

**MANDATORY REFERRAL REPORT NO. 12-04**  
**Proposed Leasing of Portions of Several School Sites for Cell Towers**

**PROJECT PROPOSAL AND LOCATION:**

Charlotte-Mecklenburg Schools (CMS) proposes to lease portions of certain school sites for cell tower construction, operation and maintenance.

On August 18, 2010 a *Request for Expressions of Interest* (REI) to lease land for cell tower construction/cell service was posted on the CMS website. The deadline for submitting that request to CMS was October 31, 2011. Staff received expressions of interest for several school sites. The REI asked respondents to identify specific sites upon which they desired to locate cell towers. A total of seven school sites (see table below) were thereby identified.

On December 23, 2011, the Charlotte-Mecklenburg Board of Education gave approval for staff to negotiate with interested firms. CMS had entered into negotiations in accordance with applicable statutes and will advertise and seek upset bids.

The sites under consideration are:

<b>Site Name</b>	<b>Address</b>	<b>Parcel Number</b>	<b>Parcel zoning *</b>
Ardrey Kell High	10220 Ardrey Kell Rd	229-011-30	R-3
Community House Middle	9500 Community House Rd	223-041-32	R-3
Croft Community	4911 Hucks Rd	027-153-18	R-3
Elon Park Elementary	11401 Ardrey Kell Rd	223-521-04	R-3
Jay M. Robinson Middle	5925 Ballantyne Commons Pkwy	223-144-02; 223-144-03; 229-151-01	R-3
Myers Park High	2400 Colony Rd	175-071-02	R-3
Sharon Elementary	4330 Foxcroft Rd	183-204-02	R-3
Leadership Academy	7920 Neal Rd./7600 IBM Dr.	047-391-08	INST

\* per Charlotte Zoning Ordinance

The proposed leases would be for five years (with renewal options). Liability would be limited for CMS (typical for CMS contracts), and clauses for termination and for convenience will be incorporated. The cell tower operators are not to interfere with school operations, staff, students, or the public who may use the school and property. These lease terms have proven successful with existing cell tower leases at Quail Hollow Middle School and Providence High School.

The leases are envisioned to include a 100 foot by 100 foot area to encompass tower pads, enclosures, access drives, etc. They are to be located on portions of the site that are not currently actively used (in no case will a current or planned school use be displaced by a tower).

**PROJECT JUSTIFICATION:**

Telecommunication towers offer an opportunity for public agencies to realize a revenue stream from current real estate assets.

**CONSISTENCY WITH ADOPTED PUBLIC POLICIES:**

Prospective leases of portions of school sites for cell tower use are considered to be consistent with CMS policies regarding joint and community use of school sites. The City's General Development Policies for Infrastructure also support the co-location of facilities and private/public partnerships.

**CONSISTENCY WITH ADOPTED LAND USE PLANS:**

Land use plans do not typically prescribe the location of public facilities, institutional uses, or utilities unless it is reflective of a preexisting facility or land banking/master planning efforts. These types of uses are governed by the zoning ordinance in terms of permitted uses by zoning district. Currently, cell towers are permitted within the R-3 and INST zoning districts subject to the conditions found in subsection 12.108(7) and 12.108(8) of Charlotte Zoning Ordinance.

**PROJECT IMPACT:**

These telecommunication towers will provide increased service to area customers and added revenue for the school district. Each cell tower operator is to be responsible for obtaining all permits and approvals necessary in order to erect the cell towers.

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

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

**ESTIMATED PROJECT COMPLETION**

The estimated completion for cell tower construction beginning with due diligence process is approximately twelve months per site.

**JOINT USE TASK FORCE REVIEW COMMENTS:**

The Joint Use Task Force discussed this matter at their May 2, 2012 meeting and no joint use comments were offered.

