

REQUEST	Current Zoning: MUDD-O, mixed use development district Proposed Zoning: MUDD-O, SPA, mixed use development district site plan amendment
LOCATION	Approximately 2.8 acres located at the intersection of South Tryon Street and Ayrslley Town Boulevard
CENTER, CORRIDOR OR WEDGE	Center
SUMMARY OF PETITION	This petition proposes to amend the previously approved site plan to allow one building mounted LED sign along S. Tryon Street, to exchange portions of one existing static signs for LED on S. Tryon and to exchange portion of one approved but not built sign along I-485.
Property Owner	Ayrslley Retail Development Group, LLC
Petitioner	Charles T. Hodges
Agent/Representative	Gene Bodycott
Community Meeting	Meeting is required and has been held. Report available online.

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 4-2 to recommend APPROVAL of this petition with the following modifications:</p> <p>The following signs will be permitted as noted:</p> <table border="1" data-bbox="548 1024 1409 1444"> <thead> <tr> <th colspan="2">2008-076 - Proposed</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">Interstate 485</td> <td>1 freestanding sign 30' max height 150 max square feet 100 square foot max LED component proposed</td> </tr> <tr> <td style="vertical-align: top;">S. Tryon Street</td> <td>1 freestanding sign - no change (approved in 2007 and now existing) 1 freestanding sign (previously approved, permitted and constructed) 30' max height 150 max square feet 100 square foot max LED component proposed 1 wall sign (on right side of Ayrslley Boulevard) 100' maximum LED component</td> </tr> </tbody> </table> <ul style="list-style-type: none"> - Signs will comply with the zoning ordinance definitions for identification, business, changeable copy, and electronic changeable face signs; - Signs will not advertise products for sale; - Signs will comply with the standards established for outdoor advertising signs with the exception of the distance requirements. These include: limitation on the types of signs, message duration, illumination, tree-cutting, and system malfunction previsions. - A note will be added to the site plan to indicate that staff will review and approve the final sign design, structure, material, etc. prior to the issuance of sign permits; and - The following note will be added to the site plan: <p style="margin-left: 40px;">The "Town of Ayrslley" is a unique development consisting of a "town center" that serves as a gateway to the community. It includes residential, office and retail components that are easily accessible and pedestrian friendly. By its very nature, the compact design limits the visibility and the advertising opportunities for small tenants. For Ayrslley, this is further</p>	2008-076 - Proposed		Interstate 485	1 freestanding sign 30' max height 150 max square feet 100 square foot max LED component proposed	S. Tryon Street	1 freestanding sign - no change (approved in 2007 and now existing) 1 freestanding sign (previously approved, permitted and constructed) 30' max height 150 max square feet 100 square foot max LED component proposed 1 wall sign (on right side of Ayrslley Boulevard) 100' maximum LED component
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constrained by the location and the relationship of the site to the surrounding road system.

The conditions placed on the signage include compliance with key definitions in the zoning ordinance and portions of the restrictions for LED outdoor advertising signs. In addition, the limitation that no products will be advertised for sale and the final staff review will allow the appropriate level of advertising for the "Town of Ayrnsley".

The type of development and the additional conditions as noted on the site plan were paramount to the Committee's support of this request. To this end, staff has been asked by the Committee to develop guidelines related to the appropriateness of using LED signage for their consideration.

VOTE

Motion/Second: Johnson/Allen
 Yeas: Allen, Carter, Johnson, and Lipton
 Nays: Griffith and Rosenburgh
 Absent: Howard and Randolph
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff noted that the petition was deferred from the September meeting and reviewed the signs currently approved for the site and the proposed changes:

	2007-021 - Approved	2008-076 - Proposed
Interstate 485	2 freestanding signs 30' max height 150 max square feet	1 freestanding sign 30' max height 150 max square feet 100 square foot max LED component proposed
S. Tryon Street	2 freestanding signs 30' max height 150 max square feet (signs have been permitted and are in place)	1 freestanding sign - no change (approved in 2007 and now existing) 1 freestanding sign (previously approved, permitted and constructed) 30' max height 150 max square feet 100 square foot max LED component proposed 1 wall sign (on right side of Ayrnsley Boulevard) 100' maximum LED component

Staff continued that the petitioner agreed to comply with the standards established for outdoor advertising signs with the exception of the distance requirements. The petitioner also agreed to limit the signs based on the zoning ordinance definitions for identification, business, changeable copy sign, and electronic changeable face signs. Notes are to be added to the site plan to disallow product advertisement and to indicate that staff will review and approve the final sign design, structure, material, etc. prior to the issuance of sign permits.

