

## **COMMUNITY MEETING REPORT FOR REZONING PETITION NO. 2017-099**

**Petitioner:** Fenton Place LLC  
**Rezoning Petition No.:** 2017-099  
**Property:** ± .19 acres located at 515 Fenton Place Charlotte, NC (the "Site").

This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte-Mecklenburg Planning Commission pursuant to Section 6.203 of the City of Charlotte Zoning Ordinance.

### **PERSONS AND ORGANIZATIONS CONTACTED WITH DATES AND EXPLANATIONS OF HOW CONTACTED:**

The required Community Meeting was held on Wednesday August, 2<sup>nd</sup> 2017, a representative of the Petitioner mailed a written notice of the date, time and location of the Community Meeting to the individuals and organizations set out on **Exhibit A** by depositing the Community Meeting Notice in the U.S. mail on July 21<sup>st</sup> 2017. A copy of the written notice is attached as **Exhibit B**.

### **TIME AND LOCATION OF MEETING:**

The **Community Meeting required by the Ordinance was held on Wednesday August, 2<sup>nd</sup> 2017 at 7:00pm**, at 515 Fenton Place in the Carriage House.

### **PERSONS IN ATTENDANCE AT MEETING:**

The sign-in sheet from the required Community Meeting is attached as **Exhibit C**. The Petitioner's representative at the required Community Meeting was Mr. Brandon Perry. Also in attendance was Keith MacVean with Moore & Van Allen, PLLC.

### **SUMMARY OF ISSUES DISCUSSED AT MEETING:**

#### **I. Overview of Petitioner's Presentation.**

##### **Introduction and Overview of Development Plan.**

Mr. MacVean welcomed the attendees and introduced himself and the Petitioner Mr. Brandon Perry to the attendees.

Mr. MacVean explained the rezoning process for the Site and the upcoming date for the Public Hearing which is tentatively scheduled for September 18<sup>th</sup>. He also explained that the revised site plans for the Site are due back to the City on August 14<sup>th</sup> at which point in time the Planning Department will confirm if the Petition will be scheduled for a September 18<sup>th</sup> public hearing.

He also explained that the Site was being rezoned from O-2 to MUDD-O to allow the existing buildings on the Site to be used for retail uses not currently allowed by the O-2 zoning. The proposed zoning district is MUDD-O (Mixed Use Development District Optional) which is a conditional zoning district. The approved conditional plan will run with the property and can only be changed by the filing of a new rezoning petition that must be approved by the City Council.

Any future uses on the Site must comply with the proposed conditional plan and the attached conditions.

The site plan for the Site proposes to maintain the existing buildings on the property and allow them to be used for office uses as the current zoning allows, plus retail uses, galleries for artists, or a bakery, or a neighborhood food and beverage service use (a neighborhood food and beverage service use does not allow the on premise cooking of food). The sale and consumption of alcohol on the Site will not be allowed. Restaurants and bars are also not allowed uses on the Site.

The proposed site plan does propose to add two (2) parking spaces along Fenton Place for the customers of the Site. These parking spaces will be designed as a parking court yard with decorative paving materials.

The meeting was then turned over to Mr. Perry. Mr. Perry explained that he and his wife had purchased the property in March of 2016 so that his wife could run and operate a women's clothing boutique at the Site.

Mr. Perry explained that he had been in touch with Eastover Homeowners Association and had discussed the proposed re-use of the Site with the Eastover Homeowners Association as well members of the residential condominium associations located along Fenton Place, no one had expressed any concerns with the planned re-use of the property.

Mr. Perry also explained that he and his contractor were currently working with building standards on bringing the existing structures up to code for commercial uses. This was allowed to occur under the current O-2 zoning for the property. He also explained that even though the Site and buildings on the Site had been used for a number of allowed non-residential uses the building had never been brought into compliance with the non-residential building code.

Mr. Perry explained that the current tenant in the carriage house located at the rear of the property would stay.

## **II. Summary of Questions/Comments and Responses:**

The attendees at the meeting wanted to know why the proposed zoning for the property was MUDD(O). It was explained that the MUDD zoning district would allow the reuse of the existing building on the Site for retail uses and also allow the Site to meet the parking requirements for the proposed retail uses. It would also allow the construction of two (2) parking spaces along Fenton Place. The current O-2 zoning would allow one parking space to be constructed along Fenton Place.

