
REQUEST	Current Zoning: BP(CD), business park, conditional and R-3, single family residential Proposed Zoning: BP(CD), business park, conditional, BP(CD) SPA, business park, conditional, site plan amendment and O-3(CD), office, conditional with five-year vested rights
LOCATION	Approximately 520 acres generally bounded by Interstate 485 to the north, Ballantyne Commons Parkway to the south, Rushmore Street and Community House Road to the west and east, respectively.
SUMMARY OF PETITION	The petition proposes to allow for additional development and/or redevelopment within Ballantyne Corporate Park. The additional entitlements include 1,060,000 square feet of office space, 100 hotel rooms, and 600 residential units.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of significant outstanding transportation and site plan issues. The proposed uses are consistent with the <i>South District Plan</i> , with the exception of the residential component which is being requested by staff to integrate a mix of uses within Ballantyne. The proposed building area exceeds the square footage indicated in the <i>South District Plan</i> , which reflects the existing approved rezoning plan.
PROPERTY OWNER	Numerous. See application on website.
PETITIONER	The Bissell Companies, Inc.
AGENT/REPRESENTATIVE	Jeff Brown and Keith MacVean, King & Spalding, LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online.

PLANNING STAFF REVIEW

- **Background**

- The subject site was part of the larger 2,010-acre Ballantyne rezoning approved in 1991 (rezoning petition 1991-037c) with changes and additions in 1993 (rezoning petition 1993-22c) and 1994 (rezoning petition 1994-23c). The previously approved rezonings allowed for various development components. These include two town centers, a corporate business park, neighborhood retail centers, residential planned unit development areas, and multi-family residential areas.
- This subject 520-acre rezoning contains a majority of the original 598-acre corporate business park component of the previous 2,010-acre rezoning. The original corporate business park component allowed for approximately 5,500,000 square feet of office space and 700 hotel rooms.
- Of the 78 acres from the original corporate business park component not included within this petition, a portion of this acreage was developed under two separate NS rezonings, which allowed for a total of 78,500 square feet of commercial uses. The remainder of the 78 acres has been developed under the original zoning of BP(CD) with approximately

120,000 square feet of office/retail uses and a 118-room hotel.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- 2,625,000 square feet of all uses permitted by right or under prescribed conditions in the BP district (260,000 square foot increase over the existing estimated entitlement of 2,365,000 square feet) and 200 hotel rooms within Corporate Park West located west of Highway 521 and north of Ballantyne Commons Parkway.
- 3,900,000 square feet of all uses permitted by right or under prescribed conditions in the O-3 district (800,000 square foot increase over the existing estimated entitlement of 3,100,000 square feet), 600 hotel rooms, and 600 residential units within Corporate Park East located east of Highway 521 and north of Ballantyne Commons Parkway.
- Of the 600 residential units allowed within Corporate Park East, 160 units are required to be developed prior to the final 200,000 square feet of office square footage.
- Retail uses are allowed but are not required to be integrated within the overall development.
- Provisions to allow the transfer of entitlements from one corporate park to another. This includes up to 300,000 square feet of office uses and up to 250 hotel rooms allowed to be transferred.
- Provisions to allow the conversion of one use to another. This includes converting residential units to hotel rooms, hotel rooms to residential units, and hotel rooms to additional office square footage.
- Open space will be provided in the amount of 25 percent for Corporate Park West and 32 percent for Corporate Park East. The open space areas may be used for landscaping, lawns, setbacks, screening, buffer areas, pedestrian and bicycle pathways, streets, berms, walls, fences, art features, signs and graphics, water features, drainage, water quality, storm water detention, utility lines, parks, golf courses, and other recreational facilities.
- Phased transportation improvements based on thresholds of development. These transportation improvements include the following:
 - Additional John J. Delaney improvements
 - Ballantyne Commons Parkway/Highway 521 improvements
 - North Community House and I-485 Bridge improvements

- **Existing Zoning and Land Use**

The subject property is currently developed as part of the Ballantyne Corporate Business Park and includes a mix of nonresidential uses. Interstate 485 is located north of the site. The McAlpine Creek Greenway and residential development is located west of the site and is zoned R-12(CD) and MX-2. South of the site, across Ballantyne Commons Parkway, is zoned CC and MX-1 and is occupied with a mix of nonresidential, multi-family residential and single family residential uses. Nonresidential, multi-family residential and single family residential uses are also located east of the site and are zoned NS, R-15MF(CD) and R-12PUD.

