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<b>REQUEST</b>	Current Zoning: CC (commercial center) Proposed Zoning: CC SPA (commercial center, site plan amendment)
<b>LOCATION</b>	Approximately 27.6 acres located at the southwest intersection of Providence Road and Ballantyne Commons Parkway and north of Interstate 485. (Council District 7 - Driggs)
<b>SUMMARY OF PETITION</b>	The petition proposes to amend the approved site plan for the Promenade Shopping Center to allow the redevelopment of a building and reduction of tree planting area on Ballantyne Commons Parkway, to modify the signage requirements, and to reconfigure a portion of the central plaza to accommodate additional parking.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Promenade Shopping Center LLC, et al Childress Klein Properties, Inc. (Attn: David Haggart) Bridget Grant, Keith MacVean and Jeff Brown, Moore & Van Allen, PLLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 0
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"><li>• The Zoning Committee found this petition to be consistent with the <i>Providence Road/I-485 Area Plan Update</i>, based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none"><li>• The plan recommends primarily retail use with limited office.</li></ul></li><li>• Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none"><li>• The proposed changes to the site plan for the Promenade Shopping Center are designed to allow minor adjustments to the site to allow the center to evolve and remain economically vital; and</li><li>• The proposal increases the number and height of freestanding shopping center signs, however:<ul style="list-style-type: none"><li>• The proposed sign height and area are consistent with what is allowed for the CC (commercial center) district; and</li><li>• The proposed site plan allows two signs per street front which is fewer than the three per street front allowed by the ordinance; and</li></ul></li><li>• The proposal calls for conversion of a portion of the landscaped "Village Square" at the center of the retail area to parking. However, the most heavily used part of the "Village Square" would remain and be improved, and the less used part would be paved with specialty pavers or stamped asphalt to allow use for special events; and</li><li>• The proposal allows an existing tree preservation area along Ballantyne Commons Parkway to be reduced to accommodate a proposed building and parking:<ul style="list-style-type: none"><li>• However, the site plan is designed to ensure comparable landscaping on the site by committing to providing replacement trees for large trees at a two-to-one ratio on the site; and</li><li>• In addition, the proposal provides the opportunity to regrade the area to allow the new building and this part of the site to better relate to the sidewalk along Ballantyne Commons Parkway;</li></ul></li></ul></li></ul>

By a 6-0 vote of the Zoning Committee (motion by McClung seconded by Spencer).

**ZONING COMMITTEE  
ACTION**

The Zoning Committee voted 6-0 to recommend **APPROVAL** of this petition with the following modifications:

Site and Building Design

1. Amended Note 4a and c to reflect a reduction of the allowed square footage based on the existing buildings constructed on parcels 22915125, 22915122, 22915124, and 22915111.
2. Amended Note 2a.iii under "Site Plan Amendment Provisions" to clarify that the outdoor dining and/or improved open space area shall be provided within Area A and be located adjacent to the proposed building and added a commitment for a minimum of 2,000 square feet of outdoor dining and/or improved open space to be provided and to be in addition to the existing outdoor dining space and improved open space associated with the building in Area A that is remaining.
3. Amended Note 2a.iv under "Site Plan Amendment Provisions" to say "The parking will be screened with a planted area per Section 12.303 of the Zoning Ordinance. Screening for the parking consisting of only a wall or fence is not permitted" and removed the commitment for additional trees and shrubs because it would be difficult for staff to enforce without an objective standard defining "additional plantings."
4. Added a provision to Note 2b that provides examples of the intent of a "multi-use courtyard" and added additional courtyard elements such as curb-less perimeter and/or tree islands.
5. Made the following changes to Note 2c under "Site Plan Amendment Provisions": added a provision to the beginning that states that "The petitioner will comply with Section 13.110(2) of the Zoning Ordinance as further limited by the standards below:"; reduced the maximum height of the signs allowed on Ballantyne Commons Parkway and Providence Road from 20 feet to 16 feet; removed the last sentence and replaced with the standard from the previously approved plan that states "Free standing buildings immediately adjacent to the setbacks of Ballantyne Commons Parkway or Providence Road shall be permitted free-standing monument signs not to exceed four feet in height and 50 square feet in sign face area."; and added a provision to specify "no freestanding signs are permitted along I-485 and the existing decorative shopping center sign at the corner of Ballantyne Commons Parkway and Providence Road is allowed to remain. *Staff rescinded the request that in the event the corner sign is removed and/or replaced it will count towards one of the allowed signs for either street front because the petitioner has agreed that if it is replaced or relocated it will be of similar sign area, height and proximity as the existing sign.*
6. Modified the setback along Ballantyne Commons Parkway to show a 35-foot setback measured from the right-of-way except within Area A. Within Area A, show a 35-foot setback measured from the future back of curb and added a note that the setback within this location may be reduced to 35 feet as measured from the future back of curb according to Section 11.405 (7) and modified the notes under "Architecture" to make sure they are consistent with Section 11.405(7).

