
REQUEST	Current Zoning: UR-C(CD) (urban residential - commercial, conditional) Proposed Zoning: UR-C(CD) SPA (urban residential - commercial, conditional, site plan amendment)
LOCATION	Approximately 1.19 acres on the north side of Fairview Road between Park Road and Wintercrest Lane. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes to allow the reuse of an existing structure, formerly a single family home, and the addition of a future building in the rear for an office on a parcel fronting Fairview Road just west of the SouthPark area.
PROPERTY OWNER	Belk-Gambrell Enterprises LLC
PETITIONER	Belk-Gambrell Enterprises LLC
AGENT/REPRESENTATIVE	Jeff Brown & Bridget Dixon, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 15
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none">• The Zoning Committee found this petition to be inconsistent with the <i>SouthPark Small Area Plan</i>, based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none">• The plan recommends multi-family residential uses as amended by a prior rezoning petition; and• The prior rezoning contained a specific condition allowing office use of the existing house.• However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none">• The subject is located along Fairview Road just west of the SouthPark Mixed Use Activity Center. The Fairview Road frontage has intensified over time from single family to a mix of residential types, with single family neighborhoods directly behind; and• Reuse of existing residential structures for office use along major transportation routes has been seen as a way to provide a compatible transition to adjoining neighborhoods by preserving character and scale; and• The proposed use of the property as an office, limited to the existing building and a smaller additional structure at residential scale to the rear, provides a compatible transition from Fairview Road to the single family homes abutting the site; and• The existing house on the site is highly regarded in the area as a historic element, although not officially designated by any organization. This rezoning proposal will preserve the structure; and• The existing zoning would allow a 10-story residential structure to be built on this site. This is out of character with the adjoining single family neighborhood and with other two- to three-story multi-family residential properties along Fairview Road. If approved, this rezoning proposal will remove this potential inconsistency;

By a 6-0 vote of the Zoning Committee (motion by Wiggins seconded by Fryday).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <p>The following items have been addressed:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 1. Amended the setback under "Development Summary" and Note 5a under "Streetscape, Buffers, Yards, and Landscaping" related to the setback off Fairview, committing to a setback consistent with other uses along Fairview Road west of Wintercrest Lane. 2. Amended the driveway/parking pad along the eastern property line so that the 16 foot buffer is extended approximately 25 feet from the southern, rear corner of parcel 17705315. 3. Amended a label on the site plan to clarify that the fence along the rear of the site will be removed and replaced in its current location rather than on the rear property line. 4. Added a note stating that in the event the existing landscaping or split rail fence along the eastern property line between the parking and the single family home is removed the petitioner will replace the landscaping and provide a six-foot tall opaque fence on the site within the five-foot side yard. <p><u>Transportation</u></p> <ol style="list-style-type: none"> 5. Added a note stating that the petitioner shall provide 22 feet right-of-way dedication from the future back-of-curb as generally depicted to support the proposed multi-use trail improvements and an additional six-foot construction easement shall be provided at such time it is necessary to complete the multi-use trail improvements. Dedication shall be conveyed upon request or prior to the issuance of the next land development permit associated with approved site work. 6. Added a note stating that placement and configuration of the vehicular access point is subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the CDOT in accordance with applicable published standards and best efforts to coordinate with the pedestrian refuge location on Fairview Road and not involving easements or acquisition of adjacent property. 7. Amended the site plan to match note 3e under Access and Transportation related to right-of-way dedication.
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VOTE	<p>Motion/Second: Wiggins / Spencer</p> <p>Yeas: Fryday, Majeed, McClung, Spencer, Watkins, and Wiggins</p> <p>Nays: None</p> <p>Absent: Lathrop</p> <p>Recused: None</p>
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ZONING COMMITTEE DISCUSSION

Staff provided a brief summary of the request and noted the petition is inconsistent with the adopted land use plan based on the prior rezoning. Staff noted that the petitioner had worked with Planning and CDOT staff to address all the issues. The petitioner has committed to add a note to will replace landscaping and fencing within the five-foot side yard on the site in the event the existing vegetation and split rail fence between the parking area and the single family home are removed.

Several zoning committee members expressed gratitude to the petitioner for saving the existing home. There was no further discussion.

STAFF OPINION

Staff agrees with the recommendation 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 contains the following provisions:

- Allows office uses, together with accessory uses allowed in the UR-C (urban residential, commercial) zoning district.
- Limits the total maximum building square footage to 7,000 square feet and the total number of principal buildings to two by:
 - Maintaining the existing structure, and allowing additions to the existing structure including a deck.
 - Allowing a maximum 2,000-square foot future building to the rear of the existing structure.
- Limits the maximum building height to two stories and not to exceed 40 feet.
- Proposes modification of the existing driveway and motor court to accommodate parking requirements.
Provides vehicular access through a right-in/right-out driveway on Fairview Road.
- Dedicates an additional five feet of right-of-way along Fairview Road. The existing planting strip and sidewalk will remain to accommodate future improvements made by the City as part of the CIP program.
- Specifies the proposed new building, to be located to the rear of the existing building, shall be constructed with a combination of materials. Limits the use of wood siding to 25% of the wall surface per elevation and prohibits the use of vinyl or aluminum except on windows, soffits, and railings.
- Provides a minimum 16-foot "Class C" buffer along the northern property line and the portion of the eastern property line abutting the single family homes.
- Specifies the existing fence currently located approximately 16 feet from the northern property line will be replaced and a gate shall be provided to allow for access and maintenance.

• Public Plans and Policies

- The *South District Plan* (1993), as amended by rezoning petition 2007-053, recommends multi-family uses up to 22 dwellings per acre. Petition 2007-053 also allowed a bed and breakfast, office, multi-family or single family uses within the existing house if it remained in its current location.

• TRANSPORTATION CONSIDERATIONS

- The proposed site is located along a major thoroughfare at an unsignalized intersection with a local street. The proposed rezoning will decrease the daily trip generation compared to the existing entitlements.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 130 trips per day (based on 4,698 square feet of office use).
 - Entitlement: 440 trips per day (based on 65 dwellings).
 - Proposed Zoning: 180 trips per day (based on 7,000 square feet of office).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** Charlotte Water has water availability to the rezoning boundary via an existing six-inch water distribution main. Charlotte Water has sewer availability to the rezoning boundary via an existing eight-inch gravity sewer main located along Fairview Road.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: John Kinley (704) 336-8311