

REQUEST	Current Zoning: R-3, single family residential Proposed Zoning: O-1(CD), office, conditional
LOCATION	Approximately 1.26 acres located on the north side of Ballantyne Commons Parkway across from Williams Pond Lane. (District 7 - Cooksey)
SUMMARY OF PETITION	The petition proposes to allow the conversion of an existing single family residential structure for all office uses as allowed in O-1.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution outstanding issues. This petition is inconsistent with the <i>South District Plan</i> . However, the proposed office use will serve as a transition from a more intense mix of commercial and multifamily residential uses further west on Ballantyne Commons Parkway to the single family residential neighborhood to the east.
PROPERTY OWNER	Lisa Hoover-Khojasteh, Mak Khojasteh
PETITIONER	Lisa Hoover-Khojasteh and Mak Khojasteh
AGENT/REPRESENTATIVE	N/A
COMMUNITY MEETING	Meeting is required and has been held. Report available online.

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Conversion of an existing two-story, 2,982 square foot single family residential home constructed in 1983 to office uses as allowed in the O-1 district.
- Provide a total of 10 parking spaces, including 1 handicap space (concrete), and two spaces via the existing two car garage. The remaining seven parking spaces will be gravel with continuous landscape timbers to contain the gravel.
- Gravel will be added to widen existing driveway accessing Ballantyne Commons Parkway.
- Provide a bicycle rack on a 126 square-foot concrete pad.
- Install a 5-foot gravel walkway to connect to existing sidewalk along Ballantyne Commons Parkway.
- Retention of existing 5-foot walkway along Ballantyne Commons Parkway.
- Class C buffers proposed abutting residential properties.
- No additional outdoor lighting to be allowed on existing structure.
- No trees will be removed from the site.

- **Existing Zoning and Land Use**

- The site contains a two-story, 2,596 square-foot single family home and a two-car garage constructed in 1983 and is surrounded predominantly by single family residential homes to the north, east and south on properties zoned R-3. To the northwest, west, and southwest, around the intersection of Ballantyne Commons Parkway and Rea Road, are a mix of multi-family, office, retail and institutional activities and uses zoned O-1(CD), O-2(CD), B-D(CD), B-1SCD, CC and INST.

- **Rezoning History in Area**

- Pending rezoning petition 2013-030 proposes to rezone an abutting property to the west and northwest consisting of approximately 7.11 acres from B-D(CD) and O-1(CD) to R-17MF(CD), to allow for the construction of 120 residential units as part of an existing multi-family development.
- Approval of rezoning petition 2012-068 rezoned approximately 1.72 acres located on the northeast corner at the intersection of Ballantyne Commons Parkway and Rea Road from B-1SCD to NS in order to allow the development of up to 8,000 square feet of any uses permitted in the NS district, with the exception that drive through service windows may not be permitted as an accessory to a restaurant.

- **Public Plans and Policies**

- The *South District Plan* (1993) recommends single family residential up to three dwelling units per acre. However, the proposed office use will serve as a transition from a more intense mix of commercial and multifamily residential uses further west on Ballantyne Commons Parkway to the single family residential neighborhood to the east.
 - This petition is inconsistent with the *South District Plan*.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** CDOT requests the following:
 - Revise Transportation Note "D" by eliminating the phrase "Type II Commercial" in order to allow the appropriate driveway type to be specified during the driveway review process.
 - **Vehicle Trip Generation:**
Current Zoning: 30 trips per day.
Proposed Zoning: 90 trips per day.
 - **Connectivity:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
 - **Charlotte-Mecklenburg Storm Water Services:** 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*.
 - Minimizes impacts to the natural environment by reusing the existing building.
 - Minimizes impacts to the natural environment by preserving all existing trees on site.

OUTSTANDING ISSUES

- The petitioner should:
 1. Revise the location of the 6-foot tall wooden privacy fence proposed along the east property line. The required Class C buffer may be reduced by 25% if a wall or fence is provided. The wall or fence must be located within the inner half of the buffer. The wooden fence may not serve as **the buffer** along the northeast property line, as indicated in Streetscape and Landscape Note B. This note must be amended appropriately.
 2. Label the required Class C buffer along all affected property lines on the site plan.
 3. Gravel may not be used between the street and building setback line to widen the existing driveway. The petitioner must use a hard pavement in this area. With respect to building setback, as per Section 12.102(1), the proposed office use must meet the same setback as the abutting residential zoning district (30' for R-3).
 4. Remove from site plan "Potential Future Connection Ref. Rezoning Petition #2008-139", and depiction of stub connection shown on abutting property Parcel ID #2250504507. Petitioner should also remove associated Transportation Note E from site plan.
 5. Address Transportation comment under Department Comments section of staff analysis.
 6. In addition to Item 5 above, ensure removal of the associated labeling from the site plan.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services 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: Claire Lyte-Graham (704) 336-3782