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| REQUEST | Current Zoning: R-3 (single family residential) Proposed Zoning: INST(CD) (institutional, conditional) |
| LOCATION | Approximately 10.01 acres located on the east side of Providence Road between Lakeside Drive and Kuykendall Road. (Council District 7 - Driggs) |
| SUMMARY OF PETITION | The petition proposes to allow the development of a three-story, 134-suite, dependent living facility with a total square footage of approximately 120,000 square feet. |
| PROPERTY OWNER | Margaret K. Bissell heirs (Sue Bissell Peck, Barbara Bissell Lindstedt, and William Bissell) and Roy E. Lindstedt |
| PETITIONER | Hawthorn Retirement LLC, Mark D. Lowen/Daniel S. Roach – Lenity Architecture |
| AGENT/REPRESENTATIVE | Lenity Architecture, Inc., Mark D. Lowen/Daniel S. Roach |
| COMMUNITY MEETING | Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 27 |
| STATEMENT OF CONSISTENCY | This petition is found to be inconsistent with the <i>South District Plan</i> but to be reasonable and in the public interest, based on information from the staff analysis and the public hearing by a 6-1 vote of the Zoning Committee (motion by Commissioner Walker seconded by Commissioner Labovitz). |

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| ZONING COMMITTEE ACTION | <p>The Zoning Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Amended note 2a to refer to Section 9.503 and specify the type of "Home for the Aged" units as dependent units. The petitioner added the following language for clarity, "except for the two independent units, for management staff only, not for rental purposes." 2. Amended note 4a to specify a maximum proposed building height of 44 feet, which is more restrictive than the 45 feet requested by staff. 3. Placed an X over note 5c; the note will be removed completely with final plan submission. 4. Amended note 6a to reflect the amount of tree save provided as specified in the Development Data on sheet 2/3. 5. Provided additional building articulation and step downs along the southeastern and northern building façades. 6. Revised the Site Section A-A to reflect the current site design. 7. Deleted references to Lots A and B in the data table and amended site acreage under the data table to show the proposed acres to remain R-3 and proposed acres to be rezoned. 8. Amended the Providence/Kuykendall perspective drawing and explained it is for representational purposes and to refer to the preliminary landscape plan for exact trees and plantings. 9. Clarified the use of vinyl by stating the prohibition will not include soffits and windows. 10. Added a note to each sign location on the landscape plan stating that they will be subject to a separate permit. 11. Added the required eight-foot planting strip along Providence Road to the Preliminary Landscape Plan. 12. Amended note 8a to limit the height of freestanding lights to 16 feet, which is more restrictive than the 20 feet requested by staff. 13. Clarified "non-peak hours" by specifying the hours of 7am-9am and 4pm-6pm. |
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14. Added the proposed CATS waiting pad to the Preliminary Landscape Plan.
15. Removed the "Undisturbed Natural Area" label located on the lower edge of the Preliminary Landscape Plan at the Kuykendall driveway.
16. Clarified the conflict between the "Undisturbed Natural Area" labels and the 46-foot Class C buffer that is being planted along the northern property line in common with the abutting property by removing the "Undisturbed Natural Area" labels and adding a note stating "Work within the buffer area limited to planting additional trees and shrubs for benefit of neighboring property owners."
17. Labeled the sidewalk around and extending from the covered well to the sidewalk along Kuykendall Road shown on the lower right hand corner of the Preliminary Landscape Plan.
18. Amended site plan to reflect a required 50-foot Class C buffer instead of the 46-foot Class C buffer.
19. Removed unneeded sheets in the site plan packet.
20. Added note 8b for garage lighting.
21. Added overhang foliage to the retaining wall on the landscape plan and site sections.

VOTE

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| Motion/Second: | Walker/Labovitz |
| Yeas: | Walker, Labovitz, Sullivan, Nelson, Allen, Dodson |
| Nays: | Ryan |
| Absent: | None |
| Recused: | None |

ZONING COMMITTEE DISCUSSION

One commissioner stated they felt the proposed building was out of scale for the area and that they also had concerns that the amount of grading would eliminate the existing trees. They said the trees shown in the plan would take many years to grow to appear as they do in the images provided. Even though there is a lot of land between the building and the neighborhood to the rear, the building sits up on a hill and it will be visible to those neighbors. The commissioner continued by saying it seemed that this was just a building from somewhere else that was placed on the site. It does not relate to the site in terms of grading, context, mass and location of parking. This commissioner felt the use is needed in Charlotte but the project does not fit the area.

