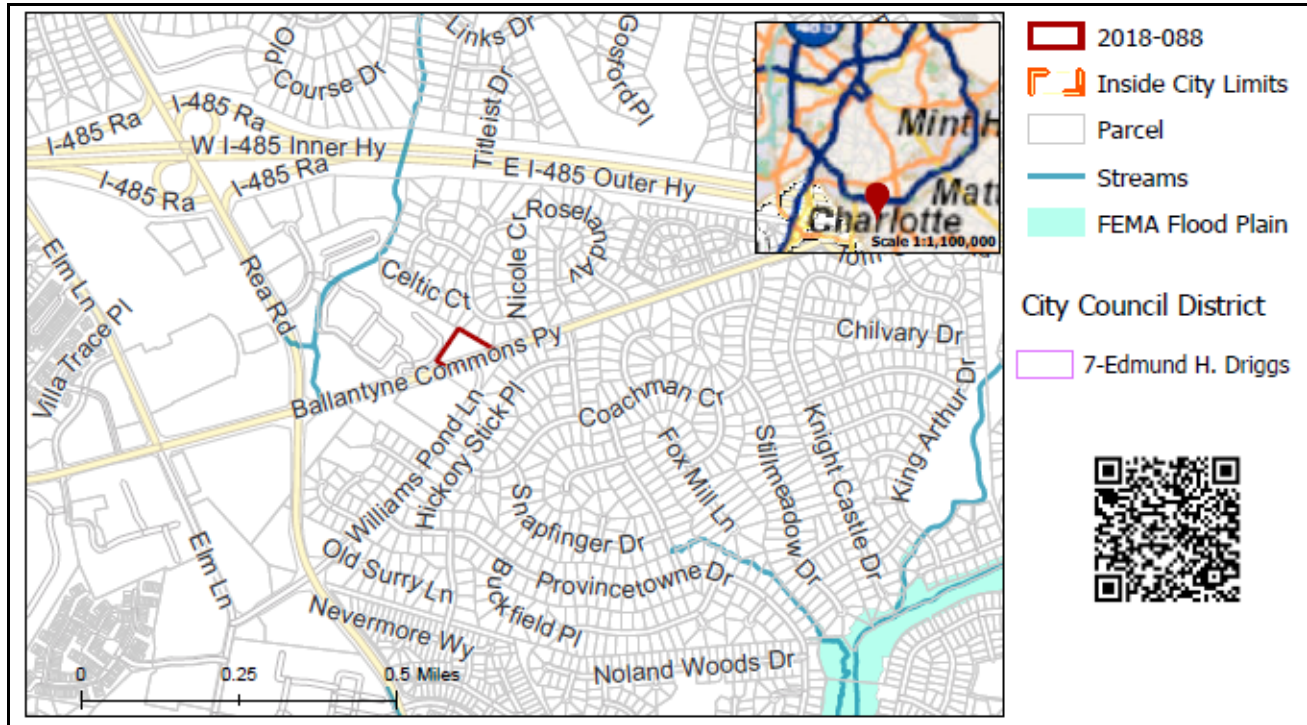


REQUEST

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)



SUMMARY OF PETITION

The petition proposes redevelopment the existing single family home and lot with a 24,750-square foot office building and associated parking east of the Stonecrest Shopping Center.

PROPERTY OWNER
PETITIONER
AGENT/REPRESENTATIVE

OMS BCP, LLC
OMS BCP, LLC
Caren Wingate

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 3.

STAFF
RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is consistent with the *South District Plan* recommendation for office use based on the prior rezoning.

Rationale for Recommendation

- The proposed use is consistent with the plan recommendation.
- 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.
- 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.
- 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.

