



## Rezoning Petition 2013-040

### PRE-HEARING STAFF ANALYSIS

May 20, 2013

<b>REQUEST</b>	Current Zoning: R-4, single family residential Proposed Zoning: O-1(CD), office, conditional
<b>LOCATION</b>	Approximately 0.71 acres located on the west side of West Sugar Creek Road across from Munsee Street. (Council District 1 - Kinsey)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the conversion of an existing single family residential structure for general and/or medical office purposes.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition. The petition is inconsistent with the <i>Central District Plan</i> . However, the single family home is somewhat isolated due to its location between an existing institutional use to the south, and a community park to the north. The proposal would be consistent with the character of this part of the West Sugar Creek Road corridor as long as the property maintains its single family residential character.
<b>PROPERTY OWNER</b>	James P. Ngo and Yen M. Ngo
<b>PETITIONER</b>	James P. Ngo and Yen M. Ngo
<b>AGENT/REPRESENTATIVE</b>	Fred Gore
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

### PLANNING STAFF REVIEW

#### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Allow general and medical office uses only. Uses proposed include small, professional service firms or neighborhood medical offices. Tattoo parlors, check-cashing services or a sweepstakes/gaming centers, electronic or otherwise, will not be allowed.
- Installation of new driveway to access proposed parking area in the rear of the existing structure.
- Proposed 12-foot Class "C" buffers along north, west, and south property lines.
- Existing structure to remain. 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.
- 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 8 feet in height and will be aimed internal to the site and away from adjoining properties and the public street.

#### • Existing Zoning and Land Use

There currently exists on the subject site a 1,025 square-foot, one-story single family structure built in 1948. The property is isolated from residential neighborhoods within the area which are zoned R-4 and R-12MF. It is adjacent to undeveloped and recreational acreage (Sugaw Creek Community Park), which is zoned R-4, and institutional, office, and retail properties which are zoned INST(CD), O-2, and B-2.

#### • Rezoning History in Area

The abutting property to the south was rezoned from R-4 SUP to INST(CD) in order to allow 10,000 square feet of medical office and a 7,500 square-foot religious institution.

- **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*.
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**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** CATS requests that the petitioner provide a waiting pad for bus service along Sugar Creek Road. The pad may be located 50 feet beyond the proposed Type II driveway, so that a stopped bus will not block the driveway.
  - **Charlotte Department of Neighborhood & Business Services:** No issues.
  - **Transportation:** CDOT has the following comments:
    1. Provide the required five-foot sidewalk from the building to the public street, as per the zoning ordinance.
    2. Provide a north arrow on the site plan.
    3. Show and label the proposed right-of-way for Sugar Creek Road. Sugar Creek Road is designated as a major thoroughfare according to the MUMPO Thoroughfare Plan and requires a minimum of 100 feet of right-of-way. CDOT requests that the petitioner dedicate 50 feet of right-of-way as measured from the centerline of Sugar Creek Road to meet this requirement.
    4. Provide an eight-foot planting strip and six-foot sidewalk along the site's frontage of Sugar Creek Road.
    5. Remove the reference to the specific type of proposed driveway (Type II Driveway) from the site plan, and allow for the specific driveway type to be determined during the driveway permit process.
  - **Vehicle Trip Generation:**  
Current Zoning: 10 trips per day.  
Proposed Zoning: 40 trips per day.
  - **Connectivity:** No issues
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
  - **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.
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**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**

- The petitioner should:
  1. Under *Building Data* note existing building area (1,025 square feet) and possible future addition (256 square feet).
  2. Show and label a 30-foot front setback as required per Section 12.102(1) of the zoning ordinance. Show and label 10-foot side yards. Amend Development Data to reflect the correct front setback and side yard requirements.

3. Remove third bullet under General Provisions and place under new heading Permitted Uses.
  4. Delete the following sentence from the third bullet paragraph under General Provisions that states: *"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."*
  5. Add a note 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. Remove the phrase "wherever practical" from the end of the first sentence (1<sup>st</sup> bullet) under Transportation.
  7. Note the existing gravel drive will be removed and planted.
  8. Provide a five-foot wide sidewalk connecting the building to the sidewalk along West Sugar Creek Road.
  9. Provide an eight-foot planting strip and a six-foot sidewalk along West Sugar Creek Road.
  10. Delineate curb and gutter along West Sugar Creek Road.
  11. Show location of trees to be saved.
  12. Clarify note under Signage to include that signage on site will be a ground mounted type sign.  
Delete remainder of the note.
  13. Amend note under the heading of Lighting to state detached lighting on site will not exceed 20 feet in height instead of eight feet. Remove language "no wall pak" lighting will be used on existing building.
  14. Delete bulleted information under "Other" as these are required as per the ordinance. In addition, 10-foot buffer reference is incorrect.
  15. Address CATS and CDOT comments.
  16. Add note that expansion and exterior revisions to the current structure will be residential in character and scale.
  17. Show general location of future addition and ensure that the required parking can be met on the site. The location of the existing structure and proposed parking area limit the possible areas of expansion.
  18. Tattoo parlors should be removed from the list of uses that are not permitted as they are not allowed in the O-1 district.
  19. Add a note that the buffers will not be reduced.
  20. All notes should follow the note standards for conditional rezoning site plans.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- 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

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