Another commissioner said one of her considerations was the site was 10 acres and large portion is being reserved. This development does not create the traffic issues that other types of development could create. Charlotte Latin is a large facility but it is also on a large site. The commissioner felt this was the best use for the site.

One commissioner's concern was the visual impact of the building from a driver's perspective going down Providence Road. Another commissioner asked staff about the justification of the massing of the building. Staff responded by explaining that the zoning for Charlotte Latin would allow buildings up to 40 feet and this building is limited to 44 feet. Additionally, the site is 10 acres with the building pushed up to the street and away from the single family homes, thus reducing the impact to the homes. The large tree save area and preserved and proposed trees provide a buffer to the neighboring homes and visual barrier.

One commissioner stated they struggled with the design even though the land use is appropriate. Another commissioner said one thing that made a difference was the project would have a lesser impact on traffic than other uses.

MINORITY OPINION

The minority of the Zoning Committee felt the proposed building was out of scale and context for the area and expressed concern about the impact the grading would have on the existing trees. Newly planted trees would take years to grow and, due to the elevation difference, would leave the proposed building exposed to the neighborhood to the rear.

STAFF OPINION

Staff agrees with the recommendation of the majority 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 for the development of a dependent living facility with up to 134 suites within a 124,000-square foot building.
- Limits building height to three stories and 44 feet.
- A total of 81 parking spaces provided via surface parking and two garages providing six spaces each.
- Reserves 3.0 acres as an undisturbed tree save area.
- Access to site provided on Providence Road and Kuykendall Road.
- Limits service truck access to Providence Road entrance and delivery times to non-peak hours.
- Supplements the required Class C buffer by providing additional conifer trees along the northern property line in common with the abutting property.
- Provides step-downs in the building architecture from three stories to one and two stories, varying rooflines, patios and balconies, and asymmetrical building shape to provide a residential feel and appearance.
- Building material consisting of stucco, horizontal siding with brick, brick veneer, stone or simulated stone. Vinyl siding is prohibited as an exterior building material.
- Extensive landscaping utilizing existing and new vegetation.
- Usable outdoor open space and amenity areas.
- CATS bus waiting pad in front of the site along Providence Road.
- Directs the stormwater runoff into two separate stormwater facilities, one in the front of the building and one in the rear.
- Freestanding lighting limited to 16 feet in height with full cut-off type fixtures.
- Additional pavement provided along Kuykendall Road to accommodate future transportation improvements.
- Exceeds minimum development standards by providing side and rear yards greater than the 20 feet required by the Zoning Ordinance.

- **Public Plans and Policies**

- The *South District Plan* (1993) recommends single family residential for the subject property.
- The petition is inconsistent with the *South District Plan*. However, area plans do not typically recommend locations for institutional uses and these uses are considered on a case-by-case basis.

Senior living facilities are an institutional use designed to fit into a residential setting, and are considered to be compatible with single family residential neighborhoods. This type of use has a low impact with respect to noise and traffic due to the nature of the residents. The concentrated building footprint of the proposed development allows for perimeter landscaping, buffers and a large undisturbed tree save area. The site's location on Providence Road, a major thoroughfare, and Kuykendall Road, a minor thoroughfare, is appropriate for an institutional use such as the proposed facility.

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 issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **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.
 - **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*.
 - Protects environmentally sensitive areas by providing a large, undisturbed tree save area that exceeds the minimum Zoning Ordinance standards. Splits the site's stormwater runoff into separate stormwater facilities and creek drainage basins.
 - Minimizes impacts to the natural environment by concentrating the building footprint and parking areas close to the front of the site allowing the rear of the property to be left undeveloped.
 - Facilitates the use of alternative modes of transportation by providing a CATS bus stop along Providence Road.
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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
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation 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
- Urban Forestry Review

Planner: John Kinley (704) 336-8311