

REQUEST	Current Zoning: O-2 (office) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 0.19 acres located on the south side of Fenton Place between Providence Road and Cherokee Road. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow the reuse of a 2,650-square foot existing residential building and accessory structure for office, retail, and neighborhood food and beverage uses in the Eastover neighborhood.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Fenton Place, LLC Fenton Place, LLC Keith MacVean & Jeff Brown, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3
STATEMENT OF CONSISTENCY	<ul style="list-style-type: none"> • The Zoning Committee found this petition to be inconsistent with the <i>Central District 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 uses for the subject site. • 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 property is located along Fenton Place, a local street in the Eastover neighborhood. Fenton Place intersects with a section of Providence Road that is developed with primarily commercial uses; and • The petition will maintain and renovate an existing single family structure that is currently zoned and used for office. There are other nearby single family structures along the section of Fenton Place closest to Providence Road that have also been repurposed for commercial uses; and • The proposed uses for this site are compatible with the established commercial land uses already located on this section of Fenton Place, even though the uses for this site are inconsistent with the adopted area plan recommendation for multi-family use; and • The proposed site design will help to maintain the residential character of the site by retaining the existing single family structure, and placing the majority of the parking to the rear of the structure, with only two spaces in front;

By a 7-0 vote of the Zoning Committee (motion by McClung seconded by Majeed).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> 1. Detached lighting has been limited to 21 feet in height. 2. Detached sign height will be limited to eight feet in height and limited to a pole and post with a light fixture as depicted on the site plan. <p><u>Transportation</u></p> <ol style="list-style-type: none"> 3. A note has been added that a temporary sidewalk easement will be provided at the time the sidewalk is reconstructed.
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VOTE	Motion/Second:	McClung / Sullivan
	Yeas:	Fryday, Majeed, McClung, McMillan, Nelson, Spencer, and Sullivan
	Nays:	None
	Absent:	None
	Recused:	None

ZONING COMMITTEE DISCUSSION Staff noted that this petition is inconsistent with the *Central District Plan*. Staff reviewed the petition and noted that all the outstanding issues had been addressed. The request for the limitation on wall signage had been rescinded. Several commissioners had questions about the rescinded request for an eight-foot planting strip and six-foot sidewalk along Fenton Place. Staff responded, stating the site had an existing 7.5-foot planting strip and five-foot sidewalk and it would be unusual to have the larger sidewalk and planting strip for a short distance. There was no further discussion of this petition.

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:

- Reuse of an existing 2,650-square foot residential structure and accessory building for retail, office, personal services, neighborhood food and beverage uses.
- Requirement that existing structures will remain and a 45-foot building setback from the existing back of curb will be maintained.
- Four off-street parking spaces in the rear of the building and two in the front of the building with decorative pavers.
- Five-foot decorative sidewalk connection from the structure to the existing public sidewalk system.
- Maximum height of the proposed structure of two stories and 40 feet.
- Detached lighting limited to 21 feet in height.
- Temporary sidewalk easement for future reconstruction of the existing sidewalk.
- Design details for the proposed detached sign.
- Optional Provisions for the following:
 - To allow two off-street parking spaces between the building and public street. The MUDD (mixed use development) district per the development standards does not allow parking between the building and public street.
 - To allow the existing 7.5-foot planting strip and five-foot sidewalk to remain. The district standard typically requires an eight-foot planting strip and six-foot sidewalk.
 - To allow detached signage limited to eight feet in height and a sign face area of 15 square feet.

• **Public Plans and Policies**

- The *Central District Plan* (1993) recommends multi-family uses for the subject site.

• **TRANSPORTATION CONSIDERATIONS**

- The site is located on a local street near an unsignalized intersection with a major thoroughfare.
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 90 trips per day (based on 2,878 square feet of office).
 - Entitlement: 90 trips per day (based on 2,878 square feet of office).
 - Proposed Zoning: Allows a wide range of uses.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood 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 Water:** The site has water and sewer system availability for the rezoning boundary via an existing six-inch water main along Fenton Place and eight-inch sewer main located along Fenton Place.
 - **Engineering and Property Management:**
 - **Arborist:** No issues.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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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 Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Solomon Fortune (704) 336-8326