

MANDATORY REFERRAL REPORT NO. 12-07
Proposed Leasing of Portions of Several School Sites in the City of Charlotte 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. The REI asked respondents to identify specific sites upon which they desired to locate cell towers. Staff received expressions of interest for several school sites. Seven school sites were covered under a previous Mandatory Referral (MR12-04); four additional school sites (including tow represented on the table below) have been also 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:

Site Name	Address	Parcel Number	Parcel zoning*
Idlewild Elementary	7101 Idlewild Rd	133-153-09	R-4
Endhaven Elementary	6815 Endhaven Lane	223-222-97	R-3

* 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:

City of Charlotte Policies

City Residential zoning districts (R-4 for Idlewild Elementary and R-3 for Endhaven Elementary) allow cell towers under prescribed conditions contained in the Zoning Ordinance dealing with issues such as setbacks, distance from property lines, structural capability, screening, design standards (referred to in the Zoning Ordinance as “concealment”), and the compliance of the principal use of the property. In addition, the City’s General Development Policies for Infrastructure support the co-location of compatible public facilities and the concept of public/private partnerships.

CMS 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.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

City of Charlotte

Within the City of Charlotte, 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 R-4 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 should provide increased service to area customers. 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 June 6 meeting and no comments were offered.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of this Mandatory Referral.

CMPC PLANNING COMMITTEE RECOMMENDATION:

At their July 17, 2012 meeting the Planning Committee recommended approval by a 4-2 vote. A minority opinion was offered (and is represented below):

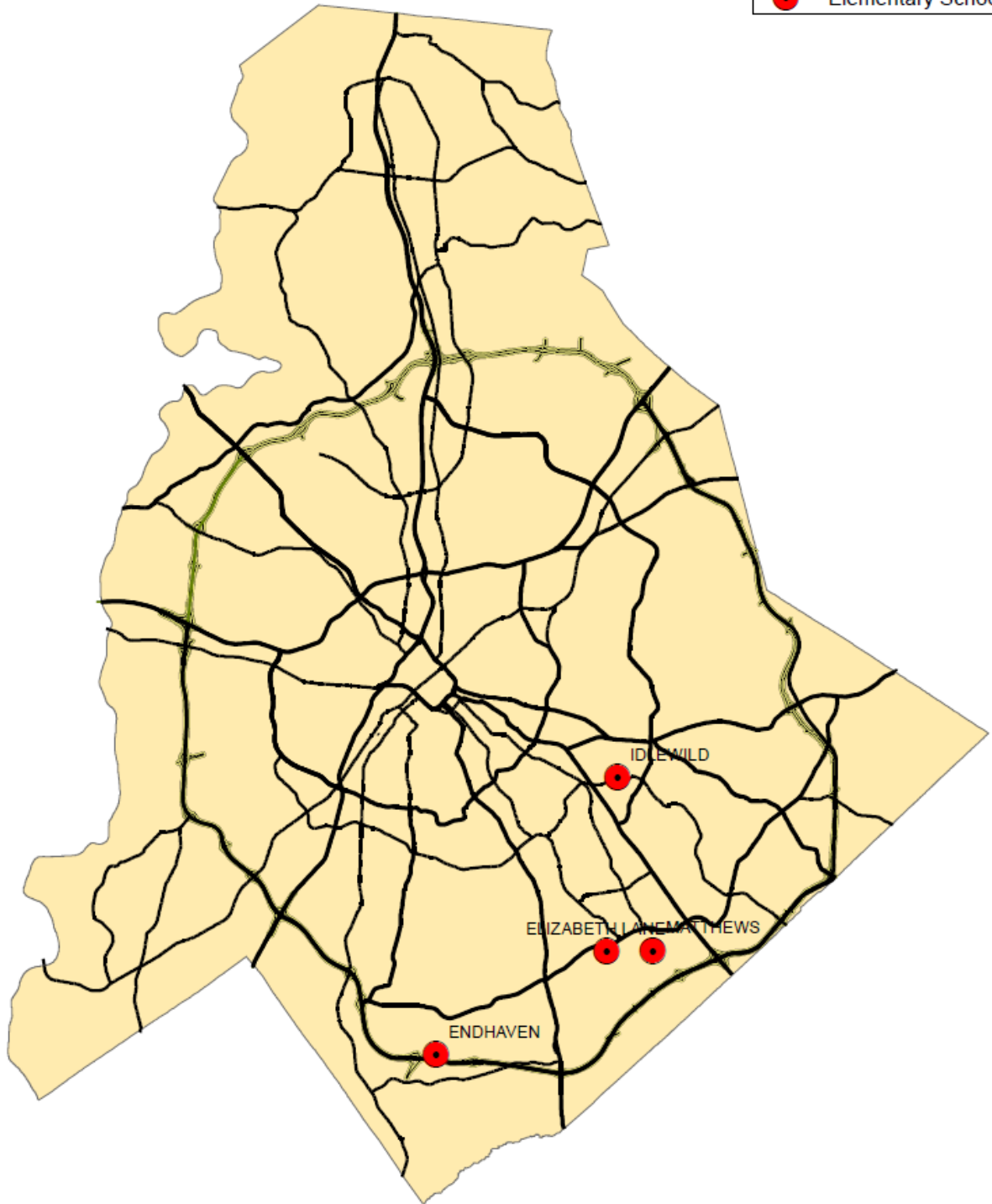
- Commissioners expressed reservations about the aesthetic impact of the installation of cell towers in residential areas (within which these two school sites are located). A proliferation of cell towers that could result in the increased popularity of mobile devices that rely upon these towers could – over time – have a negative and cumulative effect upon Charlotte's residential neighborhoods.
- It was the opinion of some of the Commissioners that the current Charlotte zoning regulations governing the placement of cell towers (particularly within residential areas) are too permissive, and that more restrictive regulations should be considered.

