

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-74

Property Owner: Fairview Plaza Associates Limited Partnership

Petitioner: Fairview Plaza Associates

Location: Approximately 1.9 acres on the south side of Fairview Road between Park South Drive and J.A. Jones Drive

Request: Change from O-3(CD) (conditional office) to MUDD(CD) (conditional mixed-use development district)

Summary

This petition seeks approval for 14,000 square feet of office space and up to 17,500 square feet of restaurant space, with an additional 2,500 square feet of outdoor dining area.

Consistency and Conclusion

Although the South Park Small Area Plan recommends office and/or residential for this site, the retail and restaurant uses represent a support element of the larger existing office development, and are appropriate elements in the mix of uses on site. Therefore, this petition is considered to be consistent with adopted plans and policies.

This petition would be appropriate for approval upon correction of the site plan deficiencies noted below.

Existing Zoning and Land Use

The subject property consists of a portion of a larger existing development that includes two 9-story office buildings to the south with a parking garage behind. To the east across J.A. Jones Drive is another high-rise office development zoned O-3. To the west across Park South Drive is mid-rise residential development in R-43MF zoning. To the north across Fairview Road is the new Piedmont Town Center high rise mixed-use development (MUDD-O zoning).

Rezoning History in Area

There have been numerous rezonings to more intense districts in the South Park area. The existing site was rezoned in 1995. The buildings on this portion of the site were already existing and the office development to the south was greatly expanded.

Public Plans and Policies

The *South Park Small Area Plan* (2000) shows the subject property as Office or Office-Residential mixture.

Proposed Request Details

This petition seeks approval for 14,000 square feet of office space and up to 17,500 square feet of restaurant space, with an additional 2,500 square feet of outdoor dining area. The site plan accompanying this petition contains these additional provisions:

- There are three vehicular access points to the site – all right-in, right-out.
- There is an Alternate Plan in the event the proposed abandonment of a portion of the old J.A. Jones Drive is not approved.
- A 24-inch and 60-inch oak are being preserved along Fairview Road.
- The majority of the parking being sought by the staff will be located off-site on adjacent or nearby parcels.
- Permitted uses include all uses permitted in the B-1 (neighborhood business) district.
- The site will comply with requested water quality improvements.
- Building elevations are included as part of the site plan.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT is still evaluating the future curblane location along Park South Drive. That issue will be addressed prior to the public hearing.

CATS. CATS did not comment on this petition.

Connectivity. There are no opportunities for additional connectivity from this site.

Storm Water. The requests of Storm Water Services have been satisfied by the petitioner.

School Information. This non-residential request has no impact on the school system.

Outstanding Issues

Land Use. Although the South Park Small Area Plan recommends office and/or residential for this site, the retail and restaurant uses represent a support element of the larger existing office development, and are appropriate elements in the mix of uses on site. Therefore, this petition is considered to be consistent with adopted plans and policies.

Site plan. The site plan accompanying this petition contains the following deficiencies:

- A note needs to be added to the site plan that Mecklenburg County LUESA will be contacted regarding asbestos, potential fuel oil storage tanks, and the abandonment of wells prior to any demolition on the site.
- There are two 24-inch oaks on the southwest portion of the property that are proposed to be eliminated. However, new trees are proposed very near those to be removed. While removal of the trees may simplify the placement of buildings and sidewalks it appears that with moderate effort the existing trees can be preserved.
- The parking listed as “required” was based on a staff calculation using 15,500 square feet of restaurant space. With the proposed increase to 17,500 square feet of restaurant space, the required parking has increased to 174 spaces.
- The maximum building height needs to reflect the proposed building height, not the zoning district maximum.
- The permitted uses note allows all B-1 uses such as gas stations, convenience stores, etc. The actual uses proposed for the site need to be listed. The indoor recreation use needs to be described as “limited to spas and yoga studios”.
- A note needs to be added that the dumpster will be enclosed with a solid fence or wall, with solid gates.