

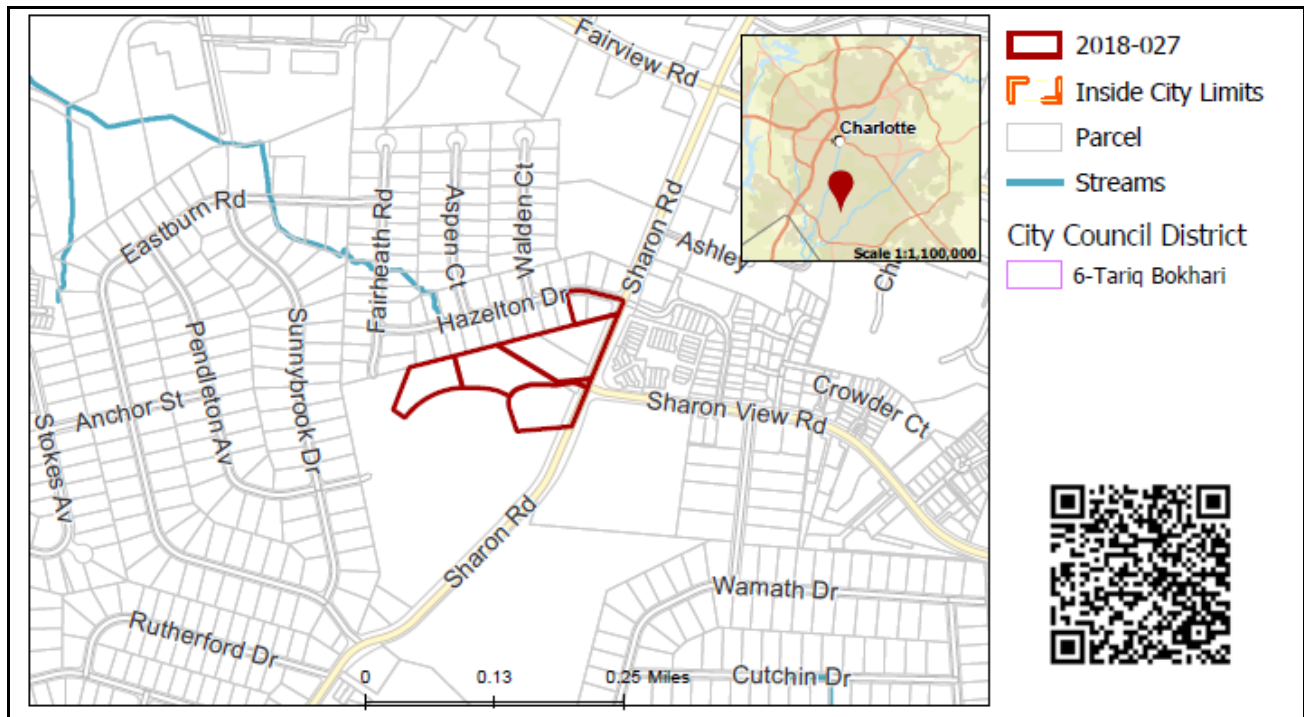
**REQUEST**

Current Zoning: INST(CD) (institutional, conditional) and R-3 (single family residential)

Proposed Zoning: INST (CD) SPA (institutional, conditional, site plan amendment), MUDD-O (mixed use development, optional), and R-3(CD) (single family residential, conditional) with five-year vested rights.

**LOCATION**

Approximately 8.025 acres located on the west side of Sharon Road, west of the intersection of Sharon View Road (Council District 6 - Bokhari)



**SUMMARY OF PETITION**

The petition proposes redevelopment of a portion of the Sharon Towers campus to allow independent living and a mixture of uses to serve the residents and general public.

**PROPERTY OWNER**

The Presbyterian Home at Charlotte, Inc. and Marshall Glenn and Arlene P. Kerns

**PETITIONER**

Sharon Towers

**AGENT/REPRESENTATIVE**

Bridget Grant and Jeff Brown, Moore & Van Allen, PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 45.

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

- The *South District Plan* calls for institutional uses on the southern portion of the site and single family residential uses on the northern portion of the site.
- The portion of the site proposed for age-restricted residential and institutional uses (Development Areas A, C and D) is consistent with the Plan recommendation for institutional use.
- The portion of the site proposed for open space (Development Area E) is consistent with the Plan.