It was also explained that the proposed zoning is a conditional zoning plan which would require the filing of a new rezoning petition in the future should more than minor changes be proposed. It was pointed out that one of the primary benefits of the proposed conditional plan was the commitment to preserve and re-use the existing buildings on the property. Under the current O-2 zoning the buildings could have been torn down and the Site used as a parking lot.

One attendee asked why if the proposed use was going to be a women's clothing boutique why did the conditional plan also allow other uses. Mr. Perry explained that it was his intention to keep

the property for the long term and having some flexibility on what uses might occupy the property was important to the commercial viability of the Site.

One of the attendees indicated they did not see any problem with the addition of the two parking spaces along Fenton Place. It was mentioned that parking in the area can become a problem when all the restaurants are full and adjoining theater has a full house. So the Site having the parking it needs was seen as a positive.

Mr. Perry also mentioned that only a very small sign would be used along Fenton Place to identify the businesses. The sign would most likely utilize the existing lamp post on which the signs would be attached.

Mr. Perry also mentioned that the renovated buildings had picked up a few of the architectural details of the adjoining buildings and incorporated them into the renovation work. For example the railing over the front porch uses the same balustrade design created in 1929 Louis H. Asbury for the Goode Realty Company.

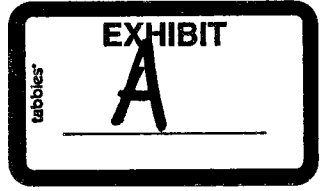
The attendees were thanked for their time and the meeting was adjourned.

**CHANGES MADE TO PETITION AS A RESULT OF THE MEETING:**

No changes to the Petition were made as a result of the Community Meeting. The Petitioner did add a conditional note to the proposed site plan prohibiting the consumption and sale of alcohol on the Site. This change was made based on comments from a resident on Fenton who was concerned that the site might be used as a restaurant or bar that could generate a need for more parking than could be accommodated on the Site.

cc: Mayor and Members of Charlotte City Council  
Tammie Keplinger, Charlotte Mecklenburg Planning Department  
Mr. Brandon Perry, Fenton Place LLC  
Jeff Brown, Moore & Van Allen, PLLC  
Bridget Grant, Moore & Van Allen, PLLC  
Keith MacVean, Moore & Van Allen, PLLC

Pet_No.	ORGANIZATI	FIRST_NAME	LAST_NAME	STREET_ADD	UNIT_NUM	CITY	STATE	ZIP
2017-099	Amherst Place Homeowners Association	June	Watts-Mistri	1730 Amherst Pl		Charlotte	NC	28204
2017-099	Cherry	Maggi	Bixler	1805 Baxter St		Charlotte	NC	28204
2017-099	Cherry Neighborhood Association	Kathryn	Hubicki	325 Baldwin Ave		Charlotte	NC	28204
2017-099	Cherry Neighborhood Association	Kristen Joyce	Moyer	1922 Luther St		Charlotte	NC	28204
2017-099	Cherry Neighborhood Association	Myron	Patton	1623 Luther St		Charlotte	NC	28204
2017-099	Cherry Neighborhood Association	Stephanie	Wick	1712 Amherst Pl		Charlotte	NC	28204
2017-099	Cherry Neighborhood Joint Leadership Team	Sylvia	Bittle- Patton	1623 Luther Street		Charlotte	NC	28204
2017-099	Crescent Heights Neighborhood Association	Cullen	McNulty	2237 Crescent Av		Charlotte	NC	28207
2017-099	Edison Street Block Association	Diane	Wingard	816 Hungerford Pl		Charlotte	NC	28207
2017-099	Elizabeth Community Association	Beth	Haenni	2133 Greenway Av		Charlotte	NC	28204
2017-099	Elizabeth Community Association	Claire	Short	2300 Greenway Ave		Charlotte	NC	28204
2017-099	Elizabeth Community Association	Eric	Davis	2200 Greenway Av		Charlotte	NC	28207
2017-099	Elizabeth Community Association	Melanie	Sizemore	2309 Vail Av		Charlotte	NC	28204
2017-099	Friends & Residents Of Historic Cherry	Karen	Jensen	311 Baldwin Av		Charlotte	NC	28205
2017-099	Grier Heights Community Improvement Organization	George A.	Wallace	3100 Leroy St		Charlotte	NC	28205
2017-099	Grier Heights Community Improvement Organization	Levon	Edwards	241 Heflin St		Charlotte	NC	28205
2017-099	MoRA	Rex	Jones	308 Queens Road #22		Charlotte	NC	28204
2017-099	Mountain Point Neighborhood Association	Doug	Morgan	2237 Malvern Rd		Charlotte	NC	28207
2017-099	Myers Park Homeowners Association	Pamela	May	2547 Portland Ave		Charlotte	NC	28207
2017-099	Queens West Homeowners Association	Warren	Linde	2000 Nolen Park Lane		Charlotte	NC	28209
2017-099	The Cherry Community Organization (CCO)	Barbara	Rainey	610 Baldwin Avenue		Charlotte	NC	28204