Requested Technical Revisions Site and Building Design

7. Combined the information shown on RZ-4 "Proposed Site Plan" with RZ-2 "Schematic Site Plan" and changed any references to RZ-4 in the development standards to RZ-2.
8. Removed Notes 4b and 14c because the gas station is not included in the proposed rezoning.
9. Amended the site plan to include the entire Village Square in Area B and labeled the proposed kiosk locations because the notes add amenities and kiosk to the area.
10. Amended the first paragraph under Note 9 "Screening, Landscape, and Open Space Areas" to change the reference to "9.b" to "9.c."

11. Clarified that Notes 14b.i through v under "Architecture" apply only to the proposed building depicted in Area A.
12. Staff rescinded the request to amend the Note 14a to add a minimum transparency of 40% because the petitioner added a standard that the proposed building(s) will have minimum transparency of 30% on facades fronting Ballantyne Commons Parkway and/or Providence Road and removed the last sentence of Note 14a related to blank walls because it is duplicated in note 14b.iv.
13. Added a note under "Lighting and Furnishing" that lighting attached to buildings shall be decorative, capped and downwardly directed.
14. Changed the title of Note 3 from "Petition #1998-049c Plan Concept" to "Plan Concept."
15. Added a provision that all new detached and attached lighting shall be full cut-off type lighting fixtures excluding lower, decorative lighting that may be installed along driveways, sidewalks, and parking areas.
16. Amended Note 4c to note that the provision of the community room has been satisfied as part of Petition 1998-049C.
17. Removed the notes under 7 for "Buffers" and note that the provisions for buffers have been satisfied as part of Petition 1998-049C.
18. Filed an administrative amendment request on rezoning petition 1998-049C to reduce the allowed square footage based on the existing buildings constructed and the proposed new building on the two parcels included in the proposed rezoning so that the net effect is an entitlement that matches what was approved for the overall shopping center.
19. Staff rescinded the request to provide a tree survey because the Planning staff and Urban Forestry staff are working on a resolution related to tree surveys.

**VOTE**

Motion/Second: McClung / Spencer  
 Yeas: Fryday, Majeed, McClung, McMillan, Spencer, Sullivan  
 Nays: None  
 Absent: None  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted the petition is consistent with the adopted area plan. There was no further discussion of the petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**FINAL STAFF ANALYSIS**  
 (Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan amendment contains the following changes:

- Changes to Area A (located at the northeast corner of the shopping center from the intersection of Ballantyne Commons Parkway and Providence Road to the right-in / right-out driveway into the site):
  - Permits the demolition of the existing building (previously a Macaroni Grill) located at 10706 Providence Road in "Area A" at the northeast corner of the site.
  - Replaces the demolished building with a new retail structure, approximately 12,000 square feet, along Ballantyne Commons Parkway. The new structure may be a single building or two buildings connected by a common open space amenity feature.
  - Provides architectural standards for the proposed building related to the incorporation of windows, doorways, masonry and other architectural elements and also commits to direct pedestrian connections to the sidewalk, limits blank walls and commits to minimum

transparency of 30% for facades fronting Ballantyne Commons Parkway and/or Providence Road.