PLANNING STAFF REVIEW

• **Proposed Request Details**

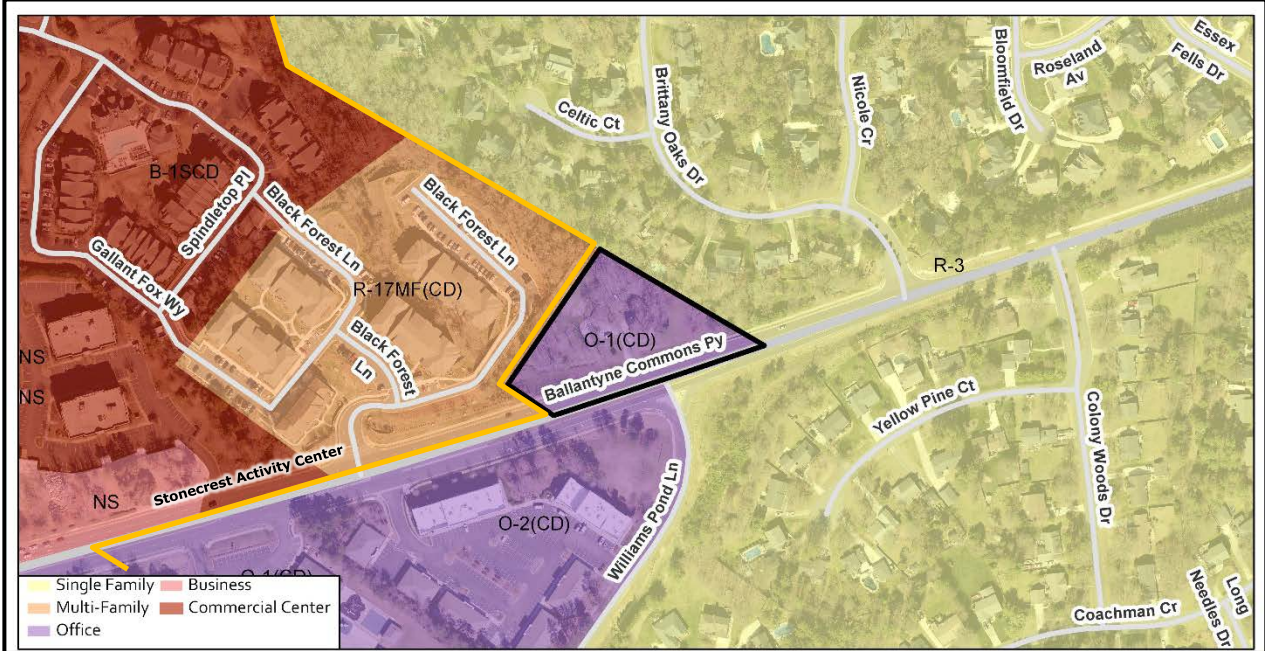
The site plan amendment contains the following changes:

- Allow the demolition of the existing 2,982-square foot structure, a single-family home that was to remain and be used for office through prior rezoning petition 2013-014.
- Proposes the construction of a 24,750-square foot office building with associated over/under parking structure to be built into topography (the upper level of the parking will be at ground level along the northeast side of the site with a second level of parking below ground).
- Provides a 165-foot class C buffer with a ten-foot screen wall along the northeast property line, abutting single family uses. Specifies this buffer will not be reduced. The previous plan required a 16-foot class C buffer that was allowed to be reduced to 12 feet with a fence or wall.
- Provides a Class C buffer along the northwest property line, abutting multi-family uses. This buffer will be reduced as allowed by the Zoning Ordinance.
- Changes the allowed uses from only office uses to office, medical office or financial uses and adds prohibition on accessory drive-through windows.
- Replaces the five-foot wide sidewalk that was previously allowed to remain with an eight-foot planting strip and six-foot sidewalk along the frontage of Ballantyne Commons Parkway.

