville for a park. **Attachment 5**

*Staff Resources:* Michael Cataldo, Planning  
Jacqueline McNeil, County Real Estate

*Action Requested:* Approve Planning staff’s recommendation for M.R. #12-10.

**VII. M.R. #12-11: Proposal by the City of Charlotte to Convey a Parcel Located at 1201 Pegram Street to the Belmont Community Development Corporation (CDC) to Construct a House for a Veteran**

*Background:* The City of Charlotte proposes to donate a vacant lot to the Belmont CDC. The CDC will work with other groups to complete construction of a house that will be donated to a veteran through the Heroes at Home Program. **Attachment 6**

*Staff Resources:* Alan Goodwin, Planning  
Bob Drayton, City Real Estate

*Action Requested:* Approve Planning staff’s recommendation for M.R. #12-11.

**VIII. 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.

**IX. Adjourn**

**Charlotte-Mecklenburg Planning Commission  
Planning Committee Meeting Minutes  
CMGC – Conference Room 280, 2<sup>nd</sup> Floor  
May 15, 2012**

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**Commissioners Present:** Chairperson Johnson, Commissioners Ray Eschert, Karen Labovitz, Deb Ryan, and Dwayne Walker

**Commissioners Absent:** Vice-Chairperson Margaret Nealon and Commissioner Tony Lathrop

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

**Other Staff Present:** Dennis LaCaria (CMS Real Estate) and 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 March 20, 2012 minutes. The vote was 5-0 to approve the March 20, 2012 minutes.*

*A motion was made by Commissioner Ryan and seconded by Commissioner Walker to approve the May 7, 2012 minutes. The vote was 5-0 to approve the May 7, 2012 minutes.*

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

Mr. Jonathan Wells (Planning) presented M.R. #11-15, a proposal by CMS to accept a 2.8 acre parcel of vacant land located on Tipton Drive adjacent to J. T. Williams School. The acquisition could serve a number of purposes in the future. Mr. Dennis LaCaria (CMS Real Estate) provided the Committee with a brief update on the proposal. He explained that late last year CMS experienced pressure from the family donating the land to complete the transaction prior to the end of the year for tax purposes. He explained that progress is being made and that he hopes to bring closure to this mandatory referral soon. Chairperson Johnson reiterated the Committee’s concern about an environmental assessment of the land and maintenance of the easement.

*No action taken, this update was for information only.*

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

Mr. Wells explained that CMS proposes to lease portions of seven school sites for the construction, operation, and maintenance of cell towers. Commissioner Labovitz asked if CMS has done this before. Mr. LaCaria answered yes and said that there are cell towers at some school sites now. He gave Quail Hollow Middle School and Providence High School as examples of school sites that currently have cell towers located on them.

Commissioner Labovitz asked if there have been any problems with cell towers on school sites. Mr. LaCaria stated that there are terms and conditions that the cell tower companies must adhere to and there have not been any problems. Commissioner Labovitz asked how the money that the companies pay for the use of the school sites will be used. Mr. LaCaria answered for capital expenditures and improvements.

Commissioner Ryan asked if there has been any research to determine if the cell towers will harm children. Mr. LaCaria replied that there were concerns but there is no cause for worry. Commissioner Ryan inquired about the placement, operation, and appearance of the towers. Mr. Wells stated that there are regulations in the zoning ordinance that govern the location and design of the towers.

Commissioner Walker asked why the cell tower industry is interested in school sites for this use. Mr. LaCaria explained that CMS is contacted regularly by businesses that are interested in co-locating cell towers on school sites. Also, *Request for Expressions of Interest (REI)*, asking respondents to identify specific sites upon which they desire to lease land for cell tower construction/cell service are posted on the CMS website. He added that there is a very concentrated demand for cell tower locations.

Commissioner Walker asked how this benefits the schools. Mr. LaCaria said that it provides for the joint and community use of school sites as well as revenue for CMS. Commissioner Labovitz asked if the money goes into a general fund. Mr. LaCaria said that the money goes where it is needed most.

Commissioner Labovitz asked if there is any community involvement in the approval process to locate cell towers on a site. Mr. LaCaria replied that community involvement depends on the municipality. Chairperson Johnson asked what determines the buffer. Ms. McCullough answered the zoning district.

*A motion was made by Commissioner Ryan and seconded by Commissioner Walker to approve Planning staff's recommendation for Mandatory Referral #12-04. The vote was 5-0 to approve Planning staff's recommendation for Mandatory Referral #12-04.*

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

Ms. McCullough stated that Mecklenburg County proposes to exchange a portion of a County owned parcel located on 13<sup>th</sup> 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.

Chairperson Johnson stated that the Belmont Community has made great changes. She asked if there is anything that Duke Energy can do to make a substation look good and if there is anything that the Planning Committee can do other than make a suggestion. Mr. Wells reminded the Committee that mandatory referrals are strictly advisory.

Commissioner Ryan explained that the City and County have an obligation to allocate one percent of the cost of capital projects to public art . This public art program is through the Public Art Commission and it is possible for Duke Energy to participate. Chairperson Johnson said that Duke has made some substations look nice and this could be an additional investment. Commissioner Ryan noted that she doesn't know if Duke Energy will install art if it's not a requirement. However, she suggested that it be included in the recommendation. Commissioner Johnson added that it would be nice for Duke Energy to make an art investment in the community.

Commissioner Eschert asked about use of the property that the County receives for parking. He stated that the property could possibly be in the FEMA floodplain and that could prevent parking. Ms. McNeil told him that they would not build in a floodplain and the use has not been determined. Commissioner Eschert asked if the floodplain and topography would impede accessibility into the greenway area. Ms. McNeil replied that the land is relatively flat and the greenway design will take place in the future.

*A motion was made by Commissioner Walker and seconded by Commissioner Eschert to approve Planning staff's recommendation for Mandatory Referral #12-06. The vote was 5-0 to approve Planning staff's recommendation for Mandatory Referral #12-06.*

### **Overview of the Plan Assessment Process**

Ms. McCullough gave an overview of the area plan assessment process. She explained that it is an analytical process used to help staff identify where future planning efforts should be focused and the type of planning effort that is needed. She further stated that the Plan Assessment Team includes members from other City and County departments.

The staff team develops a list of considerations that includes some of the following: development pressure, rezoning activity, environmental features, tree canopy, transportation/infrastructure, socio-economic and other factors. It was noted that all requests for area plans are considered during the Plan Assessment process. Commissioner Eschert asked if foreclosures and rental properties are tracked since rentals can lower property values. Ms. McCullough stated that economic factors considered are the same as those included in the *Charlotte Neighborhood Quality of Life Study* as well as foreclosures.

The following summarizes some of the data layers used during the assessment: building permits, quality of life, vacant land, rezoning petitions, transportation projects, infrastructure projects, environmental features, and socio-economic changes.

Ms. McCullough gave a summary of recently completed planning initiatives which include the following areas: Catawba, Steele Creek, Independence Boulevard Corridor, University Research Park, Center City, Elizabeth, and the Morehead, Midtown and Cherry area. Planning initiatives are currently underway for the following areas Park/Woodlawn, Blue Line Extension, and Prosperity Church Road.

