

Planning Committee

Agenda Packet

July 17, 2012 |
Innovation Station
CMGC – 8th Floor
5:00 p.m. |

Charlotte-Mecklenburg Planning Commission

Planning Committee Meeting Agenda

July 17, 2012 - Noon

CMGC - 8th Floor, Innovation Station, 5:00 p.m.

1. Call to Order and Introductions
2. Election of Planning Committee Vice-Chairperson
3. Approve June 26 and July 2, 2012 Minutes. *Attachments 1 and 2*

4. Review of the Mandatory Referral Process

Background: Staff will provide a brief overview of the Mandatory Referral process.

Staff Resource: Jonathan Wells, Planning

Action Requested: None, for information only.

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

Background: Charlotte-Mecklenburg Schools proposes to accept a 2.8 acre parcel of vacant land located on Tipton Drive, adjacent to J. T. Williams School. **Attachment 3**

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

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

6. M.R. #12-07: Proposal by Charlotte-Mecklenburg Schools 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 4**

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

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

7. 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 5**

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

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

8. M.R. #12-12: Proposal by the City of Charlotte's Neighborhood and Business Services Department (N&BS) to Transfer 21 Properties to Various Nonprofit Organizations

Background: N&BS proposes to transfer several houses and vacant lots that are owned by the City to various nonprofit organizations to build or rehab houses. **Attachment 6**

Staff Resources: Alberto Gonzalez, Planning
Tim O'Brien, City Real Estate

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

9. M.R. #12-13: Proposal by the City of Charlotte's Neighborhood and Business Services Department (N&BS) to Sell or Convey Six Remnant Parcels to Adjacent Property Owners

Background: N&BS proposes to sell six remnant parcels of land owned by the City to adjacent property owners. **Attachment 7**

Staff Resources: Alan Goodwin, Planning
Tim O'Brien, City Real Estate

Action Requested: Approve Planning staff's recommendation for M.R. #12-13.

10. M.R. #12-14: Proposal by Charlotte-Mecklenburg Schools to Lease Warehouse Space on Hovis Road

Background: CMS proposes to lease a 100,000 square foot building located at 5401 Hovis Road to store supplies such as textbooks, furniture and equipment. **Attachment 8**

Staff Resources: Melony McCullough, Planning
Dennis LaCaria, CMS Real Estate.

Action Requested: Approve Planning staff's recommendation for M.R. #12-14.

11. M.R. #12-15: Proposal by Charlotte-Mecklenburg Schools to Lease a Former School on Doctor Carver Road

Background: CMS proposes to lease former school and church site located at 2670 Doctor Carver Road to serve as the L.I.F.T. (Leadership and Investment for Transformation) Institute. **Attachment 9**

Staff Resources: Alan Goodwin, Planning
Dennis LaCaria, CMS Real Estate.

Action Requested: Approve Planning staff's recommendation for M.R. #12-15.

12. M.R. #12-16: Charlotte Area Transit System (CATS) Proposes to Acquire a Parcel of Land Owned by Mecklenburg County for the LYNX Blue Line Extension (BLE)

Background: CATS proposes to acquire a parcel of land located at 7738 N. Tryon Street (Parcel 049-241-05) for the BLE. **Attachment 10**

Staff Resources: Kathy Cornett, Planning
Andy Mock, CATS

Action Requested: Approve Planning staff's recommendation for M.R. #12-16.

13. M.R. #12-17: Proposal by Mecklenburg County to Acquire a Flood Prone Structure Located on Westbrook Drive

Background: Mecklenburg County proposes to acquire a parcel located at 1024 Westbrook Drive (Parcel 073-213-02) as a part of the storm water buyout program. **Attachment 11**

Staff Resources: Alan Goodwin, Planning
Jacqueline McNeil, County Asset and Facility Management

Action Requested: Approve Planning staff's recommendation for M.R. #12-17.

14. M.R. #12-18: Proposal by Charlotte-Mecklenburg Storm Water Services (CMSWS) to Acquire 17 Parcels Under the Storm Water Management "Orphan" Program

Background: CMSWS proposes to purchase 17 properties located within the Briar Creek, Irwin Creek and McMullen Creek floodplains for inclusion in the Orphan Property Floodplain Acquisition Plan. Participation in the program is voluntary. **Attachment 12**

Staff Resources: Alberto Gonzalez, Planning
Jacqueline McNeil, County Asset and Facility Management

Action Requested: Approve Planning staff's recommendation for M.R. #12-18.

15. Area Plan Status and Meeting Report

Background: Commissioners will update the Committee on area planning processes.

Action Requested: Assign Commissioners to the following area plans:

- Park Woodlawn
- Prosperity Hucks Area Plan
- Blue Line Extension (six stations)

16. Adjourn

Charlotte-Mecklenburg Planning Commission

Planning Committee Meeting Minutes (DRAFT)

Attachment 1

June 26, 2012 – 5:00 p.m.

CMGC – 8th Floor, Innovation Station

Attendance

Commissioners Present: Yolanda Johnson (Chairperson), Steven Firestone, Karen Labovitz, Deb Ryan and Andy Zoutewelle

Commissioners Absent: Meg Nealon (Vice-Chairperson), Tony Lathrop, Ray Eschert and Dwayne Walker

Commissioners Steven Firestone and Andy Zoutewelle, Zoning Committee members, attended the meeting to ensure a quorum.

Planning Staff Present: Michael Cataldo, Sonda Kennedy, Melony McCullough, Bryman Suttle and Jonathan Wells

Other Staff Present: Jacqueline O’Neil (County Real Estate), Mark Hahn (County Real Estate), Tim O’Brien (City Real Estate) and Kathi Ingrish (Town of Matthews)

Call to Order and Introductions

Chairperson Johnson called the meeting to order at 5:05 p.m. and those present introduced themselves.

Approval of Minutes

A motion was made by Commissioner Ryan and seconded by Commissioner Labovitz to approve the May 15, 2012 minutes. The vote was 5-0 to approve the minutes.

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

Mr. Bryman Suttle presented Mandatory Referral #12-07, a proposal to lease portions of two school sites for cell tower construction, operation and maintenance. He explained that the proposed sites are Idlewild and Endhaven Elementary schools. The proposal is consistent with adopted public policies and with adopted land use plans.

Commissioner Ryan stated that she supported the proposal to lease portions of school sites for cell towers that were presented at the previous Committee meeting. She doesn’t view these any differently. Commissioner Firestone asked about the height of the towers. Mr. Suttle was unsure of the maximum height but noted that the towers will have to comply with zoning regulations. Commissioner Firestone shared his concerns about radiation levels and asked if a field study has been conducted. Mr. Suttle stated that he will ask CMS for an answer to this question. Commissioner Labovitz asked if there have been any meetings with parents to discuss the impact of cell towers on the communities. Commissioner Ryan said that at the last Committee meeting CMS staff conveyed a level of comfort to the Committee that due diligence had been done to determine that the cell towers do not pose a danger to students.

A motion was made by Commissioner Ryan to accept Planning Staff's recommendation to approve this Mandatory Referral but there was no second. Chairperson Johnson stated that the motion failed. Next, she asked how many other schools have towers. Ms. Melony McCullough (Planning) stated that she is aware of two schools that have cell towers, Myers Park High School and Quail Hollow Middle School. Commissioner Zoutewelle asked Ms. McCullough how many votes are needed to approve an item. She replied four. He then seconded the motion made by Commissioner Ryan. Only three commissioners voted to approve the motion. The vote did not carry. Commissioner Firestone reiterated his concern about emissions from the towers and the need to better understand any potential impacts of the towers on students. Commissioner Labovitz shared similar concerns. Mr. Suttle will contact CMS about addressing the Committee's concerns at the next meeting.

A motion was made by Commissioner Ryan and seconded by Commissioner Zoutewelle to defer action on Mandatory Referral #12-07 for one month. The vote was 5-0 to defer action on Mandatory Referral #12-04.

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

Mr. Jonathan Wells presented Mandatory Referral #12-08 which proposes to lease portions of certain school sites for cell antenna construction, operation and maintenance. He introduced Ms. Kathi Ingrish, Planning Director for the Town of Matthews. Mr. Wells stated that cell towers are not permitted in the Town of Matthews but antennas are permitted. Chairperson Johnson suspended the rules to allow Committee members to ask Ms. Ingrish questions. Commissioner Ryan asked if the Town of Matthews is satisfied with the stealth towers. Ms. Ingrish said that the Zoning Ordinance does not allow towers and that antenna height is limited. Commissioner Ryan asked if she supports this Mandatory Referral. Ms. Ingrish replied that she does not have enough information to answer the question and that it is too early in the process. Commissioner Ryan asked if this is approved, will the Town of Matthews still require stealth towers.

Commissioner Zoutewelle asked why is the Committee considering a request for a proposal that is located in the Town of Matthews. Mr. Wells explained that legislation states that the property needed for capital investments of any city or county agency, regardless of the location, is subject to the Mandatory Referral process. Commissioner Zoutewelle then asked how a tower and an antenna differ. Ms. Ingrish explained that antennas are the equipment that actually receives and sends signals and that towers stand alone as a support. Only the antenna emits radiation. Commissioner Zoutewelle said that information should be available about radiation emissions for towers and antennas.

A motion was made by Commissioner Firestone and seconded by Commissioner Ryan to defer action on Mandatory Referral #12-08. The vote was 5-0 to defer action on Mandatory Referral #12-08 for one month.

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

Mr. Wells presented an overview of this proposal which he said was somewhat complicated. The plan will create road right-of-way that will ensure 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 as well as allow the County to relocate a fleet maintenance facility to a more suitable location. Commissioner Zoutewelle disclosed that his surveying company is working on property in the area and he is not sure if that would have an impact on him hearing this proposal. Chairperson Johnson asked the Committee to vote on this issue. The vote was unanimous to allow Commissioner Zoutewelle to hear the proposal. Mr. Wells proceeded with his presentation. Commissioner Ryan asked about the traffic flow in the area. While looking at the map which depicted the area changes, Commissioner Zoutewelle then revealed that the property that he is surveying may very well be interconnected with the proposed Mandatory Referral. After discussing this matter, the Committee decided that Commissioner Zoutewelle may have a conflict of interest and should be recused. Since there was no longer a quorum present, the item was deferred.

A motion was made by Commissioner Labovitz and seconded by Commissioner Ryan to defer Mandatory Referral #12-09 until Monday, July 2 or the next regular scheduled meeting date. The vote was 4-0 to defer action on Mandatory Referral #12-09. Commissioner Zoutewelle was recused.

Commissioner Zoutewelle returned to the meeting.

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

Mr. Michael Cataldo presented Mandatory Referral #12-10, a proposal to acquire land located on McIlwaine Road in the Town of Huntersville for a park. Mr. Cataldo stated that the project is consistent with the *Mecklenburg County Park and Recreation s Master Plan (2008)*, the adopted land use plan, and other adopted public policies.

A motion was made by Commissioner Firestone and seconded by Commissioner Ryan to approve Planning staff's recommendation for Mandatory Referral #12-10. The vote was 5-0 to approve Planning staff's recommendation for Mandatory Referral #12-10.

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

Mr. Wells began his presentation by stating that this is an unusual proposal. Tim O'Brien (City Real Estate) stated that the Democratic and Republican parties, Rebuilding Together and its partners, Sears, and NextGen are bringing bipartisan hands together to build a house. The house will be donated to a veteran family during the Democratic National Convention.

Commissioner Ryan said it looks like an alley right-of-way is being given away as a part of this transaction. Mr. O'Brien stated that staff's preference is to separate the "L" shaped parcel and donate the portion of the parcel that is to the rear of other parcels to the individual property owners. This did not occur because of time constraints. However, if the property is donated to the Belmont CDC, the CDC could separate and deed the property to adjoining property owners. Commissioner Ryan said she will have a hard time supporting this because she thinks giving away the back alley space makes no sense and she is not sure that CDC will figure that out. She stressed that this could open up all sorts of problems and that consideration may need to be given to another parcel or subdividing this parcel and coming back.

Commissioner Labovitz asked where will the house be located on the parcel. Mr. O'Brien replied that the house will be built to line up with the other houses along Pegram Street. Commissioner Ryan emphasized that she thinks it's bad urban policy to give away alleys. We have done that in the past and it is not a good thing to do. Mr. O'Brien said he does not think that this is an alley but just an odd shaped parcel. Mr. O'Brien said that the City does not support alleys and that Charlotte Department of Transportation (CDOT) approves alley abandonments to allow ownership to change. The City does not maintain alleys.

From a Planning standpoint, Commissioner Ryan voiced concern about having a long linear strip of land in people's back yards that is privately owned. She pointed out problems that could occur for others if the land owner does not properly maintain the portion of the parcel to the rear of other lots. She thinks there are other sites that could be considered. Commissioner Labovitz asked where the house will be located on the parcel. Commissioner Zoutewelle asked if the house will be oriented toward Pegram Street and who owns the property. Mr. O'Brien told him that the property is owned by the City. Commissioner Zoutewelle asked if the Committee can place conditions on the Mandatory Referral. Mr. O'Brien said the Committee can recommend that the land behind the other houses be subdivided and the land deeded to adjacent property owners. Commissioner Zoutewelle asked if staff is receptive to conditions being added to the Mandatory Referral. Mr. Wells pointed out that staff's recommendations includes several conditions pertaining to design standards and that this is typical. He confirmed that the Committee agree with staff's recommendation or propose additional conditions. Commissioner Firestone asked how long does it take to subdivide property. Mr. Suttle said approximately 20 days.

A motion was made by Commissioner Firestone and seconded by Commissioner Zoutewelle to approve Planning staff's recommendation for Mandatory Referral #12-11 with the condition that the portion of the parcel closest to 15th Street be retained by the City. The vote was 4-1 to approve Planning Staff's recommendation for Mandatory Referral #12-11 as modified.

Area Plan Status and Meeting Report

Commissioner Labovitz stated that there was a design workshop on June 5th and that future meetings are probably several months away. Because of the change in Committee members, effective July 1st, Commissioner Zoutewelle, the newly appointed Planning Committee Chairperson, will appoint a new commissioner to the *Park Woodlawn Area Plan*.

Adjourned 6:10 p.m.

Charlotte-Mecklenburg Planning Commission

Planning Committee Meeting Minutes (DRAFT)

Attachment 2

July 2, 2012 – Noon (Special Meeting)

CMGC – 8th Floor, Innovation Station

Attendance

Commissioners Present: Yolanda Johnson (Planning Commission Chairperson), Steven Firestone, Karen Labovitz, Meg Nealon, Deb Ryan and Dwayne Walker

Commissioner Labovitz, Zoning Committee member, attended the meeting to ensure a quorum.