- **Rezoning History in Area**

Recent rezonings approved in the area include:

- Petition 2009-080 rezoned approximately 6.6 acres located on the northeast corner of North Community House Road and Ballantyne Commons Parkway to NS SPA to increase the allowed commercial square footage by 11,000 square feet.
- Petition 2008-040 rezoned approximately 36.6 acres located north of Interstate 485 between Johnston Road and North Community House Road to CC SPA to increase the allowed retail square footage by approximately 2,400 square feet and increase the number of residential units from 140 to 260.
- Petition 2007-103 rezoned approximately 79 acres located on the northwest corner of Interstate 485 and Johnston Road to CC SPA to increase the amount of retail and office square footage, decrease the number of residential units, and allow a hotel.

- **Public Plans and Policies**

- The *South District Plan* (1993), as amended by rezoning petition 1994-23c, recommends

office/business park land uses. The plan also reflects maximum square footages and indicates additional office square footage may be considered if light rail or other means are used to minimize transportation impacts. The plan further states that uses within the center should be fully integrated and pedestrian oriented.

- The office/business park component of the petition is consistent with the South District Plan while the residential component is inconsistent with plan.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Department of Transportation:** The proposed additional 1 million square feet of office, hotel, and residential uses will have a significant impact on the surrounding thoroughfare system. Below are transportation comments related to the petition and associated traffic study:
 - The report prepared by Kimley-Horn and Associates adequately evaluates the rezoning proposal for the condition in which all the proposed land uses are developed and all necessary transportation improvements are built. CDOT is basically satisfied with the improvements identified for this scenario; however, the proposed conditional zoning notes include development phases that are not evaluated in the study. CDOT will need additional information to confirm that each of the proposed development phases will work. Alternatively the proposed development phases could be removed from the plan.
 - The zoning notes include the possibility of exchanging hotel rooms for additional office space at a rate of 1,000 square feet per room. This could generate substantially more traffic and was not evaluated in the study. We recommend this be evaluated or removed from the plan.
 - The traffic study involves analysis of the site developed out to its current entitlements. It is unclear how much of the existing entitlement has been developed already, and therefore, how much additional traffic could be expected with the remaining entitlement.
 - The required improvements reference an exhibit that is not legible in black and white. The exhibit is also not precise in its description of the required improvements. We recommend the required improvements be described in detail in the notes.
 - The typical section for the Community House bridge design should be specified. Given that Community House is the only viable option for pedestrians and bicyclists for crossing I-485, we recommend the design include bike lanes and wide sidewalks over the bridge.
 - The Community House improvements should include the realignment of Endhaven Lane. The existing intersection is not adequate for the significantly increased volume that will occur once the bridge is constructed. The project should also complete any sidewalk gaps adjacent to the golf course, if any exist.
 - We recommend that the petitioner fund the installation of traffic signals and associated interconnect and monitoring equipment, once warranted, at:
 - Endhaven Lane and Community House Road
 - Endhaven Lane and Elm Lane
 - Community House Road between Ballantyne Commons Parkway and I-485 (location to be determined)
 - The proposed improvements include a second eastbound left-turn lane on Ballantyne Commons Parkway at Community House Road. We recommend that a note be added identifying that a pedestrian refuge median for crossings of the western approach may be substituted for the left-turn lane if approved by CDOT.
 - We recommend clarification of Note 5. While we understand that the intent of the note is to allow phases to occur out of sequence, which we could support, we interpret the note to mean that other combinations of development and transportation improvements are acceptable. .