Commissioner Ryan asked if the Plan Assessment information is shared with the public and if not, could it be made public because it is very informative. Ms. McCullough stated that staff will consider ways to share this information with the public in the future.

Chairperson Johnson stated that Vice-Chairperson Nealon is chairing the subcommittee for Planning 101 and will announce her volunteers from the Planning Committee. Commissioner Labovitz stated that area plans were very important. Commissioner Eschert asked if there are areas that are not covered by an area plan. Ms. McCullough explained that every area is covered by a district plan and in addition, some areas are covered by a more detailed area plan.

#### **Area Plan Status and Meeting Report**

Commissioner Labovitz gave a brief update on the Park Woodlawn area planning process. She stated that she has attended most of the meetings. The Noell Consultant Group from Atlanta shared information about the market analysis at the last meeting. This included information about the current market and its implication on the Park Road area. It was stated that the area is stable and there are great assets close by such as SouthPark and SouthEnd. Montford Drive was identified as a great entertainment area with realistic values. Overall, this is a good area in which to invest. The next meeting will be a design workshop on June 5<sup>th</sup>. Commissioner Labovitz stated that she is really impressed with the turnout at these meetings. Commissioner Lathrop also attended the last two meetings.

Commissioner Walker made a motion to adjourn and Commissioner Ryan seconded. Meeting adjourned.

**Adjourned 6:20 p.m.**

**Submitted by:** Katherine Bowen, CMS Real Estate Dept.

**Initiated by:** Dennis LaCaria, CMS Facilities Planning

**MANDATORY REFERRAL REPORT NO. 12-07**  
**Proposed Leasing of Portions of Two School Sites in the City of Charlotte 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. The REI asked respondents to identify specific sites upon which they desired to locate cell towers. Staff received expressions of interest for several school sites. Seven school sites were covered under a previous Mandatory Referral (MR12-04); four additional school sites (including two represented on the table below) have been also 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*
Idlewild Elementary	7101 Idlewild Rd	133-153-09	R-4
Endhaven Elementary	6815 Endhaven Lane	223-222-97	R-3

\* 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:**

*City of Charlotte Policies*

City residential zoning districts (R-4 for Idlewild Elementary and R-3 for Endhaven Elementary) allow cell towers under prescribed conditions contained in the Zoning Ordinance dealing with issues such as setbacks, distance from property lines, structural capability, screening, design standards (referred to in the Zoning Ordinance as "concealment"), and the compliance of the principal use of the property. In addition, the City's *General Development Policies for Infrastructure* support the co-location of compatible public facilities and the concept of public/private partnerships.

*CMS 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.

**CONSISTENCY WITH ADOPTED LAND USE PLANS:**

*City of Charlotte*

Within the City of Charlotte, 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 R-4 zoning districts subject to the conditions found in subsection 12.108(7) and 12.108(8) of *Charlotte Zoning Ordinance*.



**PROJECT IMPACT:**

These telecommunication towers should provide increased service to area customers. 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 June 6 meeting and no comments were offered.


**PLANNING STAFF RECOMMENDATION:**

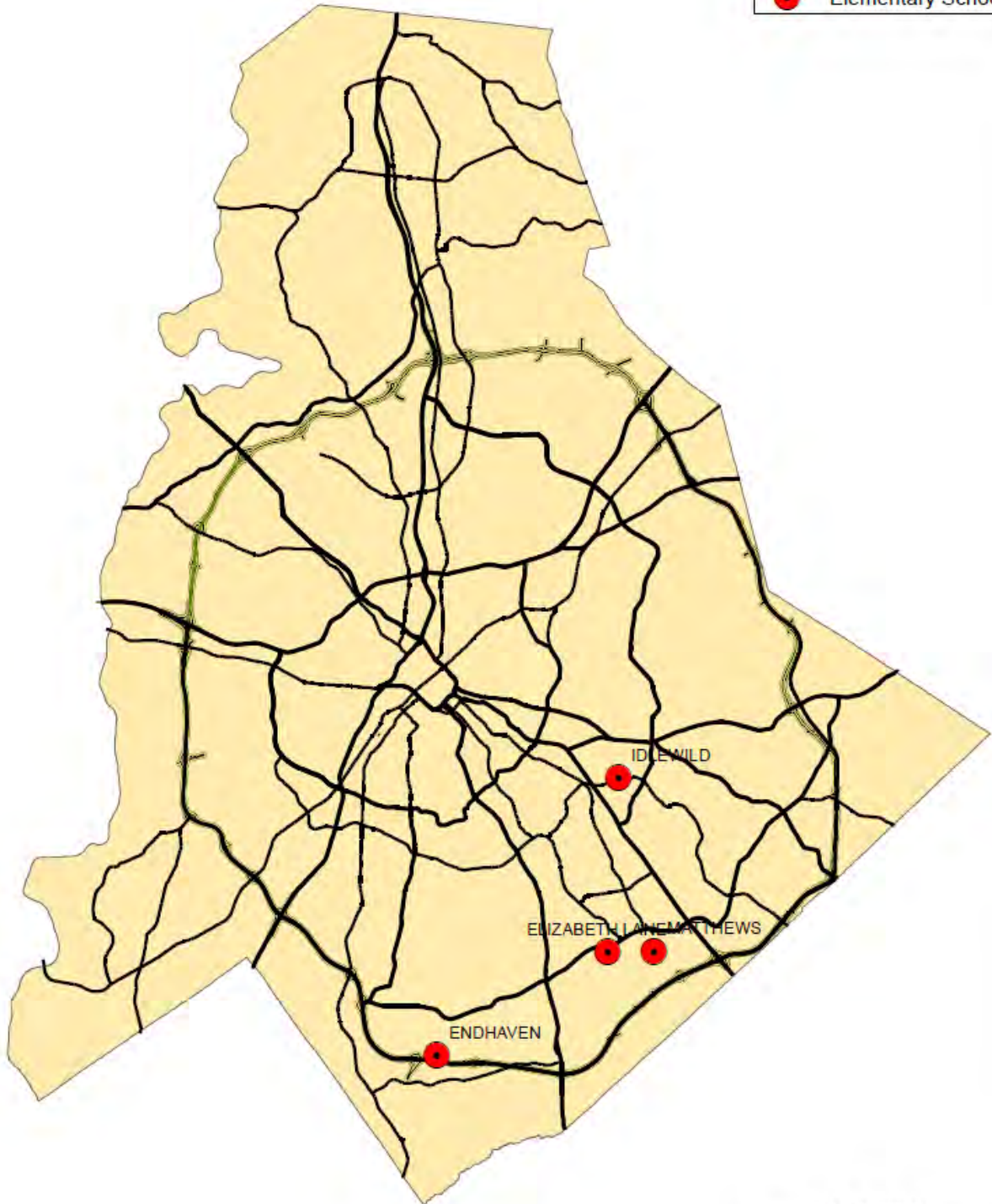
Planning staff recommends approval of this Mandatory Referral.