Commissioners Absent: Andy Zoutewelle (Planning Committee Chairperson), Tracy Finch Dodson and Tom Low

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

Other Staff Present: Mark Hahn (Mecklenburg County Asset and Facility Management)

Call to Order and Introductions

Chairperson Johnson called the meeting to order at 12:05 p.m. and those present introduced themselves. Chairperson Johnson stated that she will serve as chair for this meeting because the newly elected Planning Committee Chairperson, Commissioner Andy Zoutewelle, has a conflict of interest with the only agenda item.

She explained that Mandatory Referral #12-09 appeared on the June 26th Planning Committee agenda; however, there were only five commissioners at that meeting. Commissioner Zoutewelle was recused due to a potential conflict of interest and there was no longer a quorum present to make a recommendation on Mandatory Referral #12-09. Because of time constraints regarding the proposal, the Committee scheduled a special meeting to make a recommendation on M.R. #12-09.

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

Jonathan Wells (Planning) gave a brief overview of the Mandatory Referral and introduced Mark Hahn (Mecklenburg County Asset and Facility Management). Mr. Hahn shared additional background information on the proposal for the benefit of commissioners who were not at the previous Committee meeting.

The North Carolina Department of Transportation (NCDOT) is working to grade separate the CSXT and Norfolk Southern Railroads, which currently intersect under Interstate 277. While this project is underway, NC Music Factory Blvd. will be narrowed in front of the NCMF. To provide for roadway capacity during the construction project, Maxwell Court will be extended from its current end at W. 12th Street through the County-owned Vehicle Maintenance Facility (VMF) property to intersect with Hamilton Street behind the NCMF. This street will be used as a detour while NC Music Factory Blvd. is narrowed and the railroad work is ongoing. Once NC Music Factory Blvd. is returned to its current configuration, Maxwell Ct. Ext. will become a City maintained street, and additional development will be allowed facing it. The land and portion of the VMF structure that remains can then be sold to the NCMF. The already successful music and entertainment venue can then expand

operations and secure necessary facilities and parking. The County's fleet maintenance facility will then be relocated to a more suitable location. He further explained that the North Carolina Music Factory (NCMF) amphitheater encroaches on County property through a previous agreement. He also stated that this proposal is consistent with the *Center City 2020 Vision Plan (2011)*.

Commissioner Walker stated that he is concerned about setting a precedent and asked what initiated this proposal and the phased acquisition. He also asked if this Mandatory Referral is typical. Mr. Hahn explained that this proposal is unique and more complex primarily because of the rail project. He added that phased acquisition is also unusual.

Mr. Hahn described the current lease agreement. He also noted that the project is awkward because the County leases land to the NCMF where a portion of the amphitheater is located and in turn, the NCMF leases land to the County for VMF parking.

NCMF is seeking fee simple ownership to refinance their project. Phased transactions allow them to buy small portions of land and requires them to purchase the remainder when the road project is complete. The County has been working for several years to sell the property to the NCMF.

Commissioner Labovitz asked for an explanation on the entrance to the NCMF. Mr. Hahn outlined the best way to access the theater on a map. Commissioner Labovitz asked what happens if the deal does not take place and the NCMF chooses not to buy the property. Mr. Hahn said a previous agreement requires the NCMF to purchase the property. Vice-Chairperson Nealon asked if the NCMF is buying the county owned land where the amphitheater is located. Mr. Hahn replied yes. Commissioner Ryan expressed concern about traffic through the Greenville Neighborhood if this transaction does not occur. Mr. Hahn agreed.

A motion was made by Commissioner Walker and seconded by Commissioner Ryan to approve Planning staff's recommendation for Mandatory referral #12-09. The vote was 6-0 to approve Planning staff's recommendation for Mandatory Referral #12-09.

Adjourned 12:25 p.m.

Submitted by: Katherine Bowen, CMS Real Estate Dept.

Initiated by: Katherine Bowen, CMS Real Estate Dept.

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

PROJECT PROPOSAL AND LOCATION:

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

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

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

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

PROJECT JUSTIFICATION:

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

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

No existing policies specifically apply to the proposed acquisition.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

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

PROJECT IMPACT:

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

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

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

ESTIMATED PROJECT COMPLETION DATE:

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

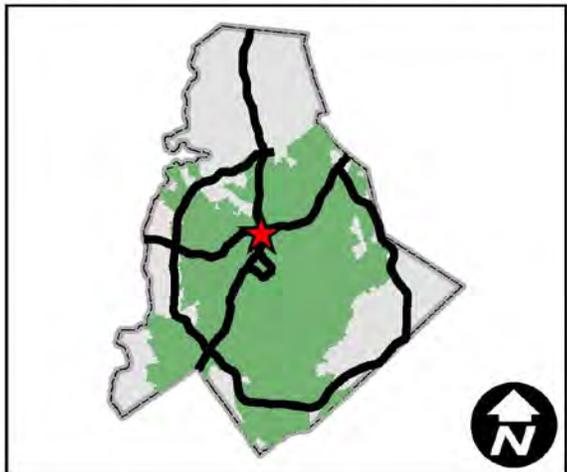
JOINT USE TASK FORCE REVIEW COMMENTS:

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

PLANNING STAFF RECOMMENDATION:

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

CMPC PLANNING COMMITTEE RECOMMENDATION:

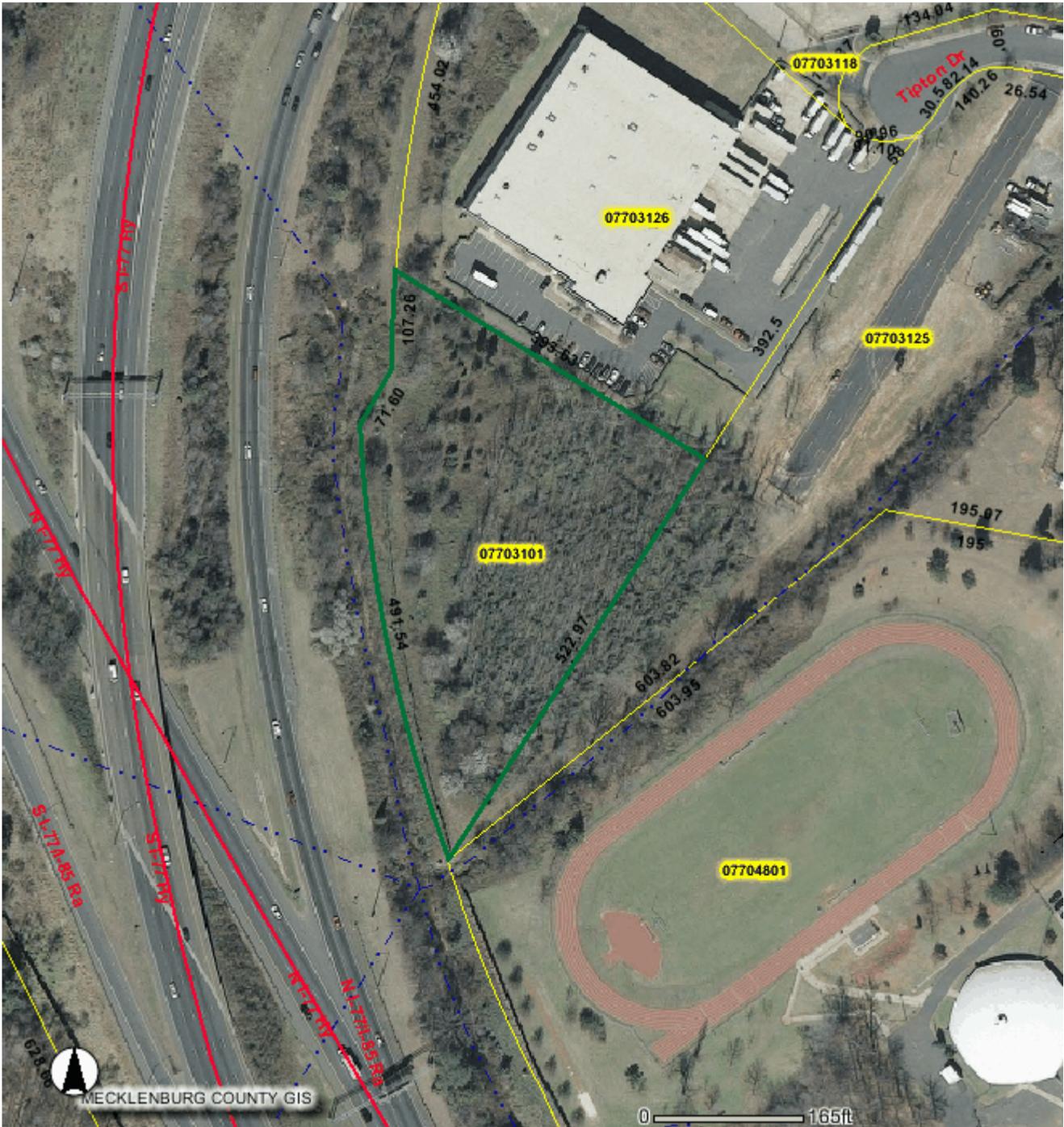


Mandatory Referral 11-15

Submitted & Initiated by: CMS Real Estate

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





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 desire to locate cell towers. Staff received expressions of interest for several school sites. Seven school sites were covered under a previous Mandatory Referral (MR# 12-04); 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 pre-existing 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:

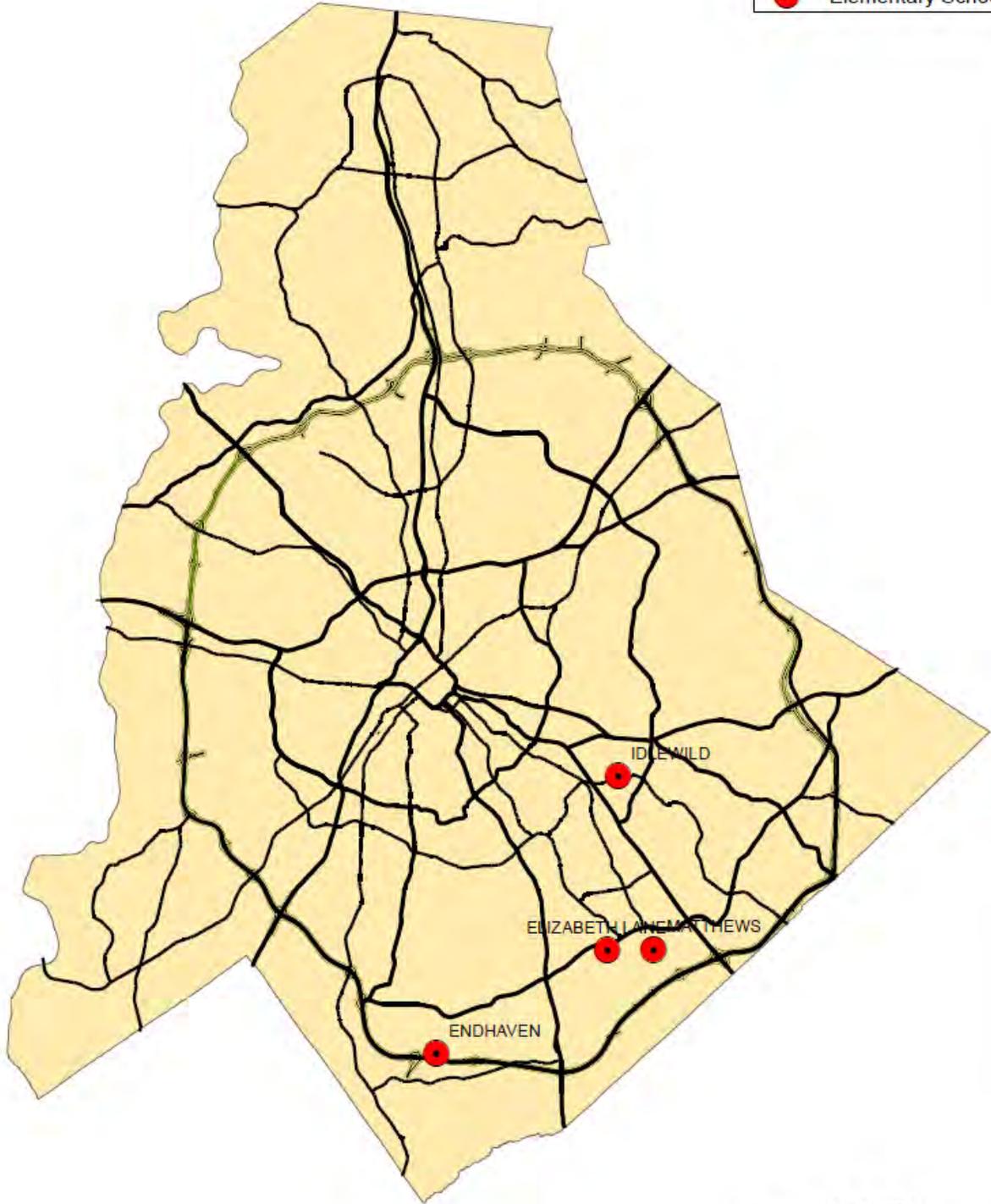
Planning staff recommends approval of this Mandatory Referral.