- We recommend removal of Note 6. We understand that the intent is to allow for the issuance of certificates of occupancy (CO's) in cases where transportation projects are delayed. We interpret the note to mean that no improvements occur until all CO's in a given phase are issued.
- There are various sidewalk gaps adjacent to existing developed parcels. We recommend the petitioner give consideration to increasing the pedestrian connectivity by completing some of these gaps. These connections could include:
 - connections from Conlan Circle to the needed sidewalk on the west side of Johnston Road near Ballantyne Commons Parkway;
 - connections to the existing McAlpine Creek Greenway system on the west side of the development;
 - a continuous connection between Community House Road and Ballantyne Corporate Place (between the I-485 and the golf course)
- **Vehicle Trip Generation:**
Current Zoning: To be determined by the petitioner's traffic consultant.
Proposed Zoning: To be determined by the petitioner's traffic consultant.
- **Connectivity:** See comments above.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 31 students, while development allowed under the proposed zoning will produce 612 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is 581.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** Dedication requested of the floodplain up to the top of bank of the development, extending from Ballantyne Commons Parkway to I-485. A direct connection to the public right-of-way of Ballantyne Commons Parkway is requested. Parks and Recreation is aware of the sidewalk around the pond adjacent to Ballantyne Commons Parkway. This amenity and any storm drainage features should not be included in the greenway easement area. Parks and Recreation requests a donation of \$250,000 so that they can provide a bridge and a trail connecting the pond area adjacent to I-485 to existing McAlpine Creek Greenway. It is also requested that a 40' wide access easement to connect the future greenway on the north side of the rectangular storm water basin to the back of curb at Harney Drive and a 40' wide access easement south of the storm pond near I-485 connecting to the existing sidewalk between parcel #223-151-35 and 223-151-15.

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 providing minimum open space requirements ranging from 25 to 32 percent.

OUTSTANDING ISSUES

- The petitioner should:
 1. Provide a note which commits to integrating a certain amount of retail/restaurant uses within the Corporate Park East area.
 2. Provide a note which defines and commits to further enhancements to the pedestrian/bicycle network.

3. Modify Note J.2.b to indicate the existing amount of active/usable open space and provide a minimum amount of proposed active/usable open space which is equal to or greater than the current amount.
4. Modify Note M.1. to read "...at least ~~160~~ 200 residential dwelling units shall have been developed within Corporate Park East prior to development of the final 200,000 square feet of office square footage...".
5. Modify Note D.2.d to indicate if more than 100 hotel rooms are converted to office square footage, additional residential units will be required to be constructed prior to the development of the final 200,000 square feet of office square footage indicated in Note M.1. Additional residential units shall be constructed at a one for one ratio for every converted hotel room over 100 rooms.
6. Modify Note D.2.c to eliminate the conversion of residential units for additional hotel rooms.
7. Modify Note C.4. to reflect the wording of the existing unified development note for the Ballantyne development regarding FAR calculations.
8. Modify Note F.1.e. to read "All dumpsters ~~will be screened from public streets when viewed at grade~~ and service areas will be screened from public streets and adjoining properties".
9. Eliminate Note F.2. regarding signs and graphics. This information is provided within Note K Signage.
10. Eliminate Notes H.1. and H.2. These are ordinance minimums or are indicated within the Development Data Table.
11. Relocate Note H.3. (a, b, and c) to under Note E Transportation Commitments.
12. Eliminate Note H.3.d. The content of the note does not pertain to the heading "Driveways and Streets".
13. Modify Note I.2. to reflect resolutions with Storm Water Services regarding storm water management.
14. Define "lower decorative lighting" within Note L.1.
15. Address CDOT issues.
16. Address Mecklenburg County Parks and Recreation issues.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Parks and Recreation Review

Planner: Shad Spencer (704) 353-1132