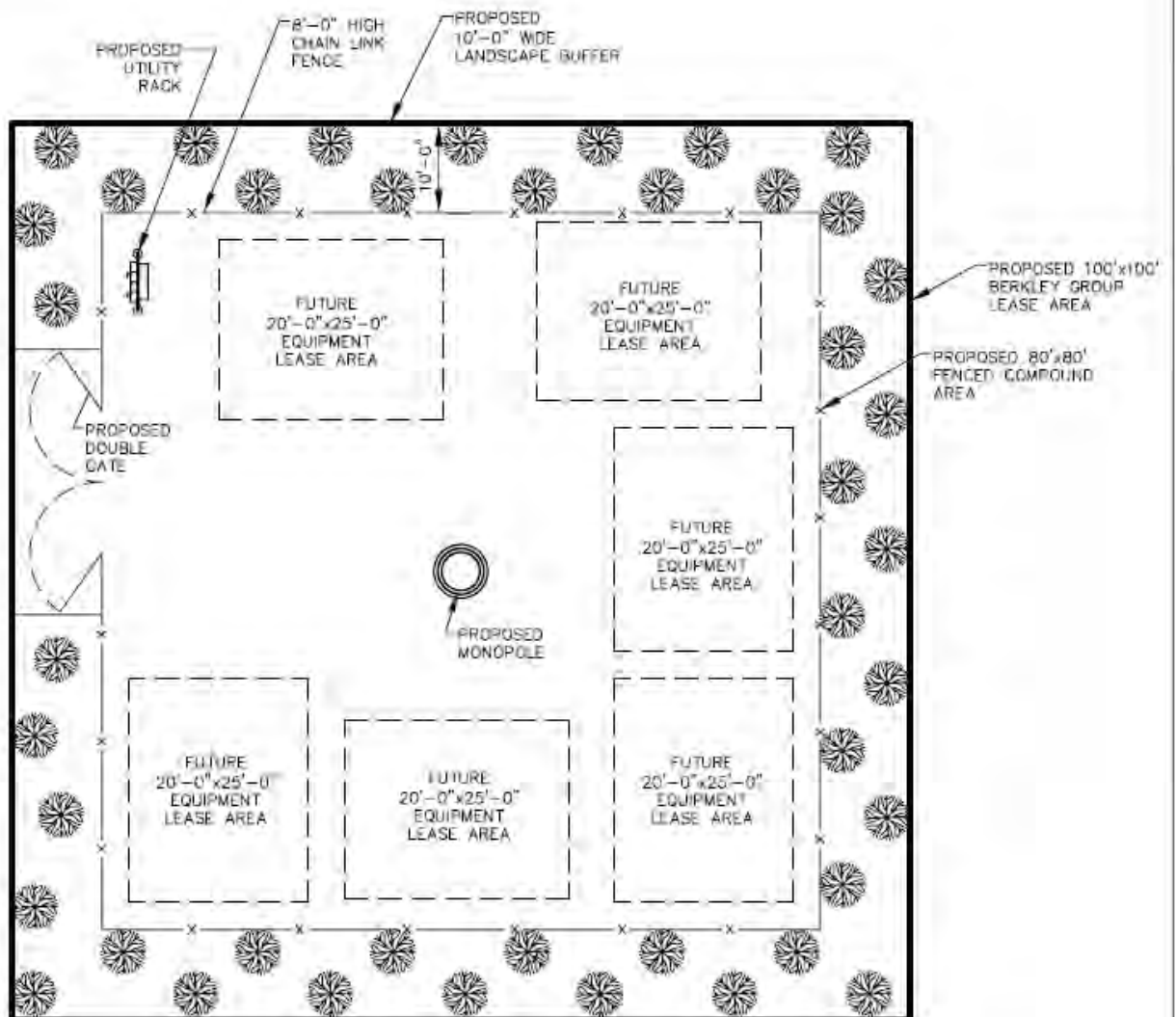
**CMPC PLANNING COMMITTEE RECOMMENDATION:**

# Proposed Cell Tower Sites

## Legend

 Elementary School





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...**

EFTE VISIT DATE:

**N/A**



**INITIAL ISSUE**

ISSUE DATE:

**04/16/12**

SKETCH NO:

**C1**

**Submitted by:** Katherine Bowen, CMS Real Estate Dept.

**Initiated by:** Dennis LaCaria, CMS Facilities Planning

**MANDATORY REFERRAL REPORT NO. 12-08**  
**Proposed Leasing of Portions of Two School Sites in the Town of Matthews for Cell Antennas**

**PROJECT PROPOSAL AND LOCATION:**

Charlotte-Mecklenburg Schools (CMS) proposes to lease portions of certain school sites for cell antenna 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. The REI asked respondents to identify specific sites upon which they desired to locate cell towers. Staff received expressions of interest for several school sites. Seven school sites were covered under a previous Mandatory Referral (MR12-04); two additional school sites (see table below) have been also identified.

On December 23, 2011, the Charlotte-Mecklenburg Board of Education gave approval for staff to negotiate with interested firms. CMS has 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
Elizabeth Lane Elementary	121 Elizabeth Lane	227-034-91	R/I(CD)*
Matthews Elementary	200 McDowell Street	227-211-02	R-1*

\* R/I, Residential/Institutional per Matthews Zoning Ordinance

The proposed leases will be for five years (with renewal options). Liability will be limited for CMS (typical for CMS contracts), and clauses for termination and for convenience will be incorporated. The cell 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 Matthews Zoning Ordinance defines “communications antenna” as “any structure or device used to collect or radiate electromagnetic waves, including directional antennas – such as panels, microwave dishes, and satellite dishes – but not including satellite earth stations. Where a set or group of devices work as a single unit, such as three panels facing different directions for 360 degree coverage, then that group shall be considered as a single antenna.”

In contrast, a “communications tower” is defined as “a tower greater than 35 feet in height and which does not exceed 400 feet in height (including antenna) which is principally intended to support communication (transmission or receiving) equipment. The term ‘communication tower’ shall not include amateur radio operator’s equipment, as licensed by the Federal Communications Commission (FCC). Design examples of communication towers are described as follows: (a) self-supporting lattice; (b) guyed; and (c) monopole.”

**PROJECT JUSTIFICATION:**

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

**CONSISTENCY WITH ADOPTED PUBLIC POLICIES:**

*Town of Matthews Policies*

The R/I (Matthews Elementary) zoning district only allows a “stealth” application for communications antennas here, not to exceed 80’ in height, because the school is adjacent to residential zoning. This means a “tower” cannot be constructed here. Communications antennas may be possible here if located within the principal building or within an accessory structure that is necessary and appropriate for the principal (school) use on this site. The Town has height limits for flag poles and lighting fixtures that regulate those stand-alone structures. Potential stealth applications in the R/I district may include a clock or bell tower, either attached to an existing principal structure or as a stand-alone accessory structure. The R/I district requires 50 feet for front yard setback, side yards, and rear yards. The R/I district allows structures by-right up to 60’, so any stealth application between 60’ and 80’ in height would need to be placed at least as far into the site as the actual total height (if 70’ tall, then the stealth application/structure must be located at least 70’ from all property lines).

