

**Initiated by:** Peggy Hey, CMS  
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**MANDATORY REFERRAL REPORT NO. 17-06**  
**PROPOSED CELL TOWER LEASE ON CMS SCHOOL PROPERTY**

**PROJECT PROPOSAL AND LOCATION:**

Charlotte-Mecklenburg Schools (CMS) proposes to lease a portion of a school site 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 the following location: Hawthorne Academy of Health Sciences, 1414 Pegram Street, Charlotte (parcel # 08116335). The property is zoned R-5 Residential under the Charlotte Zoning Ordinance and is improved with a 100,000+ square foot public school. The property is located less than 1 mile from Uptown Charlotte, near the Belmont and Plaza Midwood neighborhoods.

The proposal would be to establish one cell tower, with a five year lease. Liability would be limited for CMS (typical for CMS contracts), and clause for termination and for convenience will be incorporated. The lease will 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.

A group of proposed cell tower leases was submitted by CMS and taken through the Mandatory Referral process in 2015 (MR 15-33) but this particular address was inadvertently omitted from the Mandatory Referral. At the time the Planning Committee recommended approval. The lease was subsequently approved by the Board of Education.

The lease includes a 100' x 100' area to encompass tower pads, enclosures, access drives, etc., to be located on a portion of the campus not currently actively used (in no case will a current or planned school use be displaced by the proposed tower). The proposed height from grade would be 160 feet.

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

**CONSISTENCY WITH ADOPTED LAND USE PLANS:**

The Belmont Area Revitalization Plan (2003) recommends Recreational Open Space for the proposed site.

**PROJECT IMPACT:**

The telecommunication tower will provide increased service to area customers and added revenue for the school district. The 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 DATE:**

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

**JOINT USE TASK FORCE REVIEW COMMENTS:**

The Joint Use Task Force discussed this matter at their March 1, 2017 meeting and there were no comments.

The following agencies were represented at the March 1, 2017 JUTF meeting: Charlotte-Mecklenburg Planning, City Budget, County Park & Recreation, City Real Estate, Charlotte Water, Charlotte DOT, Centralina COG, Charlotte-Mecklenburg Schools, City Engineering & Property Management, City Stormwater, County Manager's office, Town of Matthews, City Forester, City Housing & Neighborhood Services, County Public Health, Charlotte Mecklenburg Police, Charlotte Mecklenburg Housing Partnership.

**PLANNING STAFF REVIEW:**

Planning staff has reviewed the proposed lease and below are the key findings:

**Conclusions:**

- 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.
- Cell towers are permitted within the R-5 zoning district subject to the conditions found in Subsection 12.108(7) and 12.108(8) of the Charlotte Zoning Ordinance.

