



Zoning Committee

REQUEST

Current Zoning: O-1(CD) (office, conditional)
Proposed Zoning: O-1(CD)SPA (office, conditional, site plan amendment)

LOCATION

Approximately 1.27 acres located on the north side of Ballantyne Commons Parkway, east of Rea Road.
(Council District 7 - Driggs)

PETITIONER

OMS BCP, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 5-1 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *South District Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends office use based on the prior rezoning.

Therefore, we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- The proposed development will provide for a transition in uses from intensive commercial and multi-family developments, in the Stonecrest Activity Center to the northwest, to the single family homes to the northeast. Additionally, the site plan is designed to reduce the impacts of the development through the following conditions:
 - Limits the size of the building to 24,750 square feet.
 - Limits the height of the building to 40 feet, consistent with base height in single family.
 - Provides the required buffer and in addition, provides a screen wall that will not be used to reduce the buffer width.
 - Locates the building on the west of the site away from the single-family homes; and
- The property is not located in an established residential neighborhood. It is an isolated site on a major thoroughfare located between a single family neighborhood to the northeast and a multi-family development to the northwest, with no vehicular access point to either thereby reducing traffic impacts to the multi-family development and single family neighborhood; and

- The proposed office use is consistent with other similar properties approved for office use in recent years adjoining single family neighborhoods to the south along Ballantyne Commons Parkway and Rea Road.

Motion/Second: Samuel / Gussman

Yeas: Fryday, Gussman, Ham, McMillan, and Samuel.

Nays: McClung

Absent: Watkins

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is consistent with the adopted area plan.

A commissioner noted recently there was a rezoning nearby to allow park space around an office and reflective of the character of the area with a cooperative effort and sharing of space. The commissioner's observations: The petition is technically a site plan amendment, but the proposal is much more than an amendment. The previous rezoning called for the existing home to be reused for an office. Since the previous rezoning there have been development proposals that have been voted down by the neighborhood. The building is too high and the examples given by the petitioner of similar office developments are too far away from this neighborhood. The parking is innovative but raises the level of the parking that it changes the residential character. The commissioner stated they did not feel the proposal is in the spirit of development in the Ballantyne area.

Staff clarified that the only reason the petition is called a site plan amendment is because there was a previous conditional zoning on the property in the same zoning classification. The petition goes through the same process as any other conditional rezoning.

A commissioner asked for clarity regarding the height of the parking and the building. Staff explained that the parking along the residential property would be at surface level at the existing grade. That upper level then extends out above a lower level of parking as it gets closer to the building. The building is limited to 40 feet in height. The commissioner pointed out that the from the homes they would look out to the back and see a 10-foot tall screen wall, with a parking lot on the other side and beyond a building the height of a house. The commissioner went on to say that there are 40-foot tall homes within 20 feet of a property line all over Charlotte and the proposed building is 147 feet from the single family property line. The commissioner stated they do not see the proposal as being an intrusion at the distance that it is from single family and on a major road. Additionally, the petitioner is planting a buffer.

A commissioner stated that this was originally a residential property and the neighbors went along with the change to office zoning within the residential structure. The proposal is a big jump up to a larger office building. A comparison was drawn to the

recent proposal for heavy industrial zoning for tractor trailer parking adjacent to a neighborhood, which was not approved.

A commissioner stated that initially they had concerns with the proposal but when they looked at the numbers and saw the height was limited they were more comfortable.

There was no further discussion of this petition. An initial motion to deny the petition failed for lack of a second.

MINORITY OPINION

This is more complex than what should be considered as a site plan amendment and this is a complete change from the original intent in first change in zoning for office. The design of the proposal is inconsistent with the character of the neighborhood.

PLANNER

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