Pet_No.	taxpid	ownerlastn	ownerfrst	ownerfris	ownerlast	mailaddr1	mailaddr2	city	state	zipcode
2017-099	15505201	MYERS PARK CIVIC	COMMISSION INC			UNKNOWN		CHARLOTTE	NC	28200
2017-099	15506102	CONSOLIDATED REALTY COMPANY	INC			201 S COLLEGE ST STE 1300		CHARLOTTE	NC	28224
2017-099	15506103	GENERAL SHOPPING CENTERS INC				201 S COLLEGE ST	SUITE 1300	CHARLOTTE	NC	28244
2017-099	15506104	EASTERN FEDERAL CORP				201 S COLLEGE ST STE 1300		CHARLOTTE	NC	28224
2017-099	15506141	ONE CHEROKEE PLACE	HOMEOWNERS ASSOC INC			P O BOX 79032		CHARLOTTE	NC	28271
2017-099	15506155	PATRICK	ROSE TARRANT			434 FENTON PL		CHARLOTTE	NC	28207
2017-099	15506156	RICCI	MARK R	NORMA R		438 FENTON PL		CHARLOTTE	NC	28207
2017-099	15506157	REYNOLDS	ROSALIE WADE			442 FENTON PL		CHARLOTTE	NC	28207
2017-099	15506158	675 INVESTMENTS LLC				4201 CONGRESS ST STE 170		CHARLOTTE	NC	28209
2017-099	15506159	THOMPSON	JAMES W	MEREDITH C	THOMPSON	450 FENTON PL		CHARLOTTE	NC	28207
2017-099	15506160	SEMONES	LEWIS	LEAH	SEMONES	454 FENTON PLACE		CHARLOTTE	NC	28207
2017-099	15506161	GARRISON	M LEE			458 FENTON PL #D-3		CHARLOTTE	NC	28207
2017-099	15506162	BRADY	JON P	GWEN H	BRADY	462 FENTON PL		CHARLOTTE	NC	28207
2017-099	15506163	GEORGIUS	JOHN R REVOCABLE TRUST			466 FENTON PL		CHARLOTTE	NC	28207
2017-099	15506184	MACK	JOHN E	JANNE H	MACK	472 FENTON PL		CHARLOTTE	NC	28207
2017-099	15506185	BARRY	ERNEST H JR	PAMELA MAGEE	BARRY	474 FENTON PL		CHARLOTTE	NC	28207
2017-099	15506186	BUCKMAN	FREDERICK W	MARION K	BUCKMAN	476 FENTON PL		CHARLOTTE	NC	28207
2017-099	15506187	SMITH	STEPHEN H	AMY B	SIMS	478 FENTON PLACE		CHARLOTTE	NC	28207
2017-099	15506188	SMITH	AMY WHITCHER			480 FENTON PL		CHARLOTTE	NC	28207
2017-099	15506189	BERNSTEIN	BARBARA K REVOC L/T	DONALD H TRUSTEE	% BERNSTEIN	482 FENTON PL		CHARLOTTE	NC	28207
2017-099	15506190	D'AGOSTINO	JOSEPH N	KATHLEEN M	D'AGOSTINO	484 FENTON PLACE		CHARLOTTE	NC	28235
2017-099	15506191	THE RODDEY DOWD SR AND ELIZABE	TH STETSON DOWN FAMILY LL			PO BOX 35430		CHARLOTTE	NC	28207
2017-099	15506192	MCCALL	MARK E			488 FENTON PL Unit TH-2		CHARLOTTE	NC	28207
2017-099	15506201	MILLER DEVELOPMENT COMPANY INC				122 CHEROKEE RD		CHARLOTTE	NC	28207
2017-099	15506202	M&S SHOPPING CENTERS INC OF	FLORIDA			122 15TH ST ,SUITE U		DEL MAR	CA	92014
2017-099	15506203	EASTERN FEDERAL CORPORATION	DAVID A	SCOTT L	% CROSLAND , LLC	201 S COLLEGE ST STE 1300		CHARLOTTE	NC	28224