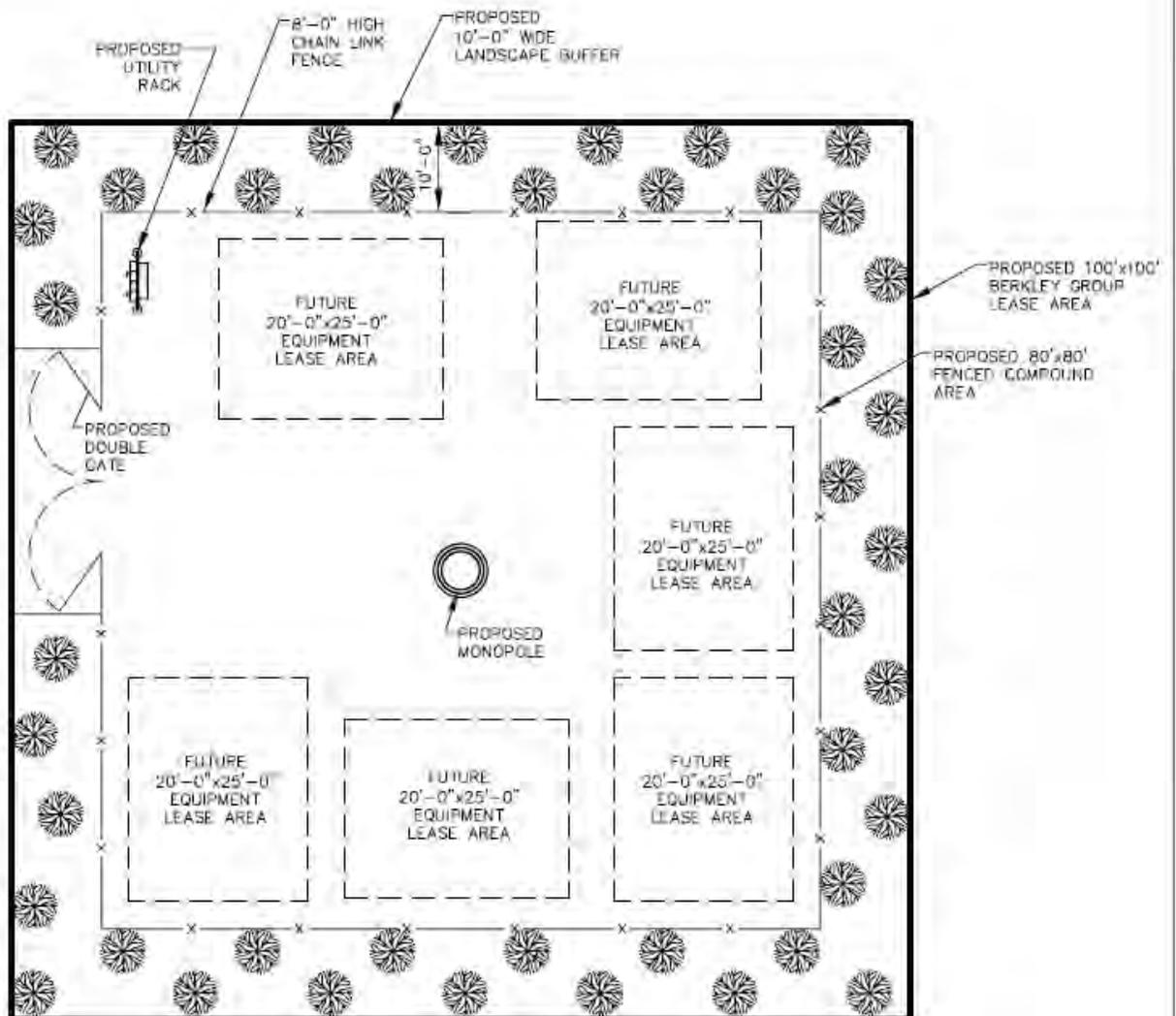
CMPC PLANNING COMMITTEE RECOMMENDATION:

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 desire to locate cell towers. Staff received expressions of interest for several school sites. Seven school sites were covered under a previous Mandatory Referral (MR# 12-04); 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* 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:

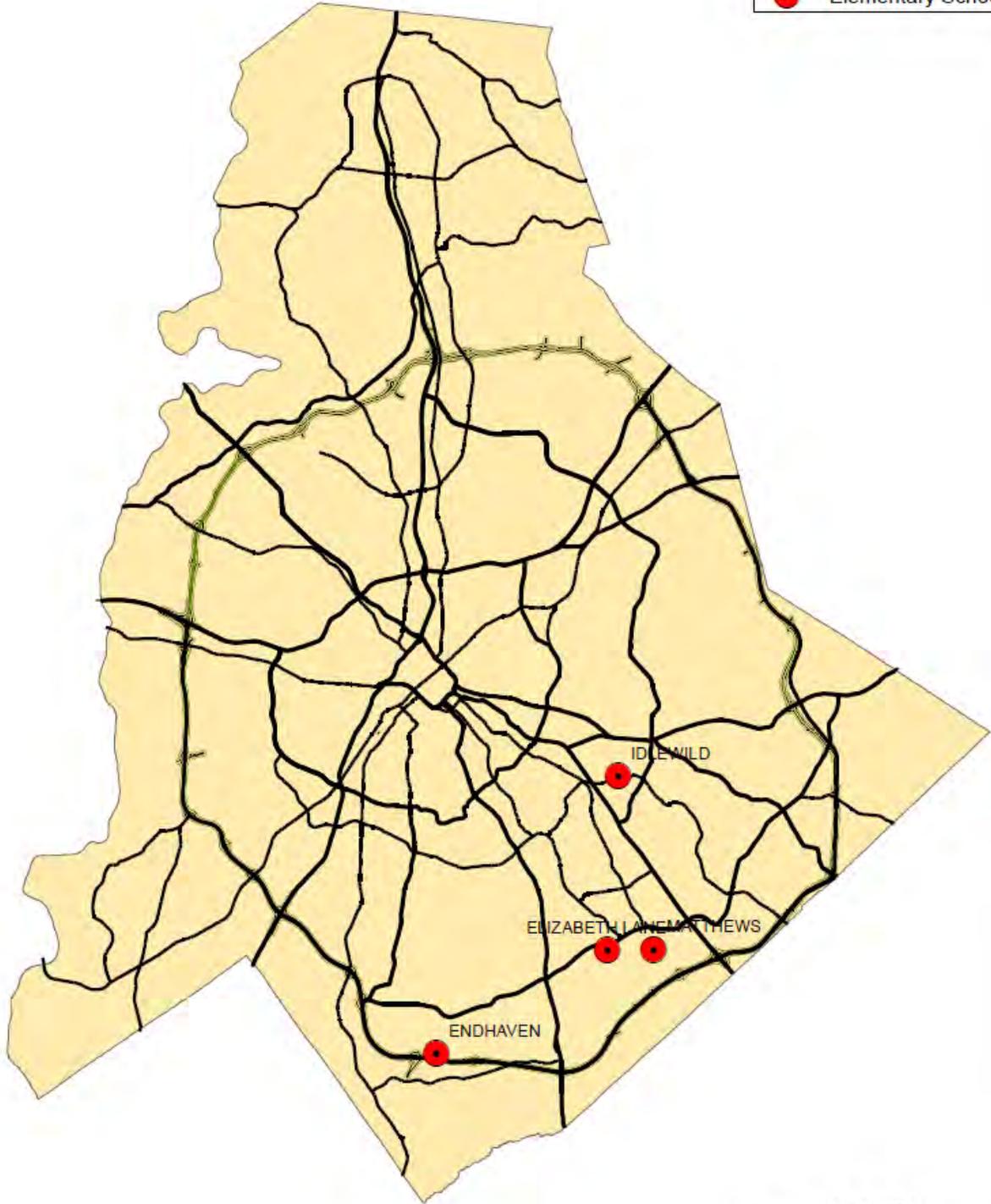
Planning staff recommends approval of the placement of antennas at the indicated locations, subject to review and approval requirements prescribed by the Town of Matthews.

CMPC PLANNING COMMITTEE RECOMMENDATION:

Proposed Cell Tower Sites

Legend

 Elementary School



Submitted by: Timothy J. O'Brien, City of Charlotte Real Estate Division

Initiated by: Denice Beteta, Neighborhood & Business Services

MANDATORY REFERRAL REPORT NO. 12-12
Proposal to Transfer 21 City-Owned Properties to Various Nonprofit Corporations

PROJECT PROPOSAL AND LOCATION:

The City of Charlotte's Neighborhood and Business Services Department (N&BS) proposes to transfer scattered City-owned residential properties to allow them to be rehabilitated and re-occupied. These properties – principally vacant residential structures - came to the City as a result of non-payment of mortgages that were generated from N&BS, and are generally in need of rehabilitation. Some sites may be vacant residentially-zoned lots.

N&BS maintains a list of City-approved, experienced nonprofit development organizations and Community Development Corporations (CDC) with whom they partner in developing affordable housing. It is proposed that these organizations be provided a list of these potentially-available properties in order to solicit their interest in acquiring the properties in order to rehabilitate them and make them available for sale as affordable housing. In the event that any of the properties receive no interest from the nonprofits or CDC's, they will then be offered to the public for purchase (the public offering would have no condition to subsequently sell as affordable housing).

If the inventory includes any residentially-zoned vacant lots, they will be similarly offered first to agencies experienced in new construction of affordable housing before they are offered for sale to the general public.

PARCEL SUMMARY						
	PARCEL #	PROPERTY ADDRESS	ZONING*	Existing LAND USE	LOT SIZE (AC.)	AREA PLAN
1	20304708	9917 Woody Ridge Rd	R-4	Residential (house)	.23	SW District Plan (1991)
2	16721304	7509 Bradgate Rd	R-3	Residential (house)	.28	SW District Plan (1991)
3	10322116	6048 Johnnette Dr	R-3	Residential (house) poor access	.59	Eastland Area Plan (2003)
4	06903317	514 Campus St	R-22MF	Vacant lot	.17	Central Dist. Plan (1993)
5	03930206	3821 Bardot Dr	R-4	Residential (house)	.22	NW District Plan (1990)
6	14523219	2984 Shady Ln	R-4	Residential (house)	.34	Central Dist. Plan (1993)
7	05703112	918 Wasbash Av	R-5, I-1	Residential (house)	.52	NW District Plan (1990)
8	44518302	2235 West Blvd	B-4	Vacant lot	.25	Central Dist. Plan (1993)
9	07706113	1700 Newland Rd	R-12MF	Vacant lot	1.30	Central Dist. Plan (1993)
10	08107613	316 Parkwood Av	R-8	Vacant lot (2 lots)	.34	BLE Parkwood SAP (In Progress) Optimist Pk. Plan (2002)
11	03902108	422 N Linwood Ave	R-5	Vacant Lot	.20	NW District Plan (1990)
12	04303103	3427 W Sugar Creek Rd	R-5	Residential (house)	.33	NE District Plan (1996)
13	06511305	327 Ramona St	R-5	Residential (house)	.19	Lakewood Plan (2006)
14	06707326	2632 Columbus Circle	R-8	Vacant Lot	.27	Central Dist. Plan (1993)
15	06909228	1723 Taylor Ave	R-5	Vacant Lot	.16	Central Dist. Plan (1993)
16	06910211	809 Pennsylvania Ave	R-5	Residential (house)	.34	Central Dist. Plan (1993)
17	15703520	3016 Marney Ave	R-5	Residential (house)	.16	Central Dist. Plan (1993)
18	07107324	422 S Bruns Ave	R-8	Residential (house)	.13	Central Dist. Plan (1993)
19	07505802	1940 St Paul St	R-5	Residential (house)	.14	Central Dist. Plan (1993)
20	14517406	3127 Ridge Ave	R-5	Residential (house)	.15	Central Dist. Plan (1993)
21	14522405	3146 Amay James Ave	R-5	Vacant lot	.33	Central Dist. Plan (1993)
22	20510212	9829 Packard St	R-4	Residential (house)	.20	Sharon/I-485 SAP (2009)

* per. Charlotte Zoning Ordinance

PROJECT JUSTIFICATION:

These properties were acquired by Substitute Trustee's Deeds as a result of foreclosures. Because they are properties that are not needed for City operations, they incur year-round maintenance and liability expenses as well as additional clean-up costs due to occasional dumping on the properties. N&BS has been working with neighborhood organizations and other nonprofits in efforts toward revitalizing some of the neighborhoods in which these properties are located.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

The transfer of these parcels with an emphasis upon providing first rights to nonprofit organizations supports the recommendation to develop affordable housing as outlined in the *FY2006-2010 Consolidated Action Plan* (approved by City Council on June 23, 2005).

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The applicable area plans are specified in the right-hand column of the table above. The land uses prescribed by those plans are detailed below.

	PROPERTY ADDRESS	ADOPTED FUTURE LAND USE	PLAN CONSISTENCY?
1.	9917 Woody Ridge Rd	Single Family <= 4 DUA	Yes
2.	7509 Bradgate Rd	Single Family <= 3 DUA	Yes
3.	6048 Johnnette Dr	Single Family <= 4 DUA	Yes
4.	514 Campus St	Single/Multi-Family <= 8 DUA	Yes
5.	3821 Bardot Dr	Single Family < = 6 DUA	Yes
6.	2984 Shady Ln	Single Family < = 4 DUA	Yes
7.	918 Wasbash Av	Single Family < = 6 DUA	Yes
8.	2235 West Blvd	Retail	
9.	1700 Newland Rd	Multi-Family	Yes
10	316 Parkwood Av	Single Family <= 8 DUA	Yes
11	422 N Linwood Ave	Single Family < = 6 DUA	Yes
12	3427 W Sugar Creek Rd	Residential < = 8 DUA	Yes
13	327 Ramona St	Residential < = 5 DUA	Yes
14	2632 Columbus Circle	Single Family < = 8 DUA	Yes
15	1723 Taylor Ave	Single Family < = 4 DUA	Yes
16	809 Pennsylvania Ave	Single Family < = 4 DUA	Yes
17	3016 Marney Ave	Single Family < = 4 DUA	Yes
18	422 S Bruns Ave	Single Family < = 8 DUA	Yes
19	1940 St Paul St	Single Family < = 4 DUA	Yes
20	3127 Ridge Ave	Single Family < = 5 DUA	Yes
21	3146 Amay James Ave	Single Family < = 5 DUA	Yes
22	9829 Packard St	Residential < = 8 DUA	Yes

PROJECT IMPACT:

The project provides for additional home ownership opportunities and supports revitalization efforts within the associated neighborhoods.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

No other known projects are planned or underway in these areas.

ESTIMATED PROJECT COMPLETION DATE:

The intent is to transfer these parcels by the end of 2012.

