

**Rezoning Petition 2013-071****ZONING COMMITTEE RECOMMENDATION**

January 6, 2014

REQUEST	Current Zoning: R-3, single family and INST(CD), institutional, conditional Proposed Zoning: INST(CD), institutional, conditional and INST(CD) SPA, institutional, conditional, site plan amendment
LOCATION	Approximately 24.80 acres located on the west side of Sharon Road between Eastburn Road and Hazelton Drive. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes to rezone approximately 24.80 acres to allow the expansion of a senior independent and dependent living facility consisting of 336 independent units, three single family independent units, 40 assisted living units and 96 skilled nursing beds via both the renovation of existing and addition of new units, beds and common areas.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	The Presbyterian Home at Charlotte, Inc. The Presbyterian Home at Charlotte, Inc. John Carmichael, Robinson Bradshaw and Hinson P.A.
COMMUNITY MEETING STATEMENT OF CONSISTENCY	Meeting is required and has been held. Report available online. The existing independent and dependent care facility of this petition is found to be consistent with the <i>South District Plan</i> (1993) while the small portion of the site developed with single family homes is inconsistent with the plan, and to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, by a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Labovitz).
ZONING COMMITTEE ACTION	The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications: <ol style="list-style-type: none">1. The maximum building height for the apartment-style independent living structures has been provided on the site plan.2. The number of existing independent living units and beds have been labeled on the site plan under the site data table.3. A detail of the proposed ornamental fence has been provided.4. A note has been added that the petitioner will submit plans for the sign, fence, and landscaping to the Fair Meadows Home Owners Association and provide a letter of approval from the Home Owners Association to the Charlotte-Mecklenburg Planning Department, before submitting for Commercial Plan review.5. A note has been added that the petitioner will submit landscaping plans for the corner of Sunnybrook Drive and Eastburn Drive to the appropriate Homeowners Owners Associations and provide a letter of approval from the Home Owners Associations to the Charlotte-Mecklenburg Planning Department, before submitting for Commercial Plan review.6. A note has been added that an encroachment agreement for the proposed fence in the right-of-way will be sought with the Charlotte Department of Transportation.7. The site plan has been modified that any proposed fence or landscaping material will comply with the required sight triangles.

VOTE	Motion/Second: Yea:	Ryan/Labovitz Allen, Dodson, Eschert, Labovitz, Low, Ryan, and Walker
	Nays:	None
	Absent:	None
	Recused:	None
ZONING COMMITTEE DISCUSSION	Staff presented the petition to the Zoning Committee and noted the outstanding issues had been addressed. One Commissioner had a question about the curve in Sharon Road and how this petition affected traffic. Staff responded that the petitioners agree to dedicated right-of-way along Sharon Road and that the dedication will help with possible future roadway plans to modify the curvature of the road. Staff also noted that the petition would have a minor effect on the existing road network. 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 22.8-acre portion of the subject site was last rezoned in 2001 (Petition 2001-007) to INST(CD) (institutional, conditional) to allow the development of 52 new residential units and bring the overall total to 372 units on site.
- As a part of prior development, a 50-foot class C buffer was installed adjacent to the existing single family homes surrounding the site. Where the existing structures encroached in the 50-foot buffer near Sunnybrook Drive, a variance was granted on December 28, 1999 to reduce and/or eliminate the buffer.

• Proposed Request Details

- The site plan accompanying this petition contains the following provisions:
 - The existing 372-room independent and dependent unit living facility will remain.
 - All existing and established buffers will remain as required by previous rezoning.
 - Five new proposed independent living buildings (Buildings A-E) containing 336 apartment-style independent living units.
 - Total of 96 skilled nursing beds (40 new and 56 renovated), 18 special care beds and 22 assisted living beds.
 - Three single homes will remain on Eastburn Road and Sunnybrook Drive and will be converted to independent living units. Existing structures will continue to front and address the relevant adjacent street, and driveways serving these parcels will not serve any other parcel.
 - Elevations provided for the new apartment-style independent living buildings.
 - Height of the new proposed apartment-style independent living buildings will be limited to three stories over a one story structured parking facility.
 - Proposed new apartment-style independent living buildings will have a maximum finished floor elevation.
 - A skilled nursing care addition will be added to one of the existing buildings located in the center of the site.
 - The new nursing and special care building addition will be limited to three stories in height over a one story structured parking facility.
 - The proposed expansion to the dining room and wellness center (common area) is limited to two stories.
 - A 40-foot setback will be established along Sharon Road, Eastburn Road and Sunnybrook Drive, for new structures.
 - An eight-foot planting strip and five-foot sidewalk will be installed along the frontage of the three existing single family homes along Eastburn Road and Sunnybrook Drive. Sidewalk may meander to avoid conflict with existing trees.
 - The construction entrance for the main campus will be located on Sharon Road. The existing individual driveways of the detached homes shall serve as the construction entrance for those structures.

