



Rezoning Petition 2017-091  
Zoning Committee Recommendation

August 1, 2017

<b>REQUEST</b>	Current Zoning: B-1SCD (business shopping center) Proposed Zoning: NS (neighborhood services)
<b>LOCATION</b>	Approximately 2.23 acres located at the northeast intersection of Ballantyne Commons Parkway and Rea Road. (Council District 7 - Driggs)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the development of pedestrian scale amenities such as pathways and small structures for outdoor activity within an area previously set aside as a landscaped buffer at Rea Road and Ballantyne Commons Parkway across from the Stonecrest Shopping Center south of I-485.
<b>PROPERTY OWNER</b>	Colony at Piper Glen, LLC
<b>PETITIONER</b>	Colony at Piper Glen, LLC
<b>AGENT/REPRESENTATIVE</b>	Walter Fields, Walter Fields Group, Inc.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: None
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"><li>• The Zoning Committee found this petition to be consistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:<ul style="list-style-type: none"><li>• The plan recommends office use; and</li><li>• An open space amenity is an allowable and typical use within office development.</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 area proposed for rezoning was previously established as a landscaped buffer. This petition allows this area located between the public streets, parking, and buildings on the site to be developed as open space with pedestrian scale amenities; and</li><li>• Other rezonings in the past, north of the site, along Rea Road have reduced the previously established buffer width to add pedestrian amenities such as walkways, plazas, and fountains; and</li><li>• The petition provides a park-like amenity and gathering space on the eastern side of Rea Road that will serve the nearby office tenants and other visitors to the site;</li></ul></li></ul>
	By a 6-0 vote of the Zoning Committee (motion by Majeed seconded by McClung).
<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"><li>1. Added a note to 6. Streetscape and Landscaping on the site plan that says the area will remain landscaped with grass, shrubs, trees and other landscaping in order to maintain an open, greenspace with meandering pathways.</li></ol> <p><u>Requested Technical Revisions Site and Building Design</u></p> <ol style="list-style-type: none"><li>2. Clarified the discrepancy between the legend, which says up to three structure locations are allowed and Note 3. Permitted Uses which says that the exact number and specific locations will be determined during design and development phase by modifying the second sentence in Note 3 to say, "The exact number and specific location will be determined during the design and development phase, but will not exceed three structures,</li></ol>

- excluding bridges."
3. Added an additional Note 11 under Lighting limiting the height of freestanding lighting to 21 feet.
  4. Staff rescinded the request to delete the second sentence of Note 1.b. under General Provisions because it acknowledges there are other Ordinances that may apply to the site.

Transportation

5. Replaced Piper Station Drive with Ballantyne Commons Parkway in Note 4.b. related to existing sidewalks to remain as the rezoning site abuts Ballantyne Commons Parkway and not Piper Station Drive.
6. Staff rescinded the request to provide easements for future sidewalk, planting strip and bike lane improvements because the petitioner added a note that states "The petitioner will not construct any permanent improvements on the site that would interfere with the ability of the City to acquire easements for the construction and maintenance of a future 16-foot planting strip (eight-foot buffered bike lane and eight-foot planting strip) and six-foot sidewalk to be constructed by others."

Environment

7. The proposed site plan indicates a greenway trail/path system located within the 35-foot PCSO Buffer. Added a note under Section 7. Environmental Features: "Development or disturbance within the PCSO Buffer shall be coordinated with Charlotte-Mecklenburg Storm Water Services and mitigated if required by City ordinance."
8. Staff rescinded the request to submit a tree survey for all trees two-inches or larger located in the rights-of-way because the Planning staff and Urban Forestry staff were working on a resolution related to tree surveys.

**VOTE**

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

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition. It was noted that the petition was consistent with the adopted area plan. Staff stated that the outstanding issue noted in the Zoning Committee agenda related to a tree survey had been rescinded due to Planning staff working with the Urban Forestry staff.

A Committee member asked about the difference between the existing zoning and the NS zoning. Staff explained that the NS zoning had been established just north of the site and the NS district allowed the flexibility to convert the site from a buffer to park/open space. Another commissioner noted they were thankful that the issue related to street improvements had been resolved. There was no further discussion.

**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 accompanying this petition contains the following provisions:

- Changes the use of the area between Rea Road and Ballantyne Commons Parkway and the parking lot from a landscaped buffer to improved open space.
- Allows the installation of pathways and up to three small structures such as gazebos, picnic

shelters, foot bridges, performance stages, and other amenities for tenants and visitors of the office park. The exact location of the structures will be determined during permitting.

- Vehicular access is provided via driveways off Piper Station Drive and Ballantyne Commons Parkway.
- Maintains existing sidewalks along Rea Road and Piper Station Drive.
- Specifies that freestanding lighting will be limited to 21 feet and will utilize full cut-off luminaries, except that architectural lighting on the exterior of structures will be permitted. Pedestrian scale, ornamental landscape, and decorative lighting will be permitted throughout the site.

- **Public Plans and Policies**

- The *South District Plan* (1993) recommends office use for the subject parcel.

- **TRANSPORTATION CONSIDERATIONS**

- The site is located at the intersection of Ballantyne Commons Parkway and Rea Road, both major thoroughfares. The proposed zoning is not anticipated to generate many trips. In lieu of upgrading the existing planting strip and sidewalk to current standards, the petitioner has provided a note committing to not construct any permanent improvements on the site that would interfere with the future installation of a 16-foot planting strip and six-foot sidewalk.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 0 trips per day (based on vacant land).

Entitlement: 0 trips per day (based on buffer).

Proposed Zoning: 20 trips per day (based on accessory recreational use).

#### **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 with less than a 26-foot clear width.
  - **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
  - **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via existing eight-inch water distribution mains located along Piper Station Drive and Ballantyne Commons Parkway. Charlotte Water has sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along Ballantyne Commons Parkway, Rea Road, Piper Station Drive, and within the rezoning boundary.
  - **Engineering and Property Management:**
    - **Arborist:** No trees can be removed from or planted in the right-of-way of all State maintained streets (Ballantyne Commons Parkway and Rea Road) without permission of NC Department of Transportation and the City Arborist's office. Trees must be planted to meet NCDOT planting guidelines. Contact the City Arborist's office for a tree planting permit before planting trees in the NCDOT right-of-way once plans have been approved by the City.
    - **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.
- 

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

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Community Meeting Report
- Site Plan
- 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