JOINT USE TASK FORCE REVIEW COMMENTS:

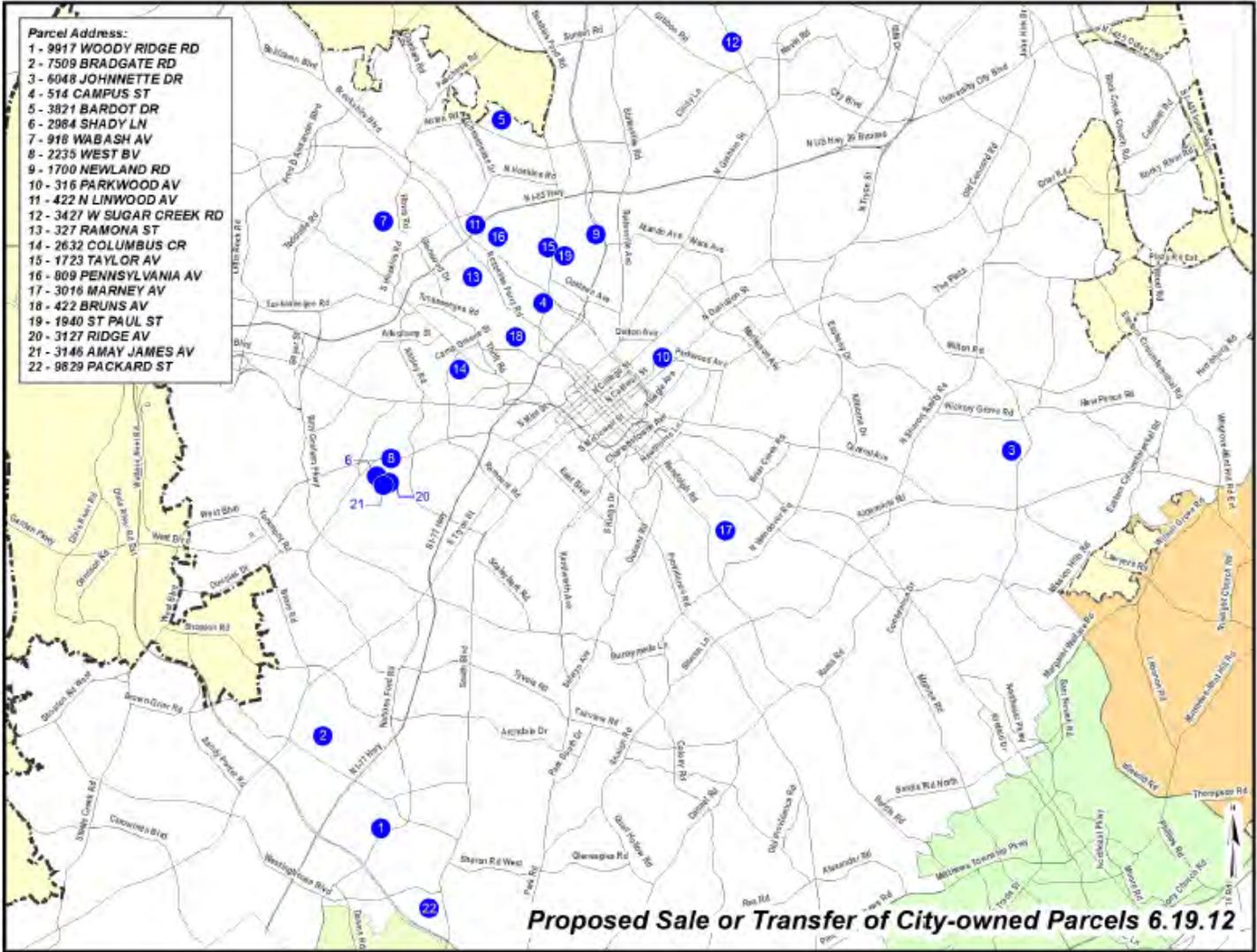
The Joint Use Task Force discussed the matter at their June 27, 2012 meeting and no comments were provided.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed land transfers.

CMPC PLANNING COMMITTEE RECOMMENDATION:

- Parcel Address:**
- 1 - 9917 WOODY RIDGE RD
 - 2 - 7509 BRADGATE RD
 - 3 - 6048 JOHNETTE DR
 - 4 - 514 CAMPUS ST
 - 5 - 3821 BARDOT DR
 - 6 - 2964 SHADY LN
 - 7 - 918 WABASH AV
 - 8 - 2235 WEST BV
 - 9 - 1700 NEWLAND RD
 - 10 - 316 PARKWOOD AV
 - 11 - 422 N LINWOOD AV
 - 12 - 3427 W SUGAR CREEK RD
 - 13 - 327 RAMONA ST
 - 14 - 2632 COLUMBUS CR
 - 15 - 1723 TAYLOR AV
 - 16 - 809 PENNSYLVANIA AV
 - 17 - 3016 MARNEY AV
 - 18 - 422 BRUNS AV
 - 19 - 1940 ST PAUL ST
 - 20 - 3127 RIDGE AV
 - 21 - 3146 AMAY JAMES AV
 - 22 - 9829 PACKARD ST



Submitted by: Timothy J. O'Brien, City of Charlotte Real Estate Division

Initiated by: Denice Beteta, Neighborhood & Business Services

MANDATORY REFERRAL-REPORT NO. 12-13
Proposal to Sell or Deed Away Various Remnant City-Owned Parcels

PROJECT PROPOSAL AND LOCATION:

The City of Charlotte's Neighborhood and Business Services Department (N&BS) proposes to transfer six City-owned properties out of the City's inventory that are considered "remnant parcels", having little to no economic value and not large enough by themselves, to be buildable lots. All of the remnants are vacant.

In some cases, the assemblage of a City-owned parcel with the adjacent property owner's land could create more value to the entire assembled property. In these cases, an effort will be made to receive economic consideration (i.e. payment) for the release of the City-owned parcels. In other cases, where the remnant has no value, the proposal is to deed the remnant parcels to the adjacent property owners.

The list of remnant parcels is as follows:

PARCEL SUMMARY						
	PARCEL #	PROPERTY ADDRESS	ZONING *	CURRENT LAND USE	LOT SIZE (AC.)	AREA PLAN
1	06903534	227 Mill Rd at Solomon St.	R-22MF	Vacant remnant	.07	Central Dist. Plan (1993)
2	06903599	Mill Rd at Solomon Street	R-22MF	Vacant remnant	.01	Central Dist. Plan (1993)
3	09109104	Spencer St	R-5	Vacant, not buildable (nearly landlocked)	1.36	Central Dist. Plan (1993)
4	11502712	2713 Craddock Ave	R-5	Vacant remnant	.01	Central Dist. Plan (1993)
5	15901213	2901 Dunn Ave	B-2	Utility and RR ROW (max. 40' wide)	1.00	Central Dist. Plan (1993)
6	11501701	2643 Mayfair Ave	R-5	Vacant triangular parcel between 3 roads	.35	Central Dist. Plan (1993)

* per. Charlotte Zoning Ordinance

Parcels #1 and #2 appear to have been created in 1980 as the result of the realignment of Solomon Street and are not buildable. Parcel #3 is a landlocked parcel surrounded by single family homes to the north and east, and a church, child care center, and multi-family residential parcel to the south. Parcel #4 appears to be a remnant resulting from the construction of the Craddock Avenue cul-de-sac bulb in 1998. Parcel #5 is a 1-acre sliver of land sandwiched between Dunn Avenue and the Seaboard Coast Line Railroad tracks. It appears to be entirely within the presumptive railroad right-of-way. Due to its shape and proximity to the railroad tracks, it is not a buildable lot. Parcel #6 is a one-third acre triangle of land bounded by streets on all sides. It serves as neighborhood open space.

PROJECT JUSTIFICATION:

The properties at issue are not needed and do not create value for any City or County projects. Because they are properties that are not needed for governmental use, they incur year-round maintenance and liability expenses as well as additional clean-up costs due to occasional dumping on the properties.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

The guidelines for Asset Management, July 25, 1994 call for the sale or release of any City-owned parcels not needed for the City's core businesses. Additionally, departmental polling conducted among City and County agencies resulted in no identification of public need.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The applicable area plans are specified in the right-hand column of the table above. The land uses prescribed by those plans, along with the consistency of the proposed uses with those plans are detailed in the table below.

PARCEL #	PROPERTY ADDRESS	PRESCRIBED LAND USE	DISPOSITION USE CONSISTENT?
1	227 Mill Rd at Solomon St.	Single/Multi-Family Residential	Yes
2	Mill Rd at Solomon St (lot)	Single/Multi-Family Residential	Yes
3	Spencer St (lot)	Institutional	Yes
4	2713 Craddock Ave	Single Family Residential	Yes
5	2901 Dunn Ave	Multi-Family Residential	No
6	2643 Mayfair Ave	Single Family Residential	Yes

PROJECT IMPACT:

The disposal of the surplus properties will further reduce the liability and maintenance from the City.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

There is no known relationships to either public or private projects.

ESTIMATED PROJECT COMPLETION DATE:

It is anticipated that title will be transferred to these parcels by the end of 2012.

JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force discussed this matter at their June 27, 2012 meeting and no joint use comments were offered.

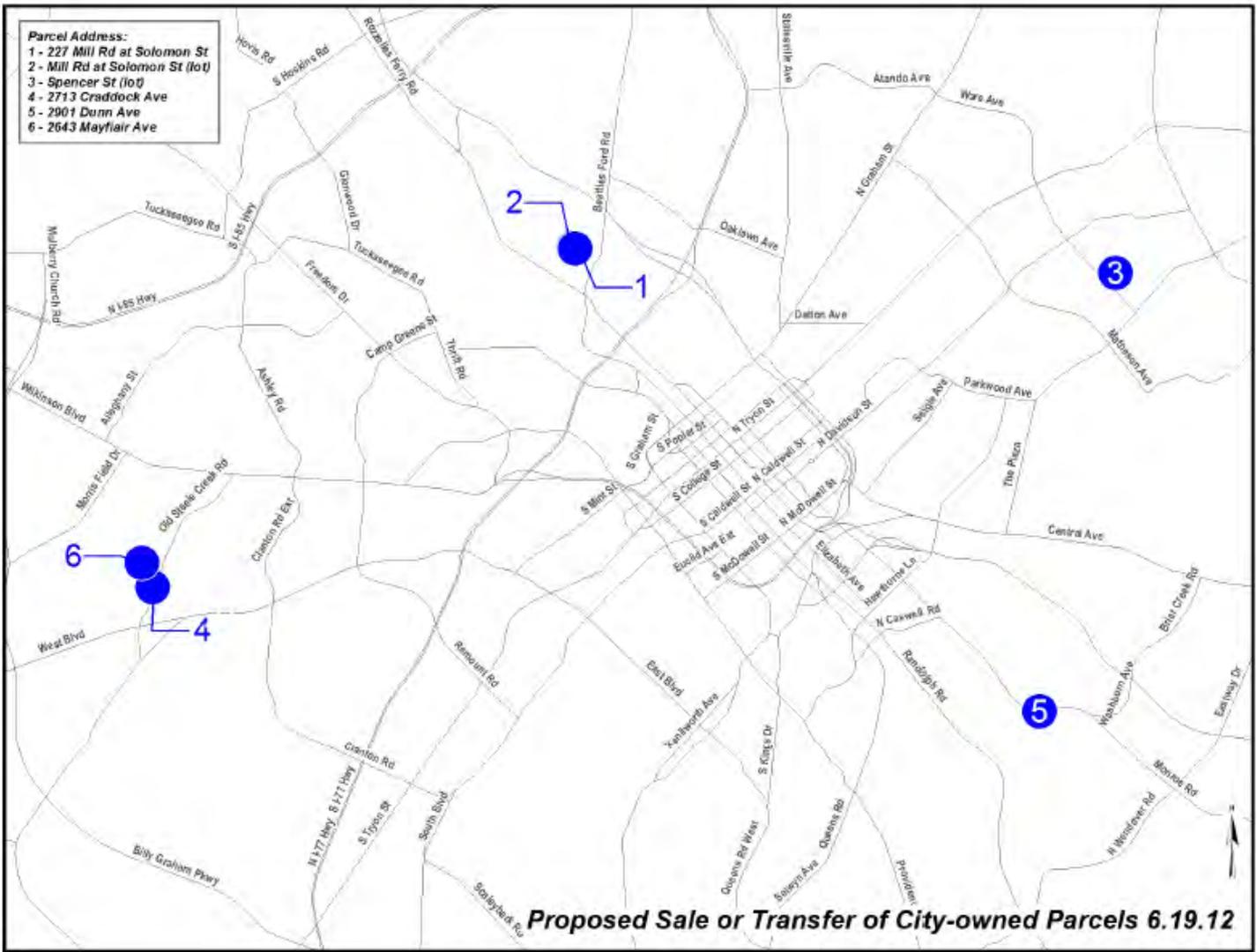
PLANNING STAFF RECOMMENDATION:

Staff recommends disposition of the subject parcels in the following fashion:

- Parcels #1 and #2 are not buildable and should therefore be deeded to the respective abutters.
- Subdividing the 1.36-acre Parcel #3 and deeding it equitably to each abutter would be difficult and would not add appreciable value to the adjacent parcels. Staff; therefore, recommends offering the parcel for sale in its entirety to one of the institutional abutters (the church or the child care facility) which would be consistent with the land use recommendation in the *Central District Plan*.
- Parcel #4 should be deeded to the adjacent Parcel #11502716 (2716 Old Steele Creek Road), since it appears to have been taken from this parcel when the right-of-way for the cul-de-sac was created.
- Parcel #5 is not buildable due to its shape and proximity to the railroad tracks. The parcel's eastern boundary is the center line of the tracks, and most of the parcel is composed of railroad tracks, ballast, and embankment. The adjacent green space along Dunn Avenue that includes a welcome sign to the Grier Heights neighborhood is primarily outside of the subject parcel within the street right-of-way, and it should not be affected by the disposition of this parcel. If the City conveys this parcel, it should be offered to the railroad.
- Parcel #6 should be preserved as neighborhood open space by offering it to an entity (e.g. neighborhood association or garden club) willing and able to maintain it.

CMPC PLANNING COMMITTEE RECOMMENDATION:

- Parcel Address:**
- 1 - 227 Mill Rd at Solomon St
 - 2 - Mill Rd at Solomon St (lot)
 - 3 - Spencer St (lot)
 - 4 - 2713 Craddock Ave
 - 5 - 2901 Dunn Ave
 - 6 - 2643 Mayfair Ave



Proposed Sale or Transfer of City-owned Parcels 6.19.12

Submitted by: Katherine Bowen, CMS Real Estate Dept.

Initiated by: Dennis LaCaria, CMS Facilities Planning

MANDATORY REFERRAL REPORT NO. 12-14
Proposed Lease by CMS of Facility on Hovis Road to Serve as Warehouse Space

PROJECT PROPOSAL AND LOCATION:

Charlotte-Mecklenburg Schools (CMS) proposes to lease a 100,000 square foot building located at 5401 Hovis Road (parcel 05701104) in the City of Charlotte for warehouse space, to store materials such as furniture, equipment and supplies, and textbooks. The site is currently occupied by a vacant warehouse; minimal building and site improvements are anticipated in order to make it operational for CMS needs.

The 7.55 acre site is located in an industrial park and is zoned I-2 Industrial according to the City of Charlotte Zoning Ordinance.