Because Elizabeth Lane Elementary has a conditionally zoned site plan that clearly establishes where improvements and structures can be placed, any stealth application must conform to the zoning conditions. The conditional notes do not allow any other uses except as a school and its “associated ancillary facilities and functions”. The notes also indicate the site plan layout would not change more than 10% without requiring further zoning action. Since no stand-alone accessory structures which could serve as a stealth application are on the conditional zoning plan, any stealth application would either need to be on the existing school building itself or would need to go through a new zoning approval process.

At both locations, a site plan and related documents showing details of how an antenna placement could meet Matthews’ code provisions will be required. If all code provisions can be met at Matthews Elementary School, then antenna placement may be able to proceed for permits. The conditional zoning in place at Elizabeth Lane Elementary will first trigger further formal review and approval by the Town prior to any permits being issued for installation.

#### *CMS Policies*

Prospective leases of portions of school sites for cell antennas use are considered to be consistent with CMS policies regarding joint and community use of school sites.

#### **CONSISTENCY WITH ADOPTED LAND USE PLANS:**

The Town of Matthews does not have specific land use policies in the *Matthews Land Use Plan* regarding cell towers or antennas, however the Plan does call for preservation of land values of the predominate residential, low-height character where it exists. The provisions within the Matthews Zoning Ordinance do, however, illustrate the Town’s adopted position that tower placement may be allowed in business and industrial districts outside of the Highway NC51 Overlay District and historic Downtown. Tower height in non-residential sites is restricted when adjacent to residentially-zoned property. Antennas may be placed on existing tall structures in most districts, including the Residential and Residential/Institutional districts, or located in a hidden or “stealth” application.

#### **PROJECT IMPACT:**

These telecommunication antennas should provide increased service to area customers. Each antenna operator is to be responsible for obtaining all permits and approvals necessary in order to erect the antennas.

#### **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 antenna construction beginning with the 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 June 6 meeting and no joint use comments were offered.


#### **PLANNING STAFF RECOMMENDATION:**

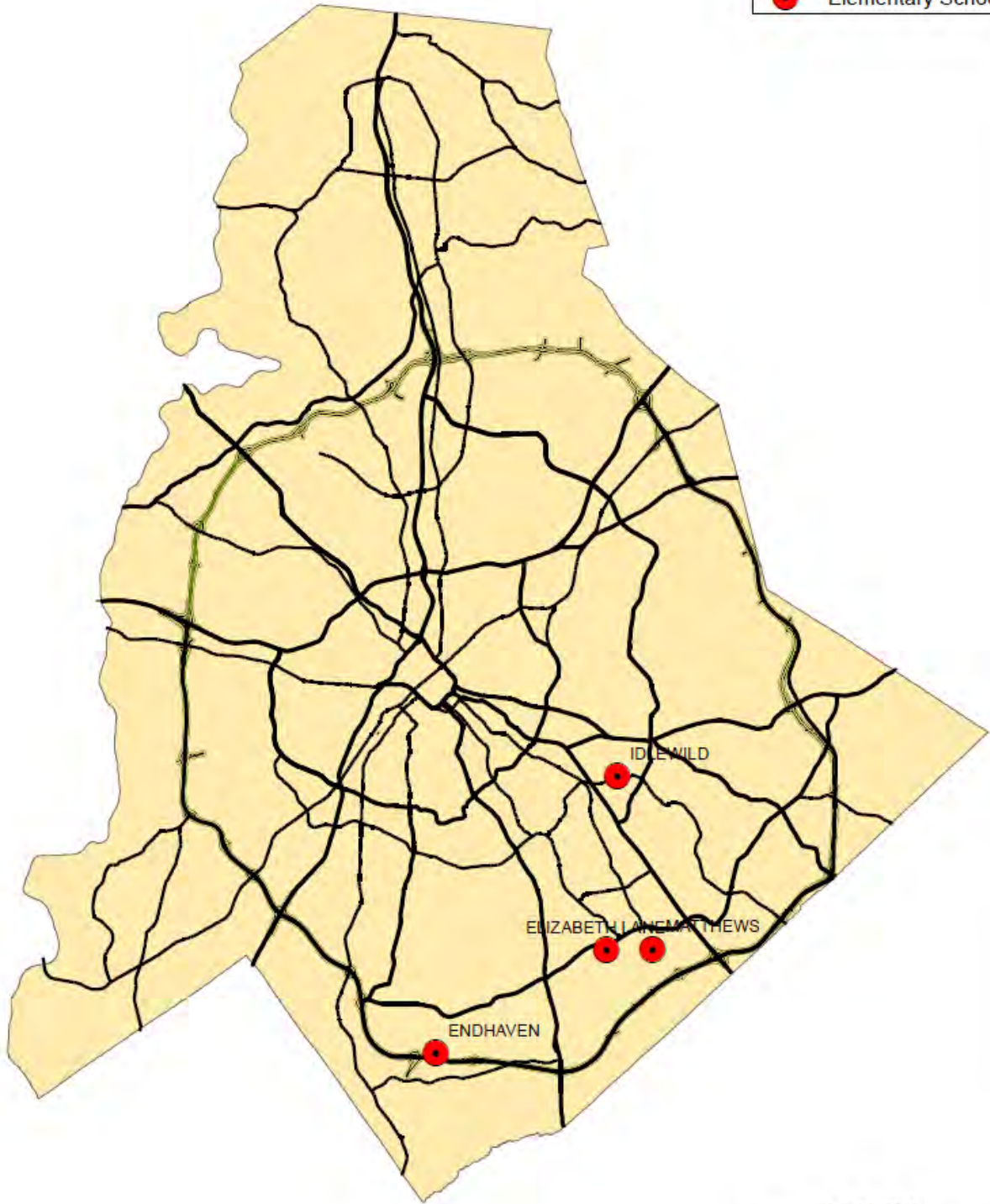
Planning staff recommends approval of the placement of antennas at the indicated locations, subject to review and approval requirements prescribed by the Town of Matthews.

#### **CMPC PLANNING COMMITTEE RECOMMENDATION:**

# Proposed Cell Tower Sites

## Legend

 Elementary School



**Submitted by:** Jacqueline McNeil, BSSA-Asset and Facility Management

**Initiated by:** Mark Hahn, BSSA-Asset and Facility Management

**MANDATORY REFERRAL REPORT NO. 12-09**  
**Proposed Sale of County Fleet Management Site to NC Music Factory and to NCDOT for Right-of-Way**

**PROJECT PROPOSAL AND LOCATION:**

This proposed transaction among Mecklenburg County, the North Carolina Department of Transportation (NCDOT), and the proprietors of the NC Music Factory will serve the following purposes:

- Will create road right-of-way that will ensure property access during and following major railroad improvements adjoining the site
- Will enable a successful music and entertainment venue to expand operations and secure necessary facilities and parking
- Will allow the County to re-locate a fleet maintenance facility to a more suitable location.