- The portion of the site proposed for a mix of office, retail and commercial uses (Development Area B) is inconsistent with the Plan recommendation for institutional and single family uses.

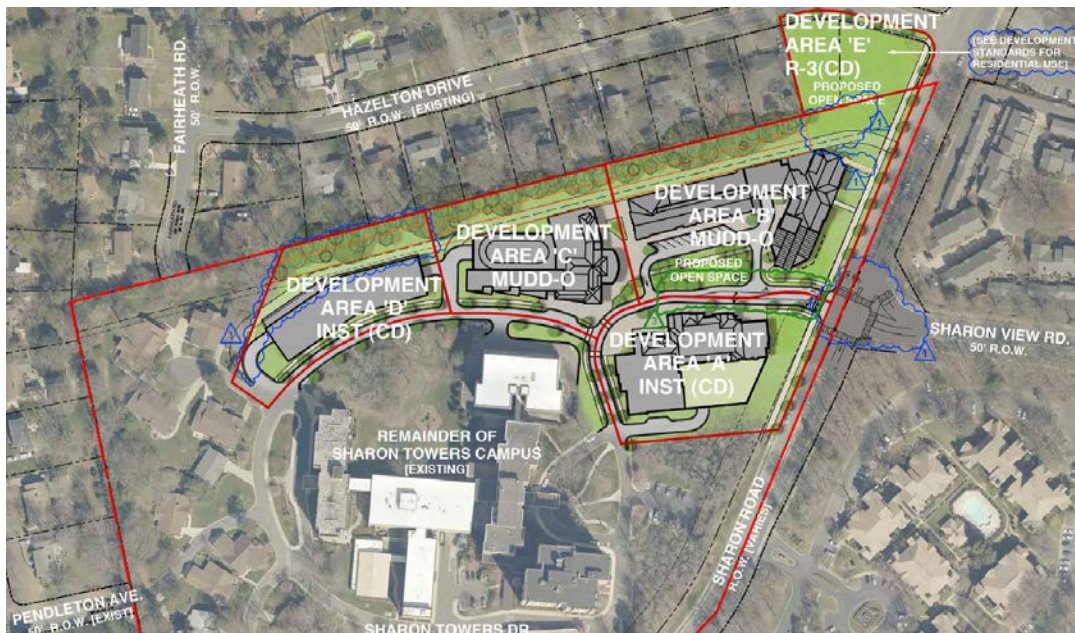
Rationale for Recommendation

- The development plan creates a well-integrated mixed use place in a pedestrian-oriented and walkable environment that supports the goal of building neighborhoods with housing options and access to daily needs and services.
- The age-restricted residential uses represent an expansion of the existing and long-standing principal use of senior housing and associated senior care facilities.
- The mix of office, personal service and commercial uses provides access for residential needs and services within a pedestrian-oriented walkable environment.
- The proposed and restricted office, personal service and commercial uses ensures that the mixed use development will operate as an integrated part of the senior care facility and not as a standalone commercial development.
- The open space provides needed public space within the SouthPark area and serves as a transition and buffer between the development and the adjacent single family neighborhood to the north.
- The landscaped buffers, side yards and building height transitions adjacent to existing single family uses provide appropriate protection of the adjoining single family neighborhoods similar to institutional standards.

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

- The petition proposes to allow age restricted, independent living and a mixture of uses to serve the residents and general public. The request includes five development areas:
  - Areas A and D proposed for INST(CD) (institutional, conditional).
  - Areas B and C proposed for MUDD-O (mixed use development, optional)
  - Area E proposed for R-3(CD) (single family residential)



The site plan accompanying this petition contains the following provisions:

#### Land Use

- Allows up to 130 age restricted dwelling units overall.
- Areas A and D – Limited to age restricted residential units.
- Area B – Minimum of 12 age restricted residential units, 7,100 square feet of office use, 14,900 square feet of retail, non-office commercial, personal service and Type 1 and Type 2 EDEE uses, 4,000 square feet performance/theater/conference space with up to 250 seats and a greenhouse. Specifies that retail and EDEE uses shall have hours of operation limited to 6 am and 12 am and delivery services shall be internal to the site and not by way of the Hazelton residential edge.
- Area C – Minimum of eight age restricted residential units, 34,000 square feet indoor recreation uses operated on a membership basis with members age 50 and older and their permitted guests.
- Area E – two existing single family residential homes may remain until ~~building Area B develops~~ **whichever date is earlier: three years after the date of issuance for the first building permit for the first building on the site or September 30, 2022**, at which time Area E will be limited to open space. Specifies that once open space is created the petitioner will provide regular lawn, landscape and sidewalk maintenance.
- Allows the conversion of retail, non-office commercial, personal service and EDEE uses into office uses at a rate of one square foot of such uses converted to a total of 2,000 square feet of office uses for a total up to 9,100 square feet of office uses.
- **Provides a detailed list of expressly prohibited uses.**

#### Building height

- Area A – maximum 78 feet.
- Area B – maximum 58 feet at the 60-foot building side yard/separation from northern property line, and maximum of 78 feet at minimum 10-foot step back.
- Area C – maximum 60 feet at 60-foot building side yard/separation from northern property line, and maximum of 72 feet at minimum 10-foot step back.
- Area D – maximum 65 feet at 68.75-foot building side yard/separation from northern property line, and maximum of 72 feet at minimum 10-foot step back.
- Area E – per R-3 zoning standards (base height of 40 feet) for single family use until area is redeveloped for open space.
- **Specifies that chimney features and other architectural accent features may be up to ten feet higher than the maximum height of the building to which such features are attached and that the clock tower feature may exceed the ten foot referenced limit.**
- **Limits the number of accessory buildings to a total of five with a maximum height of 25 feet.**

#### Site and building design

- Buffers
  - Area B – 25-foot undisturbed buffer, plus a 15-foot replanted buffer with enhanced plantings and a fence (total of 40 feet of buffer).
  - Area C – 25-foot undisturbed buffer, plus a 15-foot replanted buffer with enhanced plantings and a fence (total of 40 feet of buffer).
  - Area D – 48.75-foot buffer with enhanced plantings and fence, 25-feet of the buffer to be undisturbed.
  - Specifies that the buffers for Area B, C and D will be maintained to a Class B standard using a combination of ~~eight~~ **three**-inch caliper or greater existing trees along with supplemental tree plantings to achieve eight trees per 100 linear feet.
  - Provides a 60-foot side yard/building separation between the northern property line and Development Areas B and C and a 68.75 separation between the northern property line and Area D all containing the buffers described above and a 20-foot fire lane.
- Architecture
  - Specifies that balconies above the first floor may encroach up to four feet into the setback along Sharon Road. Outdoor dining canopies and awnings on buildings may encroach up to 10 feet into the setback.
  - Specifies that parking structures will be designed to screen the view of cars through the use of landscaping, and walls of at least 36 inches in height, and that parking structure screening along the Hazelton residential edge will be opaque to prevent view of cars and headlights. **Specifies that driveways between Development Areas C and D will be screened by an opaque wall or fence to prevent view of cars and light emittance from the residential edge.**
  - Provides design standards related to building orientation, use of clear glass, limitation of blank walls, building separation, percentage of windows and doors, percentage of masonry materials, etc.; and provides annotated, illustrative, conceptual renderings.

- Specifies that flashing, marquee signage, and tv screen type messaging signs are prohibited. LED and other similar technology may be used to provide lighting for signs.
- Commits to a minimum of 16% tree save across the entire Sharon Towers Campus.
- Provides a commitment to install a neighborhood entrance sign for the Laurelwood neighborhood.
- Specifies limits on lighting associated with the fire lane along the northern property line.
- Provides a number of construction phase commitments related to hours of outdoor construction activities, cleaning of sidewalks and streets, and staging of construction vehicles, and prohibits construction staging in Area E except as it relates to work specifically on Area E and adjacent sidewalks and streetscapes.

