

MANDATORY REFERRAL-REPORT NO. 15-33
Proposed Cell Tower Leases on Several Charlotte Mecklenburg Schools Properties

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 15, 2014 a Request for Expressions of Interest to lease land for cell tower construction/cell service was posted on the CMS website. The deadline for submitting that request to CMS was August 25, 2014. Staff received expressions of interest for several school sites from one company.

The sites under consideration are:

Site #	Site Name	Address	Parcel ID	Zoning
1	Barnette Elementary School	13659 Beatties Ford Rd, Huntersville	013-081-05	R ⁽¹⁾
	Bradley Middle School (joint w/Barnette)	13345 Beatties Ford Rd, Huntersville	013-081-05	R ⁽¹⁾
2	Hough High School	12420 Bailey Rd, Cornelius	007-121-01, 02	RP ⁽²⁾
3	Hawthorne High School (former Derita school)	2300 West Sugar Creek Rd, Charlotte	047-032-08	R-17 MF ⁽³⁾
4	Eastway Middle School	1501 Norland Avenue, Charlotte	131-062-30	R-4 ⁽³⁾

- (1) **Rural** district under Town of Huntersville Zoning Ordinance
 (2) **Rural Preservation** district under Town of Cornelius Land Development Code
 (3) **Residential/Multi-family** district under Charlotte Zoning Ordinance

The proposal would be to establish a maximum of one cell tower at the Barnette/Bradley campus.

The proposed leases would be for five years. Liability would be limited for CMS (typical for CMS contracts), and clauses for termination and for convenience will be incorporated. The leases stipulate that 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, Myers Park High School, Providence High School and Jay M. Robinson Middle School.

The leases are envisioned to include a 100' x 100' 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). The proposed maximum height from grade are as follows:

Bradley/Barnette	160 feet	Hawthorne	150 feet
Hough	135 feet	Eastway	150 feet

PROJECT JUSTIFICATION:

Telecommunication towers offer an opportunity for public agencies to realize a revenue stream from 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 2007 *General Development Policies* for Infrastructure also support the co-location of facilities and private/public partnerships.

Cell towers are governed by the municipal zoning ordinances in terms of permitted uses by zoning district. Currently, cell towers are permitted within the zoning districts subject to the conditions found in:

Town of Huntersville: Section 9.9 of the Huntersville Zoning Ordinance requires minimum spacing between cell towers (called "commercial communication towers") of at least one mile (see attached Huntersville "one mile buffer" map which indicates that the Barnette/Bradley campus is eligible to receive a cell tower). Other height and setback requirements also apply, and a Special Use Permit would be required.

Town of Cornelius: Section 6.2.18 of the Cornelius Land Development Code. It should be noted that cell towers may not exceed the maximum height noted for the district in which the property is located. The RP zoning district (in which Hough High School is located) has a maximum height of 35 feet.

City of Charlotte: Subsection 12.108(7) and 12.108(8) of the Charlotte Zoning Ordinance, allowing cell towers within certain zoning districts subject to prescribed conditions.

The lease with the cell operator places the burden for acquiring any zoning changes required on the lessee.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

Each of the proposed cell towers is intended to be ancillary to the primary land use on these sites, which would be schools.

Town of Huntersville: the Barnette/Bradley campus is covered in the *Beatties Ford Road Corridor Plan* that prescribes the area as “rural” which allows for schools under prescribed conditions.

Town of Cornelius: the Hough campus (designated in the “civic/institutional” land use category) is covered under the *Town of Cornelius 2014 Land Use Plan*.

City of Charlotte: the Hawthorne High School Campus has an adopted future land use of single family/multi-family in the *Northeast District Plan* (adopted 1996), and is the current site of a school. The Eastway Middle School site has an adopted future land use of institutional in the *Eastland Area Plan* (adopted 2003), and is the current site of a school.

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 zoning districts subject to the conditions found in

- Section 9.9 of the Huntersville Rezoning Ordinance.
- Section 6.2.18 of the Cornelius Land Development Code.
- Subsection 12.108(7) and 12.108(8) of the Charlotte Zoning Ordinance.

Any zoning changes required would be the responsibility of the lessee.

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 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 DATE:

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

JOINT USE TASK FORCE REVIEW COMMENTS:

This matter was discussed with the Joint Use Task Force at their September 2, 2015 meeting and no joint use comments were offered.

