



**Charlotte-Mecklenburg Planning, Design, & Development**

**DATE:** October 2, 2022

**TO:** Sonja Sanders  
Zoning Supervisor

**FROM:** Alyson Craig  
Interim Planning Director

**SUBJECT:** Administrative Approval for Petition No. 2019-133 Greg Zanitsch, TBGC, LLC

Attached is the revised site plan for the petition above. This request allows the modification of the proposed site plan as listed below. Since these changes do not alter the intent of the development and meets the requirements of the Charlotte Zoning Ordinance Section 6.207 Alterations to Approval, minor changes, I am administratively approving this plan. Please use these plans when evaluating requests for building permits and certificates of occupancy.

- Revised building elevation for existing building along the public street frontage.

Staff supports of the request because:

- The site plan complies with the conditional notes and still meets the intent of the original approval by the City Council.

**Note: All other Zoning, Subdivision, Tree, PCSO Ordinances, conditional requirements and building codes still apply.**

**Signage was not reviewed as part of this request.**

**DEVELOPMENT STANDARDS**

**1. General Provisions:**

a. **Site Location:** These Development standards and the technical data sheet from the rezoning plan (collectively referred to as the "Rezoning Plan") associated with the Rezoning Petition filed by BC LLC ("petitioner") to accommodate the reuse of the existing building located on the northeast corner of the intersection of Kennon Street and Pegram Street non residential uses as described above and allowed by the MUDD zoning district and the Optional Provisions below on an approximately .20 acre site located at 1201 and 1205 Kennon street (the "Site").

b. **Zoning Districts/Ordinance:** Development of the site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the ordinance for the MUDD zoning classification shall govern all development taking place on site, subject to the Optional Provisions provided below.

c. **Graphics and Alterations:** The depictions of the building and parking envelopes, sidewalks, driveways, and other development matter and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of Development/Site elements proposed. Changes to the rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by section 6.207 of the Ordinance. Since the project has undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Section 6.207 of the Ordinance. These instances would include changes to the graphics if they are:

- 1. Minor and don't materially change the overall design intent and stay within the setbacks and yards depicted on the Rezoning Plan;

The Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Administrative Amendment Process per Section 6.207 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

d. **Number of Buildings Principal and Accessory:** Notwithstanding the number of the buildings shown on the Rezoning Plan, the total number of principal buildings to be developed on the Site will be limited to one (1). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the site.

**2. Optional Provisions:**

The following optional provisions shall apply to the Site:

- a. To allow a minimum of eight (8) on-site parking spaces that meet the minimum parking requirements of the MUDD zoning district for the allowed uses, including the allowed building expansion and outdoor dining areas.
- b. To allow building expansions/additions to not meet minimum building setback along Pegram Street. The building additions along Pegram Street will meet the setback established by the existing building (8 feet) as measured from the existing back of curb. Building additions along Kennon Street will maintain a 14 foot setback from the existing back of curb.
- c. To allow existing and new parking spaces located on the Site to be screened from the adjoining public streets with a green screen.
- d. To not require the installation of the required streetscape improvements along Pegram Street and Kennon Street for change of uses, building additions, and for the additional parking as indicated on the Rezoning Plan. However, the Petitioner will replace any portions of the existing sidewalks that are in bad repair. The portions of existing sidewalk to be replaced will be determined during the Land Development Approval process. The existing sidewalk location and width will remain as generally depicted on the Rezoning Plan.
- e. To allow the existing building along Kennon to extend into the required setback as indicated on the Rezoning Plan.
- f. To allow the proposed parking area along Kennon Street to encroach into the setback as generally indicated on the rezoning plan.

