AGENDA

Meeting Type:	20NING
Date.	11/17/1997

City of Charlotte, City Clerk's Office



Mayor Patrick McCrory Mayor Pro Tem Al Rousso

Charles Baker

Don Reid

Patrick Cannon

Ella Butler Scarborough

Malachi Greene

Tim Sellers Sara Spencer

Mike Jackson Nasif Rashad Majeed

Lynn Wheeler

Council Agenda

Monday, November 17, 1997

5 00 p m Council-Manager Dinner Meeting Chamber Conference Room

600 pm - ZONING HEARINGS Meeting Chamber

ITEM NO.

Receive Public Comment on a Settlement Proposal from Adams Outdoor Advertising

Receive Public Comment on a Settlement Proposal from Action:

Adams Outdoor Advertising.

DeWitt F. McCarley, City Attorney Staff Resource:

Explanation of

Request:

The City of Charlotte is currently in litigation with Adams Outdoor Advertising regarding the constitutionality of the City's outdoor advertising zoning regulations Adams has

submitted a settlement proposal to the City and has asked the City Council to hold a public forum on the proposal to allow

for public comment

The current outdoor advertising regulations were adopted in Background:

1988 The regulations allow new outdoor advertising only

in the I-1 and I-2 districts within 150 ft of a Class I road

right-of-way. In addition, signs must be 400 ft. from a residential district or institutional use and 1,000 ft. from another sign on the same side of a road and 500 ft from a sign on the opposite side of a road. Signs must be no taller than 50 ft with a maximum sign face of 380 ft. with only one sign face per side.

Critical to the lawsuit is an amortization provision that required non-conforming signs to be brought into compliance by February 1, 1996. The ordinance authorized the ZBA to grant a one time 2 year extension to the amortization period.

Other provisions of the ordinance allowed signs in the B-2, I-1, and I-2 district to remain if conforming or if rebuilt to conform with specified standards. Existing signs that do not exceed the size, height and spacing requirements by more than 25% are grand fathered in these districts. Finally, state-permitted signs on Federal Aid Primary Highways are exempt from the amortization provisions

Shortly after the outdoor advertising ordinance was adopted, Adams filed the lawsuit claiming, among other things, that the amortization requirements are an unconstitutional taking of its property. Thereafter, Adams and the City agreed to a stay of the lawsuit. In February, 1996, the stay expired and the litigation process has begun. While it is likely to take at least three more years to conclude the litigation, the City Attorney remains confident that the City would prevail

The City estimates that a successful conclusion of the lawsuit would result in approximately 180 of Adams 465 signs located in the City being removed. It appears that an additional 41 structures would have to be modified or altered in some way to be brought into compliance.

The City Council has established a \$500,000 litigation budget to defend the lawsuit

The Council is not being asked to vote on the proposal at the

November 17 meeting. City Council action on the settlement proposal would occur at a later meeting.

Attachment No 1

Sale of the Old Convention Center

Recommend approval for the Upset Bid Process of the Action:

> bid received from The Taubman Realty Group Limited Partnership in the amount of \$10,850,000, less environmental cleanup costs not to exceed \$250,000.

Staff Resource: Kent G Winslow

Economic Development Focus Area:

To seek to maximize the City's return from its current asset Policy:

portfolio by the sale of surplus City properties.

Explanation of Request: ORIX TMK Charlotte Venture tendered an offer to purchase

> the Old Convention Center for \$9,127,000, less environmental cleanup costs not to exceed \$627,000. The 10-day Upset Bid Processs was approved by City Council on October 27, 1997 and ads were placed in the Charlotte

Observer and Mecklenburg Times.

The Taubman Realty Group Limited Partnership submitted a bid of \$10,850,000, less environmental cleanup costs not to exceed \$250,000. The Taubman Group proposes to develop the 3.25 acre site as a regional shopping center.

If Council approves the Taubman bid as an upset bid, ads will be placed in the Charlotte Observer on Wednesday, November 19, 1997 and The Mecklenburg Times on Friday,

November 21, 1997

Attachment No. 2 Notice of Offer

ITEM NO.
Page 4

DECISIONS

Decision on Petition No 97-04 by The Bissell Companies, Inc. and Atlantic Homestead Village Limited Partnership for a change in zoning for approximately 4.9 acres on the east side of Sharon Road across from Hazelton Drive and north of Sharon View Road from R-15MF(CD) and R-3 to O-1(CD)

A protest petition has been filed and is sufficient to invoke the 20% rule, requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property

This petition was deferred for 30 days at the February 17 meeting and deferred for 6 months at the March 17 meeting, and deferred until November at the September zoning meeting