PLANNING STAFF RECOMMENDATION:

Two of these four sites are located outside of Charlotte's planning jurisdiction, so staff in Huntersville and Cornelius were consulted as to recommendations in their jurisdictions, as depicted below:

Town of Huntersville: Staff recommends approval of the recommended cell tower on the Barnette/Bradley campus, on condition that the height and setback requirements in Section 9.9 of the Zoning Ordinance can be met, and that a Special Use Permit can be obtained.

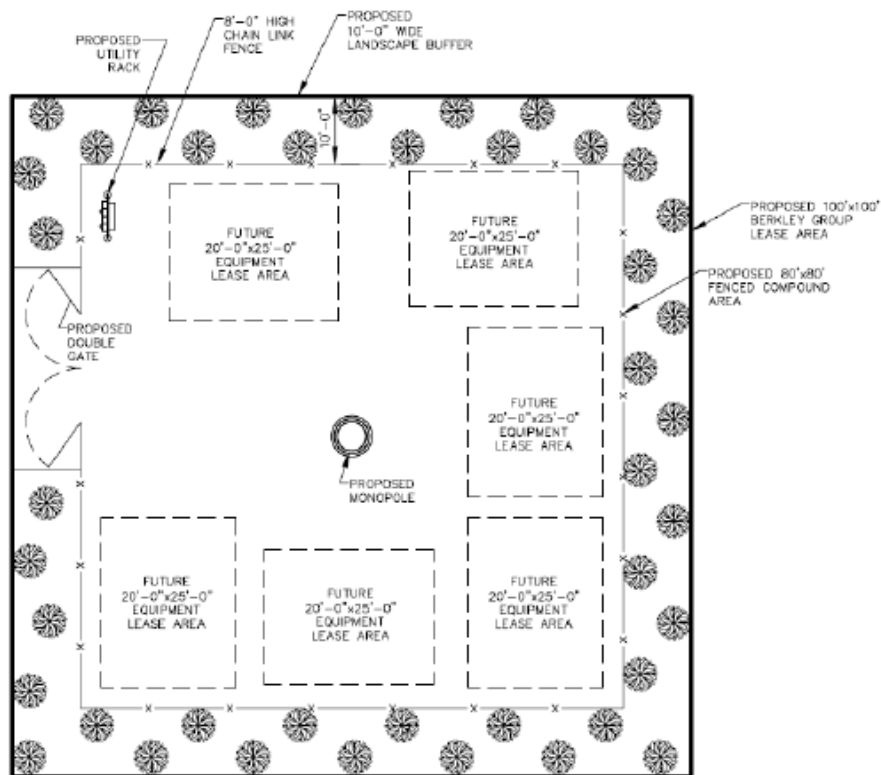
Town of Cornelius: The maximum 135-foot height of the proposed tower exceeds the maximum height allowable in the RP zoning district by 100 feet; therefore the tower is not allowable at the prescribed location under the town zoning ordinance. While the cell operator has indicated to town staff that they would consider offering a zoning text amendment, application has not yet been made. Staff; therefore, can only recommend approval of the cell tower at Hough on condition that the town approves a zoning ordinance text amendment allowing cell towers at heights of 135 feet in RP districts.

City of Charlotte: Staff recommends approval of the mandatory referral, understanding that any placement of a cell phone tower will be required to meet the standards of the zoning ordinance.

CMPC PLANNING COMMITTEE RECOMMENDATION:

At their September 15, 2015 meeting the Planning Committee recommended approval (with staff conditions) by a 5-0 vote.

Staff resources: Mandy Vari, Jonathan Wells



NOTE: ALL DIMENSIONS ARE APPROXIMATE



Engineering, Inc.
3 Marcus Drive
Greenville, SC 29615
Ph: (864) 288-1553
Fax: (864) 288-0589

