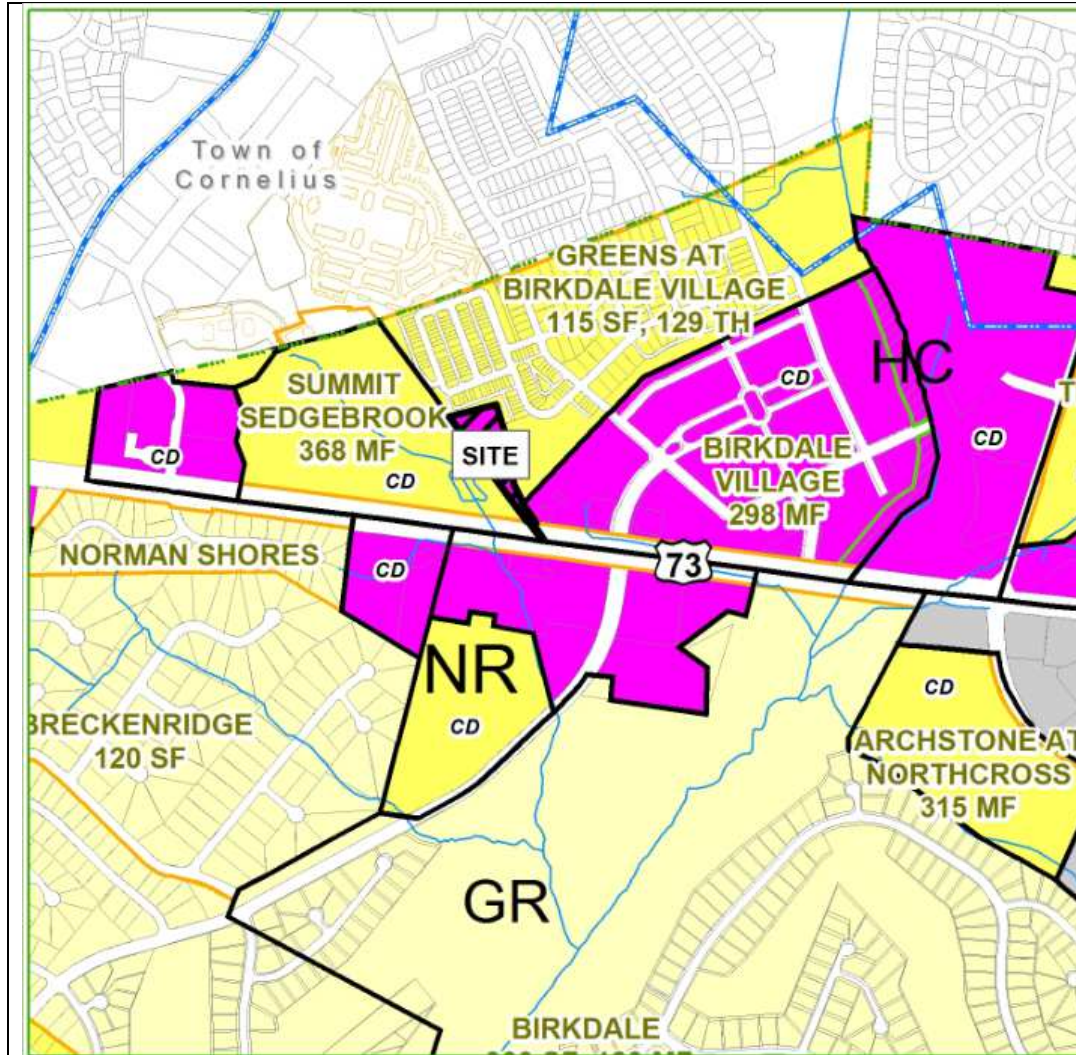


Petition R17-04 Sam Furr Senior Apartments Conditional District Rezoning

PART 1: PROJECT SUMMARY



Applicant: Nickel Development Group, LLC

Property Owner: Nickel Development Group, LLC

Property Address: 8541 Sam Furr Road

Project Size: (+/-) 2.024-acres

Parcel Numbers:

00537401

Current Zoning: Highway Commercial Conditional District (HC-CD) Birkdale Inn 16 Room Hotel

Current Land Use: Vacant

Proposed Zoning:

Highway Commercial Conditional District (HC-CD) Sam Furr Sr Apartments 78 Units.