In January 2010, the NCDOT was awarded \$545 million of Federal American Recovery and Reinvestment Act (ARRA) funds to improve rail safety, capacity, and overall rail corridor service in North Carolina. NCDOT allocated \$247 million of the ARRA funds to the Charlotte Railroad Improvement and Safety Program (CRISP). One of the CRISP projects involves a mainline grade separation (MLGS) project for the Norfolk Southern and CSX rail lines at the most congested rail intersection in North Carolina, near the subject property. Grade separation of these two perpendicular rail lines that currently intersect will allow much more efficient and safe rail passage in the future. In addition to freight lines, this area also includes passenger routes for Amtrak and will serve future inter-city high speed rail as well as the CATS North Corridor Red Line commuter line to run between Center City Charlotte and Mooresville.

The MLGS project is adjacent to the NC Music Factory and the County's Fleet Facility in Center City Charlotte. To accomplish the MLGS, NC Music Factory Blvd. will need to be reduced to one lane in front of the NC Music Factory to accommodate construction of the new rail line. To compensate for this loss of access and connectivity, NCDOT proposes extending the existing Maxwell Court through the County's fleet management site at 900 West 12<sup>th</sup> Street (078-425-12) in a northwesterly direction to Hamilton Street. The proposed 60-foot right-of-way will reduce the County's property to approximately 3.75 acres (from approximately 5.065 acres) with 1.315 acres used as public right-of-way and sidewalks. (This extension of Maxwell Court will also require the relatively minor acquisition of right-of-way and sidewalks from Duke Energy on the adjacent parcel (#078-425-03) either through the exchange of a small portion of the County's fleet site or through a direct acquisition of the needed property.)

The new Maxwell Court extension roadway is being designed and constructed in accordance with the City's Urban Street Design Guidelines and will be turned over by the NCDOT to the City for maintenance following its construction.

In addition to the above transactions, the County and the owner of the NC Music Factory (Fiber Mills, LLC) are in discussions for the possible sale of the remainder of the County's fleet property to Fiber Mills for business expansion. To accommodate the right-of-way needed by NCDOT, the County proposes a phased acquisition of the property by Fiber Mills, as described below:

- Fiber Mills would close on the purchase of the portion of the fleet property currently leased to Fiber Mills known as the "Amphitheater Area" prior to NCDOT acquisition of land needed for the Maxwell Court extension. (The Amphitheater Area is a portion of the County's property in the southwest corner of the parcel totaling +/- 17,683 square feet leased to Fiber Mills since 2008 and incorporated into the venue's operations and used as an outdoor amphitheater in exchange for the County leasing 0.36 acres (#078-425-02 and #078-425-09) owned by Fiber Mills that the County uses for parking.)
- It is also proposed that Fiber Mills acquire the remainder of the County's property left after NCDOT opens the proposed Maxwell Court extension.
- In the event that NCDOT does not acquire the County's property to construct Maxwell Court extension, Fiber Mills will acquire all of the County's property remaining after its earlier acquisition of the Amphitheater Area, once an alternate location is identified for the County's fleet facility.

The above agreements are conditioned upon the right of the County to continue to use the property leased to the County by Fiber Mills for parking until the date the County fleet facility ceases operation at that location.

The subject parcel is zoned I-1 and I-2 (Industrial) under the *Charlotte Zoning Ordinance*, with the adjoining NC Music Factory property zoned MUDD-Optional. The aforementioned Duke Energy property is zoned I-1 (Industrial). The area is defined by I-277 to the north and east, I-77 to the west, and the CSX railroad and Elmwood/Pinewood Cemetery to the south.

**PROJECT JUSTIFICATION:**

NCDOT has identified several regional and community benefits of this rail project. They include reducing conflicts between freight and passenger trains at North Carolina's most congested rail crossing. NCDOT projects that trains passing through this intersection will increase to 101 daily from its current number of 50 daily by 2037. The project will also enhance safety, reduce noise, and increase rail efficiency. Sale of the remainder of the County's property to Fiber Mills after the NCDOT project will provide space for the Music Factory/mixed-use complex to expand at W. 12<sup>th</sup>/NC Music Factory Blvd. If these projects are successful, the County's fleet will continue its operation at a City of Charlotte fleet site under the County's contract with the City to provide fleet maintenance on County vehicles.

**CONSISTENCY WITH ADOPTED PUBLIC POLICIES:**

Sale of the fleet property to Fiber Mills and its use to support the NC Music Factory would be consistent with the Center City 2020 Vision Plan goals to:

- Enhance efforts to further develop Center City's music and entertainment scene
- Support enhancement of programs and outdoor music festivals, band and signing competitions, and concert series featuring local, national, and international artists.

Additionally, the Maxwell Court extension roadway is to be designed and constructed in accordance with the City's Urban Street Design Guidelines.

**CONSISTENCY WITH ADOPTED LAND USE PLANS:**

The *2020 Vision Plan* (adopted in 2011) does not include specific land use planning recommendations for the parcel; although it does create a vision for this area to support and enhance Charlotte's music and entertainment scene, enhance dining, music and hospitality venues, and enhance arts, culture, nightlife, and quality of life amenities. The Plan specifically identifies the need to create and strengthen access and linkages to the area, particularly for bicycles, pedestrians, and public transit. An expansion and enhancement of the NC Music Factory concept to the County property (and accompanying development of the Maxwell Court extension) is consistent with this vision.

The original NC Music Factory property (adjoining the subject parcel) adopted land use plan (based upon a 2005 rezoning to MUDD-Optional) prescribes a mixture of land uses consisting of multi-family, institutional, office, and retail land uses.

**PROJECT IMPACT:**

This project will increase the efficiency and safety of rail service in the Charlotte area. There are no known long term negative impacts due to this project.

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

There no known relationships to any public or private projects (other than those mentioned above).

**ESTIMATED PROJECT COMPLETION DATE:**

It is anticipated that sale of the right-of-way to NCDOT will happen in 2013 with construction of the road completed in 2014. Acquisition of the Amphitheater Area by Fiber Mills is expected to occur prior to sale of the property to NCDOT for construction of the Maxwell Court extension.