**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

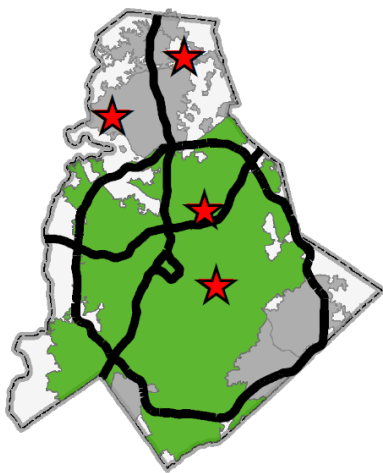
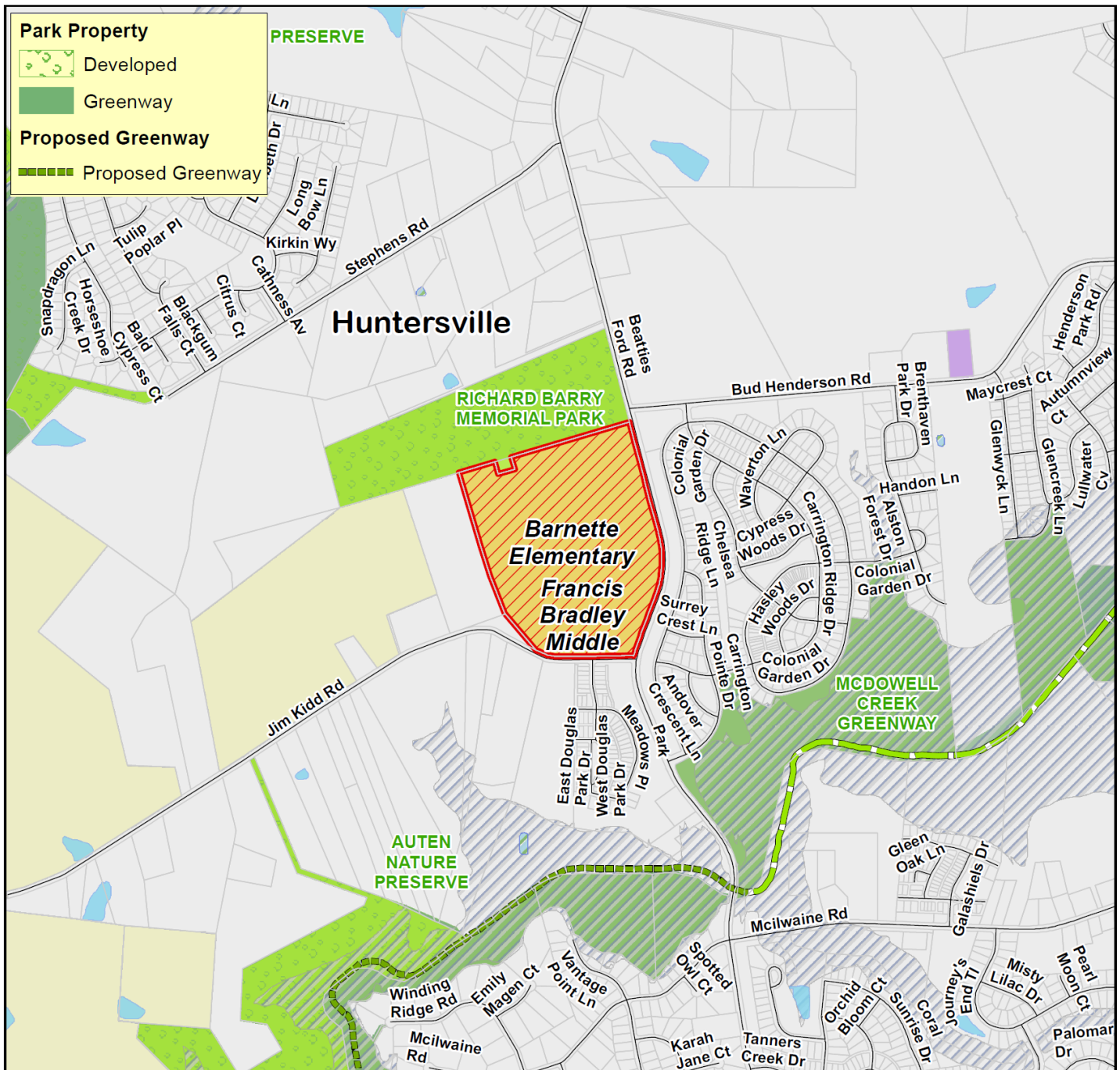
Barnette/Bradley campus



THE INFORMATION SHOWN ON THIS DRAWING WAS TAKEN FROM KIDDERLAND COUNTY GEOGRAPHIC INFORMATION SYSTEM (GIS) AND IS ACCURATE TO THE UNIT AND SCALE. THE DRAWING IS TO BE USED FOR PLANNING AND EVALUATION PURPOSES ONLY.

