

<b>REQUEST</b>	Current Zoning: O-1(CD), office, conditional Proposed Zoning: UR-2 (CD), urban residential, conditional
<b>LOCATION</b>	Approximately 5.7 acres located on the north side of Ballantyne Commons Parkway between Annalexa Lane and Providence Promenade Drive North. (Council District 7 - Cooksey)
<b>SUMMARY OF PETITION</b>	The petition proposes development of up to 53 single family attached dwelling units, at a density of 8.15 dwelling units per acre.
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of this petition upon resolution of outstanding issues. The petition is inconsistent with the <i>Providence Road/I-485 Area Plan Update</i> , as amended by a previous rezoning to a nonresidential district. However, prior to the previous rezoning, the site was zoned to allow attached residential dwellings. In addition, the proposed residential development is more compatible with the surrounding residential than the currently allowed nonresidential development.
<b>PROPERTY OWNER</b>	LightWay Properties, LLC
<b>PETITIONER</b>	LightWay Properties, LLC
<b>AGENT/REPRESENTATIVE</b>	NA
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

#### **PLANNING STAFF REVIEW**

- **Background**

Approximately 6.5 acres of the subject property (Petition 2010-068) rezoned the site from UR-2(CD) (urban residential, conditional) to O-1 (office) and O-1(CD) (office, conditional) to allow a 32,000-square foot development consisting of medical office uses and a financial institution. Prior to that, 5.8 acres of the subject property were rezoned from R-3 (single family residential) to UR-2(CD) (urban residential) via Petition 2008-027 to allow 27 townhomes for sale, at a density of 4.6 dwelling units per acre.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum of 53 single family for sale, attached dwelling units.
- Maximum building height of 40 feet.
- A minimum 25 percent of each front building elevation will consist of brick, stone, or a combination thereof.
- Building materials include brick, stone and similar masonry products, stucco, wood and wood products, shake and hardi-plant and fiber cement board. Vinyl is prohibited as an exterior building material but may be used on soffits.
- The side elevation of end units will be similar to the front elevation of units in terms of exterior building materials and no blank building walls will exceed 20 feet in length.
- The exterior building materials will be varied so that no more than three individual units in the same building will have the same front building elevation.
- Flat panel garage doors will not be used.
- A 35-foot rear yard will be provided.
- Decks, porches, covered patios and balconies may encroach up to eight feet into the rear yard.
- The existing six-foot tall masonry wall along the exterior of the property will remain.
- Evergreen trees 10 to 12 feet in height at the time of planting will be planted along the western

- property boundary.
  - A 24-foot wide buffer will be provided along the northern property boundary.
  - Decorative freestanding pedestrian lighting limited to 15 feet in height will be installed throughout the development. All exterior light fixtures except street lights along public or private streets shall be capped, with full cut-off fixtures.
  - Site will be developed in three phases.
  - **Existing Zoning and Land Use**

The subject properties are zoned O-1 (office) and O-1(CD) (office, conditional) and are vacant. Surrounding properties to the north and west are zoned R-3 (single family residential) and developed with single family homes. A commercial shopping center is located on abutting property to the west in CC (commercial center) zoning. Properties on the south side of Ballantyne Commons Parkway include multi-family residential units, a commercial/shopping center, and self-storage warehouse uses in R-8MF(CD) (multi-family residential, conditional), R-12MF(CD) (multi-family residential, conditional), CC (commercial center) and B-D(CD) (business distribution, conditional) zoning.
  - **Rezoning History in Area**

There have been no rezonings in the immediate area in recent years.
  - **Public Plans and Policies**
    - The *Providence Road/I-485 Area Plan Update* (2000) was modified by previous rezoning petition 2010-068 to allow medical offices and a branch bank. Prior to the 2010 rezoning, the plan recognized single family attached uses per rezoning petition 2008-027.
    - The proposed use is inconsistent with the *Providence/I-485 Area Plan Update* as amended by a prior rezoning petition.
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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.
- **Charlotte Department of Solid Waste Services:** Show and label on-site location for garbage, recycling and bulky item collection, as required per Section 12.403 of the City of Charlotte Zoning Ordinance.
- **Transportation:** CDOT has the following comments:
  - The Subdivision Ordinance allows the existing access easement that traverses tax parcel 22511253 to be constructed as a private street. CDOT requests this connection be made by converting the existing westernmost private drive into a private street and extending it to Ballantyne Commons Parkway. This new access to Ballantyne Commons Parkway will be restricted to "right-in/right-out" via the installation of a raised concrete median at the petitioner's cost.
  - The existing access easement that traverses tax parcel 22511253 may be constructed as a private street per the Subdivision Ordinance.
  - The proposed seven-foot tall masonry wall appears to be in conflict with required sight distance triangles and needs to be placed at a location that does not impede sight distance requirements. Sight triangles need to be included in subsequent rezoning submittals at the site's required entrance to Ballantyne Commons Parkway.
  - Specify to what public street cross-section the private streets referenced in Note 1 under Transportation heading will be built.
  - Transition the proposed six-foot sidewalk along the site's frontage on Ballantyne Commons Parkway to a location that matches the existing sidewalk located on tax parcel 22535248.
  - Provide a taper of the proposed edge of pavement that will allow a planting strip as the proposed sidewalk ties to the existing sidewalk.
- **Vehicle Trip Generation:**

Current Zoning: 1,650 trips per day.  
Proposed Zoning: 370 trips per day.

- **Connectivity:** No issues.
  - **Charlotte Fire Department:** No comments received.
  - **Charlotte-Mecklenburg Schools:** No comments received.
  - **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*.
  - Minimizes impacts to the City's tree canopy by exceeding the Tree Ordinance requirements.

#### **OUTSTANDING ISSUES**

- The petitioner should:
    1. Address Solid Waste Services comments.
    2. Address Transportation comments.
    3. Main masonry wall section with pedestrian gate along Ballantyne Commons Parkway should be broken up with iron fenestration between brick or stone columns, similar to the gated entrance cross-section, instead of a solid brick wall. This masonry wall should be located a minimum six feet behind the sidewalk along Ballantyne Commons Parkway.
    4. Provide an access point on Ballantyne Commons Parkway.
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#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Site Plan
- Community Meeting Report
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Solid Waste 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

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