

MANDATORY REFERRAL REPORT NO. 15-27

Proposed Lease by CMS of Jay M. Robinson Middle School to United States Performance Center, LLC

PROJECT PROPOSAL AND LOCATION:

Charlotte-Mecklenburg Schools (CMS) proposes to lease the property located at 5803-6603 Ballantyne Commons Parkway in Charlotte (parcel ID#s. 22915109 and 22914402) also known as Jay M. Robinson Middle School to United States Performance Center, LLC (USPC) for a term of 50 years. The purpose of this proposed lease is to enable USPC to develop approximately 30 acres of the 46.4-acre site to use, operate and maintain a sports complex at its sole cost and expense. The Master Plan of USPC (see attached graphic) will concentrate on the western portion of the site and will include development of athletic fields and facilities, walking and jogging trails, roads and parking lot, and other adaptive recreation amenities. As part of this proposed agreement, USPC also intends to donate a 1.83 acre parcel (parcel ID# 22914401) at the eastern edge of the campus to CMS. This parcel is currently vacant and is proposed to accommodate a detention pond/water feature (see attached site plan). During the course of this agreement, CMS will continue to operate the 117,245 square foot school building in normal fashion as a school.

CMS staff and students will have exclusive and priority use of the sports complex during school hours and for its sporting events (the exception being USPC designated facilities such as their on-site offices) at no charge to CMS. In addition, Jay M. Robinson MS staff will have no-charge access to these facilities under certain conditions. The sports complex shall be used by USPC only and exclusively for educational, athletic and recreational uses, outside of approved school use. The complex would not enjoy the same community use as do most other CMS outdoor athletic facilities inasmuch as the governance structure would be different from those other facilities.

USPC will have responsibility for maintenance and upkeep of these facilities during the course of the agreement. The agreement will not relieve CMS of its typical maintenance responsibilities for the school building, nor would it prevent CMS from making improvements or expansions to the building as deemed necessary.

United States Performance Center, LLC exists to provide customized performance training programs to athletes of all ages. USPC combines training, nutrition, mental coaching and physical therapy to improve performance, decrease injury and extend careers and create sustained motivation.

The zoning of the site is single family residential (R-3), according to the Charlotte Zoning Ordinance. The property is bounded on the south by I-485, to the north and west by Ballantyne Commons Parkway and to the east by Promenade Park Apartments.

PROJECT JUSTIFICATION:

This lease provides the opportunity for Jay M. Robinson Middle School students to use fields and facilities built and maintained by a third party.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

The State General Statutes allow for local Boards of Education to enter into operational leases of real or personal property for the purposes of operating the school districts they oversee.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The site is the current Jay M. Robinson Middle School, plus an additional small parcel in private hands. While future school sites generally are not mapped in the district and area plans, the *Providence Road/I-485 Area Plan Update* (2000) calls for school/institutional use, reflecting school district ownership and use of the site. The proposed project appears to be consistent with continued school operations, and with the availability of upgraded facilities. Use during non-school hours as a non-profit athletic facility also is consistent with the *Providence Road/I-485 Area Plan Update*. The facility's accessibility from Ballantyne Commons Parkway and its adjacency to I-485 mean that the proposed land use should not directly impact adjacent uses.

The proposal does have one potential problem: there is reference to "LED Sponsor Billboards," which is not consistent with the residential and institutional character of the area as set forth in the *Providence Road/I-485 Area Plan Update*.

PROJECT IMPACT:

There is no impact on CMS operations, or finances. There will be an improvement to CMS facilities. USPC is financially self-supporting and intends to make capital improvements to the property, which will have a positive impact on the property and surrounding neighborhood.

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 DATE:

The lease is proposed to commence summer of 2015 and run for a period of 50 years. Upon completion of the lease term, the improvements made on the site by USPC will become the property of CMS. Full development of the USPC construction may take as long as ten years.

JOINT USE TASK FORCE REVIEW COMMENTS:

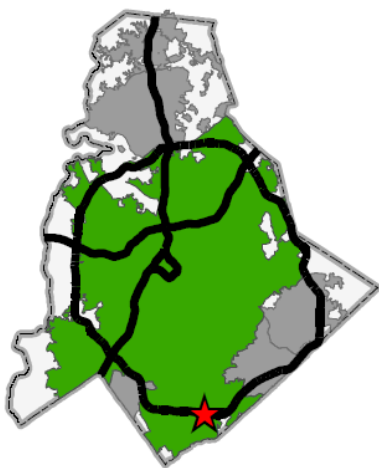
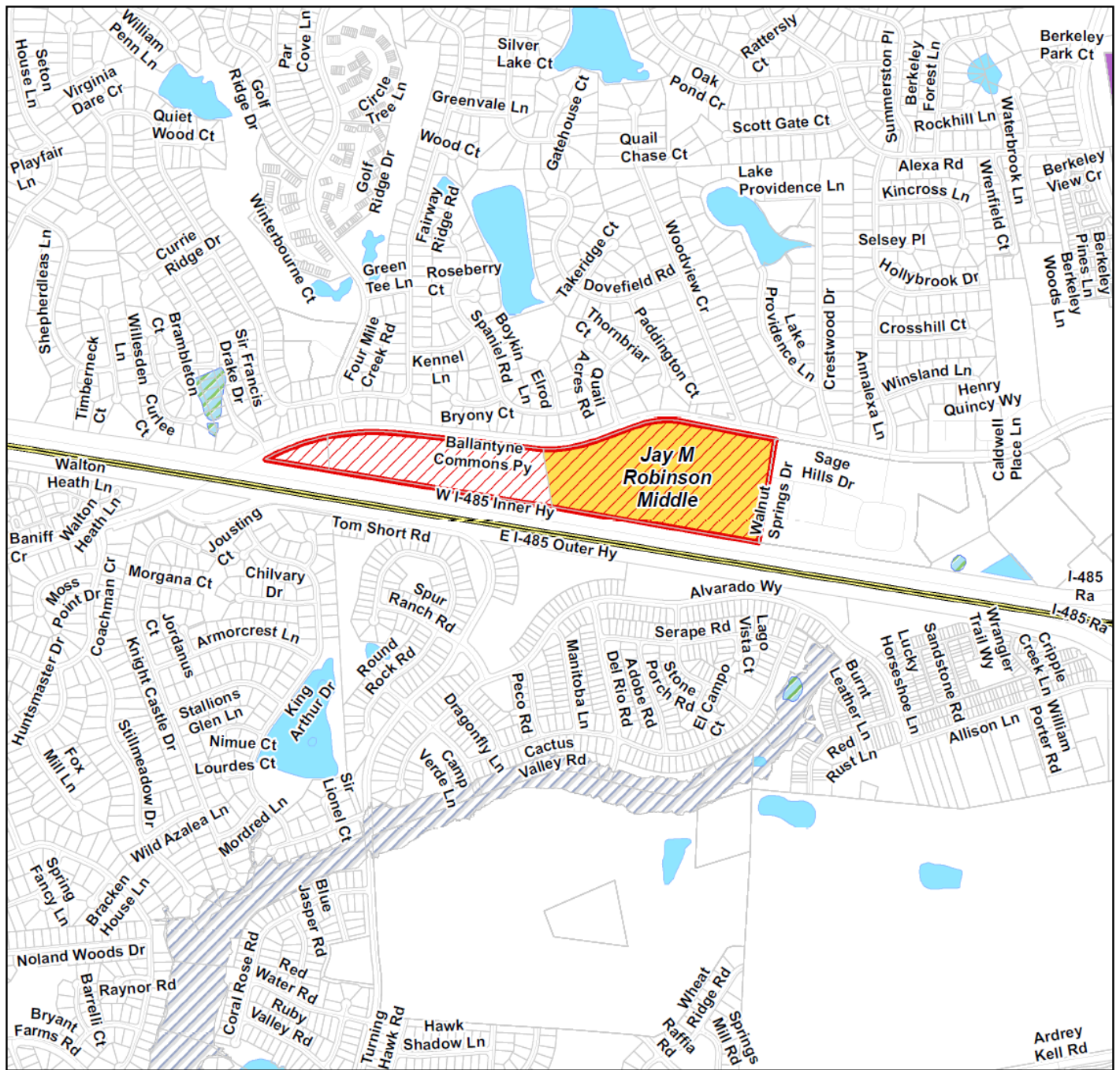
The Joint Use Task Force discussed this matter at their July 9, 2015 meeting and no joint use comments were offered.

PLANNING STAFF RECOMMENDATION:

The proposal is generally consistent with the institutional land use recommendations of the *Providence Road/I-485 Area Plan Update* and will provide for the continuing operation of the school on the site, with improved athletic facilities. The proposal does have a reference to "LED Sponsor Billboards," which is not consistent with the residential and institutional character of the area as set forth in the plan. As such, Planning staff recommends approval of the proposal, but only without the provisions of billboards.





CMPC PLANNING COMMITTEE RECOMMENDATION:

At their July 21, 2015 meeting the Planning Committee recommended approval by a 5-0 vote, but specifically excluded the staff-prescribed condition that LED sponsor billboards not be allowed on the site.



Mandatory Referral 15-27

Initiated & Submitted by: CMS

-  Mandatory Referral
-  Schools
-  Wetland
-  Ponds
-  FEMA 100 Year Floodplain








ESP American, P.A.
425 N. 10th St. • Suite 200
Olympia Fields, IL 60451
www.olympiapark.com



Olympia Fields
Conceptual Design
March 28, 2013



PROMOTE THE YOUTH™
FOUNDATION



GRAPHIC SCALE
0' 10' 20' 30'
1" = 20'-0"



USA SOCCER
NATIONAL TEAM



LED Sponsor Billboards