

MANDATORY REFERRAL REPORT NO. 17-20
Proposed Sale of Portions of 27 City-Owned Lots Located in Genesis Park to
NCDOT for the Interstate-77 Express Lanes Project

PROJECT PROPOSAL AND LOCATION:

The City of Charlotte owns 27 parcels of land located along Genesis Park Place (adjacent to and immediately east of Interstate 77) in the Genesis Park neighborhood of Charlotte. The NC Department of Transportation (NCDOT) has identified portions of these parcels that will be necessary for the construction of the additional road infrastructure as part of the I-77 Express Lanes Project. NCDOT has offered to purchase these properties and it is the recommendation of the City's Real Estate Division to accept the NCDOT offer to expedite the project and avoid condemnation proceedings.

All of the parcels are vacant, except for a Duke Energy transmission line that runs overhead, and several towers. Three of the parcels - 075-095-18 through -20 – are currently planted with a community garden. The properties are crossed by a Duke transmission easement intended to remain in place after the NCDOT acquires the property. The properties are zoned R-8 Residential under the Charlotte Zoning Ordinance. All lots back up to I-77 and border residential areas to the east.

The properties involved are parcels 075-094-01, 075-094-10, 075-098-06 through -09, 075-097-12 through -18, and 075-096-11 through -22. It is proposed that the NCDOT acquire portions of these properties, totaling 3.623 acres, with the City retaining 1.336 acres of these properties. The City has pledged to work with the community to ensure the impact on the garden is minimized.

Mecklenburg County Park & Recreation staff has reiterated their interest (initially expressed in 2007) in integrating parts of these lots into an overland connection to serve as a portion of Irwin Creek greenway. The residual portions of these lots (not acquired by the NCDOT) that would be approximately an average 40 feet in depth would therefore be used for a combination of overland greenway connection and community garden.

As part of the I-77 project, the NC Department of Transportation will construct new noise barriers to mitigate traffic noise experienced by the neighborhood. The barriers are planned to be 20 to 22 feet in height and will provide better sound insulation between the highway and the neighborhood than did the previous barriers. Additionally, the barriers are planned to be built about 40 feet from the edge of the new property line, thereby preserving open space on the neighborhood side of the barriers.

PROJECT JUSTIFICATION:

The properties were originally acquired by the City from Duke Power Company in two transactions that took place in 1994 and 1996 for the purpose of developing affordable housing on these parcels. Because the housing project was ultimately unable to secure funding, the properties remained in the City real estate inventory. In 2007, Mecklenburg County expressed interest in acquiring the properties to serve as a portion of a greenway network, but the properties were never transferred.

Duke Energy has a perpetual easement and right-of-way on the properties which renders them unbuildable and therefore not usable for housing purposes.

- The parcels are currently incurring maintenance expenses to Neighborhood Development at a rate of \$900 per month.
- In 2007, the Charlotte Department of Transportation initiated the "FAST Lanes" study to identify where express lanes could help manage congestion during peak travel periods. A second, more detailed phase of the study showed that this I-77 corridor would highly benefit from the implementation of express lanes.
- Funding for the project consists of approximately \$90 million from the State and \$655 million from I-77 Mobility Partners (Cintra US) with no additional funding from the City.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

The I-77 Express Lanes Project is consistent with the *Transportation Action Plan* (TAP) adopted by City Council on February 27, 2017. The TAP update is designed to address Charlotte's tremendous growth and the addition of express lanes to the City's regional road network will accommodate a greater volume of traffic more efficiently. The project is also consistent with the *2016-2025 Transportation Improvement Program* (TIP) and *2040 Metropolitan Transportation Plan* (MTP) both adopted by the Charlotte Regional Transportation Planning Organization (CRTPO).

Additionally, the City's Housing & Neighborhood Services Department recently assessed these lots' potential to support affordable housing and their determination was that – given the Duke Energy easements – they were unbuildable and unsuitable for affordable housing.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The *Central District Plan* (1993) recommends residential uses at a density of up to 8 units per acre.