Proposed Land Use:

78 unit multi-family apartment

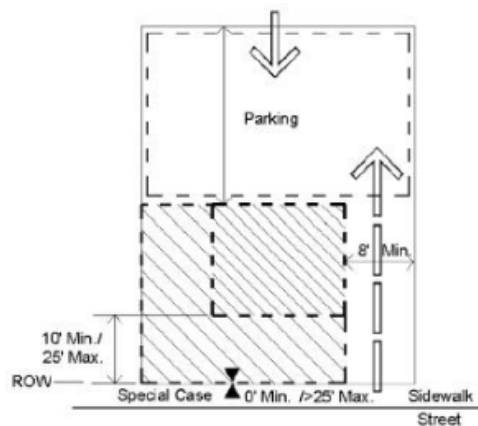
1. Purpose: Rezone 2.024 acres near the intersection of Sam Furr Road and Birkdale Commons Parkway (west of Birkdale Village) from Highway Commercial Conditional District (HC-CD) to Highway Commercial Conditional District (HC-CD) to allow for a 78 unit age-restricted apartment building.
2. Adjoining Zoning and Land Uses.
 - North: Neighborhood Residential (NR) –Townhomes and Single-family homes (Greens at Birkdale).
 - South: Highway Commercial (HC) – Commercial and Office.
 - East: Neighborhood Residential (NR) and Highway Commercial (HC) –Townhomes/ Single-family homes also Commercial and Office (Birkdale Village).
 - West: Neighborhood Residential (NR) – Apartments (Summit Sedgwick).

3. The Parcel is currently approved for a 16 room boutique hotel. This was approved as Rezoning R08-09 Birkdale Inn (Attachment E).
4. A neighborhood meeting was held on Wednesday, July 12, 2017. The complete meeting summary is provided in Attachment D. Questions/concerns centered mainly on the building height, parking, and buffers.
5. Notice for this rezoning petition was given via letters sent to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property.

PART 2: REZONING/SITE PLAN ISSUES

Due to the unique shape of the parcel the developer is requesting several modifications to requirements of the Zoning Ordinance:

- Article 4: Lot Type/Apartment Building - 1. Buildings shall be placed within the zone represented within the hatched area (10' to 25').

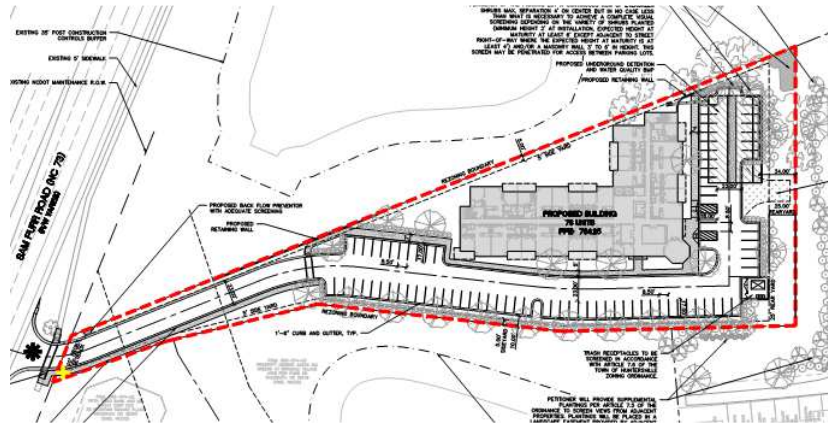


2. In most cases, the build to line will be 15' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback. In urban conditions, apartments may be set up to the property line at the sidewalk, including corner conditions.

The Developer is requesting to set the building at 388' feet from the ROW.

