AGENDA

Meeting Type:	B
Date:	12-16-1985

City of Charlotte, City Clerk's Office

Charlotte

IN MEETING DECEMBER 16, 1985

5:00 p.m. - Dinner
Rooms 237 and 239, Education Center

6:00 p.m. - ZONING HEARINGS
Board Room, Education Center

ITEM NO.

1. Invocation by the Reverend James F. Shrader, Prince of Peace Lutheran Church.

PUBLIC HEARINGS

2. Second hearing on Petition No. 85-69 by Charlotte-Mecklenburg Planning Commission for zoning ordinance text amendments to eliminate a Minor Special Use Permit for certain uses by (1) eliminating those uses from certain districts altogether, and by (2) allowing the uses as a Use by Right under Prescribed Conditions in other districts.

The first hearing on this petition was held October 21, 1985. Decision on this petition was scheduled for November 18, but Council determined that a second hearing should be held.

The Planning Commission recommends that this text be approved, including language in the adopting ordinance which assures that those cases in process may be completed.

council agenda

Mayor Harvey B. Gantt **Mayor Pro Tem Al Rousso**

Charlie S. Dannelly
Gloria Fenning
Ann Hammond
Ron Leeper
Roy Matthews
Cyndee Patterson
Pamella G. Patterson
Minette Conrad Trosch
Richard Vinroot
Velva W. Woollen

A copy of the petition, ordinance and Planning Commission recommendation are attached.

Attachment No. 1

3. Hearing on Petition No. 85-82 by Good Shepherd Lutheran Church for a change in zoning from R-9MF(CD) to R-9 for a 6.295 acre site located at 7700 Lawyers Road.

Attachment No. 2-K

4. Hearing on Petition No. 85-83 by Sturnbridge Homeowners Association for a change in zoning from O-15 to R-15MF for a 39 acre site on Carmel Road next to Sturnbridge Subdivision, 1/4 mile north of Highway 51.

Attachment No. 2-L

5. Hearing on Petition No. 85-84 by Cottage Place Residents for a change in zoning from R-6MF to R-6 for approximately 6.2 acres of the 100 and 200 blocks of Cottage Place.

Attachment No. 2-M

6. Hearing on Petition No. 85-85 by Anne Swacker Davis for a change in zoning from O-6 and R-9 to O-6 for a 29,295 square foot site located at 2815 Eastway Drive.

Attachment No. 2-N

7. Hearing on Petition No. 85-86 by Eagle Wood, Inc., for a change in zoning from R-9MF to I-1(CD) for a 1.8 acre site on the south side of Grier Road, west of Newell-Hickory Grove Road.

Attachment No. 2-O

8. Hearing on Petition No. 85-87 by Jessie E. Oxendine for a change in zoning from R-12MF to O-15 for a 2.24 acre site east of the Sardis Road North, Monroe Road intersection.

Attachment No. 2-P

9. Hearing on Petition No. 85-88 by W. Pike Jones for a change in zoning from R-6 to O-6(CD) for a 24,056.25 square foot site located at the northwest corner of Park Road and Seneca Place.

Attachment No. 2-Q

10. Hearing on Petition No. 85-89 by P.E.A. for Mariott Corporation for a change in zoning from R-15 to B-1(CD) for a 5.696 acre site on the north side of Fairview Road, east of Sharon Road.

Attachment No. 2-R

11. A. Conduct a public hearing on approving a loan for $1,220,000 to West Trade Associates for rehabilitation of two buildings located at 402 West Trade Street.

B. Recommend adoption of a resolution requesting the State of North Carolina to increase the bond issue allocation from $1,214,000 to $1,220,000.

C. Recommend approval of a loan not to exceed $1,220,000 to West Trade Associates for rehabilitation of two buildings located at 402 West Trade Street.