2017-099	15506204	SWIMMER	INC		SWIMMER	725 PROVIDENCE RD		CHARLOTTE	NC	28207
2017-099	15506205	KRUG DAVID R ASSOCIATES	INC			122 CHEROKEE RD,SUITE 2		CHARLOTTE	NC	28207
2017-099	15506206	SWIMMER INSURANCE AGENCY	INC			725 PROVIDENCE RD		CHARLOTTE	NC	28207
2017-099	15506207	VISER	CAROL D	CHARLES M	VISER	125 ALTONDALE AVE		CHARLOTTE	NC	28207
2017-099	15506208	CAMPBELL	GEORGE W JR	BARBARA G	CAMPBELL	131 ALTONDALE AVE		CHARLOTTE	NC	28207
2017-099	15506209	LEE	CHRISTOPHER M	MEGHAN E	LEE	135 ALTONDALE AV		CHARLOTTE	NC	28207
2017-099	15506210	DALY	GEORGE	MARY HUNTER	MARY HUNTER	139 ALTONDALE AVE		CHARLOTTE	NC	28207
2017-099	15506211	BODDEN	DAVID P	JOAN L	BODDEN	143 ALTONDALE AV		CHARLOTTE	NC	28207
2017-099	15506212	BROWN	DAVID ABBOT	MARY CATHERINE	MOSS	201 ALTONDALE AV		CHARLOTTE	NC	28207
2017-099	15506213	CLARDY	JAMES F	LEESA T	CLARDY	205 ALTONDALE AVE		CHARLOTTE	NC	28207
2017-099	15506235	SWIMMER INSURANCE AGENCY INC				725 PROVIDENCE RD		CHARLOTTE	NC	28207
2017-099	15506274	FENTON PLACE LLC	NANCY C		ATTN BRANDON D PERRY	101 SOUTH TRYON ST STE 2430		CHARLOTTE	NC	28280
2017-099	15506275	HOLLINGSWORTH				600 MUSEUM DR		CHARLOTTE	NC	28207
2017-099	15506276	EASTERN FEDERAL CORPORATION	KRISTIA		% CROSLAND , LLC	201 S COLLEGE ST STE 1300		CHARLOTTE	NC	28224
2017-099	15506277	PATTERSON	KATHRYN			501 FENTON PL #A		CHARLOTTE	NC	28207
2017-099	15506278	WILDRICK	WILLIAM S	RAMEY G	MILLET	501 B FENTON PL UNIT 2		CHARLOTTE	NC	28207
2017-099	15506279	MILLET	GIORDANA P			501 FENTON PLAPT C		CHARLOTTE	NC	28207
2017-099	15506280	ANDRETTA	CHARLOTTE KILE			501 D FENTON PLACE		CHARLOTTE	NC	28207
2017-099	15506281	THOMPSON	MARGARET BENTON			501-H FENTON PLACE		CHARLOTTE	NC	28207
2017-099	15506282	LENEAVE	CHARLES H			2625 BRIARCLIFF PL		CHARLOTTE	NC	28207
2017-099	15506283	SMITH	JANICE			501 FENTON PLAPT G		CHARLOTTE	NC	28207
2017-099	15506284	KEIL	JANICE			501 E & F FENTON PL		CHARLOTTE	NC	28207
2017-099	15506285	KEIL	JANICE			501 E & F FENTON PL		CHARLOTTE	NC	28207
2017-099	15506286	BORRUSCH	BENJAMIN ROBERT	GLADYS ANDREA CASTRO	TOVAR	2621 LABURNUM AVE		CHARLOTTE	NC	28205
2017-099	15506287	HAIRE	MICHAEL			501 FENTON PL		CHARLOTTE	NC	28207
2017-099	15506288	BYRNE II	DAVID J	HOLLY B	USHER	501 FENTON PLACE UNIT K		CHARLOTTE	NC	28207
2017-099	15506289	TEMPLIN	MEGAN A			501 FENTON PL #O		CHARLOTTE	NC	28207
2017-099	15506290	MANSIUS	GREGORY A	JULIE A	MANSIUS	501 FENTON PLACE #L		CHARLOTTE	NC	28207