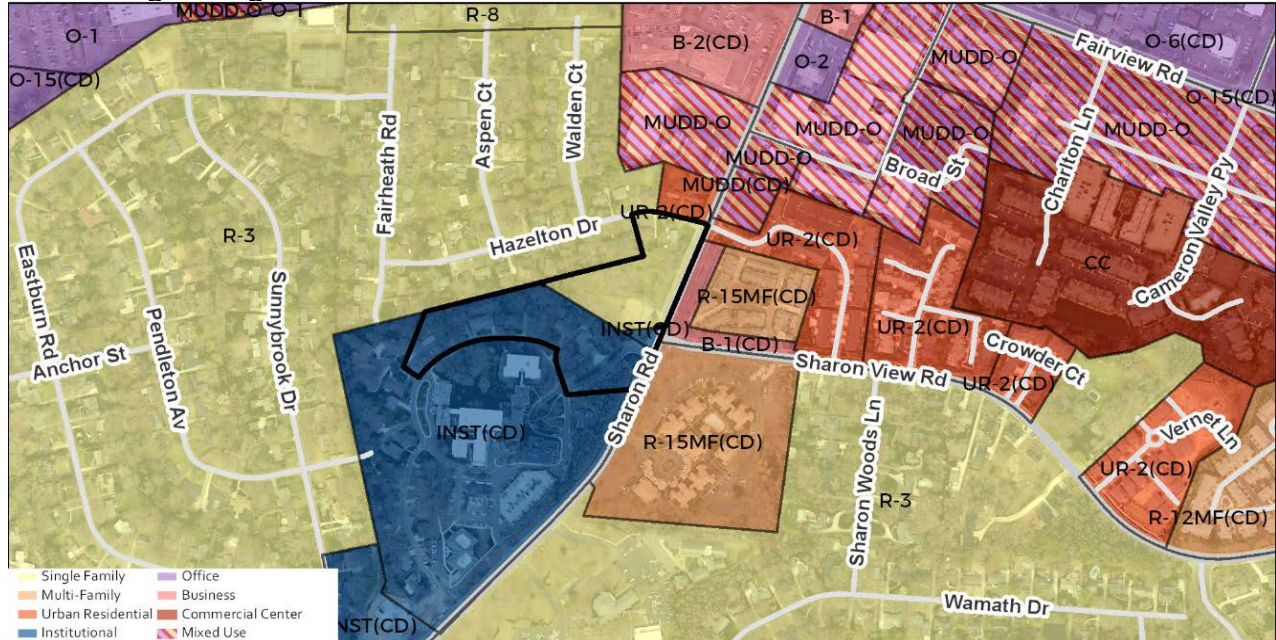
#### Transportation

- Commits to realignment of the access into the Sharon Towers campus with the Sharon Road/Sharon View Road intersection.
- Provides a number of improvements to intersection of Sharon Road/Sharon View Road including increasing lane storage and changes to the pedestrian crossings.
- Provides a 10-foot planting strip and 10-foot sidewalk along Sharon Road frontage within a 40-foot setback from the right-of-way for Areas A and E and a 60-foot setback from the existing/future back-of-curb for Area B.
- Provides an eight-foot planting strip and six-foot sidewalk along Hazelton Drive and commits to internal sidewalk and crosswalk network with a minimum width of six feet.
- Commits to further extend the streetscape improvements along the north side of Hazelton Drive made by Saussy Burbank in petition 2017-131, to include an eight-foot planting strip and six-foot sidewalk on the frontage of parcel 179-01-162 and portion of 179-01-161 contingent upon coordination with the property owners. If the petitioner is unable to meet the obligation then the funds for the proposed extension up to sum of \$15,000 will be used to support improvements to the Hazelton open space petitioner will install improvements to the Hazelton Open Space area to include items such as benches, seating areas, walking paths, pedestrian scale lighting, hardscape and/or similar items.

#### Requested Optional Provisions – Areas B and C only

- To the extent that is needed for clarity, internal streets and driveways shall be treated as private driveways and as such parking shall be allowed between such driveways and buildings located within the MUDD-O zoned development areas.
- Allows surface parking between the buildings and streets during construction staging and phasing of development.
- Allows the fire lane and associated curb cut along Sharon Road to be used for construction access during development phases, subject to CDOT and Charlotte Fire Department approval.
- Allows one detached, ground mounted sign up to six-feet in height, containing up to 60 square feet in area A or B on Sharon Road. Allows one additional detached, ground mounted sign along Sharon Road up to four feet in height and 32 square feet in area. The Ordinance would limit the height of all ground mounted signs to five feet and the area to 20 square feet.
- Allows temporary signs and/or banners with up to 64 square feet in area and maximum height of seven feet. A total of two temporary planned development signs may be erected along the site frontage of Sharon Road, but not along the edge of buildings that face toward the residential edge. The Ordinance would limit the number of temporary signs to one.
- Eliminate the required recessed doors when the abutting sidewalk that is greater than 10 feet.
- Allow long term bike parking to be located within parking decks.

