

MANDATORY REFERRAL REPORT NO. 09-10
Proposed Exchange of Land at Oakhurst Elementary School

PROJECT PROPOSAL AND LOCATION:

Charlotte-Mecklenburg Schools (CMS) proposes to exchange a .36 acre portion of vacant CMS-owned land (parcel 161-043-01) at the rear of the Oakhurst Elementary School campus (located at the corner of Monroe Road and Chippendale Road in Charlotte) for a .66 acre portion of privately-owned, vacant land contiguous to the school's campus (PID 161-043-39). The portion of the CMS property to be exchanged currently serves as the side and rear yard of an adjacent residential property at 4308 Mantle Court. Only the CMS owned portion has frontage on Mantle Court and both are zoned R-5 (residential), according to the City of Charlotte Zoning Ordinance.

PROJECT JUSTIFICATION:

CMS proposes to use the additional land for future parking, playground facilities, or building expansion. The CMS owned property to be conveyed is vacant, underutilized, inaccessible and unsafe for school purposes. The property's close proximity to the adjacent residential structure makes it less feasible for a school-related purpose. In addition, the property owner at 4308 Mantle Court has maintained the property for many years. The land transaction would eliminate the potential liability associated with private residents trespassing or maintaining CMS-owned land.

A community garden, located on the eastern portion of parcel 161-043-01, would be unaffected by the proposed transaction.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

There are no specific policies applicable to this land transaction; however, this land transaction has the potential to improve the function and utility of both the public and privately owned properties.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

These properties are within the plan boundaries of the *East District Plan* (adopted 1990) and the *Independence Blvd. Area Plan* (underway). The *East District Plan* recommends Single-Family Residential up to 5 dwelling units to the acre (dua). Similarly, the *Independence Blvd. Area Plan* recommends Residential up to 5 dua. Although both plans recommend residential land uses for the properties in question, institutional uses are considered compatible land uses and are encouraged to integrate into existing and proposed neighborhoods.

PROJECT IMPACT:

There should be no impact to the neighborhood or to adjoining property owners.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

There are no known public or private projects that will be impacted by this project.

ESTIMATED PROJECT COMPLETION

The exchange will take place after Mecklenburg County waives the right of first refusal (required inasmuch as CMS acquired the property proposed for conveyance from the County in 2007) and the proposed exchange receives the necessary advertisement.

JOINT USE TASK FORCE REVIEW COMMENTS:

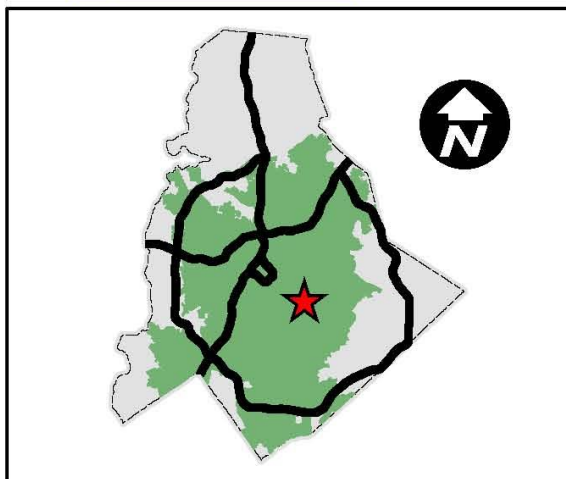
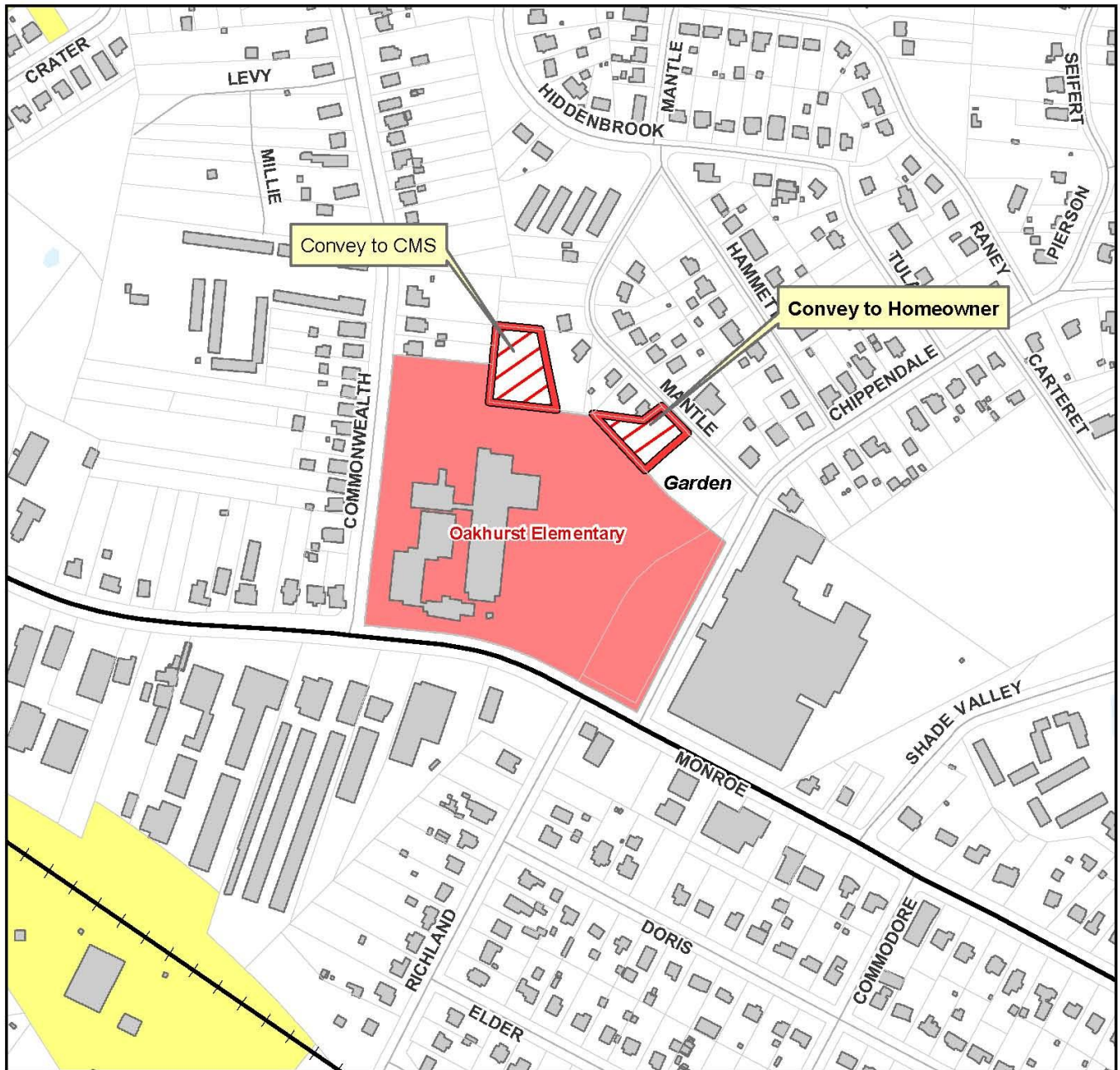
The Joint Use Task Force discussed this matter at their May 6, 2009 meeting and had no comments on this transaction.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of this land transaction.

CMPC PLANNING COMMITTEE RECOMMENDATION:

At their May 19, 2009 meeting the Planning Committee recommended approval by a 7-0 vote.



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