PROJECT JUSTIFICATION:

Charlotte-Mecklenburg Schools currently operates a warehouse on Bond Street which is leased. The lease term has concluded and CMS finds the renewal terms unacceptable. Therefore, CMS proposes to relocate this operation from Bond Street to the Hovis Road site.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

The State General Statutes allow for local Boards of Education to enter into operational leases of real or personal property for the purposes of operating the school districts they oversee.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The *Northwest District Plan* (adopted 1990) recommends industrial land uses on the subject property, which is consistent with the proposed use.

PROJECT IMPACT:

CMS is keeping the operating cost of the warehouse down by not renewing the current Bond Street lease. The occupancy of the site by CMS will not impact the neighborhood surrounding the site.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

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

ESTIMATED PROJECT COMPLETION

CMS plans to be operational in this space no later than July 31, 2012.

JOINT USE TASK FORCE REVIEW COMMENTS:

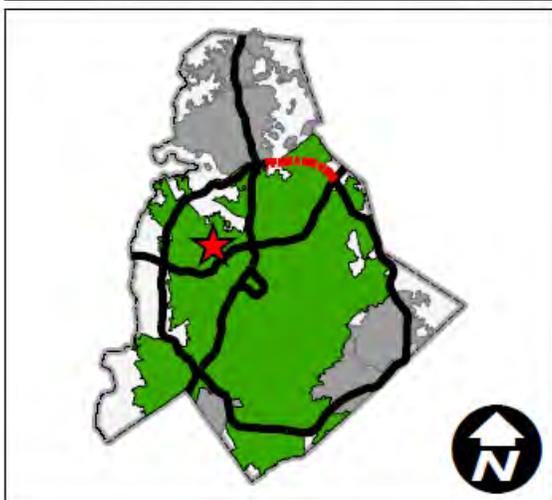
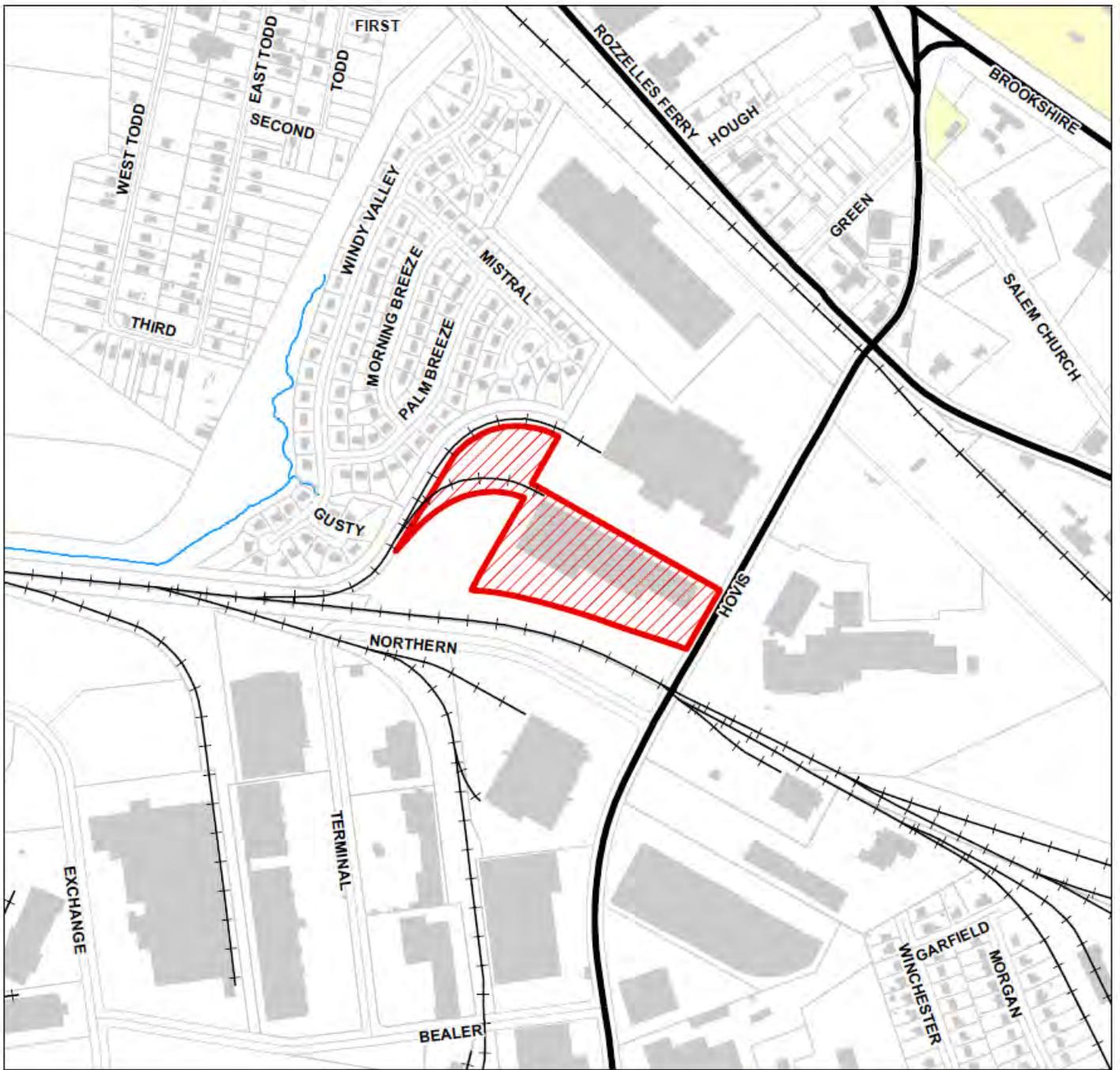
The Joint Use Task Force discussed this matter at their June 27, 2012 meeting and no joint use comments were offered.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed transaction.

CMPC PLANNING COMMITTEE RECOMMENDATION:

Staff resource: Melony McCullough



Mandatory Referral 12-14

Submitted by: CMS Real Estate
 Initiated by: CMS Facilities Planning

-  Mandatory Referral
-  City Property



Submitted by: Katherine Bowen, CMS Real Estate Dept.

Initiated by: Dennis LaCaria, CMS Facilities Planning

MANDATORY REFERRAL REPORT NO. 12-15
Proposed Lease by CMS of a Building on Doctor Carver Road to Serve as Classroom Space

PROJECT PROPOSAL AND LOCATION:

Charlotte-Mecklenburg Schools (CMS) proposes to enter into a +/- 5-year lease for the property located at 2670 Doctor Carver Road (Parcel 117-031-36) in West Charlotte. The site consists of 4.14 acres of land and two buildings including an approximately 17,000 square foot classroom building which CMS intends to lease. The proposed lease would also include parking. The site formerly housed the Gethsemane Baptist Church and school which was foreclosed in November 2011. The zoning of the site is R-22MF (multi-family), according to the *Charlotte Zoning Ordinance*.

This site will then be subleased to Project L.I.F.T. (Leadership and Investment for Transformation). The site will be known as the L.I.F.T. Institute and will host 75-100 high school boys. L.I.F.T. is a public-private partnership which provides support, additional services, and educational enhancements for CMS students in the West Charlotte corridor, defined as West Charlotte High School and the eight middle and elementary schools that feed into it.

Minimal site changes will need to be made in order to prepare it for use by the L.I.F.T. Institute.

PROJECT JUSTIFICATION:

CMS closed schools were leased or re-purposed prior to Project L.I.F.T. crafting this idea and therefore no CMS facility is available for use for this initiative. This project focus is an all-male academy for credit recovery and additional support in a smaller setting. The L.I.F.T. Institute hopes to have an immediate and direct impact on student achievement and graduation rates.

ONSISTENCY WITH ADOPTED PUBLIC POLICIES:

The State General Statutes allow for local Boards of Education to enter into operational leases of real or personal property for the purposes of operating the school districts they oversee.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The *Central District Plan* (adopted 1993) recommended multi-family for this site.

PROJECT IMPACT:

There is no impact on CMS facilities, operations, or finances. Project L.I.F.T. is financially self-supporting. This site has been unoccupied since November 2011 and recapturing its value through occupancy will have a positive impact on the neighborhood.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

This philanthropic initiative is comprised of leaders from Charlotte's largest community and family foundations including:

Belk Foundation	C.D. Spangler Foundation
Foundation for the Carolinas	The Leon Levine Foundation
Wells Fargo Foundation	Lowes Foundation
Duke Energy Foundation	Jimmie Johnson Foundation
Bank of America Charitable Foundation	Community Investment Foundation

ESTIMATED PROJECT COMPLETION:

The expected occupancy date is August 27, 2012.

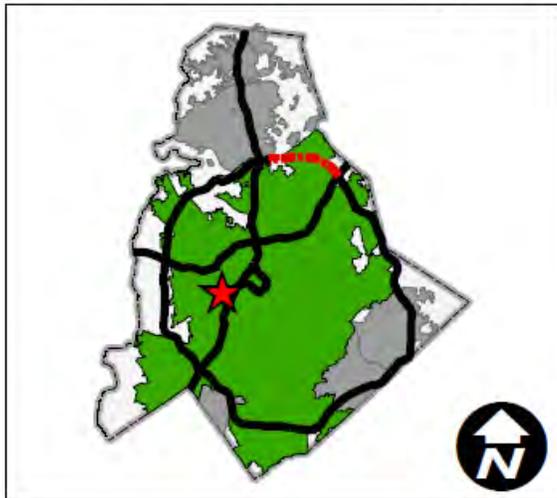
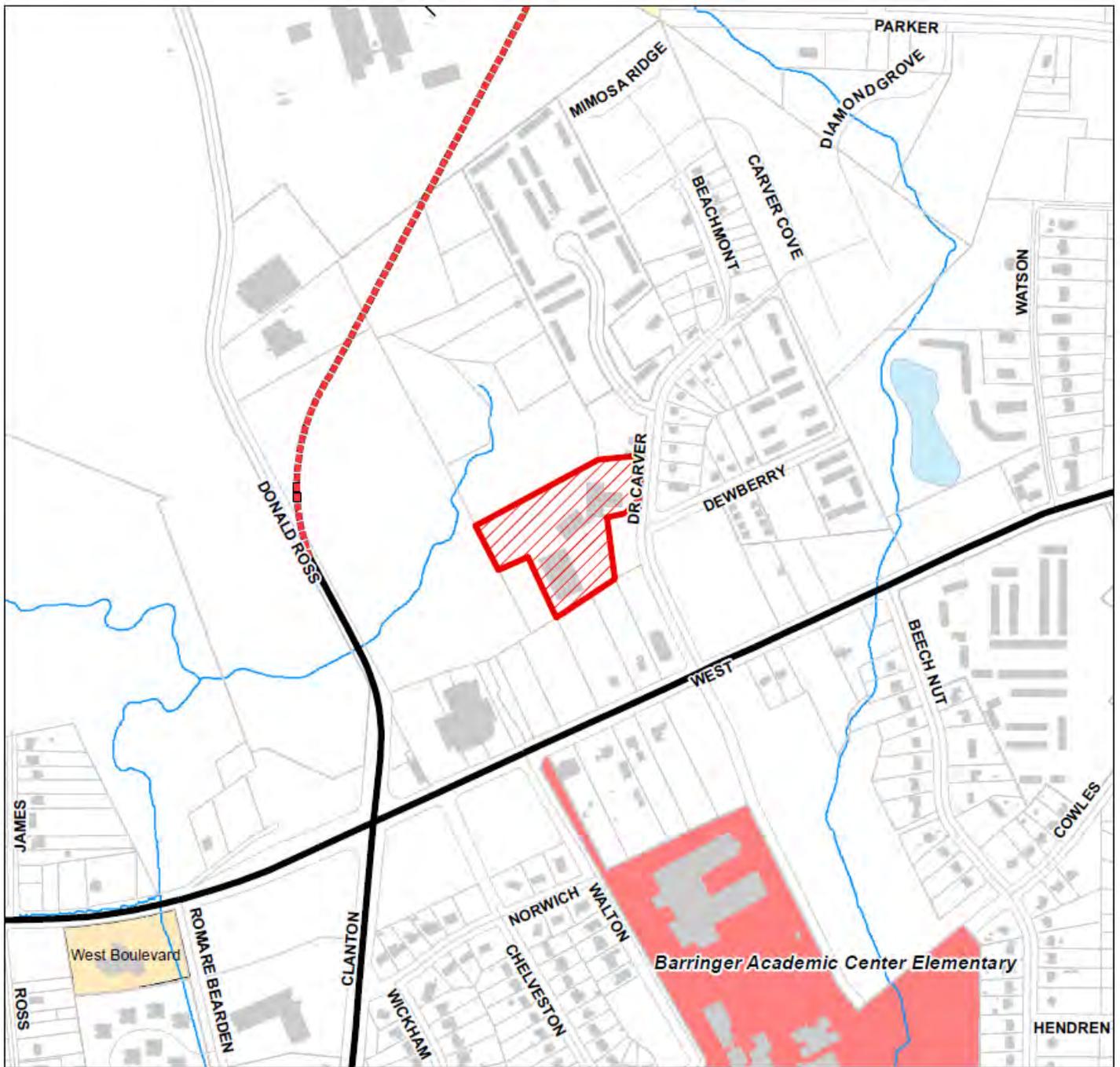
JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force discussed this matter at their June 27, 2012 meeting and had no relevant comments.

PLANNING STAFF RECOMMENDATION:

Staff supports the proposed lease and re-use of this property, contingent upon CMS and the property owner complying with the buffer requirements of the Charlotte Zoning Ordinance, as prescribed by the City's Zoning Administrator.

CMPC PLANNING COMMITTEE RECOMMENDATION:



Mandatory Referral 12-15

Submitted by: CMS Real Estate
 Initiated by: CMS Facilities Planning

-  Mandatory Referral
-  City Property
-  Libraries
-  Existing Thoroughfare
-  Proposed Thoroughfare



Initiated and Submitted by: Andy Mock- CATS

MANDATORY REFERRAL REPORT NO. 12-16

Proposed Acquisition of 7738 N. Tryon Street from Mecklenburg County for LYNX Blue Line Extension (BLE)

PROJECT PROPOSAL AND LOCATION:

The Charlotte Area Transit System (CATS) is implementing a Right-Of-Way (ROW) Acquisition and Relocation Program for the LYNX BLE (Blue Line Extension) Light Rail Project. The Project includes the construction of a light rail system between Uptown Charlotte and the University of North Carolina Charlotte. The corridor will be approximately 9.4 miles in length with 11 station locations. The Project alignment will primarily be within or along North Carolina Railroad (NCR), Norfolk Southern Railroad (NSRR), North Carolina Department of Transportation (NCDOT), and University of North Carolina at Charlotte (UNCC) rights-of-way. Also included in the Project are Park and Ride facilities to accommodate the commuting public. Implementation of the Northeast Corridor Light Rail Project will facilitate the following improvements:

- Reduced vehicular traffic and congestion in the Charlotte-Mecklenburg County area;
- Increased transit travel options;
- Improved air quality in the metropolitan area.

