

MANDATORY REFERRAL REPORT NO. 13-12
Proposed Leasing of Portions of a School Site in the City of Charlotte for Cell Tower

PROJECT PROPOSAL AND LOCATION:

Charlotte-Mecklenburg Schools (CMS) proposes to lease portions of a 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 site under consideration is:

Site Name	Address	Parcel Number	Parcel zoning*
Myers Park High School	2400 Colony Road	175-07-102	R-3

* per Charlotte Zoning Ordinance

The proposed lease 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 lease envisions the use of a 60 foot by 60 foot area to encompass tower pads, enclosures, access drives, etc. The tower is to be located on a portion of the site that is 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 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:

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 September 4, 2013 meeting and

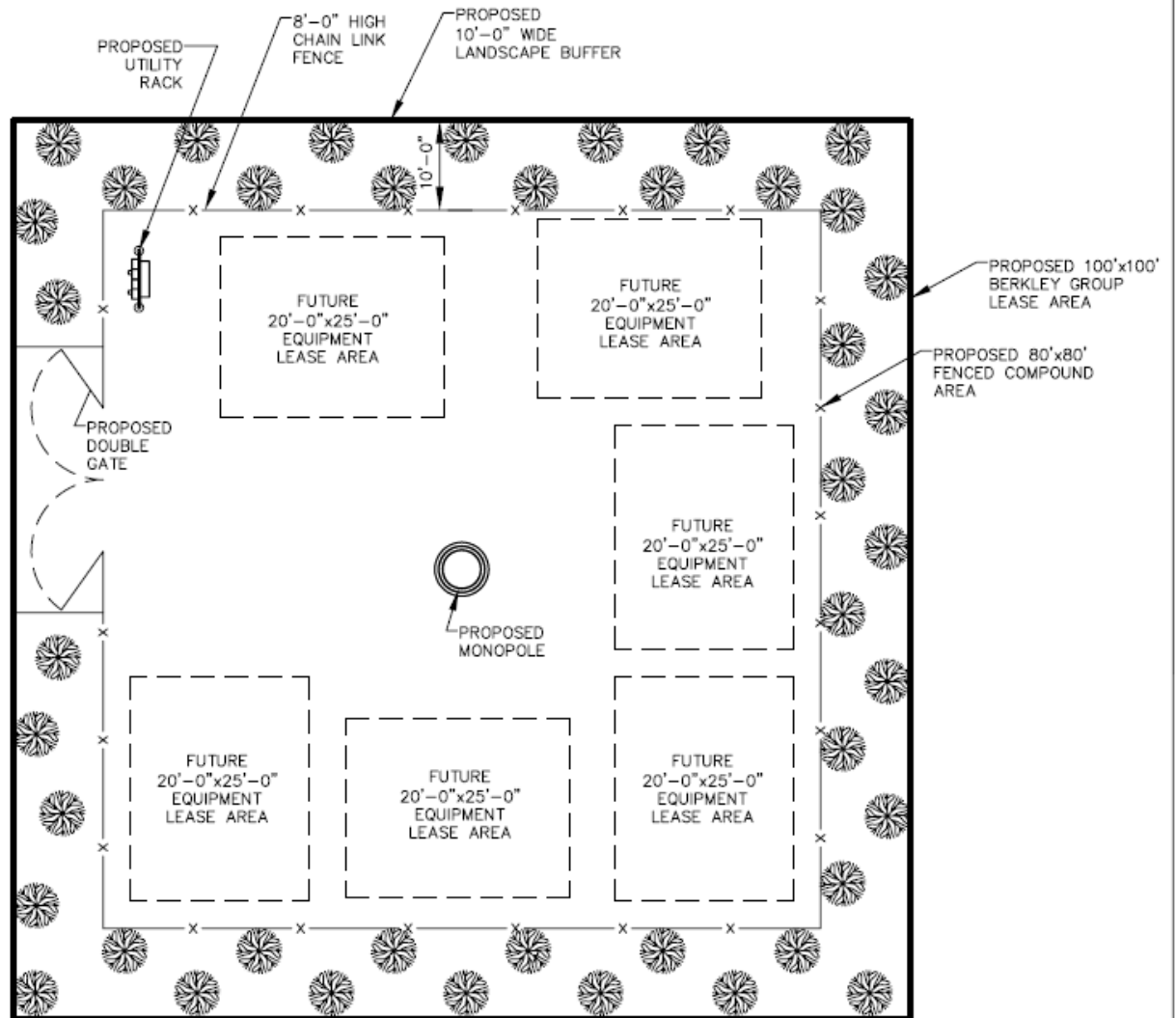
PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of this Mandatory Referral.

CMPC PLANNING COMMITTEE RECOMMENDATION:

WITHDRAWN BY APPLICANT AS THIS IS COVERED UNDER MR12-04





GRAPHIC SCALE: 1" = 20'



APPROX.

NOTE: ALL DIMENSIONS ARE APPROXIMATE



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

BERKLEY GROUP LLC

SITE VISIT DATE:

N/A



INITIAL ISSUE

ISSUE DATE:

04/16/12

SKETCH NO:

C1