Proposed Cell Tower Sites

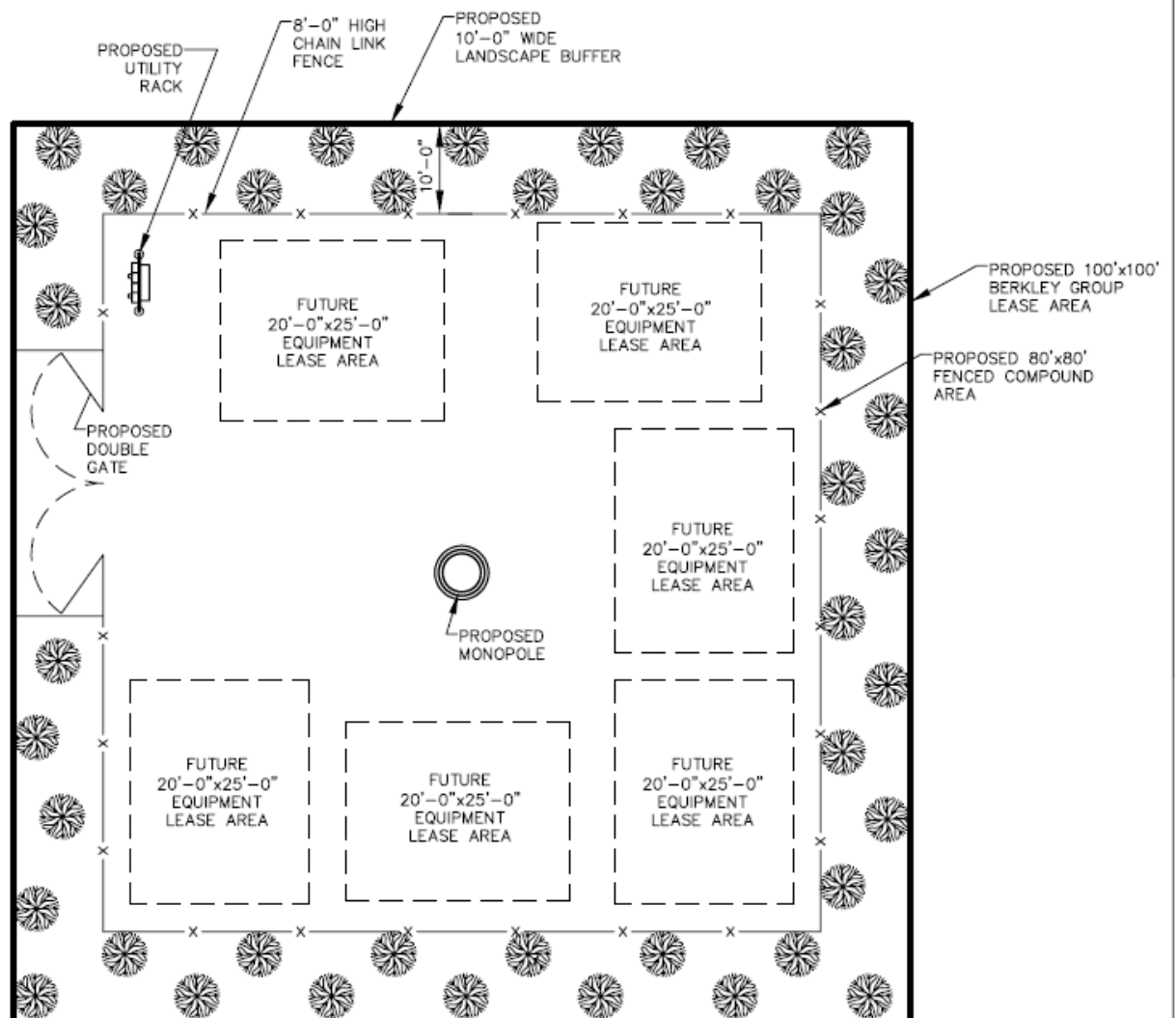
Legend



Elementary School



May 14, 2012
CMS Planning and Project Management
Facilities Planning and Real Estate
980-343-6870



GRAPHIC SCALE: 1" = 20'



APPROX.

NOTE: ALL DIMENSIONS ARE APPROXIMATE



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**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