

**MANDATORY REFERRAL REPORT NO. 06-03**  
**Proposed Sale of City-owned Property at Corner of Providence Road & Vernon Drive**

**PROJECT PROPOSAL AND LOCATION:**

The City of Charlotte Real Estate Division proposes the sale of parcel 181-021-84, located at the northeast corner of Providence Road and Vernon Drive. The .834-acre property is located in the Eastover neighborhood and is zoned R-3 single family residential. The lot is vacant and clear of vegetation except along the western and northern boundaries. It was most recently utilized as a staging area for contractors working on the Andover Road Storm Drainage Improvement Project. The proposal is to sell this property for future single family residential development.

Briar Creek runs along the northernmost boundary of the property. Approximately 50 percent of the parcel is within its floodplain. The majority of the site is also within a SWIM buffer, however since the parcel is less than an acre, and was platted prior to the implementation of the ordinance, it is not subject to developmental limitations associated with SWIM buffer encumbrance. Immediately to the east is a narrow parcel of land with a single family residence, followed by another parcel improved with a single family residence. To the west is Providence Road and to the south is Vernon Drive. There is also a 7,082 square foot permanent storm drainage easement on the property.

**PROJECT JUSTIFICATION:**

The parcel was acquired as part of the Andover Road Storm Drainage Improvement Project. Contractors utilized a portion of the lot as a staging area during the project. The contractors have vacated the property due to completion of work on the storm drainage system in this area. Charlotte-Mecklenburg Utilities (CMU) and City Stormwater have indicated that they have no further use for the parcel. Unless the property is sold, the City will have ongoing responsibility and cost of maintenance of this property. Mecklenburg County is interested in acquiring this parcel for greenway purposes. The County is working with CMU on multiple sanitary sewer easements along Briar Creek for the parallel line.

**CONSISTENCY WITH ADOPTED PUBLIC POLICIES:**

The City's Asset Management Policy has a goal of disposing of surplus properties. The sale of this property would support that goal. The property will be sold at fair market value which is expected to be the same as the City's purchase price in July 2004.

The public polling process conducted in October 2005 resulted in a recommendation from the Planning Commission to defer marketing of property until completion of the Environmental Section of the General Development Policies, scheduled for spring, 2006. The draft environmental policies – that have been completed by the Stakeholder group but not yet adopted by City Council - would discourage construction within the SWIM buffer or the 100 year FEMA flood plain, and would recommend protection of environmentally sensitive areas.

The County Greenway Plan (adopted in 1999) recommends the development of a greenway along this stretch of Briar Creek. This would involve conveyance of rights or property abutting the creek.

**CONSISTENCY WITH ADOPTED LAND USE PLANS:**

The recommended land uses are contained in the following:

- § Vernon Drive frontage (southern portion of site) recommended residential (up to 3 units/acre) in the *South District Plan*, adopted in 1993, and
- § Northern portion of the site (floodplain portion) recommended for greenway and open space in the *Central District Plan*, adopted in 1993

**PROJECT IMPACT:**

Neighbors in the area of the Andover Road Storm Drainage Improvement Project inconvenienced by the activities of construction would probably be pleased to have the property placed back into its highest and best use which is single family residential development. With a recorded permanent storm drainage easement on file with the Register of Deeds, there are no apparent negative operational impacts to the City if the property were to be sold.

**RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:**

The Charlotte Department of Transportation (CDOT) has indicated that potential future road widening in the area indicated that it would be prudent for the City to retain a portion of this site equivalent to 40 feet from the centerline of Providence Road as future right-of-way. Additionally, the Briar Creek Relief Sewer Project is currently an active CMU project.

**ESTIMATED PROJECT COMPLETION DATE:**

This property is likely to have a marketing time of approximately six to nine months. This may be reduced in the event a neighboring property owner acquires the property, thus reducing the marketing time.

**JOINT USE TASK FORCE REVIEW COMMENTS:**

The Joint Use Task Force discussed this matter at their march 1, 2006 meeting. Staff from County Real Estate and Park & Recreation stated their interest in acquiring at least a portion of the property for greenway purposes, and possibly the entire parcel for open space.