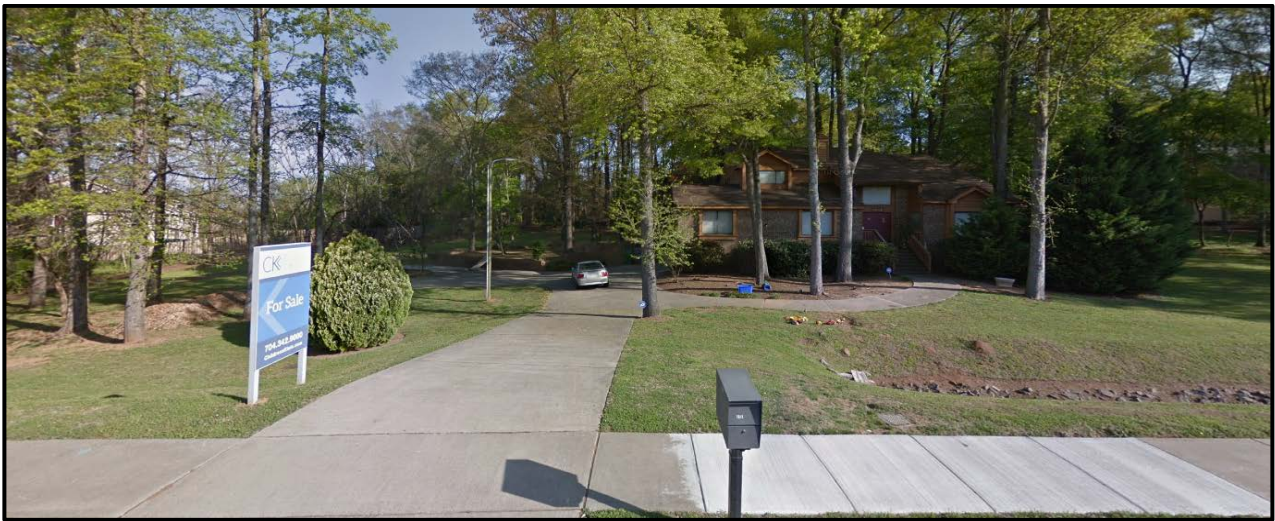
The site plan accompanying this petition contains the following provisions:

- Limits the maximum building height to 40 feet.
- Provides a 30-foot setback from the right-of-way along Ballantyne Commons Parkway. The Zoning Ordinance would require a 20-foot setback.
- Commits to 8,000 square feet of tree save area (16.5 percent of the site). The Tree Ordinance would require 15%.
- Specifies that a storefront entrance (an entrance that provides a visual focal point and primary entry into the building and provides a glass curtain wall) will be located on the southeast corner of the building facing Ballantyne Commons Parkway and commits to an entry plaza with a minimum of 2,000 square feet in area. **The entry plaza will include pedestrian amenities such as, but not limited to, seating areas, art, water features, and/or specialty landscaping.**
- Proposes a temporary directional crossover (left-over) which the petitioner and NCDOT have agreed would be removed by NCDOT in the event of widening of Ballantyne Commons Parkway. Thus, remaining access will potentially be limited to right-in/ right-out.

• Existing Zoning and Land Use



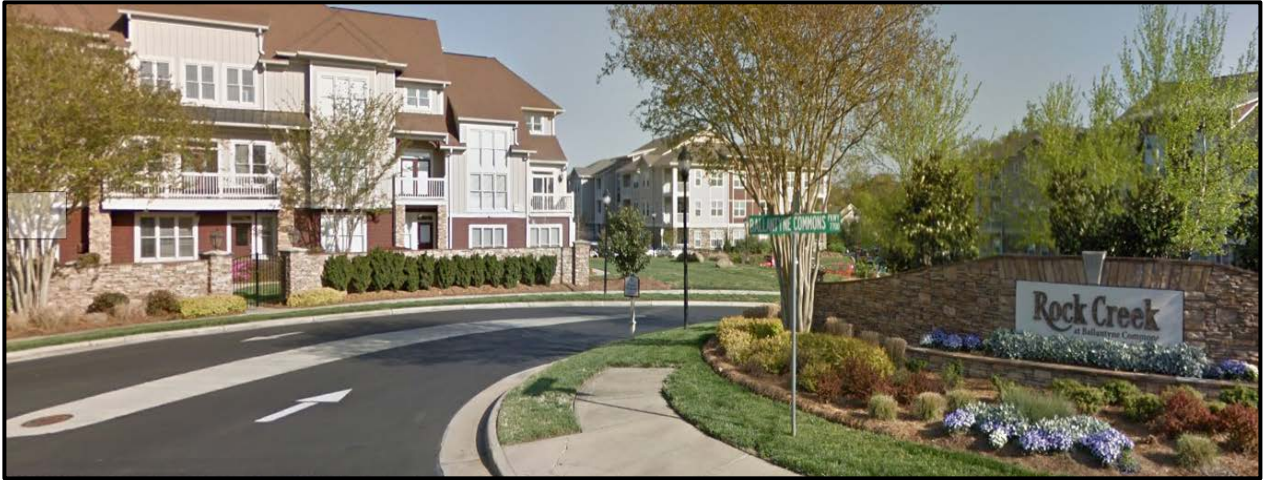
- The subject property previously was rezoned from R-3 (single family residential) to O-1(CD) (office, conditional) by petition 2013-014 to allow the reuse of a house on the site for office use.