On November 25, 1985, City Council adopted a Resolution that requested the City to file an application with the State Department of Commerce for approval to issue a tax-exempt bond in the amount of $1,214,000. Since that time, however, the Charlotte Uptown Development Corporation has requested the bond issue be increased to an amount not to exceed $1,220,000. An amended allocation request, for an increase of $6,000, will be made to the North Carolina Department of Commerce upon Council approval. The proceeds from this bond are to be used for the rehabilitation of two buildings located at 402 and 412 West Trade Street by West Trade Street Associates as developer. The buildings are located immediately adjacent to the Union (Trailways) Bus Terminal on West Trade Street, and when rehabilitated, will be used as office space and will revitalize an area of the Fourth Ward District that has been a City priority for some time. The adoption of the Resolution and the completion of the proposed project are conditioned upon approval of the Bond issue by the State Department of Commerce.

Consider adoption of a Resolution requesting approval from the State of North Carolina for an increase in a bond issue allocation from $1,214,000 to $1,220,000 and approving the issuance

by the City of a Note not to exceed $1,220,000 and other legal documentation necessary in the financing of this Uptown Redevelopment Project.

First Union National Bank has committed to purchase a Note issued by the City of Charlotte to West Trade Street Associates in the principal amount not to exceed $1,220,000. Payments from West Trade Street Associates will be used to repay this Note. The City will have no obligation to use City funds to repay the redevelopment loan under this program.

Attachment No. 3

BUSINESS AGENDA

12. RECOMMEND ADOPTION OF A RESOLUTION AUTHORIZING THE BOND ORDER AND SERIES RESOLUTION RELATED TO THE ISSUANCE OF $5.8 MILLION IN REVENUE BONDS FOR THE MARKETPLACE PARKING FACILITY.

At the November 18, 1985 meeting, Council approved the execution of a comprehensive development agreement, lease agreement and supporting documents related to the Marketplace project; at the same meeting Council was advised that there remained several items of unfinished business, principal among which was the action necessary to issue $5.8 million in revenue bonds for the Marketplace parking facility. The 635 space parking facility will be built by the Carley Capital Group and delivered turnkey style for a fixed price to the City. The source of funding will be revenue bonds, which are the subject of this Request for Council Action. The parking feasibility study, completed by Wilbur Smith and Associates on November 12, 1985, concluded that gross facility income would be sufficient to pay maintenance, operating expenses and scheduled debt service installments on a $5.8 million revenue bond issue. On November 18, 1985 NCNB National Bank and First Union National Bank committed to purchase the bonds.

The bonds are being issued under highly favorable terms the highlights of which include: (a) a floating interest rate for the first five years established at 65 percent of the prime rate recalculated quarterly, and (b) interest-only for the first five years. Adoption by Council is requested of: (1) the bond order, and (2) series resolution related to the issuance of these revenue bonds. It should be noted that these bonds do not pledge the full faith and credit of the City. Council approval will permit closing on the revenue bonds on December 20, 1985.

13. RECOMMEND ADOPTION OF A RESOLUTION AUTHORIZING ISSUANCE OF $8,950,000 IN URBAN REDEVELOPMENT BONDS UNDER THE CHARLOTTE UPTOWN DEVELOPMENT CORPORATION LOAN PROGRAM FOR PURPOSES OF CONSTRUCTION OF THE MARKETPLACE PROJECT.

City Council has previously conducted a hearing and adopted (1) resolution on October 14, 1985 giving preliminary approval to issuance of up to $10,000,000 in urban redevelopment bonds for the Marketplace Project and, (2) a November 18, 1985, resolution authorizing execution of the development agreement between the City and Carley Capital Group and several related documents.

The action now requested of City Council is passage of the final resolution allowing issuance of the urban redevelopment bonds. The amount is now fixed at $8,950,000. The bonds will be used to fund a loan from Chemical Bank to the City and then by the City to Carley Capital Group. The bonds and subsequent loans will be secured by revenues from the Marketplace Project only and personal guarantees of the Carley brothers and will not involve a pledge of the City's full faith and credit.

The agenda item upon which Council based its resolution of November 18, 1985, referred generally to authorizing actions necessary to effect issuance of the urban redevelopment bonds. However, the banks require a specific resolution addressed to this issue listing the specific amount ($8,950,000) to be issued. This action is taken to meet that requirement.

14. RECOMMEND APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH TOWN OF WEDDINGTON OUTLINING SETTLEMENT TERMS IN THE CIVIL ACTION CAPTIONED CITY OF CHARLOTTE vs. TOWN OF WEDDINGTON (85-CVS-12192).