The entire BLE project property acquisition was approved through the Mandatory Referral process and the Planning Committee in May of 2011 (MR# 10-15). At the time of the approval, a Mecklenburg County owned parcel - 7738 N. Tryon Street (Parcel 04924105) - was proposed to be a partial acquisition for the purpose of widening North Tryon Street to incorporate the BLE into the median. Upon more detailed design and coordination with Duke Power, the BLE will now need to utilize the entire site of County Parcel 04924105, making this a full acquisition.

More specifically, three factors are driving the need to acquire the entire parcel. First, Duke Energy requires vertical clearance between their transmission lines leading from the adjoining substation and the BLE overhead power (catenary) lines. Second, Duke also has requirements for how close grading can take place to their existing transmission towers. These two factors require the relocation of transmission towers onto the County Site. Finally, given the surrounding topography, a driveway needs to be constructed on the County parcel in order to re-establish the existing driveway off Tryon Street that will be eliminated as part of the BLE development.

The 1.18-acre parcel is vacant and zoned B-2 Business according to the Charlotte Zoning Ordinance. It is surrounded by properties under various business uses, including a Duke Energy electrical substation immediately to the north.

PROJECT JUSTIFICATION:

The purpose of the proposed LYNX Blue Line Extension is to ensure future mobility by providing a transportation alternative in a highly congested travel corridor and to support the region's land use policies and goals for a sustainable growth and development pattern. The proposed project would provide high capacity, fixed guideway transit service in the corridor. This new service would offer a convenient, time competitive travel alternative and reduce dependence on single occupant automobiles. As an extension of the LYNX Blue Line, the proposed project would enhance the operating effectiveness of CATS' light rail service and leverage the public investment already made in the South Corridor.

The project would also support the *Centers, Corridors and Wedges Growth Framework*, 2010, for the Charlotte-Mecklenburg region. As envisioned in the region's combined transit and land use plans, future development would be focused into areas that can support new development or are in need of redevelopment and away from areas that cannot support new growth. The highest density development would be encouraged around rapid transit stations. By focusing future growth in corridors with multiple travel alternatives, the region would be able to grow in a manner that promotes continued access and mobility and that enhances the quality of life for residents and employees.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

In 1994, the City of Charlotte and Mecklenburg County adopted the *Centers and Corridors Concept Plan*, a vision of how the region should grow over the long-term. The Concept Plan, updated in 2010, and now called the *Centers, Corridors and Wedges Growth Framework*, builds on the region's existing framework of centers and corridors, focusing future development in these areas and preserving lower density development and open space between corridors. The original document focused on "Centers" and "Corridors" as the key to integrating land uses and transportation. The updated document includes recommendations for areas that exist between the corridors known as "Wedges" and expands the focus to include public facilities, infrastructure and the environment. Plan recommendations include a future, fixed guideway transit system in the region's five primary transportation corridors. This new rapid transit system would provide travel choices for residents and employees, improve regional and corridor connectivity, reduce dependence on single-occupant vehicles, and ensure future mobility. The Northeast Corridor (LYNX BLE) is one of the five corridors identified in the *Centers, Corridors and Wedges Growth Framework*.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The BLE lies within several adopted land use plans including the *Northeast District Plan* (1996), the *Central District Plan* (1993) and the *University City Area Plan* (UCAP) (2007). Concept plans for the proposed stations have been completed and station area plans have been adopted for four stations in the UCAP. Station area planning for the Parkwood through Tom Hunter stations will kick-off this fall. The district plans did not reference the transit project and the concept plans are used to determine appropriate land uses within station areas. Plan amendments will be completed for the stations that have been modified within the UCAP.

PROJECT IMPACT:

This transit project will provide new transit choices and development options. Construction of this project will provide additional opportunities for transit oriented development within the Northeast Corridor.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

The LYNX BLE is well coordinated with several public (City, County and State) and private projects. The following is a list of those projects and their sponsors:

- NC29/NC49 Weave Project (Charlotte Department of Transportation)
- Greenways (Mecklenburg County Department of Park & Recreation)
- Charlotte Railroad Improvement & Safety Program (CRISP) (NC Department of Transportation Rail Division):
 - o Sugar Creek Grade Separation
 - o 36th Street Grade Separation
 - o AC&W Relocation
 - o Freight Railroad Double Tracking
 - o Northend Bypass
- UNC Charlotte Master Plan (UNCC)
- First Ward Park Master Plan (Private Development)

ESTIMATED PROJECT COMPLETION DATE:

The LYNX BLE has secured a state Full Funding Grant Agreement, a Record of Decision, and will be approved to enter into Final Design in July of 2012. A Federal Full Funding Grant Agreement is anticipated in December of 2012. The BLE is currently in the property acquisition stage, construction is anticipated to begin in 2013, and revenue operations are scheduled to begin in 2017.

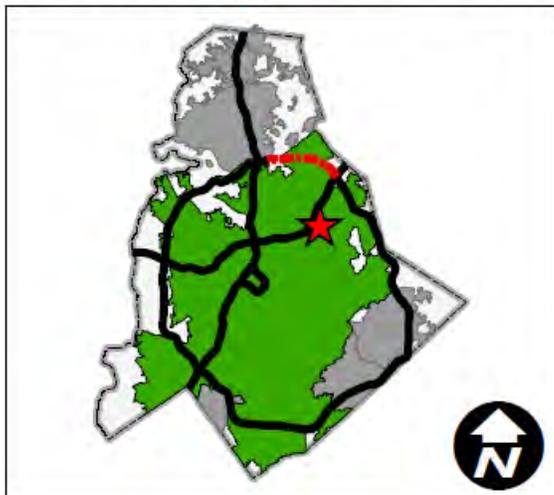
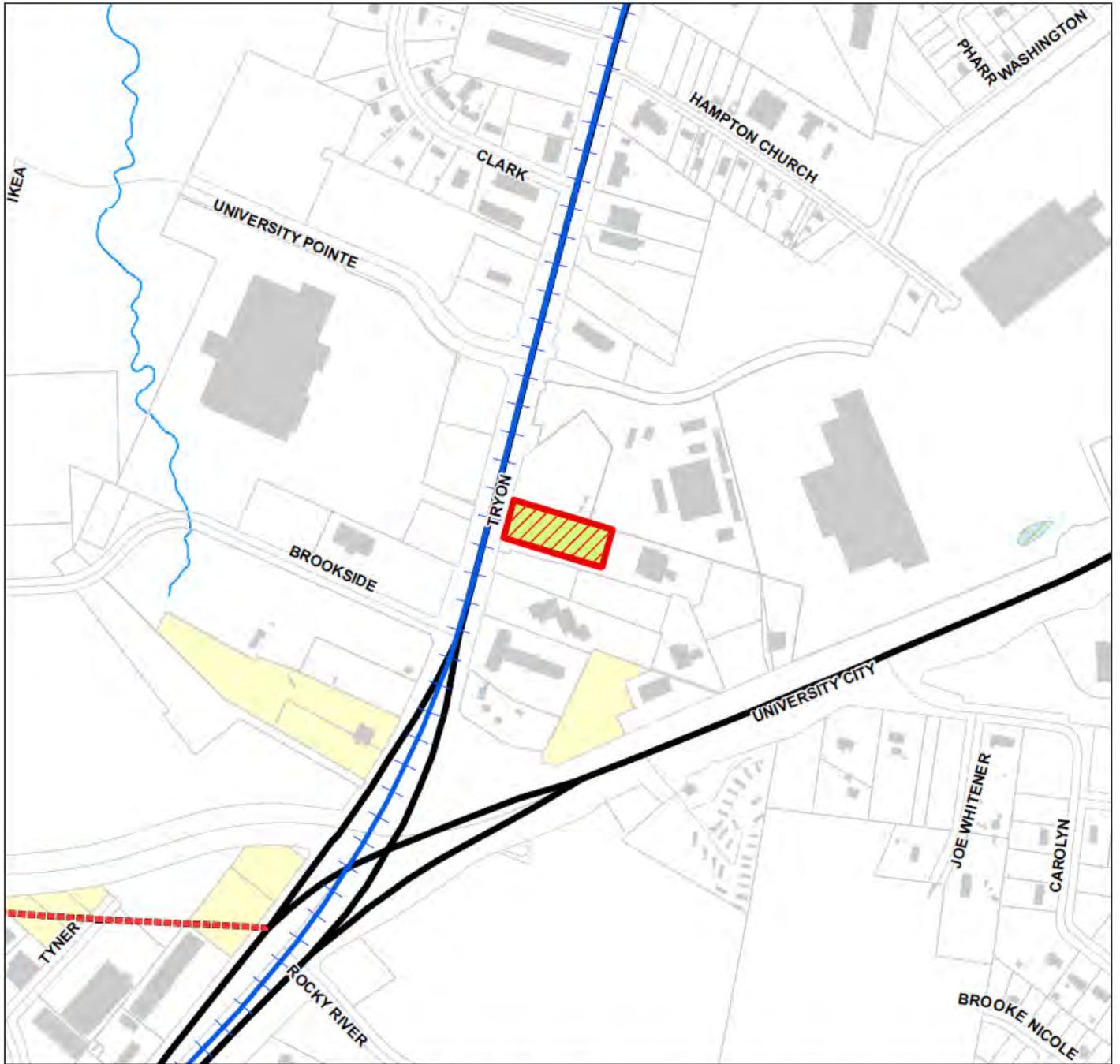
JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force discussed this matter at their June 27, 2012 meeting and no joint use comments were offered.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the full parcel acquisition.

CMPC PLANNING COMMITTEE RECOMMENDATION:



Mandatory Referral 12-16

Submitted & Initiated by: CATS

-  Mandatory Referral
-  County Property
-  City Property
-  Blue Line Extension



Submitted by: Jacqueline McNeil, County Real Estate Services

Initiated by: David Love, County Storm Water Services

MANDATORY REFERRAL REPORT NO. 12-17
Proposed Acquisition by Mecklenburg County of Flood-prone Structure on
Westbrook Drive along Irwin Creek

PROJECT PROPOSAL AND LOCATION:

Mecklenburg County's Storm Water Services Program proposes to acquire Tax Parcel #073-213-02 located at 1024 Westbrook Drive in Charlotte's Third Ward along Irwin Creek. This parcel is improved with a single family dwelling. The structure, built in 1940, is similar in size, style, and age to the neighboring single family homes although it has little outwardly apparent historic value. The property is located in a flood prone area and as such is subject to periodic and severe flooding. Use of the Storm Water Services capital fund is proposed for acquisition of this property, whose owner has expressed a willingness to participate (participation in the program is voluntary). The property is zoned UR-1, Urban Residential, under the *Charlotte Zoning Ordinance*. Following acquisition, the home will be removed and the property will be added to the County's open space/greenway system and maintained in a natural state. At a future date, Storm Water Services may consider stream improvements along the creek.

The subject property is in a residential portion of Charlotte's Third Ward, developed with older single family homes. The parcel abuts Frazier Neighborhood Park and Irwin Creek to the west, and could be absorbed into the park's footprint without adverse impact to the remainder of the neighborhood.

PROJECT JUSTIFICATION:

The proposed acquisition is located within a Federal Emergency Management Agency FEMA designated floodplain and is at continued risk of life and property damage and/or loss from future floods. The proposed acquisition is intended to eliminate potential future losses by removing the improvements, and to add to greenway connectivity and assemblage along Irwin Creek.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

Acquisition of this parcel 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.

Greenway property assemblage along the creeks is supported by and consistent with the *2008 Greenway Master Plan*, a component of the *2008 Park and Recreation 10-Year Master Plan* adopted by the County Commission on May 7, 2008.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The *Central District Plan* (1993) designates this parcel for future park and greenway use by virtue of the fact that it lies within a FEMA-designated 100-year floodplain.

PROJECT IMPACT:

Acquisition of this parcel 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:

The purpose of this acquisition is the protection of life and property. Additionally, Storm Water Services has worked with the Charlotte-Mecklenburg Police Department and the Charlotte Fire Department to provide training opportunities for police and fire personnel prior to the demolition of these structures. County Storm Water Services also works with Habitat of Humanity of Charlotte to reuse any usable materials in the structure prior to demolition.

ESTIMATED PROJECT COMPLETION DATE:

Mecklenburg County anticipates acquiring this property by summer 2012 subject to owner's agreement to participate.

JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force discussed this matter at their June 27, 2012 meeting and no joint use comments were offered.