**JOINT USE TASK FORCE REVIEW COMMENTS:**

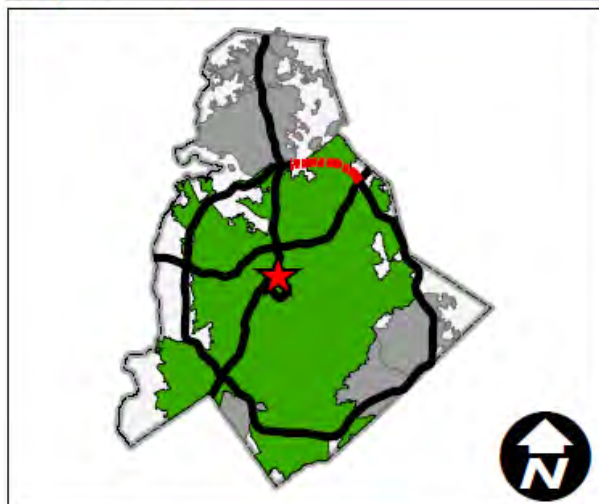
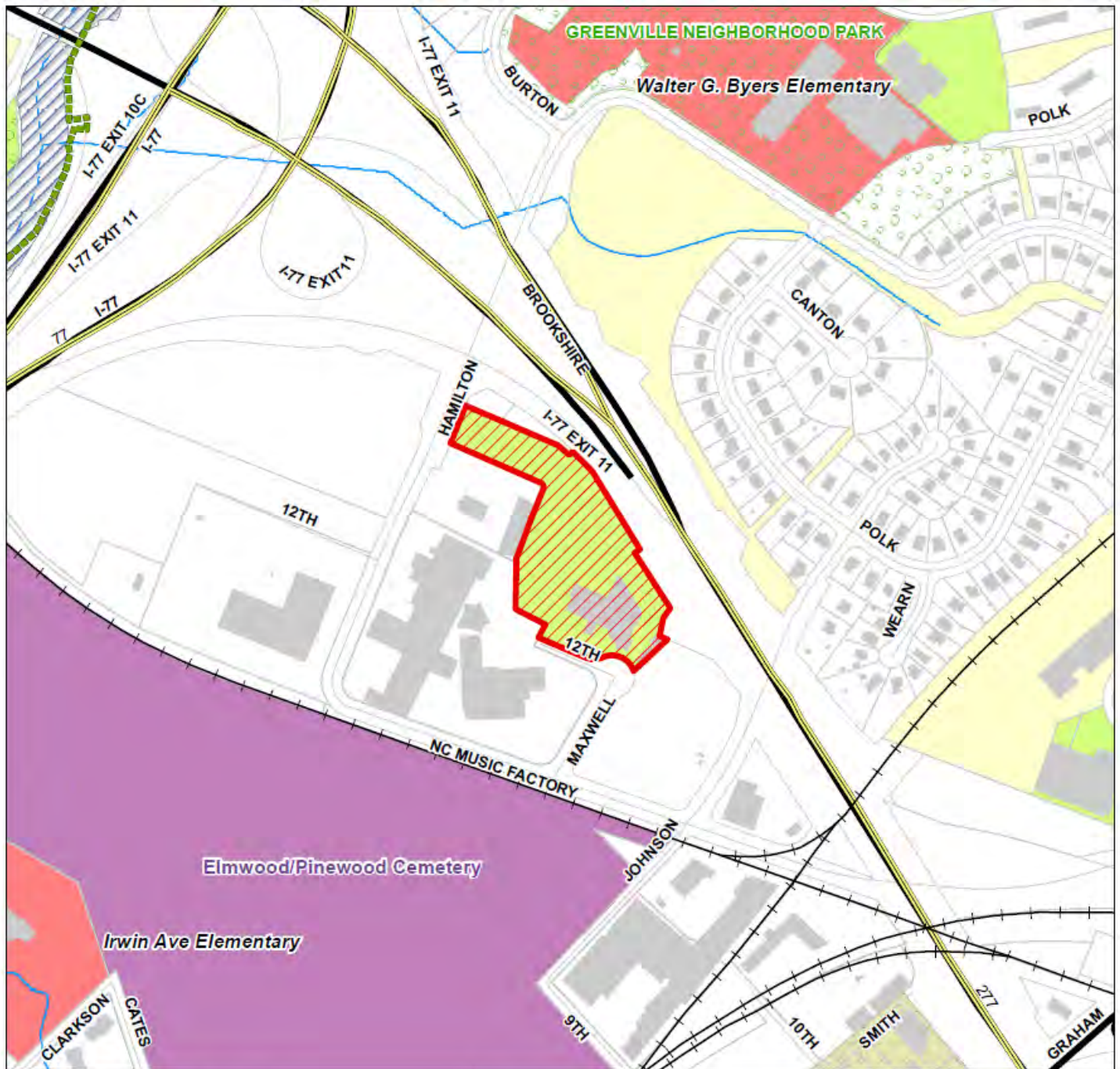
The Joint Use Task Force reviewed this matter at their June 6, 2012 meeting and no joint use comments were offered.

**PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of this proposed transaction for the purpose of expansion of the NC Music Factory (in support of the goals of the *2020 Vision Plan*) and to complete roadway improvements intended to complement both the CRISP high speed rail project, as well as the future land uses of the area.

**CMPC PLANNING COMMITTEE RECOMMENDATION:**









# Mandatory Referral 12-09

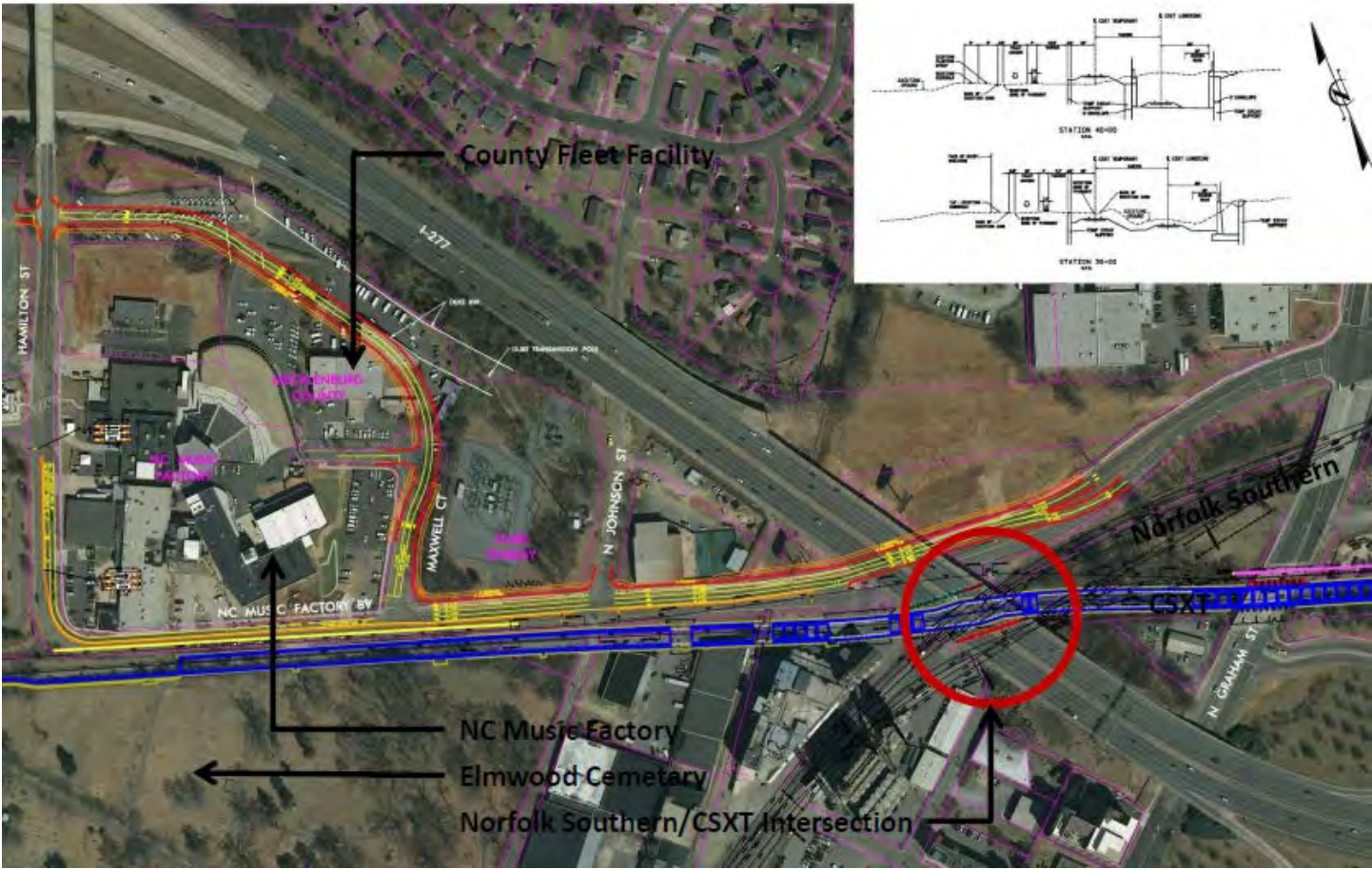
Submitted by: County BSSA/Asset & Facility Mgt.