The Memorandum of Understanding allows the Town to rescind its original annexation of Heatherstone and also to annex a single lot which is partly in Mecklenburg County. Once the Town has annexed property in Mecklenburg, the City and Town will be able to enter into a binding annexation agreement. Such an agreement, in blank form, is attached to the Memorandum of Understanding and would be considered by the Council in the near future after the Town has completed the annexation activity described above. The annexation agreement provides that the City would not annex the balance of Heatherstone for 25 years, which the Town would not annex Heatherstone for 30 years.

Further the City would not annex any part of Union County for 10 years, while the Town would not annex any further into Mecklenburg County for a similar period. Finally, both the City and Town agree to seek legislation from the General Assembly ratifying these actions.

POLICY AGENDA

15. Decision on Petition No. 85-70 by Rice Development Corporation for a change in zoning from R-9 to R-9MF(CD) for a 17.6 acre site along Lawyers Road at McAlpine Creek.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-S

16. Decision on Petition No. 85-78 by Dennis J. Hall for a change in zoning from O-6 to R-6MF for a .16 acre site on Romany Road near Kenilworth Avenue.

A protest petition has been filed and found sufficient to invoke the 3/4 rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property.

The Planning Commission recommends that the petition be approved.

Attachment No. 4-T

17. Recommend adoption of a resolution calling for public hearings on Tuesday, January 21, 1986, at 6:00 p.m. in the Board Room of the Education Center, on Petition Nos. 86-1 through 86-9 for zoning changes, and Petition No. SUB 86-1 for a Subdivision Ordinance amendment.

18. Recommend adoption of a resolution providing for a public hearing on Petition No. SUP 86-1 for a special use permit. The date and time for the hearing to be set by City Council. This will be a special zoning meeting to consider rezonings proposed under the Derita and Hidden Valley Small Area plans approved by City Council.

Should apply to Item No. 19

19. Recommend adoption of a resolution calling for public hearings on Thursday, January 30, 1986, at 6:00 p.m. in the Board Room of the Education Center, on Petition Nos. 86-10 through 86-20 for zoning changes.

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- PENDING MATTERS -

In meeting on Monday, December 30, 1985, City Council will make nominations to the following boards and commissions

1. Charlotte Housing Authority - One position for a five-year term. The incumbent will complete his first full term December 17, 1985, and is eligible for reappointment.

2. Charlotte-Mecklenburg Advisory Energy Commission - Three appointments for two-year terms, one in each of the following sectors Consumer Advocate, Petroleum Industry, and Engineering/ Technical Profession.

3. Community Resources Board - One appointment for a three-year term. Incumbent completes his first full term on December 31, 1985 and is eligible for reappointment.

4. Safety Action Committee - One appointment for a two-year term. The incumbent completes his first full term on December 31, 1985 and is eligible for reappointment.

- SCHEDULE OF MEETINGS -
December 16 - 27, 1985

Monday, December 16	Dinner Education Center - Rooms 237/239	5:00 p. m.
	Council Meeting - Public Hearings & Business	6 00 p. m.
Tuesday, December 24		
Wednesday, December 25	CHRISTMAS HOLIDAY - All City Government offices closed.	

Charlotte

Public Service & Information Department
City Hall, 600 E Trade Street
Charlotte North Carolina 28202
704/336 2395