**3. Permitted Uses, Development Area Limitations:**

- a. The Site may be developed with up to 3,400 (equal to the existing square footage of 2,398 plus an additional 1,002 square feet) square feet of gross floor area for EDDE Type I and II, retail, office, and personal service uses permitted by right and under prescribed conditions in the MUDD zoning district together with accessory uses as allowed in the MUDD zoning district.
- b. The allowed uses and the allowed square footage will be utilized within the existing building, that will be preserved and reused, located on the Site as generally depicted on the Rezoning Plan (not all portions of the existing building currently located on the Site need be preserved). Building additions that do not exceed 1,002 square feet will be allowed as long as the total allowed square footage does not exceed 3,400 square feet and the building additions occur within the building envelope indicated on the Rezoning Plan.
- c. The Petitioner commits to preserve the existing building. The construction of a new building, not including building additions as allowed above on the Site will require the filing of new rezoning petition.
- d. Portions of the Site will be utilized as, and improved for outdoor seating area for the proposed tenant(s).
- e. The Site will comply with Noise Ordinance.

**4. Access:**

- a. Access to the Site will be from Kennon Street as generally depicted on the Rezoning Plan.
- b. The alignment of the vehicular circulation and driveways may be modified by the petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Charlotte Department of Transportation (CDOT) in accordance with published standards so long as the street network set forth on the Rezoning Plan is not materially altered.
- c. Deliveries to the Site will be from Pegram Street as generally depicted in the Rezoning Plan.
- d. Any required roadway improvements will be approved and constructed prior to the issuance of the certificate of occupancy for the first building on the Site subject to the petitioner ability to post bond for any improvements not in place at the time of the issuance of the first certificate of occupancy.
- e. The Petitioner will dedicate via fee simple conveyance any additional right-of-way indicated on the Rezoning Plan as right-of-way to be dedicated, the additional right-of-way will be dedicated prior to the issuance of the first certificate of occupancy. The Petitioner will provide a permanent sidewalk easement for any of the proposed sidewalks located along the public streets located outside of the right-of-way. The permanent sidewalk easement will be located a minimum of two (2) feet behind the sidewalk where feasible.

**5. Architectural Standards:**

a. The building facades fronting on Pegram Street shall include windows for a minimum of 30% of the existing facade facing Pegram Street, with transparent glass between 2' feet and 10' feet on the first floor. Up to 20% of this requirements may be comprised of display windows. These display windows must maintain a minimum of 3'-0" foot clear depth between window and rear wall. Windows within this zone shall not be screen with film decals and other opaque material, or glazing finishes.

**6. Screening & Landscaping:**

- a. The petitioner will install a row of Burford Hollies or equivalent, 10 to 12 feet on center along the perimeter of the proposed parking area as generally indicated on the Rezoning Plan. Hollies to be a minimum of four (4) to six (6) feet tall at installation.
- b. The proposed parking area will be screened from Kennon Street with a green screen as allowed by the optional provisions.

**7. Parking & Maneuvering Restrictions:**

a. The Petitioner will use its best efforts to secure off-site parking for the Site

**8. Environmental Features:**

- a. The Site shall comply with the Charlotte City Council approved and adopted Post Construction Controls Ordinance.
- b. The Site will meet the applicable Tree Ordinance requirements (see #2c).

**9. Lighting:**

- a. All new detached and attached lighting shall be full cut-off type lighting fixtures excluding; low landscape, decorative, specialty, and accent lighting that may be installed along the driveways, sidewalks, open space/amenity area and parking areas.
- b. The maximum height of detached lights in the parking area will be limited to 15 feet and shall be cut-off type lighting fixtures.
- c. The existing building flood light will be removed or replaced with a full cut-off fixture as part of the adaptive re-use of the building.