Staff noted that Ayrnsley is a unique town center development within a MUDD district. The petitioner is asking for an optional to allow LED signage. Staff would consider this type of signage for other town centers such as Piedmont Town Center, possibly Phillips Place, and Berwick. Staff would not consider LED signage for single use shopping centers.

Debra Campbell stated that staff thought long and hard about the input received at the last Zoning Committee meeting. Ayrnsley is a mixed-use development with retail that is not located at the street. When a town center achieves the goal of distributing retail there needs to be some

means for people to know there are shopping opportunities available. The current sign on S. Tryon Street has multiple tenants listed on it and is more distracting than the proposed LED signs. By allowing LED technology, the signs could be designed in a manner that they can enhance the Center and be part of the architecture of a building and therefore less distracting.

One Commissioner noted that there are other retail centers that are not town centers that have shops that are not seen. These centers will want to come in for LED signage. Ms. Campbell stated that there are a number of ways to address the issue other than LED signs. In this case, the Ayrslay developers chose to ask for LED and staff's response was to ask for the additional conditions. Staff recognizes that business identification signage is moving toward LED technology however staff will be cautious when recommending approval of these types of sign.

The Commission discussed the regulation of the text of the signage, permitting, conflicts with the traffic signals, and the policy issues related to LED signs. After hearing from staff, the Commission deduced that the sign text is limited by the ordinance definitions and CDOT indicated that there are no conflicts between the signs and traffic signals in the area. The Commission concluded that the policy to allow LED technology was established when the LED outdoor advertising sign text amendment was approved by City Council.

One Commissioner asked that a note be added to the site plan to clearly indicate the nature to which this request has been assessed. This is to include the conditions, the "town center" design, and the specific situation due to its location and need for a specific remedy. The Commission suspended the rules and asked the petitioner if he was willing to add a note of this nature. Mr. Gene Bodycott responded that he will work with staff to craft such a note.

STATEMENT OF CONSISTENCY

This petition is found to be consistent with the *Westside Strategic Plan* and to be reasonable and in the public interest, by unanimous vote of the Zoning Committee (motion by Commissioner Griffith second by Commissioner Allen)

MINORITY OPINION

The minority of the Commission felt there is no continuity in dealing with similar requests.

STAFF OPINION

Staff agrees with the recommendation of the majority of the Zoning Committee.

FINAL STAFF ANALYSIS

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

PLANNING STAFF REVIEW

Proposed Request Details

The site plan accompanying this petition has been modified as follows:

	2008-076 - Proposed
Interstate 485	1 freestanding sign 30' max height 150 max square feet 100 square foot max LED component proposed
S. Tryon Street	1 freestanding sign - no change (approved in 2007 and now existing) 1 freestanding sign (previously approved, permitted and constructed) 30' max height 150 max square feet 100 square foot max LED component proposed 1 wall sign (on right side of Ayrnsley Boulevard) 100' maximum LED component

compliance with the standards established for outdoor advertising signs with the exception of the distance requirements;
 signs will comply with the zoning ordinance definitions for identification, business, changeable copy sign, and electronic changeable face signs;
 addition of a note to disallow product advertisement; and,
 addition of a note to indicate that staff will review and approve the final sign design, structure, material, etc. prior to the issuance of sign permits.

Public Plans and Policies

The *Westside Strategic Plan* (2000) encourages more cohesive and pedestrian-oriented mixed-use developments at I-485 interchanges, but does not have a site-specific recommendation for this site.

The *I-485 Interchange Analysis* (1999) recognizes the *Southwest District Plan* recommendation of a community mix use center.

STAFF RECOMMENDATION (Updated)

Staff agrees with the majority of the Zoning Committee.

PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

CDOT: Consistency with Transportation Action Plan (TAP): No issues

Charlotte Fire Department: No comments.

- **CATS:** No comments.
- **Connectivity:** Not applicable.
- **Schools:** This petition will not impact the school system.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No comments.
- **LUESA:** No comments.

OUTSTANDING ISSUES

No outstanding issues

Attachments Online at www.rezoning.org

- Application Form
- CMS Review
- Community Meeting Report
- Site Plan

Planner: Tammie Keplinger (704) 336-5967