- Reconfigures the parking lot.
- Modifies the tree planting areas within Area A and provides a combination of large maturing trees, understory trees and shrubs in compliance with the Ordinance. Four large existing oaks preserved as a condition of the previous rezoning will be replaced at a two-to-one ratio. Replacement trees will be planted within this area or in other locations on site in coordination with the Urban Forestry staff.
- Specifies that a minimum of 2,000 square feet of outdoor dining and/or improved open space will be provided within Area A in addition to the existing outdoor dining and improved open space associated with the building in Area A that is remaining.
- Specifies that parking will be screened with landscaping as required by the Ordinance; screening with a wall only will not be permitted.
- Changes at "Village Square"/ Area B (located at the center of the shopping center):
  - Adds a provision to allow two kiosk structures, no larger than 1,000 square feet.
  - Specifies that new tables, chairs, lighting, landscaping and a permanent performance stage to accommodate outdoor concerts will be provided.
  - Reduces the "Village Square" area from one acre to 0.65 acres by changing the southeastern portion of the square from open space to a parking area surfaced with materials such as pavers or stamped asphalt and designed in a manner to allow the area to function as a multi-use courtyard for events or other activities to promote gathering and may include a curb-less perimeter and/or tree islands.
- Changes to signage:
  - Removes the allowance for a freestanding shopping center sign on I-485.
  - Increases the number of freestanding shopping center signs along Ballantyne Commons Parkway and Providence Road from one per street front to two per street front.
  - Increases the allowed height of freestanding shopping center signs from eight feet to 16 feet.
  - Adds a specification that the maximum sign area of freestanding shopping center signs shall not exceed 150 square feet per sign.
  - Specifies that the existing decorative sign at the corner of Providence Road and Ballantyne Commons Parkway is allowed to remain and/or be replaced and/or relocated in a similar area, height and proximity.
- Adds a commitment to construct a CATS Bus waiting pad on the site's Providence Road frontage.
- **Public Plans and Policies**
  - The *Providence Road/I-485 Area Plan Update* (2000) recommends the subject property be developed primarily for retail use, with limited office, which is reflective of the zoning already in place at the time of the plan adoption.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located at the signalized intersection of major thoroughfares. The rezoning area is completely within the private parking area, and the proposed site plan amendment does not generate any new daily trips.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 13,450 trips per day for the entire shopping center (based on 286,000 square feet of retail).
      - Entitlement: 18,830 trips per day for the entire shopping center (based on 450,000 square feet of retail and 50,000 square feet of office).
    - Proposed Zoning: 18,830 trips per day for the entire shopping center (based on 450,000 square feet of retail and 50,000 square feet of office).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Department of Solid Waste Services:** No issues.
- **Charlotte Fire Department:** No on-street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** This site plan amendment will not impact the number of students attending local schools.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via

existing 16-inch water transmission mains located along Providence Road and Ballantyne Commons Parkway. Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located along Ballantyne Commons Parkway.

- **Engineering and Property Management:**
    - **Arborist:** Associated conditional notes and the location of structures/driveways/other items illustrated on the site plan are conceptual in nature and do not confirm or imply authorization by the City to remove any City trees located in street right-of-way. No trees can be removed from the right-of-way without explicit authorization from the City Arborist or his designee.
    - **Erosion Control:** No issues.
    - **Land Development:** No issues.
    - **Storm Water Services:** No issues.
    - **Urban Forestry:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Fire Department Review
  - Charlotte Water Review
  - Engineering and Property Management Review
    - City Arborist Review
    - 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