

<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>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Fairview Plaza Associates Limited Partnership Fairview Plaza Associates Limited Partnership John Carmichael, K & L Gates
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. A note has been added 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).</li> <li>2. A parking agreement has been submitted by the petitioner and approved by the Zoning Administrator.</li> <li>3. A note has been added indicating that only one bank or financial institution may be permitted on the site.</li> <li>4. A note has been added that to mitigate the impact of the removal of trees from the site in connection with development thereof. The petitioner shall plant on the site 2 large maturing trees, each of which shall be a minimum of 5 inches in caliper at the time of installation. These trees shall be in addition to any trees that are required to be planted under the applicable ordinances in effect at the time of the approval of this rezoning.</li> </ol>
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**STATEMENT OF CONSISTENCY**                      The financial institutions, retail, restaurants and office uses of the petition are found to be consistent with the South Park Small Area Plan, and the drive through service windows to be inconsistent but reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Fallon seconded by Commissioner Lipton).

**VOTE**

Motion/Second:	Walker/Lipton
Yeas:	Dodson, Fallon, Firestone, Lipton, Rosenburgh, and Walker
Nays:	None
Absent:	None
Recused:	None

**ZONING COMMITTEE DISCUSSION**

Staff reviewed the petition and noted that the outstanding site plan issues have been resolved. One Commissioner asked if the drive through windows would have access directly to Fairview Road. Staff explained that the drive thru service lanes are internal and rear of the site. The drive through service lanes are limited to three on the site.

Another Commissioner asked a question about why Staff supported the drive through service lanes if they are inconsistent with the plan. Staff explained that we review each optional request on each rezoning petition. Staff noted that the drive thru service lanes are internal to the site and felt it would be appropriate in this location.

Another Commissioner asked about any additional tree save on the site. Staff explained that the petitioner added a note stating they would replace the two large maturing trees on site in addition to any tree plantings required by the Ordinance.

There was no further discussion of this petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

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**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**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 a bank or financial institution, 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 a bank or financial institution located at the rear or southern side of the proposed building.
- Pedestrian scale lighting.
- Freestanding lighting fixtures not to exceed 20 feet in height.
- Number of drive thru service lanes limited to three (Two teller windows and one ATM).
- Two large maturing trees will be replaced onsite in addition to the trees required per the ordinance.
- An optional request to allow:
  - Drive-through service lanes and windows as an accessory use to a bank or financial institution.

- **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.

- **STAFF RECOMMENDATION (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.
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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:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.

- **Mecklenburg County Parks and Recreation Department:** No comments received.

**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Site Design:** No issues.
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**OUTSTANDING ISSUES**

- No issues.
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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 Neighborhood & Business Services 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

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