

Posted on Tue, Sep. 20, 2005

CMS asks city to add fee for rezoning

Officials say developers should pay if they add to overcrowded schools

MICHELLE CROUCH
Staff Writer

Charlotte-Mecklenburg Schools took an unprecedented step Monday, asking the city to make some developers pay a fee if they add new students to already overcrowded schools.

School officials want the Charlotte City Council to collect the fee from developers who request zoning changes, much as they ask for road and intersection improvements.

In one case, for example, they want the developer of 940 housing units in northern Charlotte to contribute \$653,600 toward new schools. That would cover about 10 percent of the cost for each of the 292 additional seats the new neighborhood would generate.

The CMS request didn't appear to go over well.

Council members on Monday criticized school administrators for making the demand without a school board vote. They also noted that a committee of elected officials from several public bodies, including the school board, was already working on ways to pay for growth.

"To make a unilateral demand before that process has been completed usurps the whole process," said council member John Lassiter.

"I see this as a money grab," added council member John Tabor.

School officials said they were simply responding to the city's request for feedback on rezoning cases. CMS had been widely criticized -- including jabs from several council members -- for not taking more of a stand on rezonings. An Observer analysis in June showed that most of their responses to city requests for comments were unclear, late, or both.

The school system expects 53,000 additional students over the next decade, growing the student population by more than 40 percent.

"In terms of students, I'm drinking from a fire hose," said CMS administrator Mike Raible, who presented the request to council. CMS is proposing a formula to request money from any developments that need rezonings and would add students to schools at more than 100 percent of capacity.

Using the rezoning process to get land or money for schools is not new. Several developers of large subdivisions over the years have donated school sites, and one developer, Centex, gave \$500 per home to the school system. City planners also ask developers to spend millions on road improvements, traffic lights, sidewalks and other infrastructure in return for their support of requested zoning changes.

"This is no different than what happens when (the city) tells a developer the roads are not adequate and requires him to widen the road," Raible said.

City Attorney Mac McCarley disagreed, saying he didn't think the city had the authority to impose what he called a "de facto impact fee."

"If Charlotte is ever going to go for an impact fee, we'd need to do it after a full blown study that analyzes all costs and sets appropriate policies for use of impact fee funds."

Mayor Pat McCrory called the school board request "a major change in policy that should be approved by elected bodies, not bureaucrats."

The council has no policy on how to consider schools in its development decisions, and the prospect raises some thorny issues: When is a school overcrowded? What happens when school attendance lines change?

And what about the new subdivisions built every year that don't require rezonings, which account for three-fourths of all new development?

Other jurisdictions, including Cabarrus County and Fort Mill, S.C., in the Charlotte region, ask all developers -- not just the few who need a rezoning -- to pay a set fee per home to help cover their impact.

A recent poll shows broad public support for such fees, but developers, who are among the biggest contributors in council campaigns, say such fees raise housing prices and push development to areas without fees. Still, it's an option Charlotte City Council members may discuss as part of their work with the planning liaison committee, the group of elected officials working on ways to pay for growth.

Raible said he met with city planners several times to discuss the new CMS approach to rezoning cases, but they declined to recommend the change to council. Raible also briefed school board members. Their feedback was positive, he said, though they never took a vote.

Joe White, school board chairman and a former council member, said he supported the idea partly because the current process is unfair to large developers.

"Now, if someone develops a huge project, they are asked to contribute something," he said. "But if you take 5 or 6 smaller developments, they have the same impact on our enrollment but they don't have to contribute a cent."

White and Raible both acknowledged that the request won't mean anything without council support. "If they choose to ignore the problem, that's their choice," Raible said.