

REQUEST	Current Zoning: R-4, single family residential Proposed Zoning: O-1(CD), office, conditional
LOCATION	Approximately 0.71 acres located on the west side of West Sugar Creek Road across from Munsee Street. (Council District 1- Maddalon)
SUMMARY OF PETITION	The petition proposes to allow the conversion of an existing single family residential structure for general and/or medical office purposes.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	James P. Ngo and Yen M. Ngo James P. Ngo and Yen M. Ngo Fred Gore
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. This petition is found to be inconsistent with the <i>Central District Plan</i> based on information from the staff analysis and the public hearing; however, to be reasonable and in the public interest, by a 6-0 vote of the Zoning Committee (motion by Commissioner Allen seconded by Commissioner Labovitz).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Under Building Data, the petitioner has noted existing building area (1,025-square feet) and possible future addition (256-square feet). 2. The setback and side yards have been corrected on the site plan. 3. The petitioner has removed the third bullet under General Provisions and placed under new heading Permitted Uses. 4. The following sentence has been removed from the third bullet paragraph under General Provisions that stated: <i>"The petitioner's intent for this rezoning is to allow for this property to be used for small, professional service firms or neighborhood medical offices."</i> 5. A note has been added under General Provisions allowing the existing structure to be used as a single family house in the event it is not used for office purposes. 6. Petitioner has removed the phrase "wherever practical" from the end of the first sentence (1st bullet) under Transportation. 7. A note has been added stating the existing gravel drive will be removed and planted. 8. A five-foot wide sidewalk connecting the building to the sidewalk along West Sugar Creek Road has been added to the site plan. 9. An eight-foot planting strip and a six-foot sidewalk along West Sugar Creek Road is now shown on the site plan. 10. Curb and gutter are delineated along West Sugar Creek Road. 11. Location of trees to be saved is now shown on site plan. 12. Signage note has been clarified to state that signage on site will be a ground mounted type sign. Remainder of the note has been deleted from site plan. 13. Lighting note has been modified to state detached lighting on site will not exceed 20 feet in height instead of eight feet. Language stating that "no wall pak" lighting will be used on existing building has been removed from note. 14. Bulleted information under Other has been removed as these are required as per the ordinance. 15. Addressed CATS and CDOT comments with the following modifications: <ol style="list-style-type: none"> a. Provided the required five-foot sidewalk from the building to the public street, as per the zoning ordinance.
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- b. Provided a north arrow on the site plan.
- c. The proposed right-of-way for Sugar Creek Road is now shown and labeled on the site plan. Dedication of 50 feet of right-of-way as measured from the centerline of Sugar Creek Road to meet this requirement is noted.
- d. An eight-foot planting strip and six-foot sidewalk along the site's frontage of Sugar Creek Road are now shown on the site plan.
- e. Reference to the specific type of proposed driveway (Type II Driveway) has been removed from the site plan.
- f. Per the request of CATS, the site plan now shows a waiting pad for bus service along Sugar Creek Road. A standard design detail is also provided on the site plan.
- 16. A note has been added stating expansion and exterior revisions to the current structure will be residential in character and scale.
- 17. The general location of future addition is now shown on the site plan.
- 18. Tattoo parlors has been removed from the list of uses that are not permitted as they are not allowed in the O-1 district.
- 19. A note has been added stating the buffers will not be reduced.
- 20. The notes have been modified to follow the note standards for conditional rezoning site plans.
- 21. Transportation Note 1 is now General Provisions Note 4.
- 22. Transportation Notes have been modified to indicate the exact location and type of driveway will be determined at the time of permitting.
- 23. Transportation Notes 4, 5, and 6 (fence/wall construction, right-of-way encroachment agreement, and sight triangles) have been removed from the site plan.
- 24. New Transportation Note 3 states that the exact location of the bus waiting pad will be determined at the time of permitting.

VOTE

Motion/Second: Allen/Labovitz
 Yeas: Allen, Dodson, Eschert, Firestone, Labovitz, and Low
 Nays: None
 Absent: Ryan and Walker
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff presented this petition to the Committee, noting that all outstanding issues had been addressed and new modifications had been made to the site plan relating to removal of certain Transportation notes and clarification of notes relating to location of the CATS bus waiting pad and new driveway. A Commission member asked about the development note allowing the existing structure to be used as a single family house in the event it is not used as an office. Staff responded that single family homes are permitted in the O-1 district, and that the conditional avoids issues with permitting, violations and creating nonconformities.

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:
 - Allows general and medical office uses only. Check-cashing services or a sweepstakes/gaming centers, electronic or otherwise, will not be allowed. Existing structure may be used as a single-family house in the event it is not used for office purposes.

- Future additions to existing structure must be to rear of the building, and added square footage will not exceed 25% of the existing square footage of the structure. Any expansion or exterior renovations to the current structure will be residential in character and scale.
 - Construct five-foot sidewalk connecting structure to sidewalk along West Sugar Creek Road.
 - Installation of new driveway to access proposed parking area in the rear of the existing structure, with exact type and location to be determined at permit. Existing gravel drive will be removed and planted.
 - Installation of a CATS bus waiting pad, with exact location to be determined at permit.
 - Proposed 12-foot Class "C" buffers along north, west, and south property lines.
 - Remove existing four-foot sidewalk and install required six-foot sidewalk and eight-foot planting strip along West Sugar Creek Road.
 - Intent to preserve all existing trees within the established front yards; only trees proposed to be removed are those in conflict with new driveway.
 - Detached lighting on the site will not exceed 20 feet in height and will be aimed internal to the site and away from adjoining properties and the public street.
- **Public Plans and Policies**
 - The *Central District Plan* (1993) recommends single family residential up to four dwelling units per acre on this site.
 - The petition is inconsistent with the *Central District Plan*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Not applicable.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Engineering and Property Management:** 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:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Proposal involves the reuse of an existing structure.

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review

Planner: Claire Lyte-Graham (704) 336-3782