2017-099 15506291 EAGLE'S NEST LLC  
2017-099 15506292 HEENEY  
2017-099 15506294 EASTERN FEDERAL CORPORATION  
2017-099 15506295 EASTERN FEDERAL CORPORATION

819 FOX RIDGE LN  
2126 NORTON RD  
201 S COLLEGE ST STE 1300  
201 S COLLEGE ST STE 1300

MARGARET H

WILMINGTON NC 28405  
CHARLOTTE NC 28207  
CHARLOTTE NC 28224  
CHARLOTTE NC 28224

**NOTICE TO INTERESTED PARTIES OF A REZONING PETITION**  
**PETITION # 2017-099 – Fenton Place LLC**

Subject: Rezoning Petition No. 2017-099

Petitioner/Developer: Fenton Place LLC

Current Land Use: Office uses

Existing Zoning: O-2

Rezoning Requested: MUDD-O

**Date and Time of Meeting:** **August 2<sup>nd</sup>, 2017 at 7:00 p.m.**

Location of Meeting: At the Rezoning Site – In the Carriage House  
515 Fenton Place  
Charlotte, NC 28207

Date of Notice: 7/21/17

We are assisting Fenton Place LLC (the “Petitioner”) on a Rezoning Petition recently filed to allow the reuse of the existing buildings located at 515 Fenton Place (the “Site”) with a small retail shop, office uses, studio or gallery for artists, a small bakery or a neighborhood food and beverage service use. We take this opportunity to furnish you with basic information concerning the Petition and to invite you to attend a Community Meeting to discuss it.

**Background and Summary of Request:**

This Petition involves a request to rezone the ±.19 acre Site from O-2 to MUDD-O. The Site is currently developed with two (2) existing buildings that have for many years been used as offices but were originally constructed as a residential dwelling and a carriage house. The original structures are currently being renovated to meet building code requirements.

The proposed rezoning petition proposes to preserve/restore the existing structures and allow them to be reused with office uses, as the current zoning allows, plus retail uses, studio or gallery for artists, or a bakery or a neighborhood food a beverage service use.

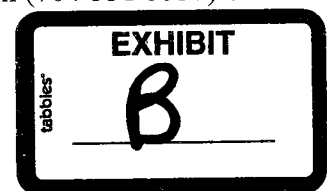
Parking for the site will be provided at the rear of the Site, as well as by two (2) new parking spaces (one space is allowed by current zoning) that will be provided at the front of the Site to minimize street parking on Fenton Place. The new parking spaces will be attractively designed with decorative pavers to create a parking court yard. In addition the parking courtyard will be screened from Fenton Place with accent planting.

The existing driveway on the Site will be preserved and repaired as its condition has deteriorated.

