

REQUEST	Current Zoning: NS, neighborhood services Proposed Zoning: NS(SPA), neighborhood services, site plan amendment
LOCATION	Approximately 5.09 acres located on the north side of Nolley Court near the intersection of Nolley Court and Galleria Boulevard.
SUMMARY OF PETITION	The petition proposes a site plan amendment to Tract C to allow the construction of an 80-unit senior independent living apartment community, and to remove a development note prohibiting the construction of rental apartments.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Trotter Properties, LLC PIRHL Developers, LLC Peter Tatge/ESP Associates, PA
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. This petition is found to be consistent with the <i>Independence Boulevard Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Lathrop seconded by Commissioner Eschert).

ZONING COMMITTEE ACTION	The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modification: 1. The petitioner correctly labeled "Sardis Road North" on the site plan.
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VOTE	Motion/Second: Allen/Phipps Yeas: Allen, Eschert, Johnson, Labovitz, Lathrop and Phipps Nays: None Absent: Griffith Recused: None
ZONING COMMITTEE DISCUSSION	Staff presented this item to the Committee. A Commissioner inquired about the elevations and staff clarified that the proposed buildings would look like those depicted in the elevations attached to the site plan. There was no further discussion of this request.
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**
The site in question is part of a larger 17.38-acre parcel that was rezoned in 2005 (rezoning petition 2004-022) in order to allow the construction of a multi-use, pedestrian-friendly development consisting of up to 30,000 square feet of commercial uses (Tracts A and D), up to

54,000 square feet of office uses (Tracts A, B, and D), and up to 93 multi-family residential units (Tract C). The approved site plan allows any use permitted in the R-17MF zoning classification (that is also permitted in the NS zoning classification), prohibits a hotel, drive through facilities, or convenience or gas sales facility on certain tracts within the development, and prohibits rental apartments on Tract C.

- **Proposed Request Details**

- The site plan amendment contains the following changes:
 - Removes development note prohibiting a rental apartment community.
 - Retains note that allows any use permitted in the R-17MF zoning district that is also allowed in the NS zoning district.
 - Permits the construction of an independent senior living apartment community with up to 80 units.
 - Redesigns layout to accommodate independent senior living apartment community, including buildings and parking area.
 - Allows a maximum building height of 45 feet and up to three stories in association with the proposed independent senior living apartment community. Retains note from rezoning petition 2004-022 requiring that the height of any building conform to the development standards of the R-17MF zoning district, but in no event shall exceed 45 feet in height. The height of any building within 40 feet of the exterior property line shall not exceed 30 feet in height or contain more than three stories.
 - Site amenities to include covered picnic area, gazebo with sidewalk access to main entry of the building, and seating areas.
 - On-site parking proposed at one space per dwelling unit in accordance with NS district requirements.
 - Elect to install a fence, berm or wall in designated areas along the western property line to supplement the 20-foot landscape area.
 - The following transportation improvements are proposed:
 - Completion of Nolley Court to connect to Sardis Road North with proposed street stub connection to the property to the west. This includes installation of 6-foot sidewalks and eight-foot planting strips along both sides of the street.
 - Proposed vehicular and pedestrian access easement to abutting property.
 - Construction of a right turn lane improvement at Nolley Court and Sardis Road North, with language seeking relief in the event additional right-of-way is required and the petitioner is unsuccessful in acquiring the necessary right-of-way.
 - Dedication via plat of additional right-of-way along the westernmost property line, adjacent to the proposed extension of Nolley Court.
 - Installation of an approved traffic calming device within the proposed extension of Nolley Court, with its design approved by CDOT.
 - Provision of an approximate 40' x 8' wide raised pedestrian island near the intersection of Sardis Road North and Maple Shade Lane (east of Maple Shade Lane) intended to enhance pedestrian crossing of Sardis Road North.
 - Reduces the percentage of brick materials required for buildings on Tract C from 75 percent as previously approved to 50 percent.
 - All buildings throughout site will contain windows or faux window treatments as replacement for windows which face the internal public street and any large expanses of uninterrupted walls for these buildings will be avoided through the introduction of articulated facades and/or other specially designed architectural elements.

- **Public Plans and Policies**

- The *Independence Boulevard Area Plan* (2011) recognizes the residential component approved with rezoning petition 2004-022 and recommends residential up to 17 dwelling units per acre.
- This petition is consistent with the *Independence Boulevard Area Plan*.

- **Staff Recommendation (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **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 comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
 - **Urban Forestry:** No issues.
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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*.
 - Minimizes impacts to the natural environment by building on an infill lot.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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