• Existing Zoning and Land Use



- The southern and western portions of the site were previously rezoned by petition 2013-071 for an INST(CD) SPA (institutional, conditional, site plan amendment). The rezoning included some expansion and redevelopment.
- A portion of the site is currently zoned INST(CD) (institutional conditional), and is developed with homes for the aged. Another portion at the corner of Sharon Road and Hazelton Drive is zoned R-3 (single family residential), the part of a long Sharon Road is vacant, and the part along Hazelton Drive is developed with two single family homes.



- North of the site are single family homes, zoned R-3 (single family residential) zoning along Hazelton Drive.



- East of the site across Sharon Road are townhomes and condominium developments in R-15MF(CD) (multi-family residential, conditional) zoning.

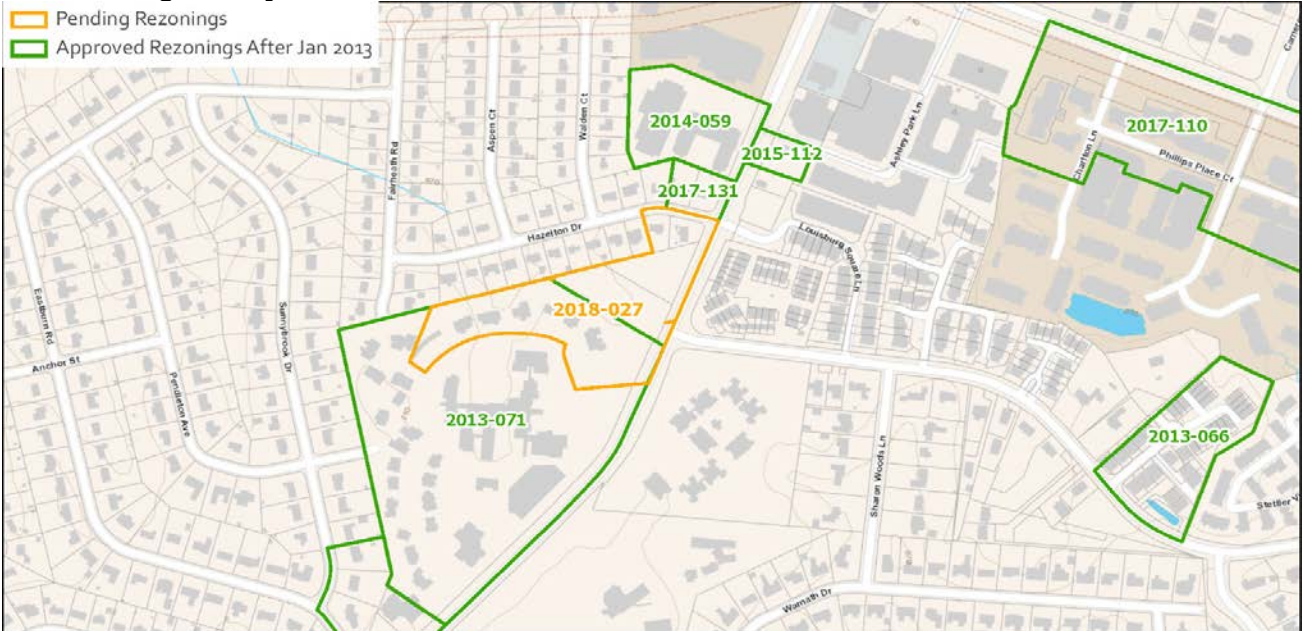


- South of the site are the existing Sharon Towers campus buildings.