Meetings in December '85

THE WEEK OF DECEMBER 1 - DECEMBER 7

2	Monday, 7 30 p m	OATH OF OFFICE CEREMONIES FOR MAYOR AND CITY COUNCIL - Spirit Square, Performance Place
3	Tuesday, 7 30 p m.	PUBLIC MEETING ON DELTA ROAD EXTENSION - New Hope Baptist Church, 7841 Idlewild Road
	Tuesday, 7 30 p m	PLANNING COMMISSION - Cameron-Brown Bldg , 1st Floor Conference Room
4	Wednesday, 10 00 a.m.	STORMWATER MANAGEMENT ADVISORY COMMITTEE - Cameron-Brown Bldg , 1st Floor Conference Room
	Wednesday, 7 30 p m	PUBLIC MEETING ON IDLEWILD ROAD - McClintock Junior High School, 2101 Rama Road
	Wednesday, 6 00 p.m	PARKS ADVISORY COMMITTEE - Parks & Recreation Dept., Administrative Office, 310 N. Kings Drive
5	Thursday, 3 30 p m.	ADVISORY BOARD FOR CITIZENS WITH DISABILITIES - Metrolina Independent Livirg Center, Doctors Building, 1012 S Kings Dr., Suite G-2
6	Friday, 5 30 p.m.	UPTOWN ANNUAL TREE LIGHTING CEREMONY - Square (Trade & Tryon Sts.)
7-11	Sat - Wed.	NATIONAL LEAGUE OF CITIES - Seattle, Washington

THE WEEK OF DECEMBER 8 - DECEMBER 14

10	Tuesday, 9 00 a.m.	HISTORIC DISTRICT COMMISSION - Edwin Towers, 201 W. Tenth Street
11	Wednesday, 8 30 a m.	CIVIL SERVICE BOARD - City Hall, 3rd Floor Conference Room
	Wednesday, 7 30 p.m.	HISTORIC PROPERTIES COMMISSION - City Hall, 2nd Floor Conference Room
13	Friday, 11 30 a m.	CITY HALL TREE DECORATING CEREMONY - City Hall, 600 E. Trade St., Lobby

THE WEEK OF DECEMBER 15 - DECEMBER 21

16	Monday, 4 00 p m	PLANNING COMMISSION (Work Session) - Cameron-Brown Bldg , 1st Floor Conference Room
	Monday, 5 00 p m.	COUNCIL/MANAGER DINNER - Education Center, Rooms 237-239
	Monday, 6 00 p m	CITY COUNCIL MEETING (Zoning Hearings) - Education Center, Board Room
	Monday, 7·30 p m	SPECIALIZED TRANSPORTATION ADVISORY COMMITTEE - City Hall, 3rd Floor Conference Room
17	Tuesday, 12 Noon	INSURANCE & RISK MANAGEMENT AGENCY - County Office Bldg , 4th Floor, Commissioners' Conference Room
	Tuesday, 1 00 p m	HOUSING AUTHORITY - Administrative Offices, 1301 South Boulevard
	Tuesday, 3 00 p m	CITIZENS ADVISORY COUNCIL FOR HAZARDOUS CHEMICALS - City Hall Annex, Fire Dept , 3rd Floor Conference Room
	Tuesday, 4 30 p m.	MUNICIPAL INFORMATION ADVISORY BOARD - Cameron-Brown Bldg., 3rd Floor Conference Room

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THE WEEK OF DECEMBER 15 - DECMEBER 21 (Continued)

18	Wednesday, 10 30 a m.	AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY - Convention Center, Conference Room
19	Thursday, 8 00 a.m.	CLEAN CITY COMMITTEE - Cameron-Brown Bldg., 5th Floor Conference Room
	Thursday, 1 00 p.m.	PLANNING COMMISSION/Minor Special Use Permit Board - Cameron-Brown Bldg , 1st Floor Conference Room
	Thursday, 4 00 p.m.	CITIZENS CABLE TELEVISION ADVISORY COMMITTEE - Central Piedmont Community College, Administration Bldg , Board Room
	Thursday, 4 00 p m.	PLANNING COMMISSION (Deferred Rezoning) - Cameron-Brown Bldg , 1st Floor Conference Room
	Thursday, 7·30 p m.	CHARLOTTE TREE COMMISSION - Park Operations, 701 Tuckaseegee Road

THE WEEK OF DECEMBER 22 - DECEMBER 28

24	Tuesday	CHRISTMAS EVE City Holiday. All City government offices closed.
25	Wednesday	CHRISTMAS DAY. City Holiday All City government offices closed

DECEMBER 29 - DECEMBER 31

30	Monday, 2·00 p m	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p.m.	CITY COUNCIL MEETING - City Hall, Council Chamber

These organizations will <u>not</u> meet during December:

Community Facilities Committee
Community Relations Committee
Private Industry Council
Airport Advisory Committee
Advisory Energy Commission