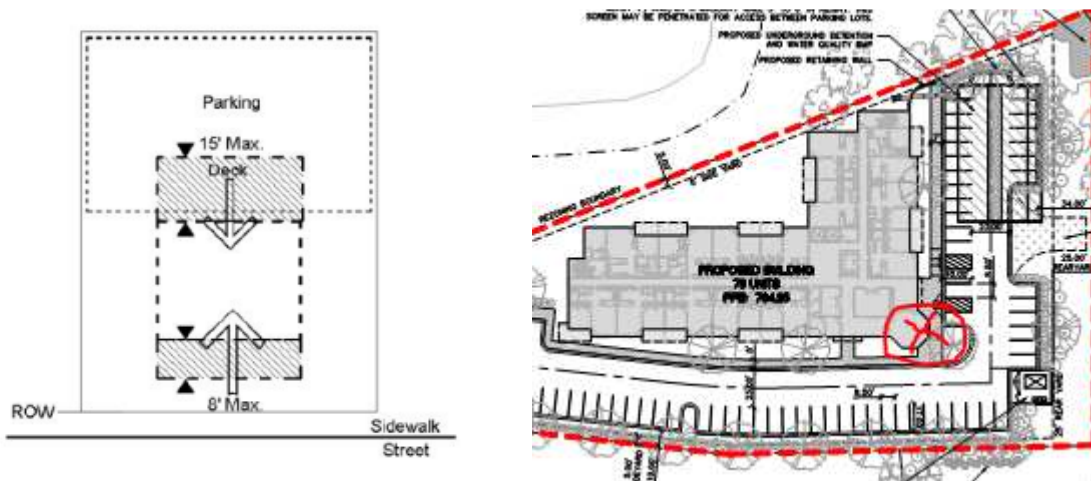
COMMENT: Due to the unique shape of the property Staff supports this modification.

- Article 4: Lot Type/Apartment Building – 4. Parking shall be located to the rear of the building. The Developer is requesting that parking be allowed between the building and the public right-of-way.



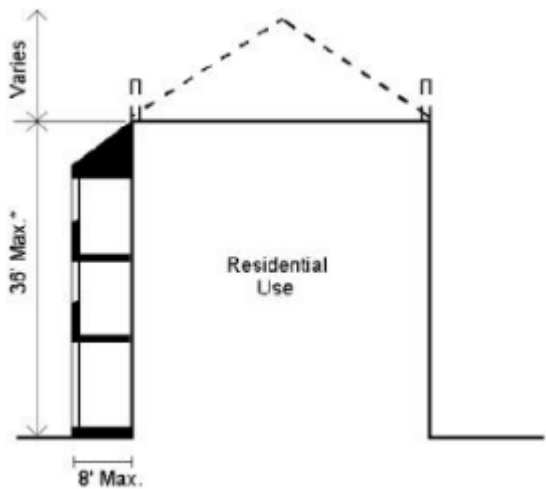
COMMENT: Due to the unique shape of the property Staff supports this modification.

- Article 4: Encroachment/Pedestrian Access – 4. Main pedestrian access to the building and to individual units is from the street (indicated by larger arrow), unless specifically exempted by one of the provisions of Section 8.1. Secondary access may be from parking areas (indicated by smaller arrow). The Developer is requesting that the main pedestrian entrance be allowed



COMMENT: Due to the unique shape of the property Staff supports this modification.

- Article 4 Permitted Height and Uses – Maximum Height 36'. The Developer is requesting to increase the height of the building to be 5 stories (55') as measured from the base of the building to the eaves.