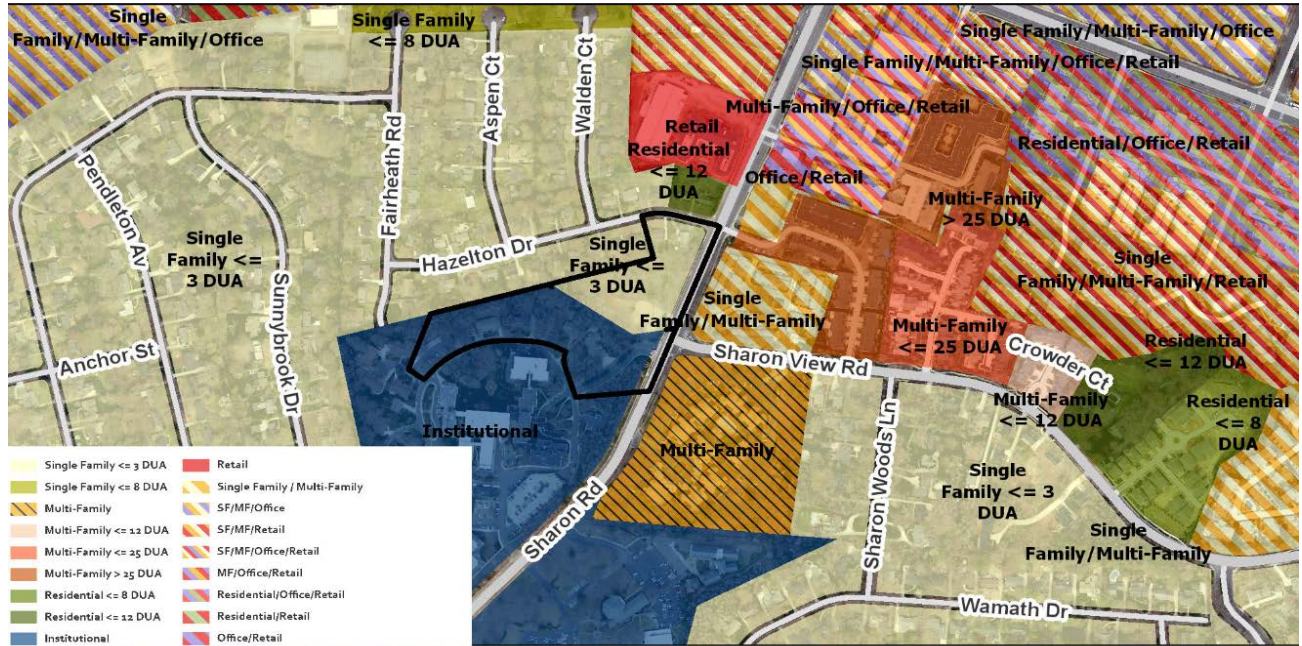
- West of the site are single family homes in R-3 (single family residential) zoning along Fairheath Road.

• **Rezoning History in Area**



Other than the prior rezoning and site plan amendment for the Sharon Tower campus, there have been several rezonings north of the site to UR-2(CD) to allow residential and townhome developments, and a number of rezonings to MUDD-O to allow mixed use development in the SouthPark Activity Center.

• **Public Plans and Policies**



- The *South District Plan* (1993) calls for institutional land uses for most of the subject property. For a portion of the property at the northeast corner, the plan calls for single family residential land use at a base density of three dwellings per acre.
- **TRANSPORTATION CONSIDERATIONS**
  - This site is located along a major thoroughfare. The site commits to installing 10-foot planting strip and 10-foot sidewalk along Sharon Road frontage and transportation improvements at Sharon Road and Sharon View Road. ~~The current site plan does not create a way for bicyclists to enter from Pendleton Avenue, or show existing streetlights to be upgraded. Additionally, CDOT would like the petitioner to update the conditional notes to specify a one-way-in access for Area B on the site plan.~~
  - See ~~Outstanding Issues, Notes 2-3 and Requested Technical Revisions, Notes 10-11.~~
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 135 trips per day (2 single family homes, 9 senior attached dwellings).
      - Entitlement: 580 trips per day (based on nine single family homes in R-3 and 132 senior attached homes).
    - Proposed Zoning: 3,960 trips per day (based on 130 senior attached homes, 33,925 square-foot health/fitness center, 4,000 square-foot performance venue, 7,100 square feet of office, 8,450 square feet of retail, and 6,450 square feet of restaurant).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No on street parking if unable to maintain 20-foot unobstructed access at all times for CFD.
- **Charlotte-Mecklenburg Schools:** The proposed non-residential and age restricted residential uses will not impact the number of students.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing eight-inch water distribution main located along Sharon Road. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. A Capacity Assurance application has been received and is currently under review. Correspondence will be maintained with the applicant.

