

REQUEST	Current Zoning: R-12MF (multi-family residential) Proposed Zoning: O-1(CD) (office, conditional)
LOCATION	Approximately 0.65 acres located on the east side of West Sugar Creek Road between North Tryon Street and Penny Way. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes the reuse of a 1,603-square foot existing structure to allow general office uses.
PROPERTY OWNER	Dona M. Patterson
PETITIONER	Dona M. Patterson
AGENT/REPRESENTATIVE	None
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1.
STATEMENT OF CONSISTENCY	<p>This petition is found to be inconsistent with the <i>Northeast District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends multi-family uses for the site. <p>However, this petition is found to be reasonable and in the public interest based on information from the staff analysis and the public hearing, because:</p> <ul style="list-style-type: none"> • It allows the reuse of the existing residential structure for an office, retains the residential character of the structure, and serves as a transition between the cemetery and the residential land uses; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Labovitz).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 7-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Note 5 has been removed from the plan. 2. Note 1 has been removed from the plan. 3. The current use has been updated to reflect a single family home. 4. The five-foot sidewalk from the existing structure to the public sidewalk system has been shown. 5. The possible dumpster location has been shown. 6. The proposed driveway has been shown with one-way access. 7. A note has been added that the existing structure shall remain and any reference to a new structure has been removed. 8. A note has been added that attached and detached lighting will be downwardly directed. Detached lighting will be limited to a height of 15 feet.
--------------------------------	---

VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Ryan/Labovitz</td> </tr> <tr> <td>Yeas:</td> <td>Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan, and Walker</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>None</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Ryan/Labovitz	Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan, and Walker	Nays:	None	Absent:	None	Recused:	None
Motion/Second:	Ryan/Labovitz										
Yeas:	Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan, and Walker										
Nays:	None										
Absent:	None										
Recused:	None										

ZONING COMMITTEE DISCUSSION	Staff reviewed the petition and noted that there were only three outstanding issues from the public hearing. At the hearing on this petition, the petitioner stated that they would resubmit their site plan with the requested changes prior to Council decision on this petition. The revised site plans were submitted a few hours before the Zoning
------------------------------------	---

Committee Work Session and staff had not had time to review them. The Zoning Committee waived the rules to allow the petitioner to address the outstanding issues.

The petitioner, Dona Patterson, indicated that the following issues had been addressed on the revised site plan:

- A note was added that the existing structure would remain and remove any reference to a new structure.

Note 10 was modified to read: "Attached and detached lighting will be downwardly directed. Detached lighting will be limited to a height of 15 feet." Staff noted that a variance is needed for the width of the buffer next to the home and that this petition would not move forward to City Council for a vote until the petitioner had been through the variance process. 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**• Background**

- A conventional rezoning request (Petition 2009-075) for office uses was filed for the subject site in 2009. A public hearing was held for the petition and the Zoning Committee made a recommendation of denial, but several members commented that they could support the rezoning if a conditional request was submitted. The petitioner made a request to indefinitely defer the petition to have a conditional site plan developed. The petitioner has requested that petition 2009-075 be withdrawn.

• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Reuse of a 1,603-square foot existing structure to allow general office uses.
- The existing single family structure will remain.
- The maximum building height is 40 feet.
- A 12-foot Class "C" buffer will be provided abutting residential zoning.
- Blank walls of more than 15 feet in length are prohibited and will be broken up by using doors and windows.
- Attached and detached lighting will be downwardly directed and detached lighting will be limited to 15 feet in height.
- The existing sidewalk along West Sugar Creek Road will remain.

• Public Plans and Policies

- The *Northeast District Plan* (1996) recommends multi-family residential uses for the subject property.
 - This petition is inconsistent with *Northeast 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.
- **Charlotte Water:** 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 issues.
 - **Urban Forestry:** No issues.
-

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*.
 - This site meets minimum ordinance standards.
-

OUTSTANDING ISSUES

- The petitioner should:
 1. File a variance and receive approval prior to City Council decision on this petition to allow the encroachment of the existing structure into the required 12' foot buffer.
-

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- 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
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Solomon Fortune (704) 336-8326