3. SINCE COMPLETION OF A FIELD SURVEY, THE LOCATION MAY BE ADJUSTED BASED ON ACTUAL SURFACE CONDITIONS.





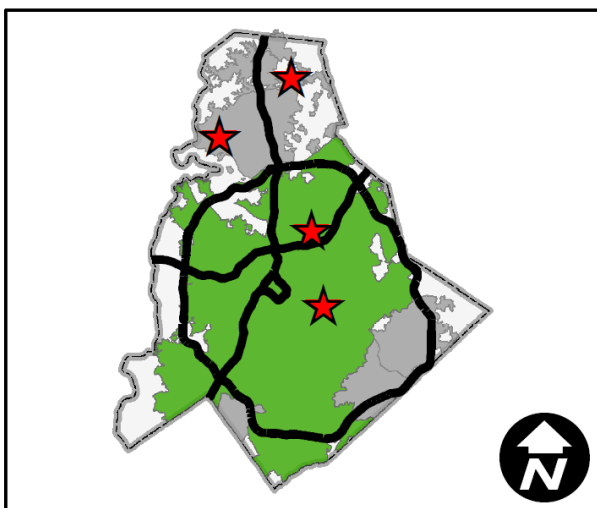
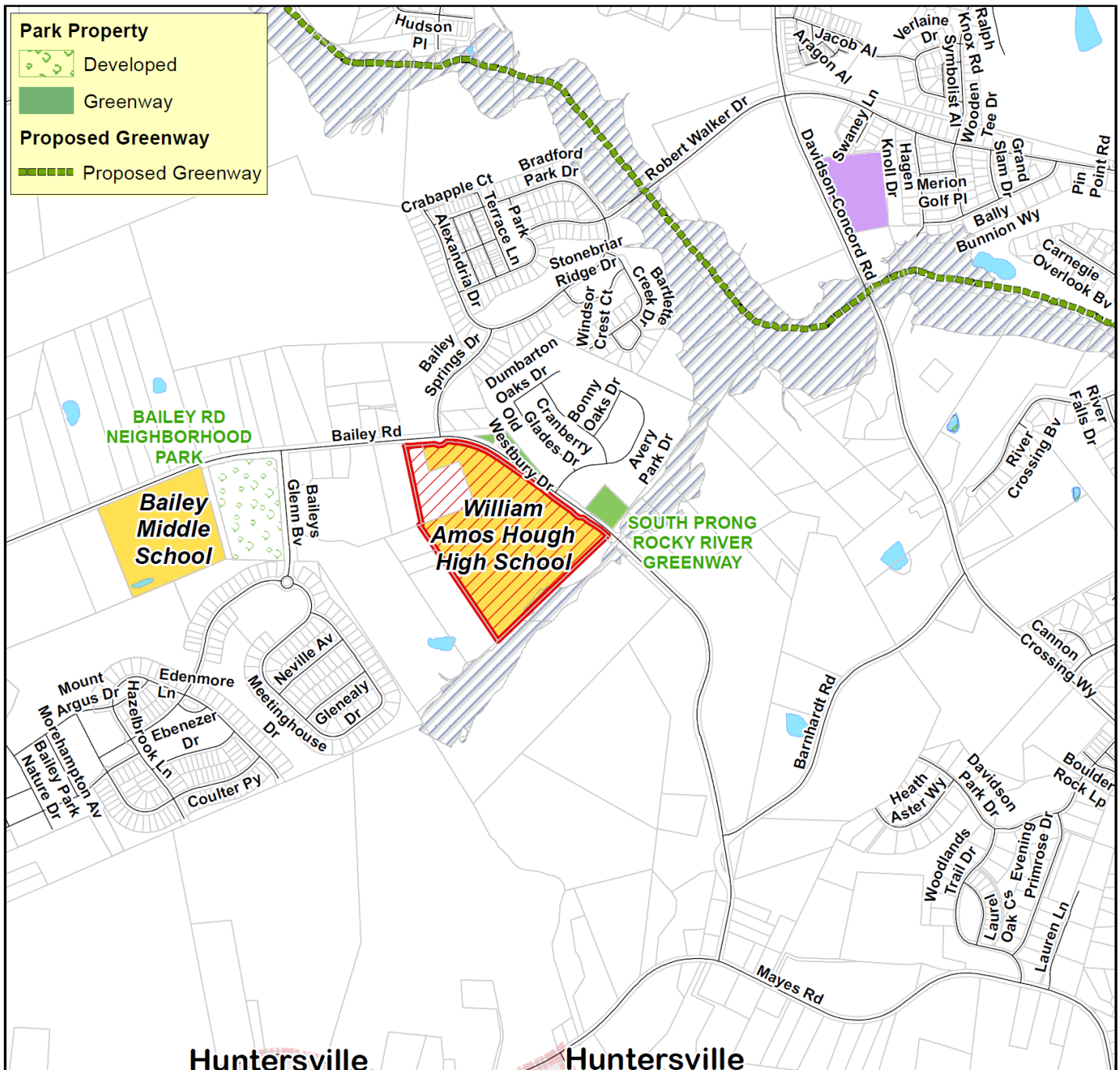
Mandatory Referral 15-33