- **Engineering and Property Management:**
  - **Arborist:** No trees can be removed from the public right-of-way of any existing or newly created city maintained street without explicit authorization from the City Arborist or his designee. The location of structures, driveways, and other items illustrated on the site plan are conceptual in nature; City Council approval of the rezoning site plan does not confirm or imply authorization by the City Arborist to remove any tree located in a public street right-of-way.

Trees cannot be planted in the right-of-way of all existing City of Charlotte maintained streets without authorization from the City Arborist or his designee. Contact the City Arborist's office to discuss trees species to be planted in the right-of-way of all City of Charlotte maintained streets; species must be approved before planting. ~~See Outstanding Issues, Note 1-~~
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## OUTSTANDING ISSUES

A number of commitments have been added to the site plan as result of negotiations with the adjacent neighborhood representatives. Staff has provided a list of minor changes to the petitioner (e.g. typographical amendments and clarifications) that the petitioner's agent has committed to address. Staff provided a list of other items that were added to the revised site plan that staff had concerns about enforcement. The petitioner committed to addressing these concerns as well.

*After the Zoning Committee vote the petitioner and staff continued to work on the items that were an enforcement concern; the petitioner also continued to negotiate with the neighborhood on these items. The final development standards have been revised to address the issues regarding enforcement consistent with the commitments in the existing 2013 zoning for Sharon Towers.*

### Environment

1. ~~Submit a tree survey for all trees two inches in diameter at breast height (DBH) or larger located in the public right-of-way. Tree survey may be completed by landscape architect, surveyor, or other land development professional.~~ *Addressed, petitioner has stated a tree survey will be provided prior to decision.*

### Transportation

2. ~~Revise the site plan and conditional note(s) to create a way for pedestrians and bicyclists to enter from Pendleton Avenue.~~ *CDOT rescinded this request after discussions with the petitioner related to potential impacts on existing Sharon Towers residents.*
3. ~~Add a conditional note and show on the site plan a one-way in access from the driveway into development area "B."~~ *Addressed.*

### Site and Building Design

4. ~~Add an optional provision for the proposed setback encroachments for balconies and outdoor dining canopies and awnings subject to CDOT approval.~~ *Addressed.*

## REQUESTED TECHNICAL REVISIONS

### Site and Building Design

5. ~~Label the possible retaining wall on the conceptual site section sheet RZ-7A and 7B.~~ *Addressed.*
6. ~~Amend the development standards to provide a development area summary table that is legible.~~ *Addressed.*
7. ~~Amend the development area summary table heading for maximum height at setback to read "Maximum height at Building side yard/ separation from common boundary" to avoid confusion with the 68.75 separation for Area D.~~ *Addressed.*
8. ~~Amend the development summary table and any related conditional notes to change references to "setback" along the northern property line to "side yard/separation" to provide consistency in language.~~ *Addressed.*

### Land Use

9. ~~Amend Note 3b under Permitted Uses to clarify that the conversion is at a rate of "one square-foot of such uses to one square-foot of office."~~ *Addressed.*

### Transportation

10. ~~Revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT requests right-of-way set at two feet behind back of sidewalk where feasible.~~ *Addressed.*
11. ~~Revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly~~



described in site plan notes. **Not Addressed.** The petitioner's agent stated in their response to the pre-hearing staff analysis that the development standards in Section 4.c. reflect their commitment which states: "All transportation improvements listed above will be substantially completed in conjunction with the development of the Site and prior to issuance of the first certificate of occupancy for the first new building on the Site permitted by this plan; except implementation of the streetscape improvements in Development Area A, which will be implemented when redevelopment of Development Area A occurs and prior to issuance of the first certificate of occupancy for the first building in Development Area A."

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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Pre-Hearing Staff Analysis
- Post Hearing Staff Analysis
- Zoning Committee Recommendation
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Housing and Neighborhood Services Review
  - Charlotte Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** John Kinley (704) 336-8311