

## Legislation Details (With Text)

**File #:** 15-2311      **Version:** 1      **Name:**

**Type:** Public Hearing Item      **Status:** Agenda Ready

**File created:** 1/12/2016      **In control:** City Council Business Meeting

**On agenda:** 3/28/2016      **Final action:** 3/28/2016

**Title:** Public Hearing on a Resolution to Close a Portion of Greenwood Cliff

### Attachments:

Date	Ver.	Action By	Action	Result
3/28/2016	1	City Council Business Meeting	Continue	Pass
2/22/2016	1	City Council Business Meeting	Continue	Pass
1/25/2016	1	City Council Business Meeting	Continue	Pass

## Public Hearing on a Resolution to Close a Portion of Greenwood Cliff

### Action:

**Continue a public hearing to close a portion of Greenwood Cliff to April 25, 2016. This item will not be heard until the Pearl Park project is ready for City Council consideration. The Economic Development & Global Competitiveness Committee will consider the Pearl Park Tax Increment Grant after Mecklenburg County considers it, likely to occur early in mid-April.**

### Staff Resource(s):

Jeff Boenisch, Transportation

### Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The abandonment of Greenwood Cliff would allow for an extension of the existing Pearl Park Way (Pearl Park Project).
- City Council voted to continue this public hearing at its Council Business Meeting on November 23, 2015.
- There are three primary actions necessary for the Pearl Park Project to move forward:
  - Approval of a proposed Text Amendment, accomplished on February 15, 2016;
  - Decision on the Pearl Park Way Extension Tax Increment Grant (April 25, 2016); and
  - Closing of a portion of Greenwood Cliff (April 25, 2016).
- The resolution to close this portion of Greenwood Cliff contains a contingency statement that requires the construction of Pearl Park Way Extension and Berkley Place Extension to be completed

within five years of this action.

- The City intends to keep Greenwood Cliff open to the public until the conditions outlined in the contingency statement are met.
- Greenwood Cliff is located in City Council District 1.

### **Petitioners**

Midtown Partners II, LLC

### **Right-of-Way to be Abandoned**

Greenwood Cliff is located northwest of Kenilworth Avenue, neighboring the Pearl Street Neighborhood Park.

### **Reason**

The closing of a portion of Greenwood Cliff will occur in exchange for the construction of the new Pearl Park Way extension. This first phase of this street connection will occur between Kenilworth Avenue and the remaining portion of Greenwood Cliff. In addition, this street closing will allow a number of abutting properties to be recombined in order to accommodate a new development consisting of mixed housing, office, and commercial uses. The proposed development is consistent with the Midtown-Morehead-Cherry Area Plan.

### **Notification**

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

#### Adjoining property owner(s)

Mr. Alan Mayfield - Notified/no response

Mr. James Keenan - Has concerns that the proposed project design not adversely impact remaining properties.

Mr. David Earnhardt - Notified/no response

Mr. Allen James - Notified/no response

Mr. William Turner - No objections

Mr. Chester Helt - Has concerns, which he and the petitioner are working to resolve.

D&R Properties of Charlotte, LLC - Notified/no response

Amy ENT, LLC - Notified/ no response

ODOM Family, LLC - Notified/no response

Nameste Properties No. 1, LLC - Notified/no response

Liberty Greenwood Cliff, LLC - Notified/no response

#### Neighborhood/Business Association(s)

Charlotte Regional Realtor® Association - No objections

#### Private Utility Companies - No objections

#### City Departments

Review by City departments identified no apparent reason this closing would:

- Be contrary to the public interest;
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.