**10. Signs:**

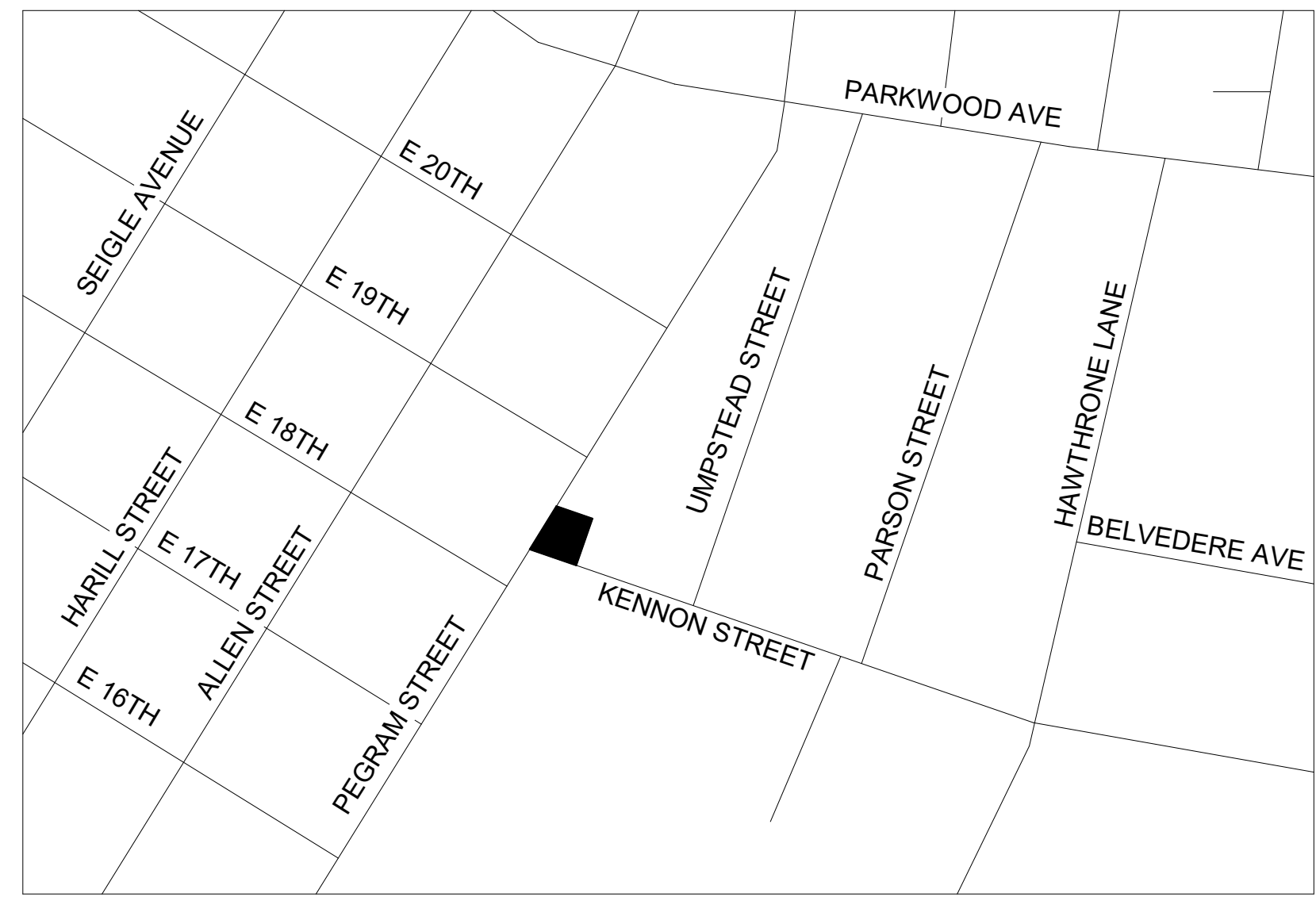