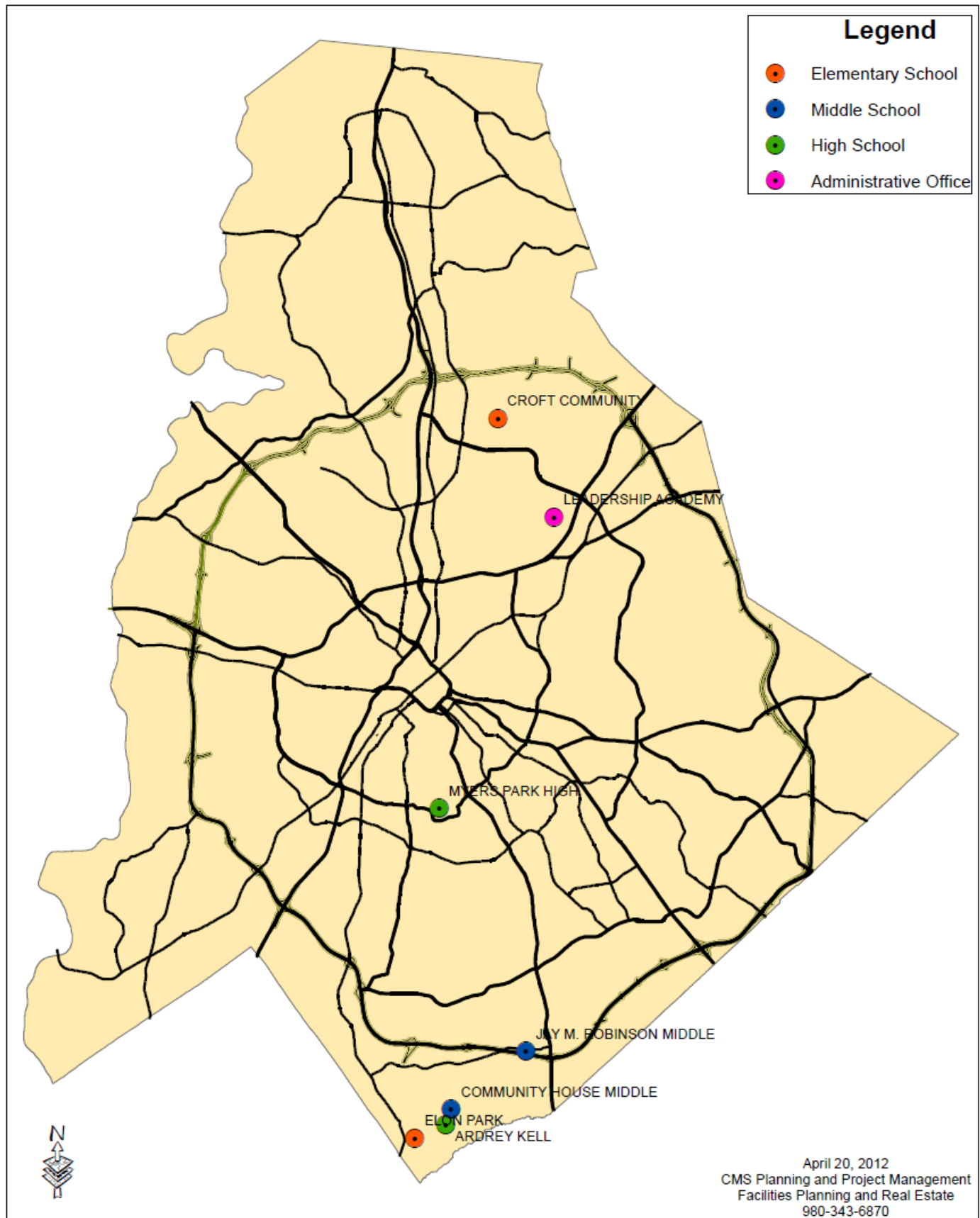
**PLANNING STAFF RECOMMENDATION:**

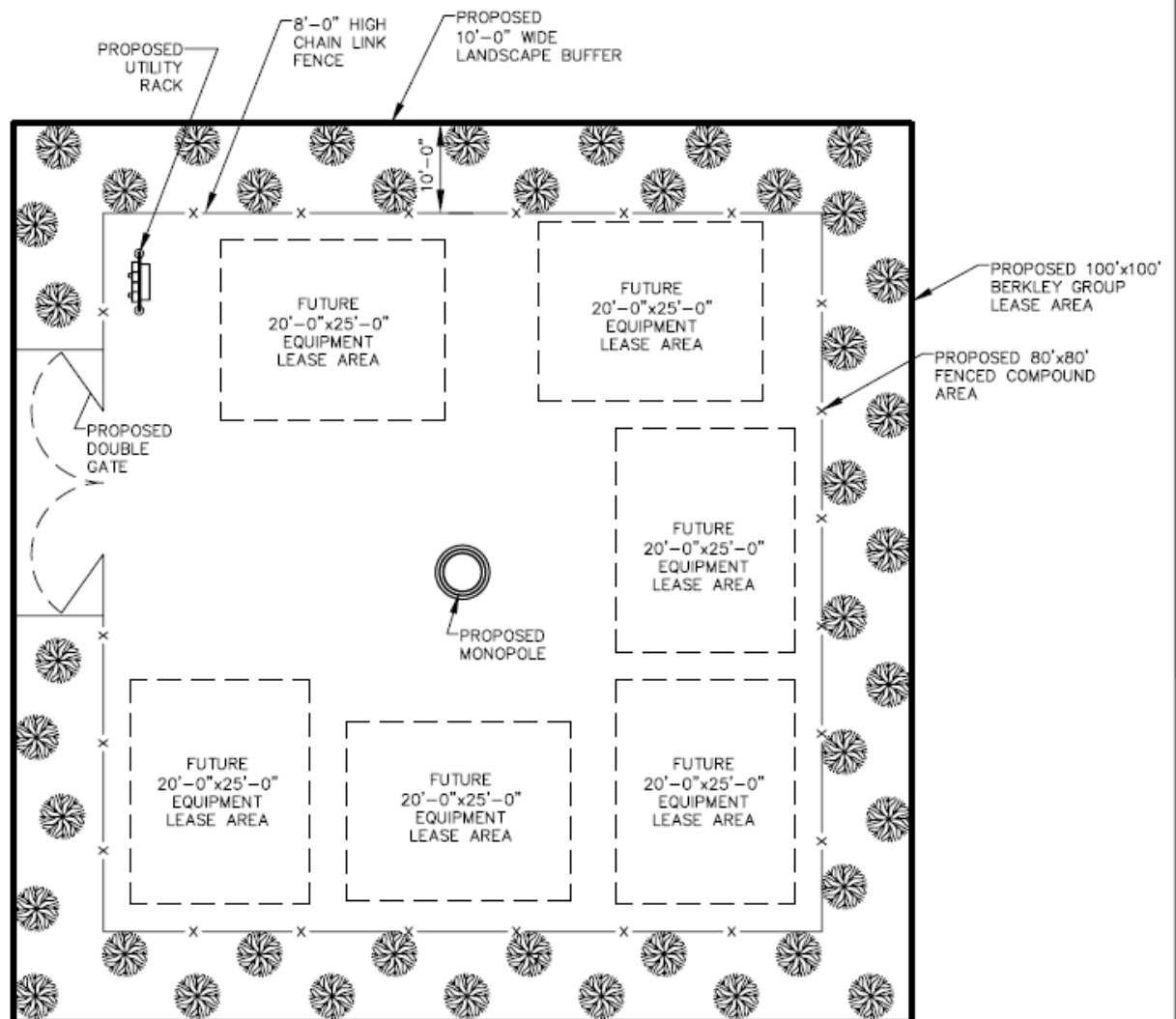
Staff recommends approval of Mandatory Referral.

**CMPC PLANNING COMMITTEE RECOMMENDATION:**

At their May 15, 2012 meeting the Planning Committee recommended approval by a 5-0 vote.

# Proposed Cell Tower Sites





GRAPHIC SCALE: 1" = 20'



APPROX.

NOTE: ALL DIMENSIONS ARE APPROXIMATE



**Engineering, Inc.**  
3 Marcus Drive  
Greenville, SC 29615  
Ph. (864) 288-0553  
Fax. (864) 288-0559

**TYPICAL BERKLEY GROUP  
100'x100' LEASE AREA LAYOUT**

**BERKLEY GROUP L.L.C.**

SITE VISIT DATE:

**N/A**



**INITIAL ISSUE**

ISSUE DATE:

**04/16/12**

SKETCH NO:

**C1**