

MANDATORY REFERRAL REPORT NO. 06-13
Proposed Sale of City-owned Land Within the Old Statesville Road Landfill

PROJECT PROPOSAL AND LOCATION:

This is a proposal to sale a portion of the former cit-owned Statesville Road Landfill (PID # 077-181-01) located off Jeff Adams Drive, east of Statesville Avenue and south of I-85. The 155 acre site is zoned I-2, and has not been actively used as a landfill since the early 1970's. Mr. John McGraw, owner of M & C Recycling, Inc., an asphalt and concrete recycling business and Mr. Jeff Ferebee, owner of Ferebee Asphalt Plant, are requesting that the City of Charlotte sell a total of 39 acres to them for the expansion of their businesses.

Mr. McGraw currently owns three parcels in the area, totaling approximately 9 acres, located along Jeff Adams Drive. The parcels are used to recycle asphalt and concrete and have these materials stacked (approximately 50 feet high) and waiting to be recycled. One of the parcels owned by Mr. McGraw is used to store construction equipment and other items.

Mr. McGraw has run out of space to stockpile materials and wishes to purchase 15 acres of land adjoining his property from the City. He states that he would use the property to store gravel, recycled concrete and asphalt, and construction equipment. He indicates that acquisition of the additional property would allow him to reduce the height of the recycled materials stockpiled on the site and make other site improvements.

(Note: following submittal of this Mandatory Referral, City staff received notification that Mr. McGraw wished to purchase 20 acres from the City, rather than the 15 stated in the original Mandatory Referral submittal.)

Mr. Ferebee owns approximately 9 acres located just off Jeff Adams Drive, property located along the road in front of the asphalt plant is owned by Mr. McGraw (see attached map). Mr. Ferebee states that he would like to acquire 24 acres to stockpile gravel, park trucks and potentially develop mini-warehouses in the future.

The potential buyers plan to add soil, sand, concrete and asphalt to the cap of the landfill property but do not plan to excavate into any of the landfilled material. If buildings are ever proposed or planned for the conveyed property, the City will be protected by hold harmless clauses and deed restrictions proposed as part of the transaction. These restrictions will limit use of the property to storage.

PROJECT JUSTIFICATION:

Taxes are not being generated on the landfill property and it is sitting fallow without any future anticipated use. Selling this land allow for the expansion of two area businesses, generate substantial revenues to the City (via the sale of the property), and add land back to the government tax rolls. Selling the property will also give the City an opportunity to have M & C Recycling clean up their property. As a condition of the sale, the owner will be required to provide a buffer along Jeff Adams Drive, reduce the height of the pile of concrete and asphalt, and limit the height of the pile in the future.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

The sale of this property will be in accordance with and in furtherance of the Asset Management policy to maximize the use or sale of City-owned properties.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The *Central District Plan* (adopted 1993) recommends industrial land uses for the subject property and surrounding area. Therefore, the requested uses at the subject location are consistent with publicly adopted plans.

PROJECT IMPACT:

In 2003, the City sold a portion of the former Statesville Avenue Landfill site to Ferebee Asphalt Company. Debris had never been buried on this portion of the old landfill. The land that both Mr. Ferebee and Mr. McGraw are requesting to purchase was part of the original landfill. Selling the land to the two neighbors will not affect the fallow use of the remaining portion of the landfill.

Both prospective buyers understand the environmental situation of a landfill producing methane gas and settling of the land. Initially both buyers only intend to store sand, gravel, rock, recycled concrete and asphalt onto the property. If, over time, they find that the land has sufficiently settled and the gas migration has either ended or can be controlled, they would like to have the opportunity to put a garage or warehouse type structures on the land. If the sale of the land occurs, there will be deed restrictions and hold harmless clauses protecting the City of Charlotte.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

No other private or public projects should be affected by the proposed transactions.

ESTIMATED PROJECT COMPLETION DATE:

Both buyers are anxious to expand their businesses as soon as possible.

JOINT USE TASK FORCE REVIEW COMMENTS:

The Joint Use Task Force reviewed this matter at their April 5 meeting and had no comments.

CMPC STAFF RECOMMENDATION:

Planning staff recommends sale of the City property for the stated uses, conditioned upon the following:

- Buyers install a class "C" buffer along Jeff Adams Drive (per Section 12.302 of the City of Charlotte Zoning Ordinance)
- Buyers increase setback along Jeff Adams Drive to 40 feet (20 feet currently required)
- Buyers remove items from the setback along Jeff Adams Drive (sale should not take place prior to this area being cleaned up)
- Buyers reduce recycled asphalt/concrete pile so that it is not visible from I-85
- Buyers prohibit the addition of billboards to the site.
- Buyers agree to comply with the proposed Post Construction Ordinance by providing water quality treatments

CMPC PLANNING COMMITTEE RECOMMENDATION:

At their May 16, 2006 meeting, the Planning Committee approved the proposed sales with the conditions stated by staff, by a vote of 6-0. Additionally, the Committee agreed to the increased acreage request made by Mr. McGraw and not initially articulated in the Mandatory Referral.

MR 06-13