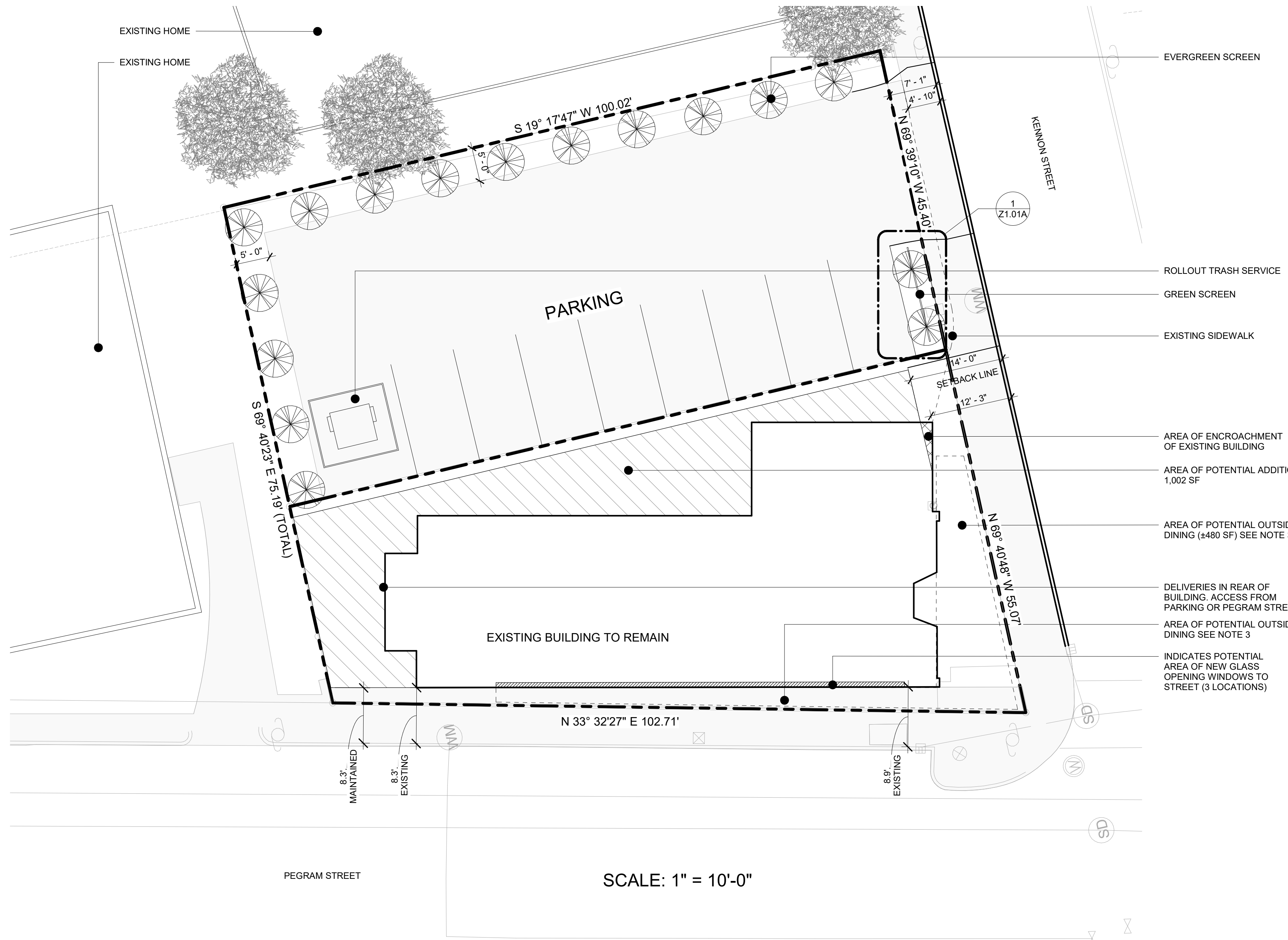
a. As allowed by the Ordinance