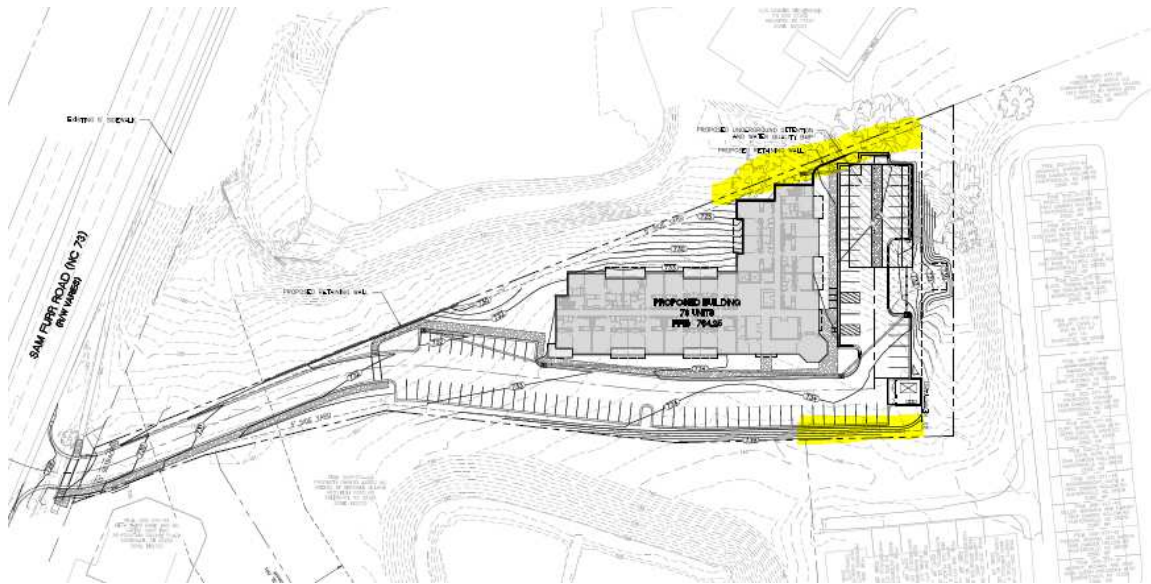


COMMENT: Due to the unique shape of the property, topography, and surrounding development (there are 3 & 4 story building nearby) Staff would support a modification to 4 stories.



- Article 7.5 Buffer Yards – Width 20’
The Developer is requesting to reduce the buffer width to 5’ on the western and to 10’ on the eastern boundaries.

Residential	Any Major residential subdivision abutting a property zoned residential or developed residential, not internal to a planned community [4]	20 ft.	3 trees per 1,000 sf. of buffer area, 25% large maturing, 25% small maturing, 25% evergreen	10 shrubs per 1,000 sf., 100% evergreen
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COMMENT: Staff recommends that a 20' buffer be provided in the areas highlighted and that the modification be supported in the areas adjacent to the ponds located to the east and west of the subject property.

The Developer is offering to limit garbage pick up to the hours of 1P.M. until 5P.M. Monday thru Friday in order to limit noise and disturbance to the adjacent property owners.

COMMENT: Staff supports this condition.

The rezoning plan has been reviewed and can be approved as noted pending the rezoning hearing.

PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

Based on the land use and intensity proposed, a TIA is not required.

Site Plan Comments

- All comments have been addressed.

PART 4: ADEQUATE PUBLIC FACILITIES (APF)

Under the provisions of the APF Ordinance, all residential development greater than twenty (20) lots are required to receive a "Determination of Adequacy (DOA)" for the following public facilities: Fire Facilities, Fire Vehicles, Police Facilities, Police Vehicles, Indoor Park and Recreation Facilities, and Parks Acreage. The proposed CD Rezoning met the required threshold for submission of an APF application, and the proposed development is subject to the requirements of the APFO.

A Determination of Adequacy (DOA) has been issued for the following public facilities: Fire Vehicles, Fire Facilities, Police Facilities, Police Vehicles, Indoor Park & Recreation Facilities & Park Acreage (see Attachment C).

PART 5: REZONING CRITERIA

Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents”.

COMMENT: The 2030 Huntersville Community Plan supports this project through the following sections:

- **Policy H-5: Senior Housing.** Encourage housing options which accommodate senior citizens (e.g. age restricted/retirement communities, congregate care/assisted living facilities,) allowing seniors to remain in the community.
Comment: The proposed development provides senior housing within the Birkdale area.
- **Policy H-9: Future Residential Development.** Higher intensity development generally within two miles of the I-77/NC 115 corridor.
Comment: The proposed CD Rezoning is located within the High Intensity Area of the 2030 Community Plan.
- **Policy PF-2: Adequate Public Facilities:** Continue use of “Adequate Public Facilities Ordinance” to ensure that demand generated by existing and future growth and development for police, fire and parks & recreation capital facilities can be met by available supply of facilities.
Comment: see Part 4 of this report.

Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: “in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:

1. **Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.**

COMMENT: The proposed Conditional District Rezoning for the Sam Furr Senior is supported by the 2030 Comprehensive Plan, as the property is located within the area eligible for intensification. The proposal is also appropriate for the area by introducing a new senior living option to the housing market. Staff has concern with the building height of 5 stories and would recommend a maximum height of 4 stories.