No action was taken by the Zoning Committee on this petition

Attachment No 3

4 (97-39) Decision on Petition No 97-39 by Self Help Credit Union for a change in zoning for approximately 0.792 acres located on the east side of Little Rock Road, north of the intersection with Tuckaseegee Road from R-3 to R8MF(CD)

Protest petitions have been filed and one is sufficient to invoke the 20% rule, requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property

This petition was deferred for 30 days on May 19, 60 days on July 21, and another 30 days on September 15, and another 30 days on October 22

The Zoning Committee voted to recommend a one month deferral of this petition

Attachment No 4

5 (97-60) Decision on Petition No 97-60 by George H Buck, Jr for a change in zoning for approximately 8 2 acres located north of Randolph Road between Briar Creek and Zeb Vance Road from R-5 to O-2(CD)

ITEM NO. Page 5

This hearing was deferred for 60 days on July 21 and 30 days on September 15

The Zoning Committee deferred action on this petition for thirty days

Attachment No 5

6 (97-67) Decision on Petition No 97-67 by Dayton Hudson Corporation for a change in zoning for approximately 26 4 acres on the south side of University City Boulevard (NC 49), between Chancellor Park Drive and Carolyn Lane from CC to CC site plan amendment

This hearing was deferred for 30 days on September 15

The Zoning Committee voted to recommend approval of this petition, with the following modifications

The wooden screening fence will be extended to screen the western outparcel from the adjacent single family neighborhood

Attachment No 6

7 (97-69) Decision on Petition No 97-69 by Cambridge Properties, Inc. for a change in zoning for approximately two acres on the northern corner of Monroe Road and Eastway Drive from B-2, O-2 and R-17MF to B-1(CD)

This petition was deferred until November on October 22

The Zoning Committee recommends that this petition be approved with the following modifications

Signage on Lots 2 and 3 will be limited to ground mounted signs not more than seven feet high with a maximum of 50 square feet each

Attachment No 7

8 (97-71) Decision on Petition No 97-71 by Central Church of God for a change in zoning for approximately 24 4 acres on the western corner of Sardis Road and Randolph Road from R-3 to INST(CD)

Protest petitions have been filed and one is sufficient to invoke the 20% rule, requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property

ITEM NO.
Page 6

This petition was deferred until November on October 22

The Zoning Committee deferred action on this petition for six months until April, 1998

Attachment No 8

9 (97-72) Decision on Petition No 97-72 by Hal Abernethy for a change in zoning for approximately 13 2 acres on the west side of East Craighead Road, south of North Tryon Street from I-1 and I-2(CD) to I-2

This hearing was deferred for 30 days on September 15

The Zoning Committee voted to recommend approval of this petition

Attachment No 9

10 (97-74) Decision on Petition No 97-74 by Roosevelt L Davis for a change in zoning for approximately 3 2 acres on the west side of W T Harris Boulevard, approximately 1/4 mile south of the Idlewild Road intersection from R-17MF(CD) to R-12MF

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property

This petition was deferred until November on October 22

The Zoning Committee voted to recommend denial of this petition

Attachment No 10

Decision on Petition No 97-76 by The Prado LLC for a change in zoning for approximately 10 3 acres on the eastern side of North Tryon Street (US 29) at the intersection with McCullough Drive from O-1(CD) to O-1(CD) site plan amendment and B-1(CD)

This hearing was deferred to the October meeting on September 15

The Zoning Committee voted to recommend approval of this petition, with the following modification

O Prior to the decision on this petition, a revised site plan must be submitted which shows dedication of an acceptable alignment for the extension of McCullough Drive

Attachment No 11

Decision on Petition No 97-77 by Spring's Investment Limited Partnership for a change in zoning for approximately 48 5 acres on the west side of Providence Road and north side of Pineville-Matthews Road (NC Highway 51) from R-3 and R-15MF(CD) to O-1(CD), R-8MF(CD) and R-17MF(CD)

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property

The Zoning Committee voted to recommend approval of this petition, with the following modifications

- The internal collector street will be provided with five foot sidewalks with eight foot planting strips on both sides of the street
- A six-foot wall consisting of brick columns with solid wood inserts will be constructed along the westerly property line
- A phasing note will be added to the plan, tying phase two to the widening of Providence Road

Attachment No 12

Decision on Petition No 97-78 by Sunrise Assisted Living for a change in zoning for approximately 12 1 acres on the west side of Providence Road, between East Barden Road and Old Farm Road from R-3 to INST(CD)

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property

The Zoning Committee voted to recommend approval of this petition, with the following modification

Building elevations submitted by the petitioner indicating a predominantly brick building will be incorporated as a part of the site plan

Attachment No 13

Decision on Petition No 97-79 by Mecklenburg Bar Foundation for a change in zoning for approximately 0.7 acres on the south side of Luther Street, west of the Queens Road intersection from R-12MF to O-2(CD)

