



PLAN REVIEW SHEET

Date: October 12, 2021

Petition #: RZP 2021-033

Address: 1335 South Clarkson Street, Charlotte Pipe and Foundry

Request: UMUD-O

Staff Contact: John Howard

For over 20 years the Charlotte Area Transit System (CATS) has identified Independence Blvd as a rapid transit corridor. Various transit stations and vehicle technology have been studied during that time. In 2016, a 13-mile LYNX Silver light rail Locally Preferred Alternative (LPA) from Uptown Charlotte to the Town of Matthews was adopted by the Metropolitan Transit Commission (MTC). In November 2017, CATS staff began identifying alternative Silver Line light rail corridor alignments from Center City to Gaston County with the goal of completing the complete east - west Silver Line system by the year 2030. In January 2019, CATS staff recommended that the Southeast LYNX Silver Line continue through Uptown Charlotte to Wilkinson Blvd. with a terminus in the City of Belmont in Gaston County. The MTC adopted that recommendation, formally creating a continuous LYNX Silver Line light rail project from the Matthews to Belmont. Staff will present revisions of the adopted LPA to the MTC in April 2021.

f. Reservation and Dedication of CATS Right-of-Way.

1. Right-of-Way Reservation Area Provisions. The Petitioner shall reserve, for the sole benefit of the City of Charlotte (and, as applicable, of any successor entity that assumes some or all of the City's responsibilities for providing light-rail service, such as a regional transit authority, with the City and all such successor entities collectively referred to as "CATS"), the area (the "Reservation Area") that is identified on the Rezoning Plan as the "Light Rail Conceptual Right-of-Way Reservation," which follows parallel to the heavy rail alignment but, subject to written approval of CATS, may slightly deviate from this area. The Reservation Area shall not extend more than one hundred (100) feet from the heavy rail right-of-way, as generally depicted on the Rezoning Plan.
 - a. Reservation Area Time Period. The Petitioner shall maintain the Reservation Area in full compliance with this Section V.f – including, by example only, in full compliance with Sections V.f.1.c and V.f.1.d – in perpetuity (subject to the reversion language in subsection V.f.1.e.)
 - b. The Reservation Area shall be seventy (70) feet in width and cannot be any wider. If CATS should determine, in its sole discretion, that the full seventy (70) feet is unnecessary for CATS's purposes, CATS shall, in writing to the Petitioner, release from the requirements of this Section V.f that portion of the Reservation Area that CATS determines is unnecessary.
 - c. Only the following construction, installation, and development activities are allowed within the Reservation Area, and no others: grading and the installation and maintenance of pavement, driveways, sidewalks, surface parking areas for bicycle, scooter or similar vehicles but excluding automobiles and trucks, landscaping, and comparable non-vertical improvements. For clarification only, none of the following may be placed, developed, constructed, installed, or

maintained anywhere within the Reservation Area: (1) buildings or other vertical structures, (2) utility lines or facilities, (3) detention facilities, or (4) Wi-Fi, telecommunication or similar antennas or transmission devices for use by third parties to provide services to customers.

- d. Nothing (including, by example only, any pavement, driveways, sidewalks, surface parking areas, landscaping, or other non-vertical improvements) may be placed, developed, constructed, installed, or maintained anywhere within the Reservation Area that, if the same is ever removed, would cause the Site or any part of it to violate any applicable law, ordinance, or regulation, including by example only any zoning or land use regulation or any provision of the approved Rezoning Plan.
- e. If any portion of the Reservation Area is removed by CATS or the Metropolitan Transit Commission (the Metropolitan Transit Commission and, as applicable, any successor organizations to it are the "MTC") from the MTC's adopted plans and is not, within ninety (90) days, restored to an MTC transit plan, the requirements of this Section V shall cease applying to that portion of the Reservation Area, and this shall be documented by an administrative amendment to the Rezoning Plan.

2. Right-of-Way Dedication

- a. The Petitioner shall permanently, irrevocably, and unconditionally (for any portion of the Reservation Area to which the requirements of this Section V.f have not ceased applying per operation of subsection V.f.1.e.), dedicate the Reservation Area (except for any portion of it that has been released by the City under Section V.f.1.b.) to CATS, without being owed any damages or compensation by CATS, upon the occurrence of either of the following:
 - i. The Petitioner notifying the City (including by notifying the Director of CATS or, if CATS no longer exists, the director of the successor agency or entity that provides public transit services for the City) in writing that the Petitioner seeks to dedicate all or a portion of the Reservation Area, and the City agreeing to accept that dedication; or
 - ii. Upon CATS securing sufficient funding – through a full funding grant agreement from the Federal Transit Administration ("FTA") or any other funding source or combination of sources – to commence construction of a light rail project on the Site, as well as CATS obtaining, to the extent applicable, any other approvals from the FTA necessary for CATS to begin developing that light rail project.
- b. If the Reservation Area is dedicated to the City under this Section, at the Petitioner's request, CATS shall continue good-faith discussions with the Petitioner regarding the aesthetics of the light rail's alignment through the Site and will meet in good faith to discuss any questions, concerns, or ideas that Petitioner might have.