PLANNING STAFF RECOMMENDATION:

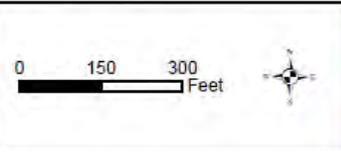
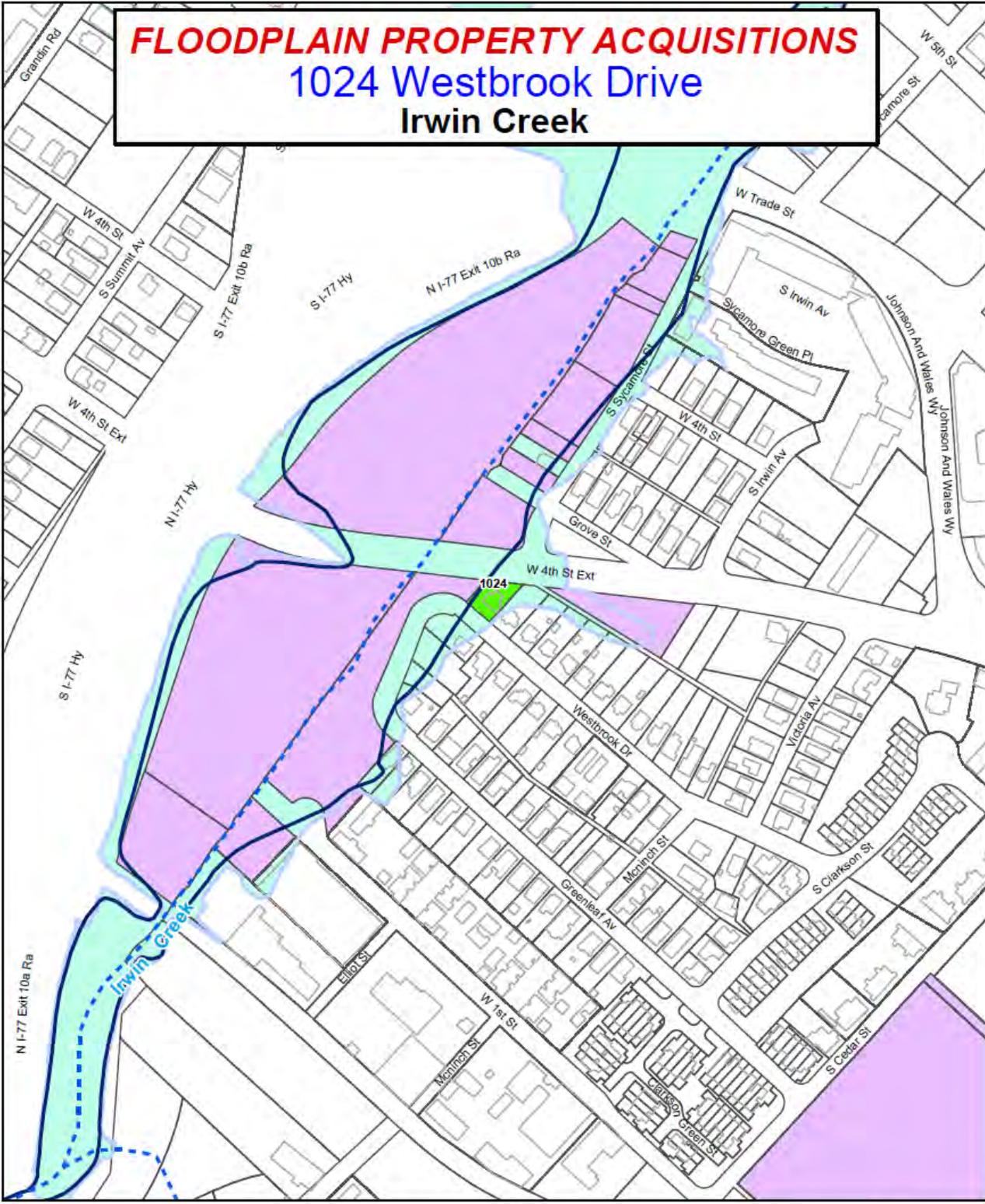
Since this land is recommended for park and greenway use, Planning staff supports the proposed acquisition.

CMPC PLANNING COMMITTEE RECOMMENDATION:

Staff resource: Alan Goodwin

FLOODPLAIN PROPERTY ACQUISITIONS

1024 Westbrook Drive Irwin Creek



LEGEND	
Acquisition Status	
 Requesting Approval	 Previously Approved/Acquired
 Non-Participation	 Potential Acquisitions
 Mecklenburg County/City of Charlotte Owned	
 Parcels	 Creeks
	 Floodplain
	 Community Floodway

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

Initiated by: David Love, County Storm Water Services

MANDATORY REFERRAL REPORT NO. 12-18
Charlotte-Mecklenburg Storm Water Services Orphan Property Floodplain Acquisition Plan

PROJECT PROPOSAL AND LOCATION:

Charlotte-Mecklenburg Storm Water Services (CMSWS) manages and maintains the Federal Emergency Management Agency (FEMA) regulated floodplains within the City of Charlotte, the towns, and unincorporated Mecklenburg County. CMSWS' mitigation plan aims to protect life and property and enhance the natural benefits of the floodplain. Through federal FEMA grants, CMSWS has acquired and demolished approximately 200 buildings within the floodplain. Additionally, CMSWS has acquired an additional 60 buildings through partnerships with other public departments such as Mecklenburg County Park and Recreation through the locally funded "buyout" program which used FEMA criteria for inclusion into the program.

To meet FEMA criteria for acquisition, a structure must have suffered damage to the finished living space of the building. As a result, some neighborhoods were left with a "checkerboard" effect of often non-contiguous acquired homes because some homes suffered damage in the living spaces while others did not. Because there are few FEMA grants for eligible projects remaining, the Flood Risk Assessment and Risk Reduction Plan was developed to mitigate groups of structures based on flood risk. However, this program will do little to eliminate the "checkerboard" effect because previously acquired properties had more damage than those properties that were not acquired. To combat this problem, CMSWS created the Orphan Property Floodplain Acquisition Plan. Criteria for inclusion in the program are:

1. Must be residential properties
2. Homes must touch the Community Encroachment Area (Floodway)
3. Properties must be located on same street as at least two previous FEMA buyout properties
4. Properties must be on dead end streets or cul-de-sacs

CMSWS has identified seventeen properties for inclusion in the Orphan Plan (see below) located within the Briar Creek and McMullen Creek floodplains. Participation in the program is voluntary as is with FEMA buyout programs.

Property	PID	Area Plan	Recommended Land use
1120 Willhaven Dr.	18511130	South District Plan (1993)	Greenway
3020 Harbinger Ct.	09510263	Central District Plan (1993)	Greenway
2225 Purser Dr.	09906109	East District Plan (1990)	Greenway
2229 Jennie Linn Dr.	09906213	East District Plan (1990)	Greenway
2223 Jennie Linn Dr.	09906212	East District Plan (1990)	Greenway
5129 Kildare Dr.	09908103	East District Plan (1990)	Greenway
5128 Kildare Dr.	09908328	East District Plan (1990)	Greenway
5134 Kildare Dr.	09908327	East District Plan (1990)	Greenway
5101 Dolphin Ln.	09908104	East District Plan (1990)	Greenway
4101 Whitehurst Rd.	14521208	Central District Plan (1993)	Greenway
4035 Whitehurst Rd.	14521206	Central District Plan (1993)	Greenway
4029 Whitehurst Rd.	14521205	Central District Plan (1993)	Greenway
4023 Whitehurst Rd.	14521204	Central District Plan (1993)	Greenway
4017 Whitehurst Rd.	14521203	Central District Plan (1993)	Greenway
4011 Whitehurst Rd.	14521202	Central District Plan (1993)	Greenway
4001 Whitehurst Rd.	14521201	Central District Plan (1993)	Greenway/Single Family *
1212 Abeline Rd.	14516102	Central District Plan (1993)	Greenway/Single Family *

* Both properties have a small portion of land that falls into the single family adopted land use.

Following acquisition, all improvements on the properties will be removed and the property will be added to the County's open space system and maintained in a natural state. At a future date, Storm Water Services may consider stream improvements along the creeks.

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 and returning the floodplain to its natural state, while adding to open space along the creeks.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

Acquisition of these 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 Orphan Plan and property assemblage along the creeks is supported by and consistent with the *2008 Greenway Master Plan*, a component of the *2008 Park and Recreation 10-Year Master Plan* adopted by the County Commission on May 7, 2008.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

All the properties listed are all recommended for greenway land uses by either the *South District Plan* (1993), *Central District Plan* (1993), or *East District Plan* (1990). Portions of two properties (4001 Whitehurst Rd., and 1212 Abeline Rd.) are recommended for single family land uses by the *Central District Plan* (1993).

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:

The purpose of these acquisitions is the protection of life and property. Additionally, Storm Water Services has worked with the Charlotte-Mecklenburg Police Department and the Charlotte Fire Department to provide training opportunities for police and fire personnel prior to the demolition of these structures. County Storm Water Services also works with Habitat of Humanity of Charlotte to reuse any usable materials in the structure prior to demolition.

ESTIMATED PROJECT COMPLETION DATE:

Mecklenburg County anticipates acquiring this property by summer 2012.

JOINT USE TASK FORCE REVIEW COMMENTS:

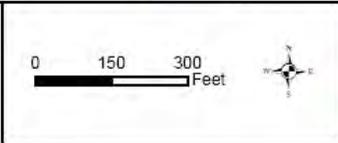
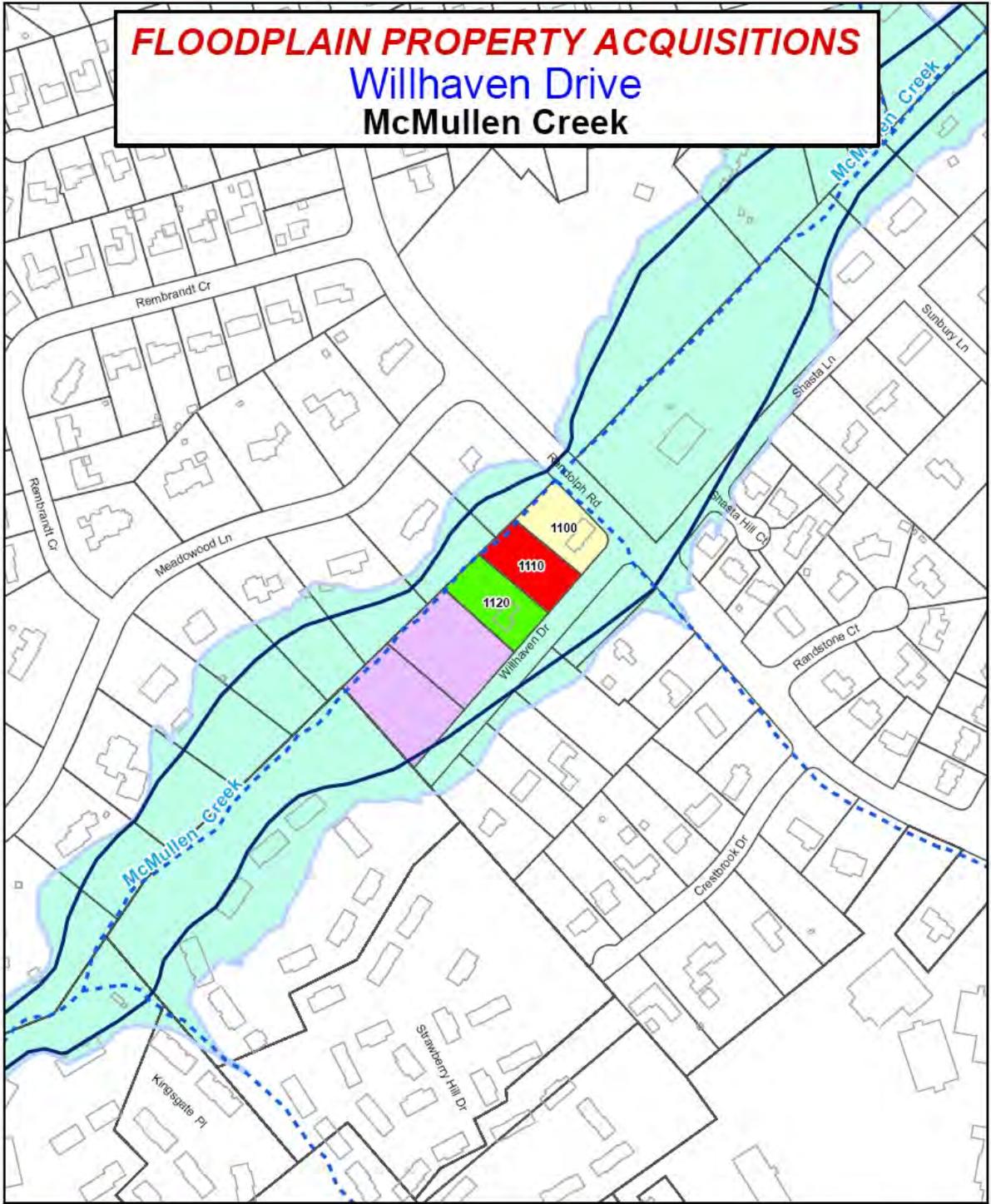
The Joint Use Task Force discussed this matter at their June 27, 2012 meeting and no joint use comments were offered.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed land acquisition.

CMPC PLANNING COMMITTEE RECOMMENDATION:

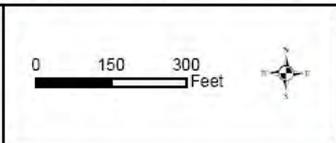
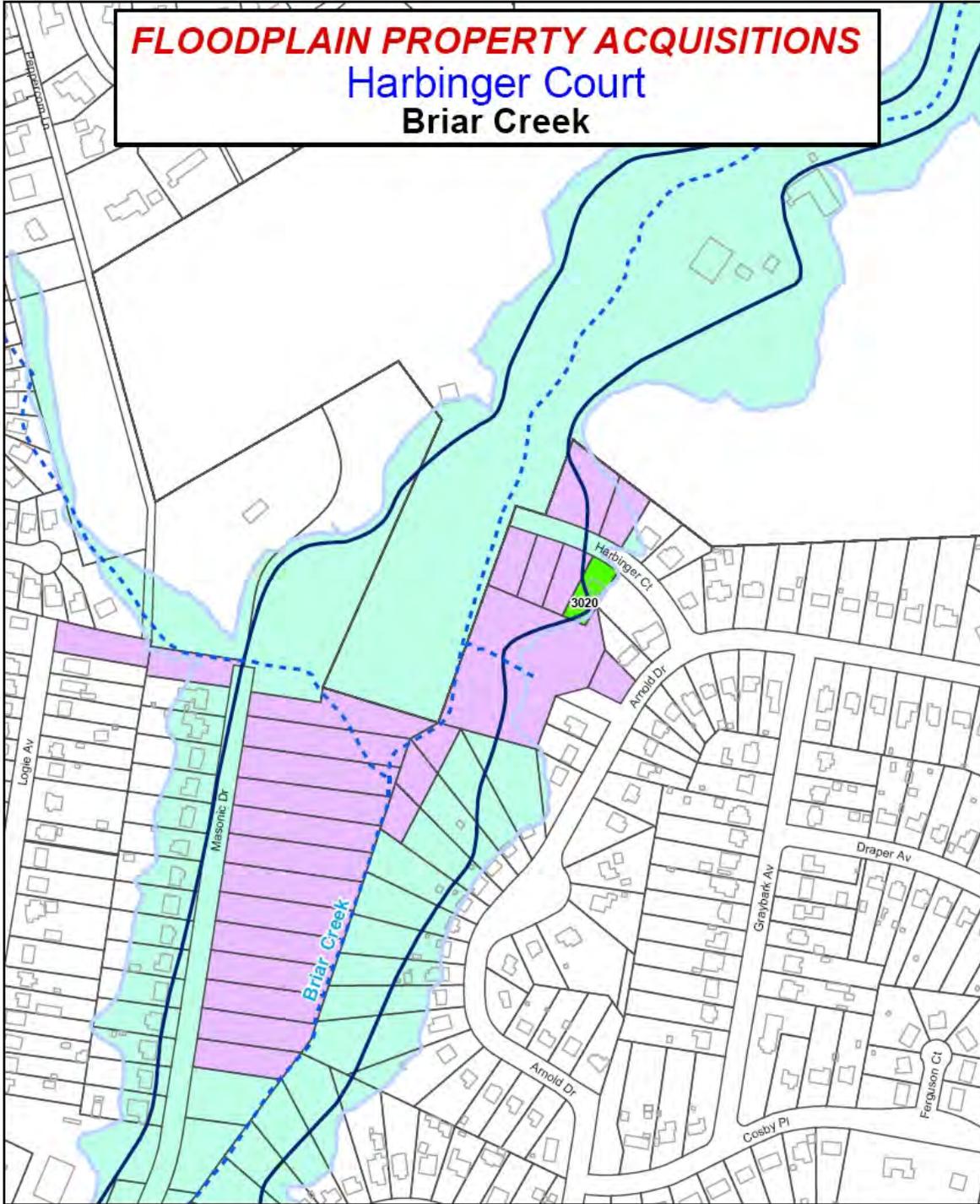
FLOODPLAIN PROPERTY ACQUISITIONS
Willhaven Drive
McMullen Creek



