

MANDATORY REFERRAL REPORT NO. 15-57

Proposed Exchange of Property Between Mecklenburg County & Duke Energy in the Belmont Neighborhood

PROJECT PROPOSAL AND LOCATION:

Mecklenburg County proposes to exchange a portion of Tax Parcel 081-082-08 and a portion of Tax Parcel 081-082-04 (\pm 0.94 acres) for a portion of Duke Energy Carolinas, LLC Tax Parcel 081-082-01 (\pm 0.395 acres) in the Belmont neighborhood of Charlotte. All parcels are vacant and are surrounded by other vacant parcels, a railroad and industrial uses. The County owned parcels are zoned R-22MF (multi-family residential), I-2 (industrial) and B-2 (business) according to the Charlotte Zoning Ordinance. The Duke Energy Carolinas, LLC property is zoned B-2. As a condition of the land exchange, the portions of N. Myers Street and E. 13th Street adjacent to the parcels in question will be abandoned with all areas of E. 13th Street that would have become County property being conveyed to CSX Railroad (with abandonment of the 13th Street Right of Way, portions of it that fall within the 200 foot CSX right of way will be abandoned to CSX. The remaining portions being abandoned to the County are proposed to be conveyed to CSX upon closing of the exchange.

Public hearings for the abandonments of those portions of N. Myers Street and E. 13th Street are proposed to be heard by City Council at their December 14, 2015 meeting with decisions on the abandonments to come at the January 11, 2016 meeting.

PROJECT JUSTIFICATION:

Back in early 2010, Duke Energy Carolinas, LLC identified a need for an additional retail substation in or around uptown Charlotte and I-277. This project was initiated by Duke's Power Delivery Group that made a determination that based on future anticipated electrical load growth in the uptown and surrounding areas of central Charlotte, a new substation should be planned for the area. After identifying existing power supply sources (transmission lines) available to be tapped into to energize a new station, property on N. Alexander Street in the Belmont neighborhood was selected as Duke's preferred location. Duke went on to purchase 1.5 acres (Tax Parcel 081-082-01) and began a dialogue with the County to facilitate a land swap which would result in the County obtaining some of the Duke purchased property at the corner of N. Alexander Street and Belmont Ave in exchange for Duke obtaining some of the County's property at the corner of N. Myers Street and the unopened right-of-way of E. 13th Street.

It was also determined at that time that to make the project work, Duke would need to have a portion of both N. Myers Street and E. 13th Street abandoned to satisfy buffering requirements set forth by City of Charlotte Zoning Ordinance and maintain the area required to site the substation. To that end, Duke has had an ongoing agreement with both the County and the Charlotte Department of Transportation to move forward in that direction. Duke has agreed to swap the portion of Tax Parcel 081-082-01 with the most street frontage on Belmont Avenue to the County.

The current plan is to build a substation on the property in 2016 to increase reliability for current and future Duke customers. This facility will take a large amount of strain off of the existing electrical grid system that serves the uptown area. Customers in the area will enjoy a much more reliable source of energy within a community that continues to transition, expand and grow.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

The exchange of this property with Duke Energy Carolinas, LLC does not conflict with the Park and Recreation Master Plan.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The properties that are currently owned by Mecklenburg County (and to be acquired by Duke Energy, partial PID 08108204 and partial PID 08108208) are recommended for park/open space/greenway along Little Sugar Creek as the future land use within the *Blue Line Extension (BLE) Transit Station Area Plans* (2013), Parkwood Transit Station Area. The property currently owned by Duke Energy (and to be acquired by Mecklenburg County, partial PID 08108201) is recommended for transit supportive uses as the future land use within the *BLE Transit Station Area Plans* (2013), Parkwood Transit Station Area. The Little Sugar Creek Greenway currently exists in this area and is located on the opposite site of Myers St. from the subject properties. The exchange would enable Mecklenburg County to acquire property currently zoned B-2 along Belmont Ave. and consider future rezoning to transit supportive uses or to utilize for park or open space for the community. These potential uses would be more consistent with the vision in the adopted plan than development within the B-2 zoning district.

PROJECT IMPACT:

Although the County is giving up a negligible amount of floodplain, the exchange will maintain Park and Recreation's ability to provide future greenway amenities, such as access trails and parking. The exchange will also facilitate the construction of a new substation for this growing area of Charlotte.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

This project has no known impacts on other public or private projects.

ESTIMATED PROJECT COMPLETION DATE:

This project is for the exchange of property only. It is anticipated that the property exchange will occur by early 2016.

JOINT USE TASK FORCE REVIEW COMMENTS:

Joint Use Task Force discussed this item at their December 2, 2015 meeting and there were no comments. However, County Health Department pointed out that if the portion of E. 13th Street being abandoned is conveyed to CSX Railroad (as proposed), it would eliminate an opportunity to create a segment of an overland connector between Little Sugar Creek greenway nearby and Irwin Creek greenway further to the north. Planning staff has discussed Belmont Avenue as an alternative overland connector for this segment.

PLANNING STAFF RECOMMENDATION:

The exchange of land between Duke Energy and Mecklenburg County is inconsistent with the adopted *Blue Line Extension (BLE) Transit Station Area Plans* (2013), however the proposed use of the property to be owned by Duke Energy (partial PID 08108204 and partial PID 08108208) for a utility facility is compatible with the open space and rail corridor, to which it is adjacent. Also, area plans do not typically identify locations for utility facilities and uses. The property to be acquired by Mecklenburg County (partial PID 08108201) should be utilized for open space or be rezoned to a transit supportive district prior to being marketed for sale. Both strategies would be compatible with the vision within the *BLE Transit Station Area Plans* (2013). Staff recommends approval of the land exchange.

As Myers St. right of way is proposed to be abandoned, staff recommends that the properties to be owned by Duke Energy (partial PID 08108204 and partial PID 08108208) be recombined with the remainder of PID 08108201 retained by Duke Energy to avoid creating a lot without frontage on a public right of way.

CMPC PLANNING COMMITTEE RECOMMENDATION:

At their December 15, 2015 meeting the Planning Committee recommended approval by a 5-0 vote.



County-Duke Land Exchange

AFM 12/02/2015