**11. Amendments to the Rezoning Plan:**

a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions herein and of Chapter 6 of the Ordinance.

**12. Binding Effect of the Rezoning Application:**

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided herein and under the ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site or Development Areas, as applicable, and their respective heirs, devisees personal representativeness, successor in interest or assigns.



**SITE DEVELOPMENT DATA:**

**Acreeage:** ± .200 acres  
**Tax Parcel #s:** 081-166-15 and 16  
**Existing zoning :** R5  
**Proposed Zoning:** MUDD - (0)  
**Existing Uses:** Retail establishment and Vacant

Attached to Administrative Approval

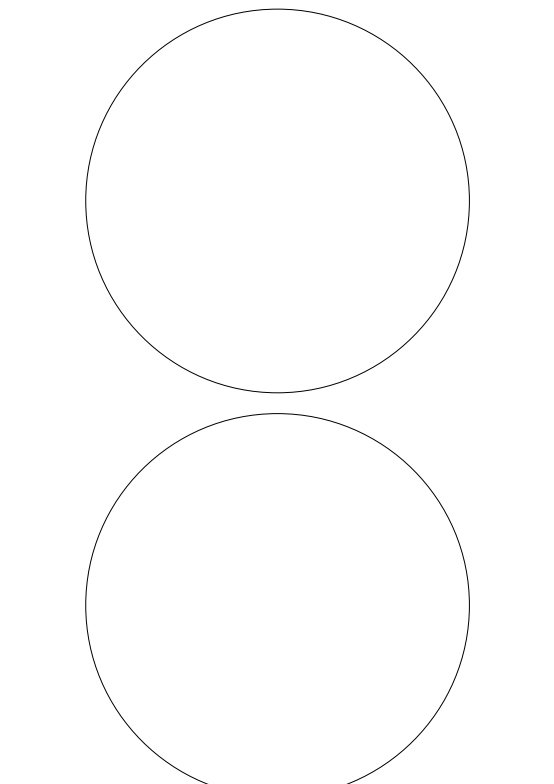
*Solomon A. Fortune* \$  
**Solomon A. Fortune**

**Proposed Uses:** EDDE Type I and II, retail office, ad proposal service uses as permitted by right, under prescribed conditions and by the Optional Provisions below together with accessory uses as allowed in the MUDD zoning district (as more specifically described and restricted below in Section 3

**Maximum Gross Square Feet of Development:** Up to 3,400 (equal to the existing building square footage ( 2,398) plus up to 1,002 feet of additional square feet) square feet of gross floor area for EDDE Type I and Type II , retail office and personal service uses as permitted by right and under prescribed conditions in the MUDD zoning district subject to the limitations described in Section 3 below.

**Maximum Building Height:** Maximum building height will not exceed the height of the existing building ( the height of existing building is ± 17'-0").

**Parking:** Parking required by the Ordinance and the Optional Provision below



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PROPOSED BY THE OWNERS OF  
 the Fig Tree restaurant  
 at the Lucas House

1201-1205 KENNON STREET  
 CHARLOTTE, NC

No.	Description	Date
1	REVIEW COMMENTS	11/11/19
2	REVIEW COMMENTS	12/20/19
3	REVIEW COMMENT	1/07/20

**CONCEPTUAL  
 REZONING SITE  
 PLAN**

Petition # 2019-133

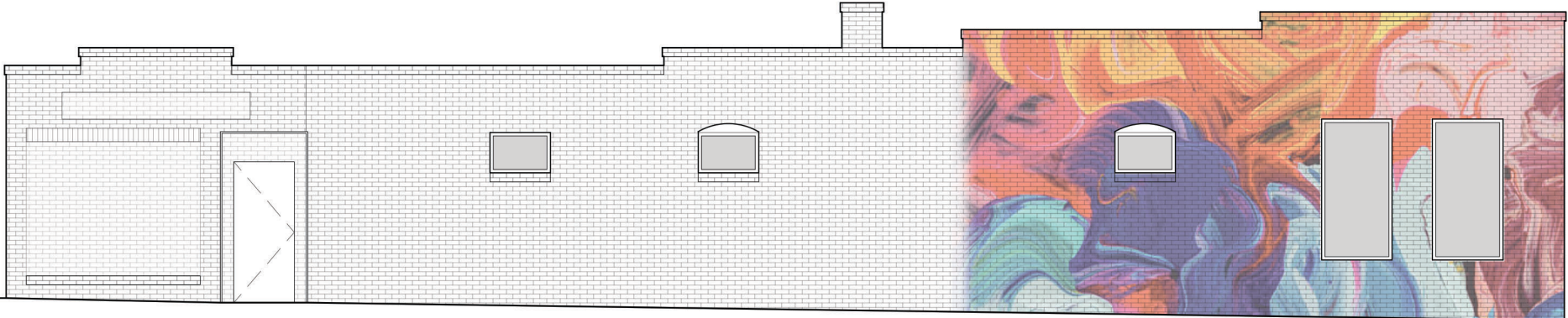
DAS Project Number  
 Date 8/28/19

**Z1.01**

Scale As indicated

Attached to Administrative  
Approval

*Solomon A. Fortune* \$F  
Solomon A. Fortune



Z1.02  
wall  
treatment