**CMPC STAFF RECOMMENDATION:**

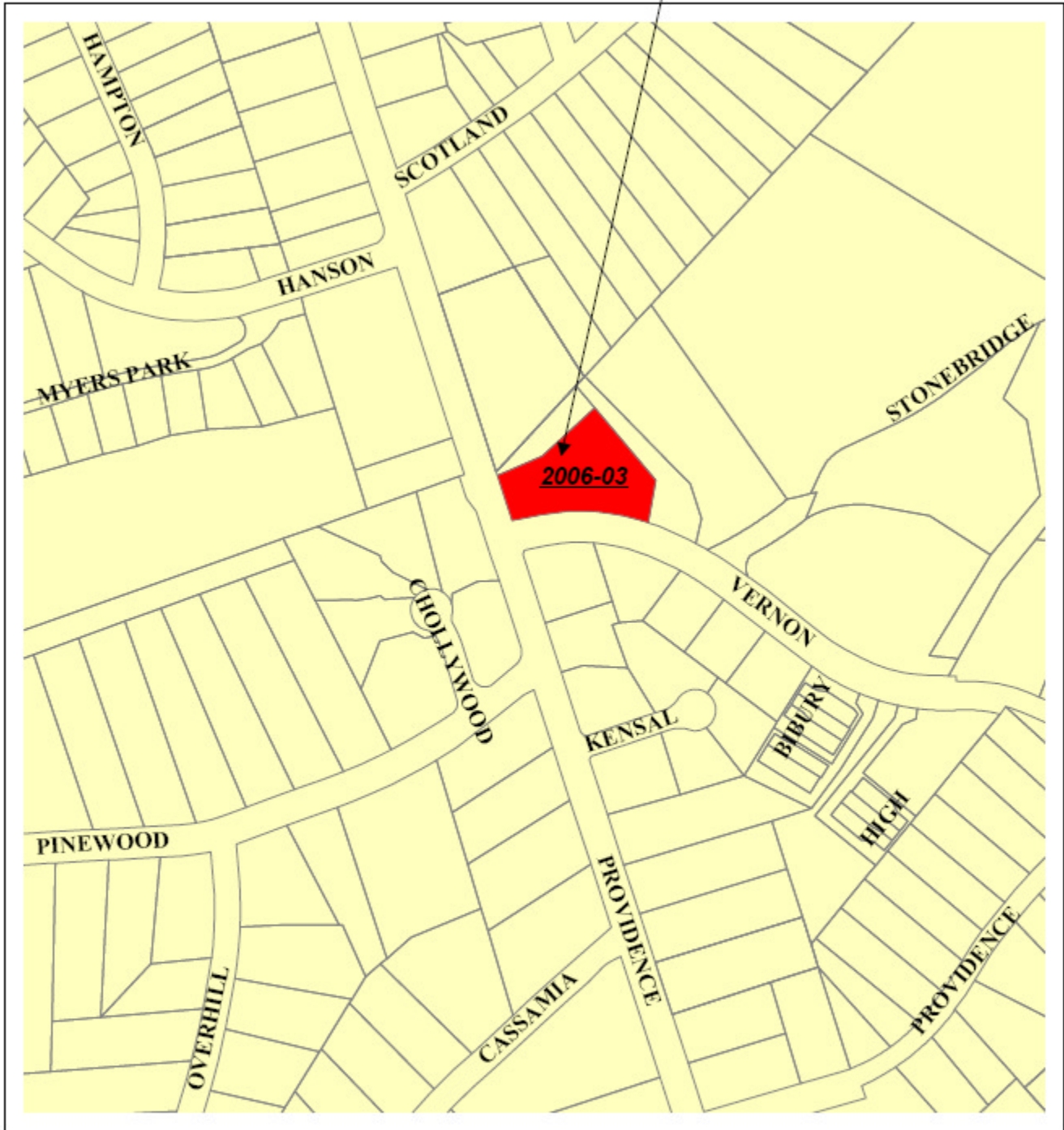
Planning Commission staff recommends approval of this proposal with the following conditions:

- § City Real Estate staff works with County Park & Recreation staff to determine amount of property needed for greenway development, as well as public access from Vernon and/or Providence Road to the proposed greenway, and provides first rights to the County.
- § Deed restrictions are placed on the parcel, barring development within the 100 year FEMA floodplain and SWIM buffer.
- § A determination is made as to whether the remainder of the parcel is residentially-developable, and if so, the remainder be marketed for that purpose.

**CMPC PLANNING COMMITTEE RECOMMENDATION:**

At their March 21, 2006 meeting the Planning Committee recommended approval by a 5-0 vote.

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## Legend

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