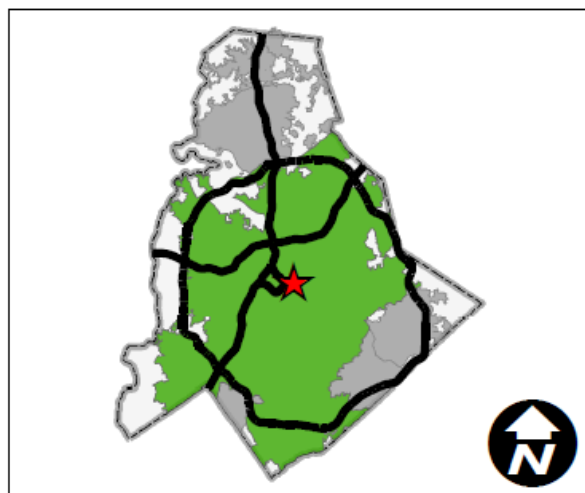
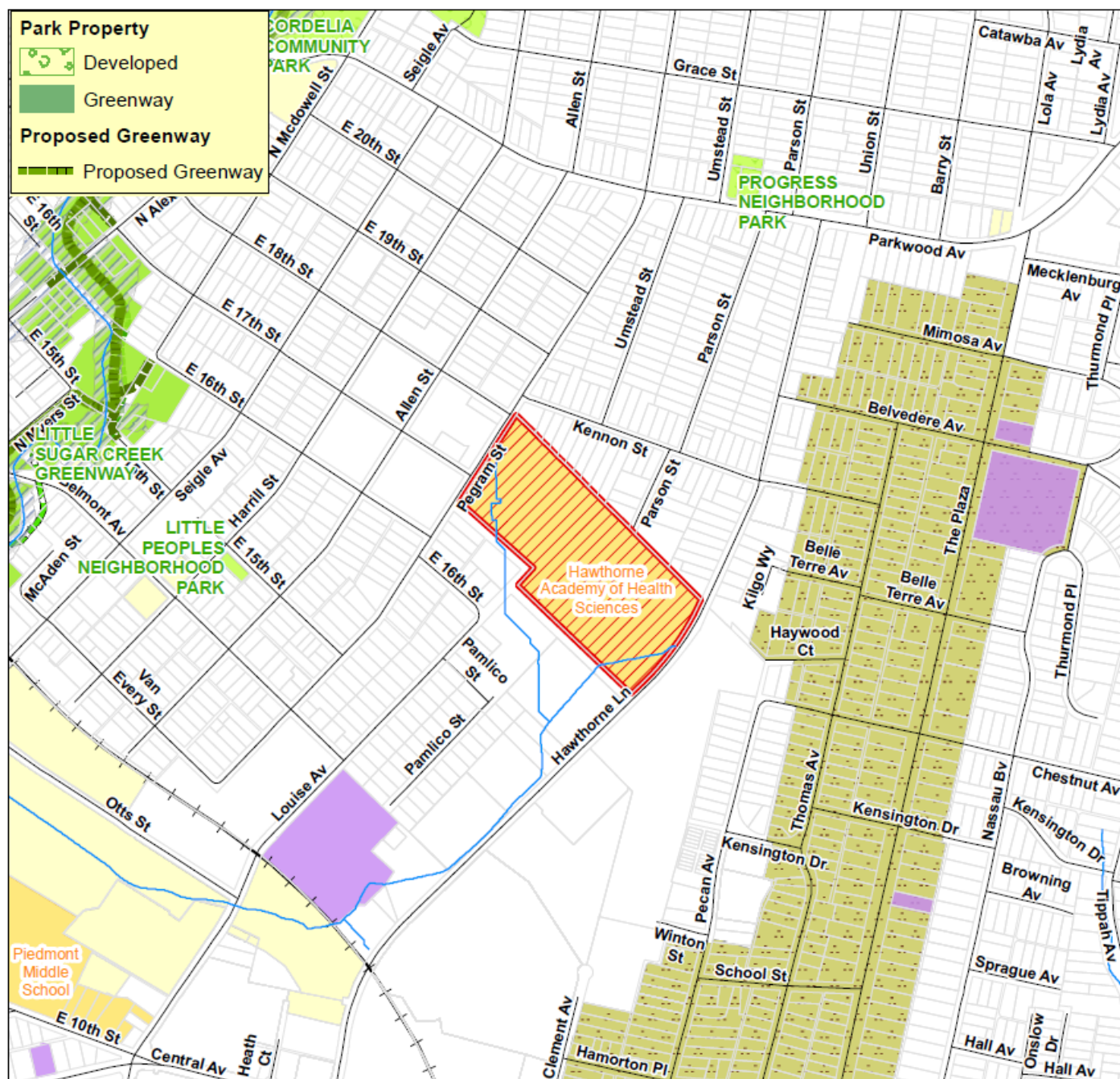
**Adopted Goals and Policies:**

- The Belmont Area Revitalization Plan (2003) recommends Recreational Open Space for the proposed site and is currently zoned R-5.
- 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 Schools sites.
- The City's 2007 *General Development Policies* for Infrastructure also support the co-location of facilities and private/public partnerships.

**CMPC PLANNING COMMITTEE REVIEW:**

At their March 21, 2017 meeting the Planning Committee voted to offer no additional comments by a 6-0 vote.





## Mandatory Referral 17-06

Initiated & Submitted by: CMS

- Mandatory Referral
- City Property
- Historic Districts
- County Property
- Schools
- Local Historic Landmark

Produced by the Charlotte-Mecklenburg Planning Department