Initiated by: County BSSA/Asset & Facility Mgt.

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



# GRADE SEPARATION PROJECT OVERVIEW





Submitted by: Jacqueline McNeil, BSSA-Asset and Facility Management

Initiated by: Jim Garges, Director, Park & Recreation Dept.

**MANDATORY REFERRAL REPORT NO. 12-10**  
**Proposed Acquisition of Land on McIlwaine Road in Huntersville to Serve as Park Land**

**PROJECT PROPOSAL AND LOCATION:**

Mecklenburg County proposes the acquisition of +/- 137.89 acres included in Tax Parcels 015-071-01 (89.45 acres) and 015-081-02 (48.447 acres) on McIlwaine Road in the Town of Huntersville to serve as park property. The property is currently vacant (except for a home on Tax Parcel 015-071-01 which is expected to be vacated shortly after closing on the property). The property includes two tracts of a larger +/- 192 acre former single family residential development known as the "Grier" subdivision that was planned and approved for 239 homes. When the economic climate cooled, the development stalled and was never built. The property is zoned TR (Traditional Residential) under Huntersville's Zoning Ordinance.

**PROJECT JUSTIFICATION:**

This project is consistent with the *2008 Mecklenburg County Parks Master Plan* objectives which identified the need for additional park land in this area through its "greenprinting" process. Acquisition of this property will help fulfill the need for additional open space, recreational and greenway trails and amenities in this area of the County and the Town of Huntersville. The property is in the vicinity of several large subdivisions within the Town and once developed, will offer residents in the area the opportunity for varied active and passive recreational experiences.

**CONSISTENCY WITH ADOPTED PUBLIC POLICIES:**

This acquisition is consistent with the County's *2008 Parks Master Plan* which identified the need for additional park land in this area of the County. Additionally, acquisition of this property is consistent with the Town of Huntersville's adopted *2020 Parks and Recreation Master Plan (2011)* which also identified a gap in service for parks within this area of the Town. The *2020 Master Plan* identified the need for a 100+ acre active park in the southwest portion of the town, specifically south of Gilead Road and west of I-77.

**CONSISTENCY WITH ADOPTED LAND USE PLANS:**

The Town of Huntersville does not have an adopted future land use plan for the subject property; however the land in question is zoned "Transitional Residential", which allows for parks as a primary use. The property in question is approved for a 239 lot single family subdivision. From a land use perspective, the proposed park will represent a less intense use and is consistent with the Town's land use objectives.

**PROJECT IMPACT:**

Acquisition of this property takes this tract out of play for future residential development and addresses the recreational and open space needs for a large section of northern Mecklenburg County.

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

This property is to be utilized as open space/park land. The proposed land acquisition will also provide the final missing link to accommodate extension of the Torrence Creek Greenway to Beatties Ford Road.

**ESTIMATED PROJECT COMPLETION DATE:**

This project is for land acquisition only and is expected to be completed by mid-July, 2012. The timeframe for development of future park facilities will be determined at a later date.

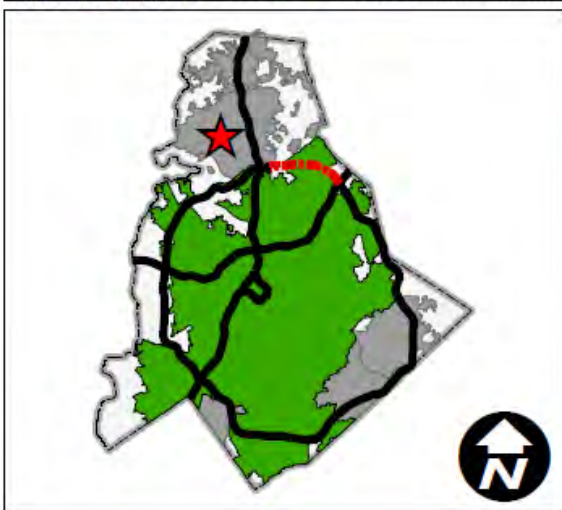
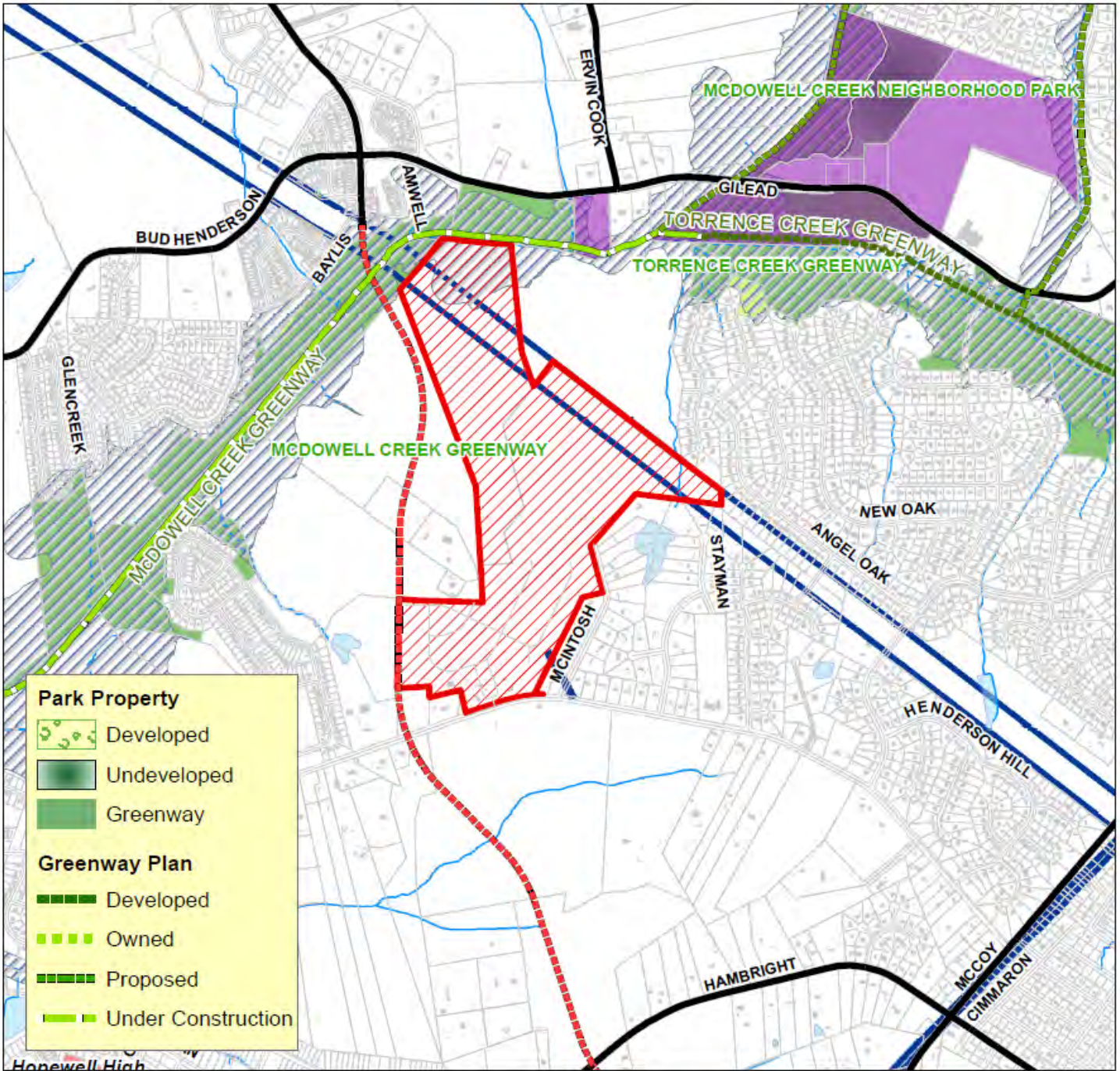
**JOINT USE TASK FORCE REVIEW COMMENTS:**