LEGEND	
Acquisition Status	
	Requesting Approval
	Recently Approved/Acquired
	Non-Participation
	Potential Acquisitions
	Mecklenburg County/City of Charlotte Owned
	Parcels
	Creeks
	Floodplain
	Community Floodway

FLOODPLAIN PROPERTY ACQUISITIONS

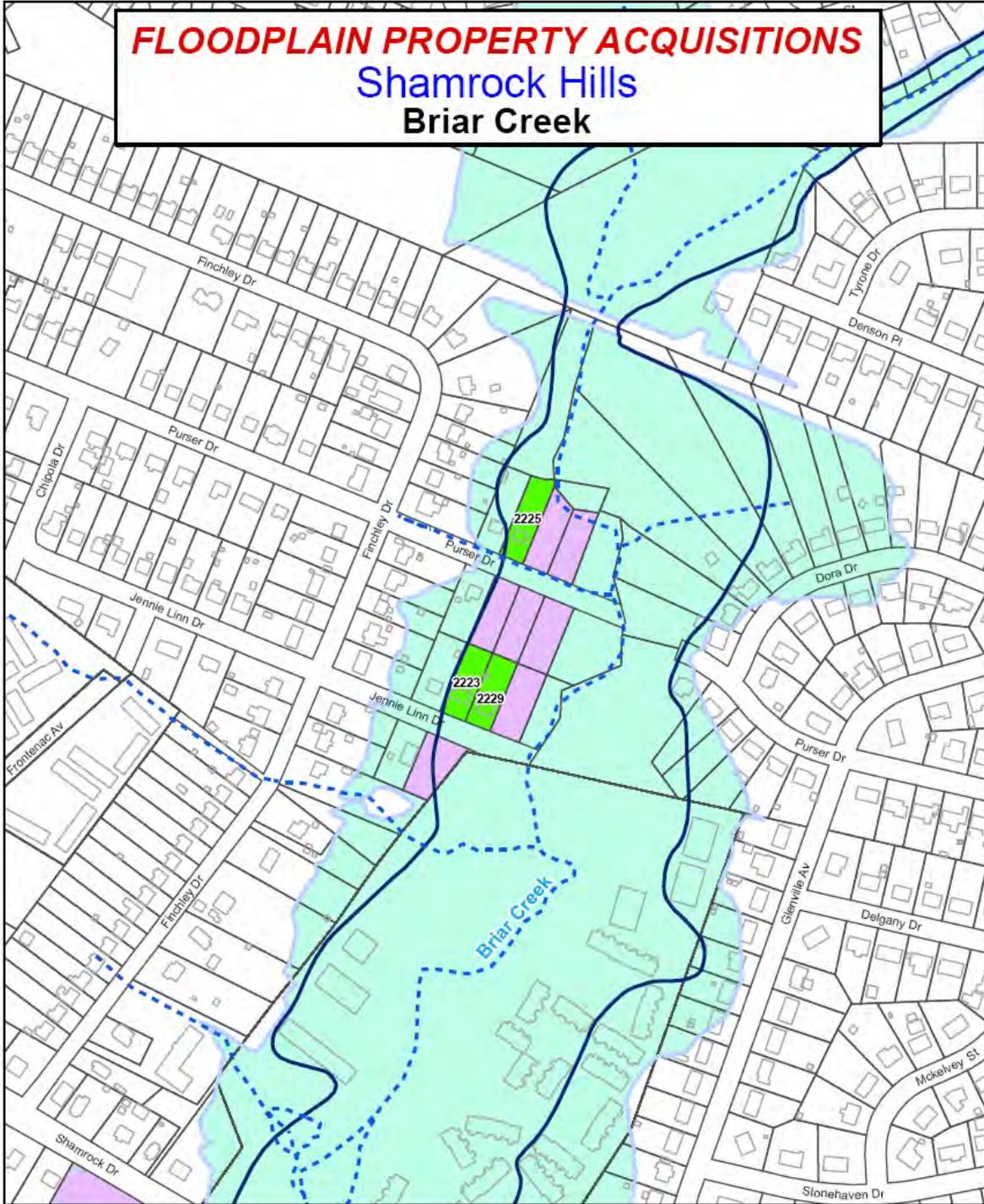
Harbinger Court Briar Creek



LEGEND	
Acquisition Status	
■ Requesting Approval	■ Recently Approved/Acquired
■ Non-Participation	■ Potential Acquisitions
■ Mecklenburg County/City of Charlotte Owned	
	Parcels
	Creeks
	Floodplain
	Community Floodway

FLOODPLAIN PROPERTY ACQUISITIONS

Shamrock Hills Briar Creek



LEGEND

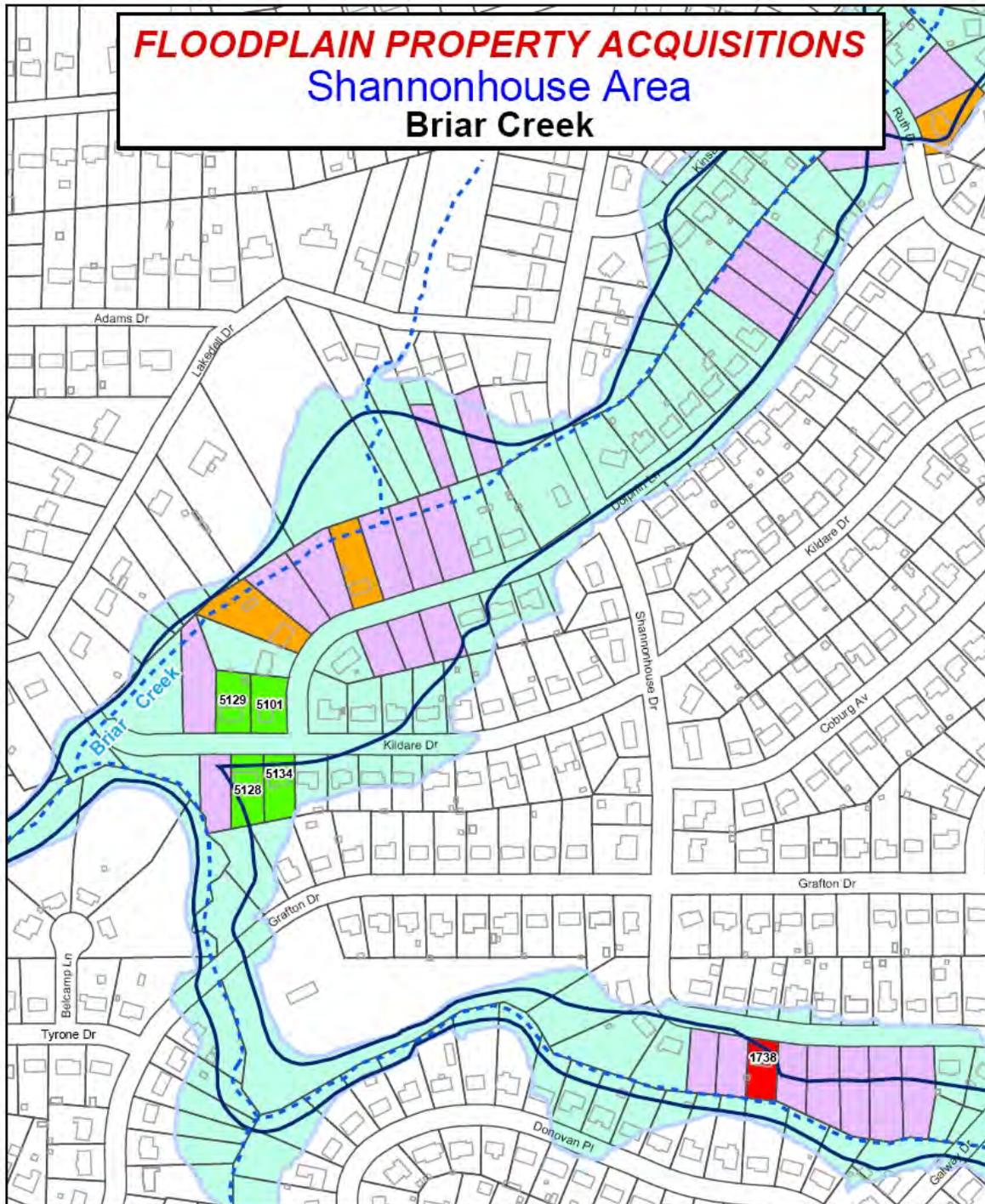
Acquisition Status

- Requesting Approval
- Non-Participation
- Mecklenburg County/City of Charlotte Owned
- Recently Approved/Acquired
- Potential Acquisitions

- Parcels
- Creeks
- Floodplain
- Community Floodway

FLOODPLAIN PROPERTY ACQUISITIONS

Shannonhouse Area Briar Creek



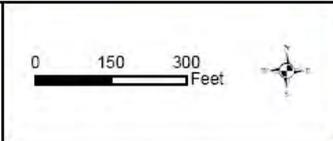
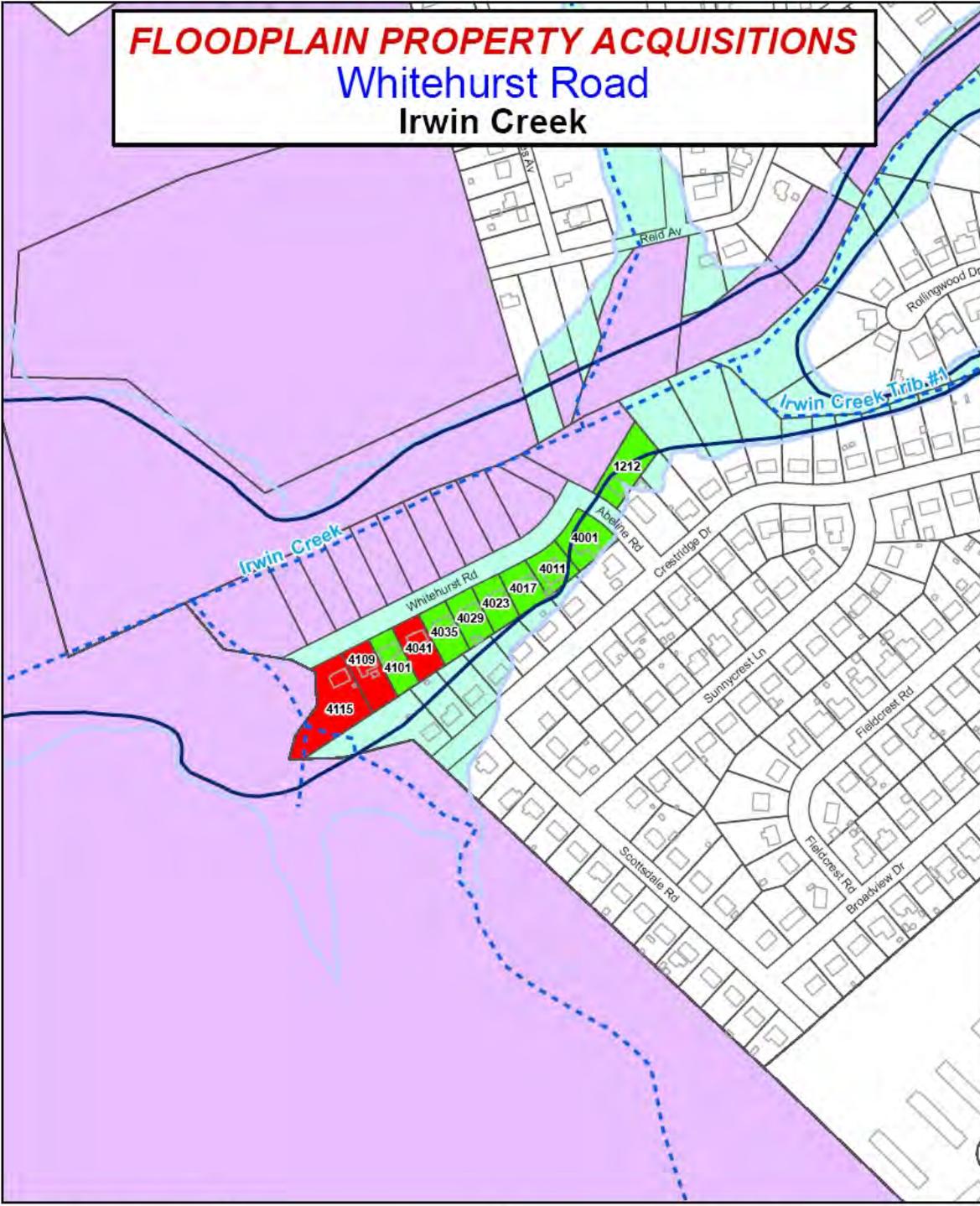
LEGEND

Acquisition Status

- Requesting Approval
- Non-Participation
- Mecklenburg County/City of Charlotte Owned
- Recently Approved/Acquired
- Potential Acquisitions

- Parcels
- Creeks
- Floodplain
- Community Floodway

FLOODPLAIN PROPERTY ACQUISITIONS
Whitehurst Road
Irwin Creek



LEGEND	
Acquisition Status	
	Requesting Approval
	Recently Approved/Acquired
	Non-Participation
	Potential Acquisitions
	Mecklenburg County/City of Charlotte Owned
	Parcels
	Creeks
	Floodplain
	Community Floodway