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property

The Zoning Committee deferred action on this petition for two months

Attachment No 14

15 (97-81) Decision on Petition No 97-81 by First Citizen's Bank & Trust for a change in zoning for approximately 1 7 acres on the northeast corner of Albemarle Road and Lake Forest Road from R-3 to O-1(CD)

The Zoning Committee voted to recommend approval of this petition, with the following modification

The petitioner agrees to construct a wall along the full length of the north property line

Attachment No 15

Decision on Petition No 97-82 by F T Williams Company, Inc. for a change in zoning for approximately 12 acres on the west side of Statesville Avenue north of LaSalle Street and extending to I-77 from I-1 to I-2(CD)

The Zoning Committee voted to recommend denial of this petition

Attachment No 16

Decision on Petition No 97-83 by The Hanover Company for a change in zoning for approximately 18 5 acres on the westerly corner of Mallard Creek Road and Baucom Road from R-3 to R-17MF(CD)

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property

The Zoning Committee voted to recommend approval of this petition, with the following modification

The narrow ends of the buildings will be oriented toward adjacent single family homes as indicated on the illustrative site plan

Attachment No 17

18 (97-85) Decision on Petition No 97-85 by Hammett Construction Company for a change in zoning for approximately six acres southwest of Brookshire Boulevard at the end of Impala Lane, near Old Plank Road from R-3 to R-8MF(CD)

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of 3/4 of the Mayor and Councilmembers, not excused from voting, in order to rezone the property

The Zoning Committee voted to recommend approval of this petition, with the following modification

ITEM NO. Page 9

A note will be added to the plan committing the petitioner to the use of deed restrictions to limit occupancy of the proposed units to individuals 55 years of age or older

Attachment No 18

19 (97-87) Decision on Petition No 97-87 by Hendrick Automotive Group for a change in zoning for approximately 8.1 acres southwest of Independence Boulevard near W T Harris Boulevard for consideration of a B-2(CD) site plan amendment

The Zoning Committee voted to recommend approval of this petition

Attachment No 19

20 (97-88) Decision on Petition No 97-88 by George, Nicole and Demetre Castanas for a change in zoning for approximately one acre on the westerly corner of East Boulevard and Scott Avenue from B-1 to NS

The Zoning Committee voted to recommend approval of this petition

Attachment No 20

Decision on Petition No 97-92 by Altman Development Corporation for a change in zoning for approximately 52 1 acres on the north side of Mallard Creek Road, just east of Prosperity Church Road from R-3, R-12MF(CD) and R-17MF(CD) to R-17MF(CD), R-17MF(CD) S P A, R-6(CD) and R-3

The Zoning Committee voted to recommend approval of this petition, with the following modifications

- A note will be added to the site plan committing the petitioner to provide a left turn lane into the project at Galloway Road
- o All site plan deficiencies noted in the Pre-Hearing Staff Analysis will be corrected

Attachment No 21

Decision on Petition No 97-93 by Charlotte-Mecklenburg Planning Commission for a change in zoning to Amend Chapter 12, Section 12 519 (Outdoor Seasonal Sales) to permanently incorporate this section into the Zoning Ordinance (This section was originally adopted with a three year sunset provision)

The Zoning Committee voted to recommend approval of this petition

Attachment No 22

23 (97-94) Decision on Petition No 97-94 by Hezekiah Alexander Foundation, Inc. for a change in zoning for approximately 7.5 acres on the south side of Shamrock Drive between Glenville Avenue and Foxford Place from R-17MF and INST(CD) to INST

ITEM NO.
Page 10

The Zoning Committee voted to recommend approval of this petition

Attachment No 23

24 (97-102) Decision on Petition No 97-102 by Friendship Missionary Baptist Church for a change in zoning for approximately 10 8 acres on the east side of Beatties Ford Road at Fairdale Drive from R-4 and O-2 to O-1(CD)

The Zoning Committee voted to conditionally recommend approval of this petition, provided that the note dedicating additional right-of-way was clarified to the satisfaction of the staff

Attachment No 24

- Resolution calling for public hearings on Monday, December 15, 1997 at 6 00 p m in the Meeting Chamber of the Charlotte-Mecklenburg Government Center for Petition Nos 97-04, 97-73, 97-86, 97-89 through 97-91, 97-95 through 97-101, and 97-104 through 97-106
- Resolution cailing for a joint public hearing by the City Council and the Charlotte-Mecklenburg Historic Landmarks Commission on Monday, December 15, 1997 at 6 00 p m in the meeting Chamber of the Charlotte-Mecklenburg Government Center regarding designation of the Welch-McIntosh House as a historic landmark