PROJECT IMPACT:

- Building express lanes will increase trip reliability, accommodate long-term future demand, reduce traffic congestion, and increase the people-moving capacity of Charlotte's regional road system.
- Disposition of a portion of the vacant, unbuildable parcels will reduce Housing & Neighborhood Services' monthly grounds maintenance cost.
- The loss of acreage in parcels 075-096-17 through 19 will require a reconfiguration of the community garden located on those lots.
- County interest in residual portions of the property will serve to help the County meet its greenway goals.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

- Mecklenburg County greenway plans may be affected due to the potential availability for overland connection of acreage along Genesis Park Place.
- The joint use opportunities at this site consist of the Irwin Creek greenway overland connection and the community garden.

ESTIMATED PROJECT COMPLETION DATE:

The I-77 Express Lanes project is scheduled for completion in 2018.

JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force discussed this matter at their June 7, 2017 meeting and City Real Estate staff provided clarification: these are on average 100-foot deep lots which the NCDOT will be taking 65 feet (leaving 35-foot depth remaining). Park & Recreation staff said that this property appears as Irwin Creek Greenway east on the County's *Greenway Master Plan*. Greenways ideally want to be 40 feet in width so the 35-foot strip is a bit tight. Real Estate staff replied that the proposed sound walls will be set well back from the right-of-way edge, giving the County an opportunity to work with the state on sharing five feet of right-of-way to assemble the full 40 feet desired. No other joint use comments were offered.

Agencies represented at the June 7, 2017 meeting: Charlotte Housing & Neighborhood Services, Charlotte-Mecklenburg Library, County Park & Recreation, City Real Estate, City Engineering & Property Management, County Manager's office, Town of Matthews, Central Piedmont Community College, County Asset Management, County Finance, City Forester, County Public Health, Charlotte-Mecklenburg Police, and Mecklenburg ABC Board.

PLANNING STAFF REVIEW:

Planning staff has reviewed the proposed sale of these properties and below are the key findings:

Conclusions:

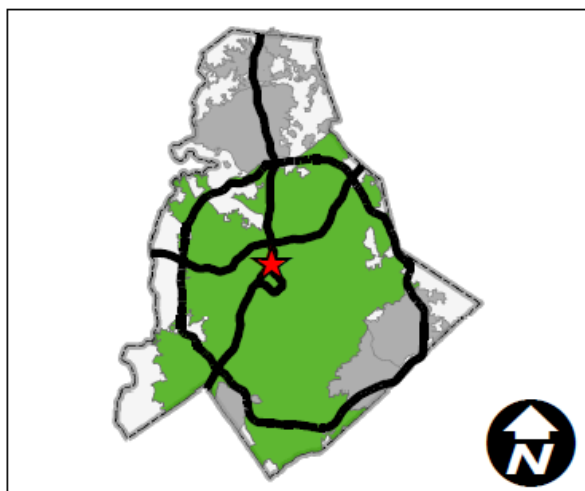
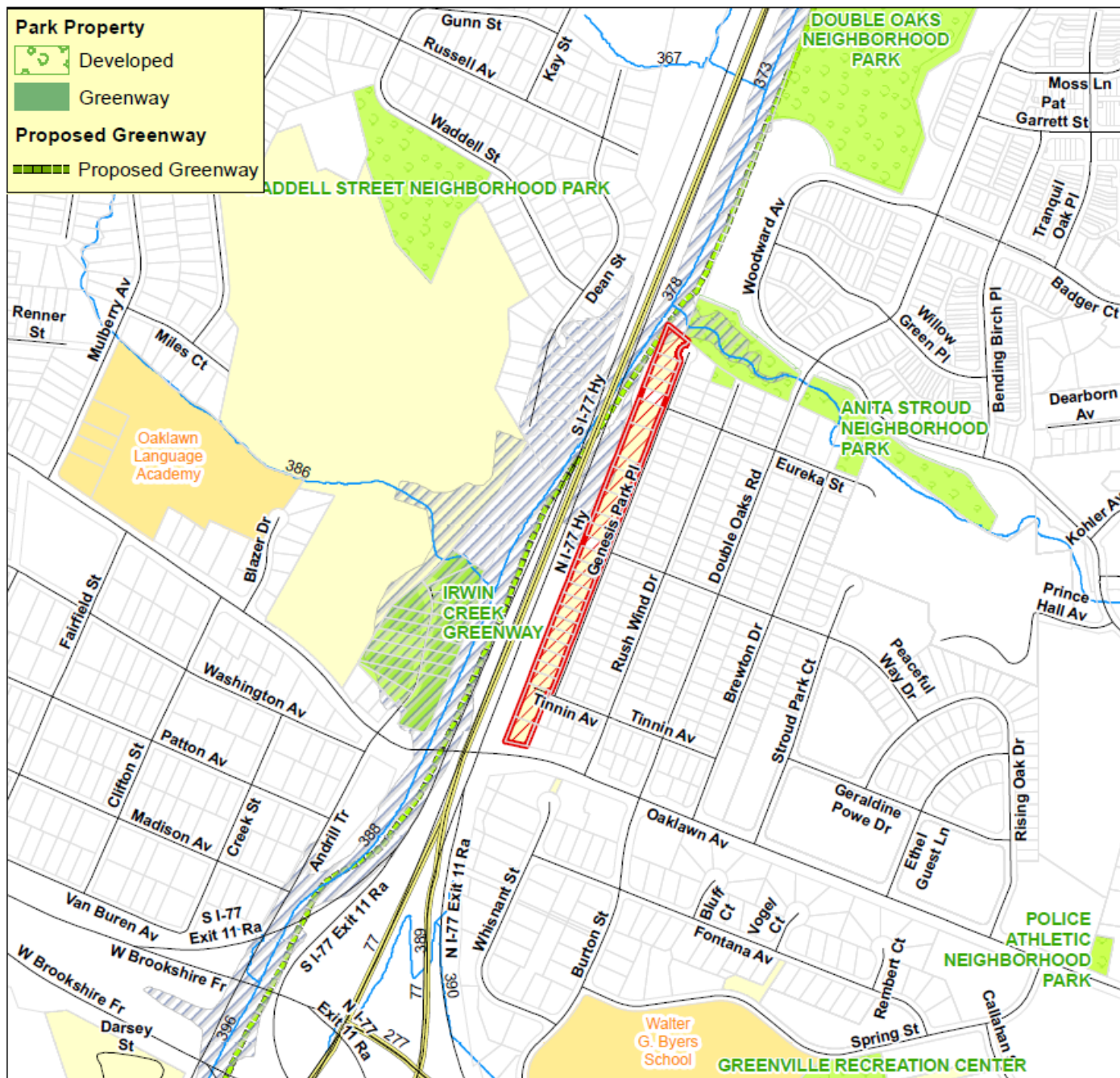
- The I-77 Express Lane Project is under construction and is scheduled for completion in 2018.
- Construction and long term impacts of the I-77 project on the Genesis Park neighborhood are key concerns and NCDOT and the City are working to mitigate impacts. In particular, construction of a noise barrier in the right-of-way will help mitigate impacts upon the adjacent residential properties. Additionally, the continuation of the community garden and the potential addition of an overland greenway connector will benefit the neighborhood.

Adopted Goals and Policies:

- The I-77 Express Lanes Project is consistent with the *Transportation Action Plan* (TAP) adopted by City Council on February 27, 2017.
- The project is also consistent with the *2016-2025 Transportation Improvement Program* (TIP) and *2040 Metropolitan Transportation Plan* (MTP) both adopted by the Charlotte Regional Transportation Planning Organization (CRTPO).
- The *Mecklenburg County Greenway Master Plan* (2008) recommends that Irwin Creek Greenway be located within this vicinity.
- The *Central District Plan* (1993) recommends residential up to 8 units per acre, although Duke Energy's perpetual easement and right-of-way on the properties renders them unbuildable and therefore not usable for residential development.

CMPC PLANNING COMMITTEE REVIEW:

At their June 20, 2017 meeting the Planning Committee voted 6-0 that they had no additional comments.



Mandatory Referral 17-20

Initiated & Submitted by:
Engineering & Property Management

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



Produced by the Charlotte-Mecklenburg Planning Department

Map of Parcels

