

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 PETITIONER AGENT/REPRESENTATIVE	Belk-Gambrell Enterprises LLC Belk-Gambrell Enterprises LLC 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.

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to setback, right-of-way, and driveway location.</p> <p><u>Plan Consistency</u> The proposed office use is inconsistent with the <i>South District Plan</i> recommendation for multi-family residential uses as amended by a prior rezoning petition. However, the prior petition contained a specific condition allowing office uses on the existing house.</p> <p><u>Rationale for Recommendation</u></p> <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. • 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. • 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. • 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. • 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.
---------------------------------	---

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.
- **Existing Zoning and Land Use**
 - The subject property is occupied by a large, estate type, home built in 1900. Petition 2007-053 rezoned the subject site and two additional parcels to the east, also fronting Fairview Road, to UR-C(CD) (urban residential – commercial, conditional) to allow 65 residential dwellings at a maximum building height of 140 feet/10 stories, and a density of 22 dwelling units per acre. The bulk of the proposed development was on the subject parcel; the two parcels to the east, not included in the proposed rezoning, were to accommodate parking and a single family home. The petition also allowed the existing residential structure to remain with the following uses: bed and breakfast, office, multi-family or single family.
 - Abutting the subject parcel to the west is a three-story apartment community zoned R-12MF (multi-family residential).
 - Abutting the subject parcel to the north and northeast are single family homes in the Wintercrest neighborhood, zoned R-3 (single family residential).
 - Across Fairview Road to the south are two properties zoned UR-2(CD) (urban residential, conditional) and under development for townhomes, and a three-story condominium building zoned R-17MF (multi-family residential). Further south is the single family Closeburn neighborhood, zoned R-3 (single family residential).
 - East of Wintercrest Lane on Fairview Road is a property zoned O-1(CD) (office, conditional) to allow for reuse of an existing single family home for office use. Just beyond that to the east is the SouthPark Mixed Use Activity Center, with an intensive mix of retail, office, and residential uses.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Petition 2014-010 rezoned 2.08 acres located on the west side of Park South Drive between Royal Crest Drive and Fairview Road from R-3 (single family residential) and INST(CD) (institutional conditional) to UR-C(CD) (urban residential commercial conditional) to allow for continuation of an adult day care facility for 60 clients in a 12,850-square foot building, and the addition of a 12-bed nursing home facility in two 4,700-square foot buildings, with a maximum height of 40 feet.
 - Petition 2014-075 rezoned 2.6 acres located at Fairview Road and Closeburn Road just south of the subject parcel from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow up to 27 attached townhome dwellings at a density of 10.4 dwelling units per acre and a maximum height of 45 feet.
 - Petition 2014-012 rezoned 6.10 acres located at Carnegie Boulevard and Congress Street from MUDD-O (mixed use development, optional) to MUDD-O SPA (mixed use development, optional, site plan amendment) to allow 495,000 square feet of office and other commercial uses and a maximum building height of 150 feet.
 - Petition 2015-088 rezoned 1.95 acres on Fairview Road between Park Road and Closeburn Road from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow 18 attached townhome dwellings at a density of 9.23 dwelling units per acre and height of two stories.
 - Petition 2016-113 rezoned 2.68 acres on Barclay Downs Drive between Morrison Boulevard and Fairview Road to MUDD-O (mixed use development, optional) to allow 266 multi-family residential dwelling units and up to 15,000 square feet of retail/commercial development in a

building with a maximum height of six stories, not to exceed 90 feet.

- **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. CDOT requests that the petitioner show right-of-way from future back of curb to accommodate a possible recreational trail along Fairview Road and add a coordination note for an approved pedestrian refuge.

- See Outstanding Issues, Notes 3 and 4.

- **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.

OUTSTANDING ISSUES

Site and Building Design

1. Amend 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. Amend the driveway/parking pad along the eastern property line so that the 16 foot buffer is extended to the southern, rear corner of parcel 17705315.

Transportation

3. Revise the plan to show a 28-foot right-of-way from future back of curb to be dedicated and conveyed prior to the issuance of the first certificate of occupancy.
4. Add a note to the site plan stating that the proposed driveway location will be adjusted as needed during the permitting phase to accommodate a pedestrian refuge island that is currently under construction in the same general location as the driveway.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- 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