2. **The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.**

COMMENT:

- A Transportation Impact Analysis was not required – see Part 3 of this report.
- The APF Ordinance Determination of Adequacy was met – see Part 4 of this report.
- Storm water drainage, water supplies and wastewater and refuse disposal and a Willingness-to-serve letter must be provided by Charlotte Water, as well as PCO-1 storm water approval from Mecklenburg County.

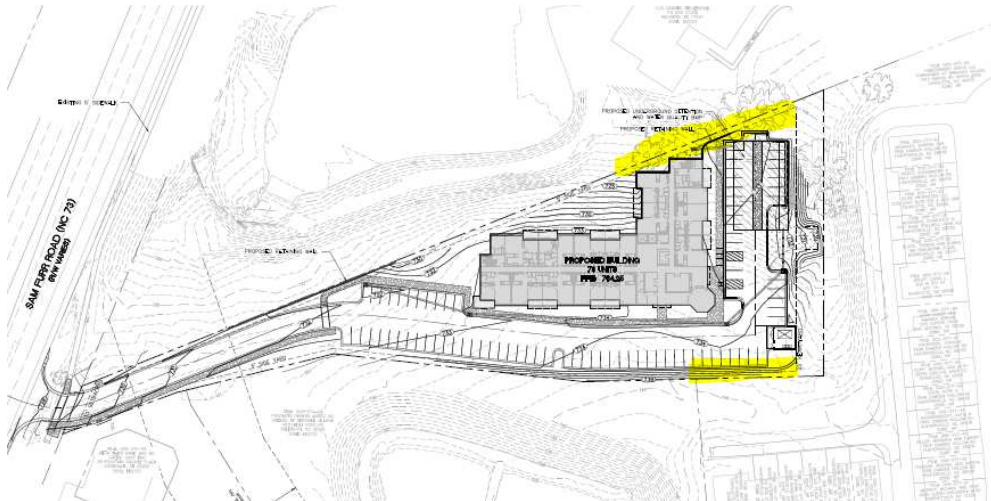
3. Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource.”

COMMENT: Planning staff has no indication that the request will adversely affect known archeological, environmental, historical or cultural resources.

PART 6: STAFF RECOMMENDATION

The Sam Furr Senior Apartments Conditional District Rezoning Plan can be supported by staff subject to the following:

- The height of the building be reduced to 4 stories.
- A buffer of 20' is provided in the areas highlighted below which area adjacent to neighboring structures and that a modification to the buffer requirement be granted along the areas that are adjacent to the two ponds.



PART 7: PUBLIC HEARING COMMENTS

Public Hearing scheduled to be held on Monday, August 7, 2017.

PART 8: PLANNING BOARD RECOMMENDATION

Planning Board scheduled to review on August 22, 2017.

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

- A - Rezoning Application
- B - Rezoning Plan
- C - APFO Determination
- D - Neighborhood Meeting Report from July 12, 2017.
- E - R08-09 Birkdale Inn

PART 10: CONSISTENCY STATEMENT - R 17-04 Sam Furr Senior Apartments

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed rezoning application R17-04; Sam Furr Senior Apartments Conditional District Rezoning, the Planning staff recommends conditional approval (building height of 4 stories and modification of buffers) as it is consistent with Policy Goals H-5, H-9, and PF-2 of the 2030 Community Plan. The property is also located within two miles of I-77 corridor (see Part 5).</p> <p><u>With those provisions, it is reasonable and in the public interest to approve the Conditional District Rezoning Plan because the request is consistent with the 2030 Community Plan.</u></p>	<p>APPROVAL: In considering the proposed rezoning application R17-04; Sam Furr Senior Apartments Conditional District, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>.</p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>	<p>APPROVAL: In considering the proposed rezoning application R17-04; Sam Furr Senior Apartments Subdivision Conditional District, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u>.</p> <p><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>
<p>DENIAL:</p>	<p>DENIAL: In considering the proposed rezoning application R17-04; Sam Furr Senior Apartments Conditional District, the Planning Board recommends denial based on <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>.</p> <p><u>It is not reasonable and not in the public interest to amend the approved Rezoning Plan because... (Explain)</u></p>	<p>DENIAL: In considering the proposed rezoning application R17-04; Sam Furr Senior Apartments Conditional District, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference)</u>.</p> <p><u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></p>