The Joint Use Task Force discussed this matter at their June 6, 2012 meeting and did not have comments on the project.

**PLANNING STAFF RECOMMENDATION:**


Inasmuch as the Town of Huntersville is fully supportive of the proposed land acquisition off McIlwaine Road by Mecklenburg County Park and Recreation, Planning staff recommends approval of this proposed transaction.

**CMPC PLANNING COMMITTEE RECOMMENDATION:**



# Mandatory Referral 12-10

Submitted by: County BSSA/Asset & Facility Management  
 Initiated by: County Park & Recreation Department

-  Mandatory Referral
-  FEMA 100 Year Floodplain
-  Overhead Electrical Transmission Lines
-  Local Historic Landmark
-  Existing Thoroughfare
-  Proposed Thoroughfare



Mecklenburg County, North Carolina

# POLARIS

Property Ownership Land Records Information System

Date Printed: Thu May 24 08:48:55 EDT 2012

**Parcel 015-081-02**



**Submitted by:** Timothy J. O'Brien, City Real Estate

**Initiated by:** Denice Beteta, City Neighborhood & Business Services

**MANDATORY REFERRAL-REPORT NO. 12-11**  
**Proposed Conveyance of a City-Owned Property at 1201 Pegram Street**  
**Upon Which a House is to be Constructed to be Donated to a Veteran**

**PROJECT PROPOSAL AND LOCATION:**

During the upcoming Republican and Democratic National Conventions, Rebuilding Together and its partners, Sears and NextGen, are bringing bipartisan hands together to swing hammers, nail 2x4s, and build a house that will be donated to a deserving veteran family through the Heroes at Home program. Construction of half of the home will take place in Tampa, Florida during the Republican National Convention and the other half of the home will be completed in Charlotte during the Democratic National Convention. The portion of the home constructed in Tampa will be shipped to Charlotte where the two halves will be assembled into a single home. Rebuilding Together of the Carolinas is working with veterans' organizations to select the deserving veteran family in Charlotte to which the completed home will be donated.

Rebuilding Together of the Carolinas is asking the City of Charlotte to donate a piece of property where the two sections of the home can permanently be installed. The City's Neighborhood & Business Services (NBS) staff identified a vacant City-owned residential lot at 1201 Pegram Street (PID #08113902) which is located at the corner of E. 15th Street and Pegram Street in the Belmont community. The property is zoned R-5 Residential, according to the *Charlotte Zoning Ordinance*, and is surrounded by other residential properties. The property is an "L" shape lot consisting of .42 acre.

It is proposed that the City of Charlotte donate the vacant lot to the Belmont Community Development Corporation (CDC) who will work with Rebuilding Together of the Carolinas and the other groups to complete construction of the house. (The Belmont CDC will also be responsible for subdividing and parceling out any excess land to the adjacent property owners that is not needed for the veteran's new home.)

**PROJECT JUSTIFICATION:**

The constructed home will expand the housing stock in the Belmont community and return a property to the tax rolls. The project will provide housing for a deserving veteran family.

**CONSISTENCY WITH ADOPTED PUBLIC POLICIES:**

The transaction is consistent with the three basic goals of the City's Housing policies which are to:

- preserve the existing housing stock,
- expand the supply of affordable housing, and
- support family self-sufficiency initiatives.

**CONSISTENCY WITH ADOPTED LAND USE PLANS:**

The *Belmont Area Revitalization Plan* (adopted by City Council in 2003) calls for single family residential development up to five dwelling units per acre. The proposed development is consistent with the adopted land use plan.

**PROJECT IMPACT:**

The land is currently vacant. Having a new home in this community and placing the lot back into private ownership, are all positive impacts to the City and the community.

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

There are no other related projects.

**ESTIMATED PROJECT COMPLETION DATE:**

Design of the house and coordination with the corporate sponsors will occur during July with site preparation and construction to begin in August. Assembly of the two halves of the house will take place during the Democratic National Convention. The final construction timeline is currently being developed. Plans are to present keys to the new house to the recipient veteran during the Democratic National Convention Media Day on September 4.

**JOINT USE TASK FORCE REVIEW COMMENTS:**

The Joint Use Task Force discussed this matter at their June 6, 2012 meeting and no joint use comments were offered.

**PLANNING STAFF RECOMMENDATION:**

The *Belmont Area Revitalization Plan* contains residential design guidelines intended to encourage new development compatibility with the historic character of the Belmont community, but notes that the guidelines are not meant “to create strict restrictions or economic hardships”.

Given the circumstances and nature of this proposed collaborative housing project, it may be difficult to meet all of the design guideline elements laid out in the Plan. However, staff recommends approval of the proposed transaction, conditioned upon new development adherence to the following Plan guidelines wherever possible:

- Front doors should be visible from the street.
- Windows should be of vertical proportions (double-hung windows).
- The use of brackets, gable vents, or other architectural details is strongly encouraged.
- Utility meters should be screened from the public right of way.
- Main entries should be linked directly to the public sidewalk with a paved walkway.
- Garages (if included) should be located to the rear of the house. Parking pads and bump-outs in front yards are discouraged.
- Front setbacks of infill housing should be aligned with adjacent houses.
- Driveways should be limited to one car width.

**CMPC PLANNING COMMITTEE RECOMMENDATION:**