**Community Meeting Date and Location:**

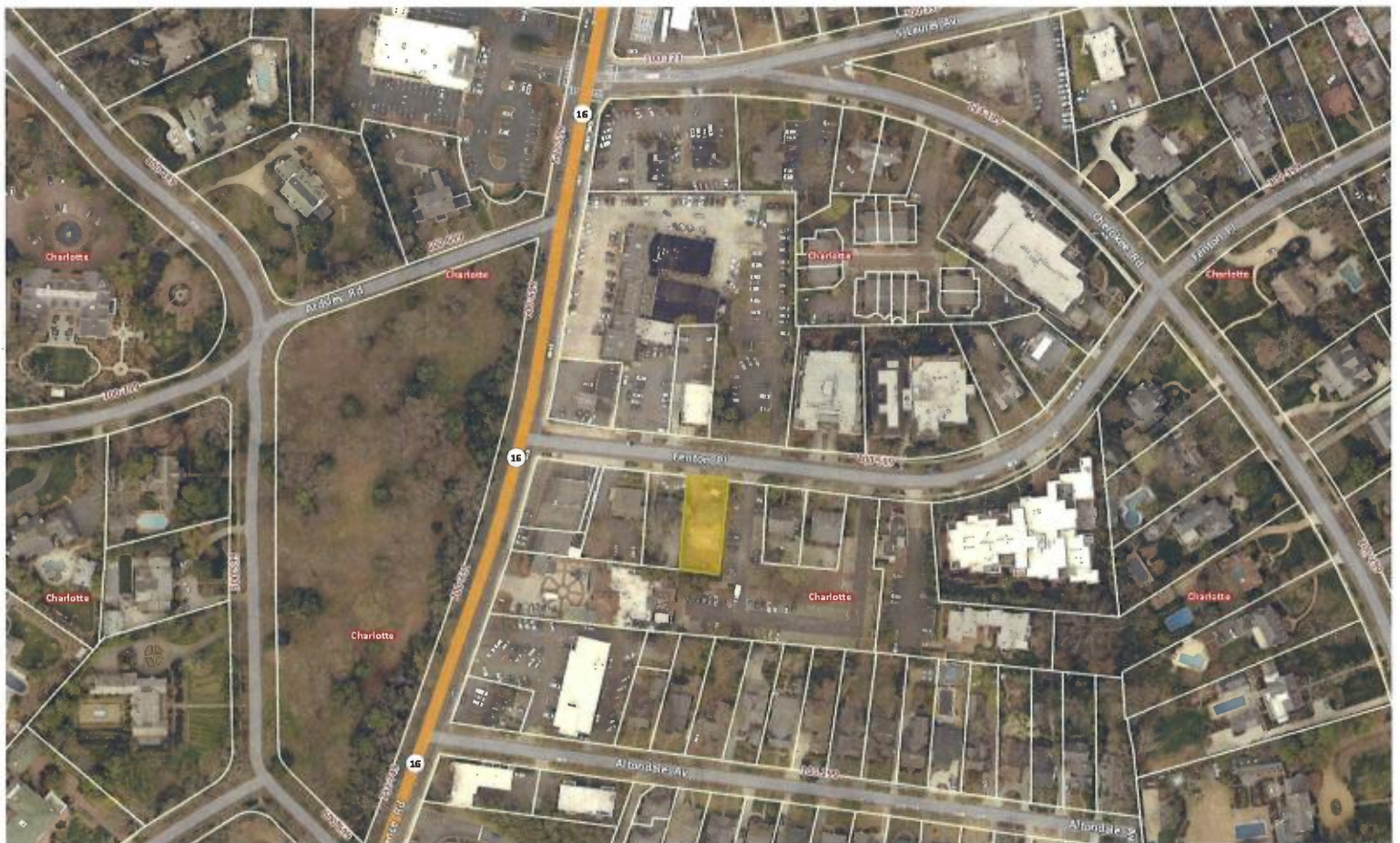
The Charlotte-Mecklenburg Planning Department’s records indicate that you are either a representative of a registered neighborhood organization or an owner of property near the Site. **Accordingly, we are extending an invitation to attend the upcoming Community Meeting to be held on Wednesday, August 2<sup>nd</sup>, at 7:00 p.m. at the Rezoning Site – in the Carriage House, located at 515 Fenton Place, Charlotte, NC 28207.** Representatives of the Petitioner look forward to discussing this exciting rezoning proposal with you at the Community Meeting.

In the meantime, should you have questions about this matter, you may call Keith MacVean (704-331-3531) or Jeff Brown (704-331-1144). Thank you.



cc: Mayor and Members of Charlotte City Council  
Tammie Keplinger, Charlotte Mecklenburg Planning Department  
Brandon Perry, Fenton Place LLC  
Jeff Brown, Moore & Van Allen, PLLC  
Bridget Grant, Moore & Van Allen, PLLC  
Keith MacVean, Moore & Van Allen, PLLC

### Site Location





Fenton Place LLC  
 Rezoning Petition 2017-099  
 Community Meeting – Wednesday, August 2, 2017 @ 7:00pm

	<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>EMAIL ADDRESS</u>
1	Reggie & Bill Keowny	505 Fenton Pl.	335-0185	Bkewey@CRM1978.Com
2	JOE DAGOSTINO	484 FENTON PLACE	203-921-5486	JN.DAGOSTINO@GMAIL.COM
3	Casey Vizer	125 Altendale Ave	704-608-2143	Charles.M.Vizer@nccourts.org
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