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<b>REQUEST</b>	Current Zoning: MUDD(CD), mixed-use development district, conditional Proposed Zoning: MUDD-O, mixed-use development district, optional
<b>LOCATION</b>	Approximately 1.05 acres located on the south side of Fairview Road between Park South Drive and Piedmont Row Drive.
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the relocation of previously approved parking and the relocation of a previously approved structure that will allow banks or financial institutions, retail and office uses, and/or restaurants on the site. In addition, new drive through service windows are proposed for the banks or financial institutions.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The banks or financial institutions, retail and office uses and restaurants are consistent with the <i>SouthPark Small Area Plan</i> . The drive through service windows are inconsistent with the plan. However, due to the conditions allowing them only in association with banks or financial institutions and to the rear of the property, the use is considered appropriate.
<b>Property Owner</b>	Fairview Plaza Associates Limited Partnership
<b>Petitioner</b>	Fairview Plaza Associates Limited Partnership
<b>Agent/Representative</b>	John Carmichael, K & L Gates
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

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#### **PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - A proposed 17,000 square foot structure that will allow banks or financial institutions, retail and office uses, and/or restaurants.
  - Gas stations, convenience stores, and restaurants with drive-through service windows not permitted on the site.
  - Elevations for the proposed structure.
  - Required parking provided onsite at the rear of the parcel and offsite through a parking agreement.
  - Possible internal drive-through lanes for a bank or financial institution.
  - Eight-foot planting strip, six-foot sidewalk and 14-foot setback provided along Fairview Road and Piedmont Row Drive.
  - Maximum building height of 60 feet and two stories.
  - Parking at a rate of one space per 150 square feet for any restaurant use and one space per 350 square feet for all other uses.
  - Concrete customer waiting pad for existing CATS bus stop on Fairview Road.
  - Any drive-through service lanes and windows for banks or financial institutions located at the rear or southern side of the proposed building.
  - Pedestrian scale lighting.
  - Freestanding lighting fixtures not to exceed 20 feet in height.
  - An optional request to allow:
    - Drive-through service lanes and windows as an accessory use to a bank or financial institution.
- **Rezoning History of the Subject Site**
  - A site plan amendment for the subject property (rezoning petition 2008-127) was approved in October 2008. The site plan amendment allowed one 17,000 square foot structure with retail, office, restaurant and bank or financial institution uses in addition to the existing buildings on the site. The site plan also allowed two phased development scenarios with existing parking as phase one and the commercial structure as phase two.
- **Existing Zoning and Land Use**  
The subject parcel is zoned MUDD(CD) and occupied by an existing commercial structure and parking. Properties to the north, and west are zoned MUDD(CD) and MUDD-O and developed with retail and office uses. The properties to the east and south are zoned office and developed with office uses.

- **Rezoning History in Area**

A number of rezonings to MUDD have taken place to allow a mixture of commercial and residential uses.

- **Public Plans and Policies**

- The *SouthPark Small Area Plan* (2000) as amended by rezoning petition 2008-027 recommends 17,000 square feet of retail, office, restaurant and/or banks or financial institution uses and associated parking in addition to the existing buildings on the site.
  - The banks or financial institutions, retail and office uses and restaurants are consistent with the *SouthPark Small Area Plan*. However, the drive through service windows are inconsistent with the plan.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
  - **Charlotte Department of Neighborhood & Business Services:** No comments received.
  - **Charlotte Department of Transportation:**
    - **Vehicle Trip Generation:**  
Current Zoning: 4,980 trips per day.  
Proposed Zoning: 4,810 trips per day.
    - **Connectivity:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students attending local schools.
  - **Charlotte-Mecklenburg Storm Water Services:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation:** 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*.
    - Site meets minimum ordinance standards.
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**OUTSTANDING ISSUES**

- The petitioner should:
    - Add a note limiting the number of drive through service lanes for a bank or financial institution to a maximum of three (Two teller windows and one ATM lane).
    - Provide an approved parking agreement for the required parking spaces prior to the Zoning Committee recommendation.
    - Add a note indicating that only one bank or financial institution will be permitted.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- **Planner:** Solomon Fortune (704) 336-8326