- Construction vehicles serving the site will be prohibited from parking on any streets located in the adjacent Fair Meadows or Laurel Woods subdivision. The 50-foot class C buffer will not be reduced (in accordance with Section 12.302) adjacent to the residentially zoned property with the exception of the area where the Zoning Board of Adjustment granted a variance.
- Dumpsters will not be utilized for trash service for the new independent living units.
- Roof top mechanical equipment will be screened from the public-right-of-way and the abutting properties as viewed from grade.
- The fence located at the terminus of Pendleton Avenue will be replaced with an ornamental fence prior to the first certificate of occupancy for any new building or addition.
- Vehicular access to the site via Pendleton Avenue is prohibited but pedestrian access is permitted.
- Landscaping will be installed at the corner of Sharon Road and Eastburn Road. A landscape plan has been submitted showing all vegetation out of any required sight triangles.
- Landscaping and a berm will be installed adjacent to the residentially zoned property northwest of the site.
- The Fair Meadows subdivision entry sign will be replaced in addition to landscaping, tree plantings, and decorative fencing.
- Variance request to allow a portion of the existing single-family structure to encroach into the 40-foot setback along Eastburn Road and Sunnybrook Drive and to allow removal of a portion the 50-foot class C buffer along Sunnybrook Drive to allow an existing single-family home to remain. (The variance was granted by the Zoning Board of Adjustment on November 26, 2013. The variance eliminated the 50-foot buffer and reduced the 20-foot side yard to 11 feet.)
- Signage will be prohibited at the southeastern corner of the site between the intersection of Sharon Road and Eastburn Road and new Building B.
- A conditional note that construction activities may not occur on Sundays and will only be allowed from 7 a.m. to 6 p.m. on Monday through Saturday.
- A conditional note that construction material and equipment will not be allowed to be stored on the lots of the single family residential homes included in the proposed development.
- A Charlotte Area Transit System waiting pad will be constructed along Sharon Road.
- Detached lighting will be limited to 25 feet in height. Attached lighting fixtures on new buildings and building additions will be decorative, capped and downwardly directed.
- A detail of the proposed ornamental fence.
- A note that the petitioner will submit plans for the sign, fence, and landscaping to the Fair Meadows Home Owners Association and provide a letter of approval from the Home Owners Association to the Charlotte-Mecklenburg Planning Department, before submitting for Commercial Plan review.
- A note that the petitioner will submit landscaping plans for the corner of Sunnybrook Drive and Eastburn Drive to the appropriate Homeowners Owners Associations and provide a letter of approval from the Home Owners Associations to the Charlotte-Mecklenburg Planning Department, before submitting for Commercial Plan review.
- A note has been added that an encroachment agreement for the proposed fence in the right-of-way will be sought with the Charlotte Department of Transportation.

- **Public Plans and Policies**

- The *South District Plan* (1993), as amended by rezoning Petition 2001-007, recommends institutional uses for the majority of the subject property.
 - The *South District Plan* (1993) recommends single family development for the three existing single family homes zoned R-3 (single family residential).
 - The proposed expansion area for the three existing single-family homes along Sunnybrook Drive and Eastburn Drive is inconsistent with the *South District Plan*, however; the expansion for the existing institutional uses is consistent with the *South District Plan*.
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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 Police Department:** The petitioner should adjust the screening trees along Sharon Road to provide 75 percent visibility. (Note: Shrubs are required by the zoning ordinance along the perimeter of parking lots to provide a 100 percent screen.)
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte-Mecklenburg Utilities:** 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.
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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*.
 - This site meets minimum ordinance standards.
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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 Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Police Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

Planner: Solomon Fortune (704) 336-8326