Initiated & Submitted by: CMS

- Mandatory Referral
- Ponds
- Schools
- City Property
- County Property
- Local Historic Landmark
- FEMA 100 Year Floodplain



Produced by the Charlotte-Mecklenburg Planning Department



Mandatory Referral 15-33

Initiated & Submitted by: CMS

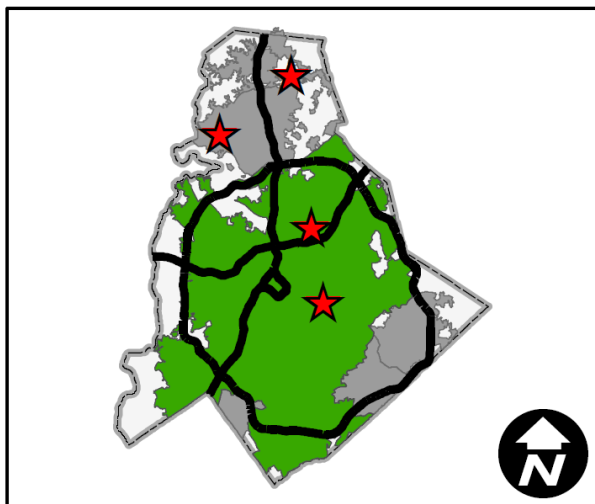
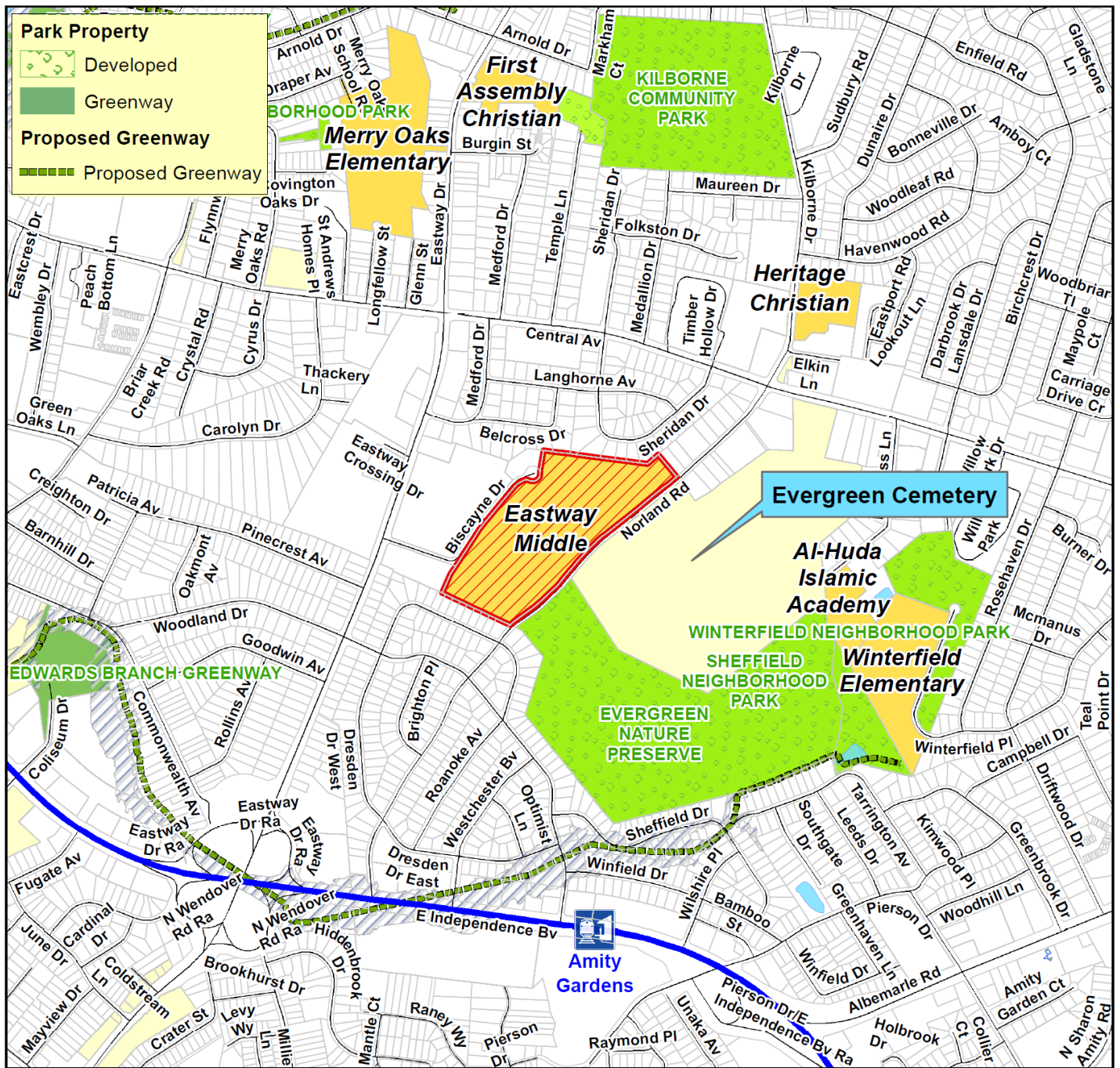
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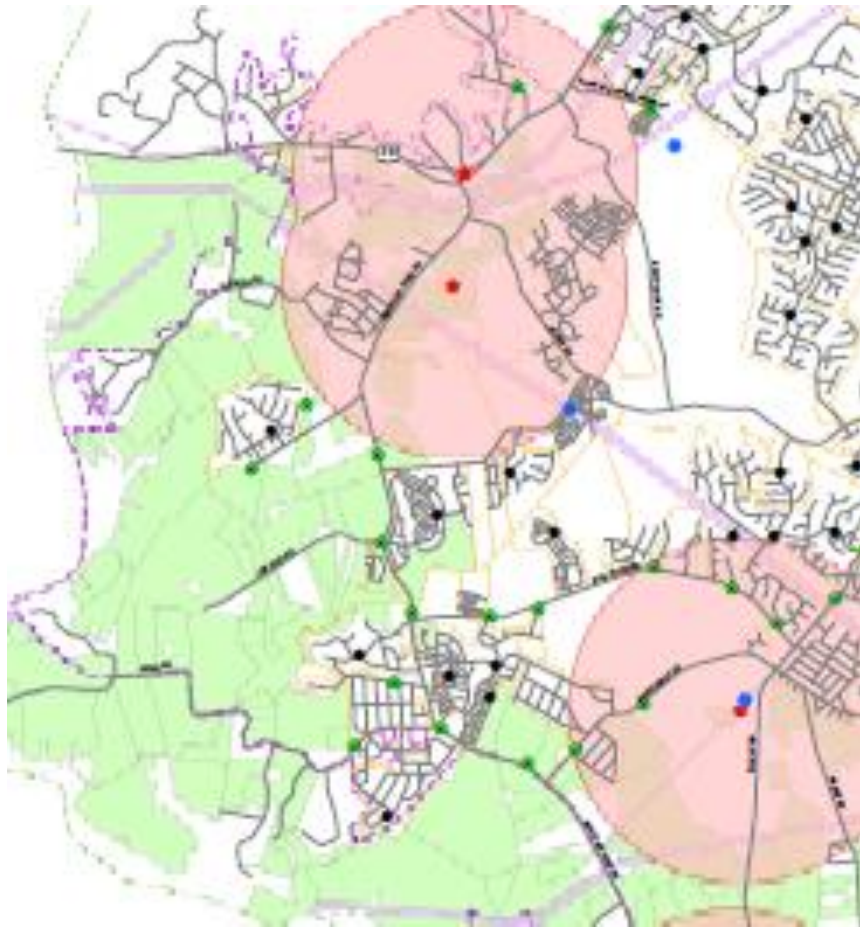
Mandatory Referral 15-33

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- Proposed CATS Silver Line
- Proposed CATS Silver Line Stations

Produced by the Charlotte-Mecklenburg Planning Department





Town of Huntersville's "one mile buffer" map

Present cell tower location: Myers Park H.S. from on campus



Present cell tower location: Quail Hollow middle school from adjoining property



Present cell tower location: Robinson middle school from adjoining neighborhood



Present cell tower location: Providence HS from bus parking lot

