

REQUEST Proposed Zoning: MUDD-O SPA, mixed use development district, optional, site plan amendment

LOCATION Approximately 1.77 acres located along the east side of Hamilton Street between Seaboard Street and West Brookshire Freeway.

SUMMARY OF PETITION The petition proposes a site plan amendment for a portion of the NC Music Factory site to allow an optional provision for a two-sided roof mounted sign. The sign facing Brookshire Freeway shall be the 820 square foot JFG sign for a minimum of five years and have the option for a maximum 500 square foot replacement sign to identify the NC Music Factory venue. The opposite side of the sign will be for a maximum 100 square foot sign identifying the business on which the sign is located.

PROPERTY OWNER Music Factory Condominiums, LLC
PETITIONER Music Factory Condominiums, LLC
AGENT/REPRESENTATIVE John Carmichael and Collin Brown/K&L Gates, LLP

COMMUNITY MEETING Meeting is required and has been held. Report available online.

ZONING COMMITTEE ACTION The Zoning Committee voted unanimously to **DEFER** this petition until a Special Meeting of the Zoning Committee on February 7, 2011.

VOTE

Motion/Second:	Walker/Phipps
Yeas:	Dodson, Fallon, Firestone, Phipps, Walker, and Rosenburgh
Nays:	None
Absent:	None
Recused:	None

ZONING COMMITTEE DISCUSSION

Staff reviewed the petition and went through the modifications to the plan which were made to address all but one of the outstanding issues. The outstanding issue involves the time period for which the changeable copy is to remain static on the proposed electronic changeable face sign. That time period has been determined by staff to be 24 hours.

A Commissioner had a concern that the petition was before them with an outstanding issue and would like to have all issues resolved prior to the Zoning Committee vote. Staff stated there were meetings and conversations with the petitioner regarding the issue but there was no resolution. Staff stated they were concerned with the sign functioning as a billboard and it was originally proposed only for the identification of the NC Music Factory.

One Commissioner stated that with the changeable copy remaining static only 8 seconds the sign could distract motorists along Brookshire Freeway and create safety issues.

Several Commissioners stated they want staff to work more with the petitioner to come to a resolution on the outstanding issue. There was some concern if any resolution was possible on the issue. The Zoning Committee suspended their rules to allow the petitioner to address some of their questions. The petitioner stated his need for a

more frequent of change of copy on the sign due to the approximately 650 events at the six different venues located within the NC Music Factory. The petitioner also stated he would be willing to compromise on the issue but needed the issue resolved soon due to a pending building permit associated with building on which the sign would be placed.

A Commissioner stated they did not have an issue with having the changeable copy remaining static for eight seconds and thought it would be appropriate based on the number of events at the NC Music Factory. Another Commissioner stated that other businesses in the uptown area are considering similar creative signage and questioned when is it a billboard and when is it creating a lively environment.

One Commissioner suggested the changeable copy remain static for six hours so individuals driving to and from work would see different changeable copy in the morning than in the afternoon.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

• **Background**

The subject property was part of a larger rezoning approved in 2005. The site plan contains the following conditions:

- No more than 600,000 square feet of nonresidential uses which include:
 - Up to 200,000 square feet of office uses.
 - Up to 150,000 square feet of retail uses.
 - Up to 250,000 square feet of entertainment uses.
- No more than 600 residential units.
- Optional requests to allow:
 - Existing parking between the public streets and existing buildings to remain so long as they are enhanced with plazas, courtyard, or dining areas.
 - Two 100 square foot detached project identification/tenant signs and detached monument signs not to exceed 18 square feet for each building.
 - Wall signage to conform to the UMUD regulations.
 - Modified streetscape along Seaboard Street.

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions which will replace a 1.77 acre portion of the original 2005 rezoning:

1. All conditional notes from the 2005 rezoning will remain in effect with the exception of the nonresidential square footages and residential unit counts. These limitations have been prorated based on the portion of the site being considered for a site plan amendment. The overall development will maintain the maximum 600,000 square feet of nonresidential uses and maximum 600 residential units.
2. An additional optional request to allow a two-sided roof mounted sign to be installed on an existing one story building. The northern side, facing West Brookshire Boulevard, is proposed to be the existing 820 square foot JFG sign. The JFG sign will have a minimum lease term of five years. A replacement sign may take the place of the JFG sign after five years from the approval date of the proposed rezoning or if the lease is terminated prior to the expiration of the lease term. The replacement sign shall be limited to 500 square feet and be for the identification of the NC Music Factory venue and may advertise events and entertainment opportunities. The opposite side of the sign, installed on the rear of the support structure for the northern facing sign, is proposed to be an on-premise

identification sign with a maximum sign face area of 100 square feet.

- **Public Plans and Policies**

- The *Center City 2010 Vision Plan (2000)* does not have specific recommendations for this site. However the plan envisions the Uptown as having a variety of living, entertainment, and cultural activities.
 - The petition is consistent with the *Center City 2010 Vision Plan (2000)*.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - This site meets minimum ordinance standards.
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OUTSTANDING ISSUES

- The petitioner should:
 1. Indicate the changeable copy on the replacement sign remain static for 24 hours.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

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