

<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>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition upon resolution of outstanding issues and requested technical revisions related to site and building design.</p> <p><u>Plan Consistency</u> The petition is consistent with the recommendation for primarily retail use, with limited office, in the <i>Providence Road/I-485 Area Plan Update</i>.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The proposed changes to the site plan for the Promenade Shopping Center are design to allow minor adjustments to the site to allow the center to evolve and remain economically vital.</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.</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.</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.</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>
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## 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 and limits blank walls.
  - 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 outdoor dining and/or improved open space will be provided.
  - Specifies that parking will be screened as required by the Ordinance and additional trees and shrubs will be planted between the sidewalk and parking area.
- 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.
- 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 twenty feet.
  - Adds a specification that the maximum sign area of freestanding shopping center signs shall not exceed 150 square feet per sign.
- Adds a commitment to construct a CATS Bus waiting pad on the site's Providence Road frontage.

### • **Existing Zoning and Land Use**

- The subject property consists of portions of the Promenade on Providence Shopping Center, zoned CC (commercial center) in 1998, and developed about 2002. The overall center includes a Home Depot anchor, some walkable retail shop space around a central square, and a number of detached retail pads.
- Adjacent to the west along Ballantyne Commons Parkway is a multi-family development zoned R-12MF(CD) (multi-family residential, conditional) and an indoor self-storage facility zoned BD(CD) (distributive business, conditional). Abutting the subject property to the south is Interstate 485, with the Waverly and Rea Farms mixed use developments zoned MUDD-O (mixed use development, optional) beyond.
- To the north and across Ballantyne Commons Parkway is the Providence Commons shopping center anchored by Lowe's Home Improvement and Harris Teeter, zoned CC (commercial center), plus several retail, bank and gasoline sales outparcels zoned B-1 (general business) and B-1SCD (business shopping center development). To the east and across Providence Road is office park development zoned O-1 (CD) (office, conditional) and O-15(CD) (office, conditional). To the northeast, diagonally across the Providence Road and Ballantyne Commons Parkway/McKee Road intersection is multi-family development zoned R-15MF(CD) (multi-family residential, conditional).
- Also, single family and townhome developments surround the subject property, which are zoned UR-2 (urban residential), MX-1(innov) (mixed use, innovative), MX-2 (innov) (mixed use, innovative), R-3 (single family residential), R-8MF(CD) (multi-family residential, conditional), and R-12MF(CD) (multi-family residential, conditional).

- See “Rezoning Map” for existing zoning in the area.
- **Rezoning History in Area**
  - Petition 2015-022 (Rea Farms) rezoned property located on the north side of Ardrey Kell Road near the intersection of Providence Road and Ardrey Kell Road from R-3 (single family residential) and NS (neighborhood services) to MX-1 (mixed use) and MUDD-O (mixed use development, optional), with five-year vested rights to allow a large, mixed use development.
  - Petition 2015-087 (Providence Farm) rezoned property located on the east side of Providence Road between Interstate 485 and Providence Country Club Drive from R-3 (single family residential) to MUDD-O (mixed use development, optional) and MX-2(INNOV) (mixed use, innovative) to allow a mixed use development.
  - Petition 2016-040 (Waverly) rezoned property located at the east side of Providence Road between Providence Country Club Drive and Allison Woods Drive and across from Ardrey Kell Road from MUDD-O (mixed use development, optional) with five-year vested rights to MUDD-O SPA (mixed use development, optional, site plan amendment) with five-year vested rights to allow a large, mixed use development.
- **Public Plans and Policies**
  - The *Providence Road/I-485 Area Plan Update* (2000) recommends the subject property 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.
  - No issues.
  - **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 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.

**OUTSTANDING ISSUES**Site and Building Design

1. Amend Notes 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 and file 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.

2. Amend 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 add a commitment for a minimum of 2,000 square feet of outdoor dining and/or improved open space to be provided and be in addition to the existing outdoor dining space and improved open space associated with the building in Area A that is remaining.
3. Amend note 2a.iv Under "Site Plan Amendment Provisions" to clarify that the additional trees and shrubs will be planted within Area A between the sidewalk and the parking areas and add a commitment for a minimum number or some other objective standard (i.e. plantings per linear in multiple rows) for the additional trees and shrubs to be provided so that the additional plantings provided is more than the minimum requirement for parking screening.
4. Add a provision to note 2b that provides examples of or defines the intent of a "multi-use courtyard" and add additional courtyard elements such as suspended pavers at trees, curb-less perimeter and/or tree islands etc.
5. Make the following changes to note 2c under "Site Plan Amendment Provisions": add 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:"; reduce the maximum height of the signs allowed on Ballantyne Commons Parkway and Providence Road from 20 feet to 16 feet; remove the last sentence and replace 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 add 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, but in the event it is removed and/or replaced it will count towards one of the allowed signs for either street front."
6. Modify 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 add 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 modify the notes under "Architecture" to make sure they are consistent with Section 11.405(7).

#### **REQUESTED TECHNICAL REVISIONS**

##### Site and Building Design

7. Combine the information shown on RZ-4 "Proposed Site Plan" with RZ-2 "Schematic Site Plan" and change any references to RZ-4 in the development standards to RZ-2.
8. Remove note 4b and 14c because the gas station is not included in the proposed rezoning.
9. Amend the site plan to include the entire Village Square in Area B and label the proposed kiosk locations because the notes add amenities and kiosk to the area.
10. Amend the first paragraph under note 9 "Screening, Landscape, and Open Space Areas" to change the reference to "9.b" to "9.c"
11. Clarify that notes 14b.i through v under "Architecture" apply only to the proposed building depicted in Area A.
12. Amend the note 14a to add a minimum transparency of 40% and remove the last sentence related to blank walls.
13. Add a note under "Lighting and Furnishing" that lighting attached to buildings shall be decorative, capped and downwardly directed.
14. Change the title of Note 3 from "Petition #1998-049c Plan Concept" to "Plan Concept."

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#### **Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- 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

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