The subject property is developed as an office use.



Properties to the north along Nicole Circle are developed with a single family neighborhood.



The property to the west is developed with apartments on Ballantyne Commons Parkway.

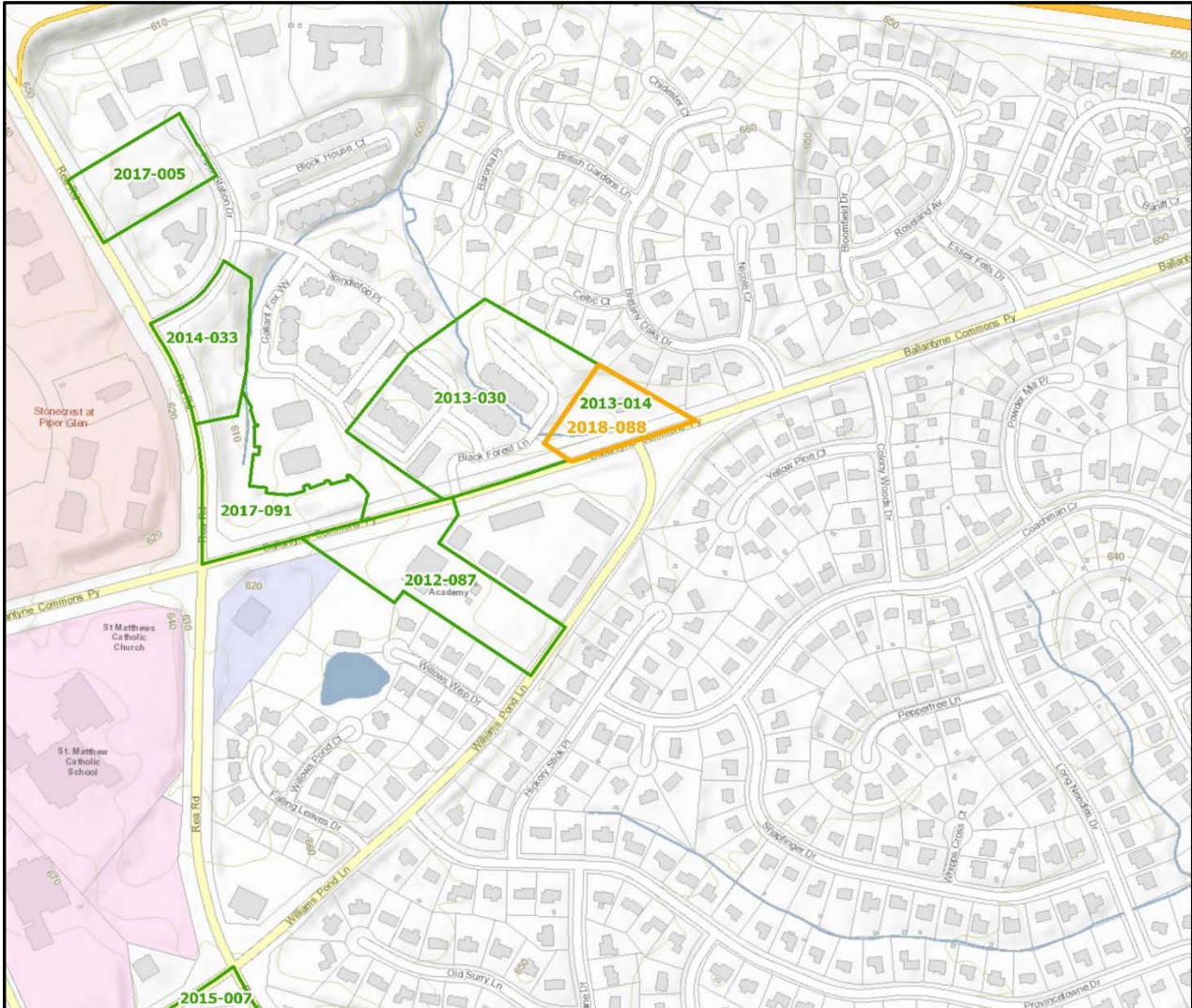


The properties to the east along Yellow Pine Court are developed with single family homes.



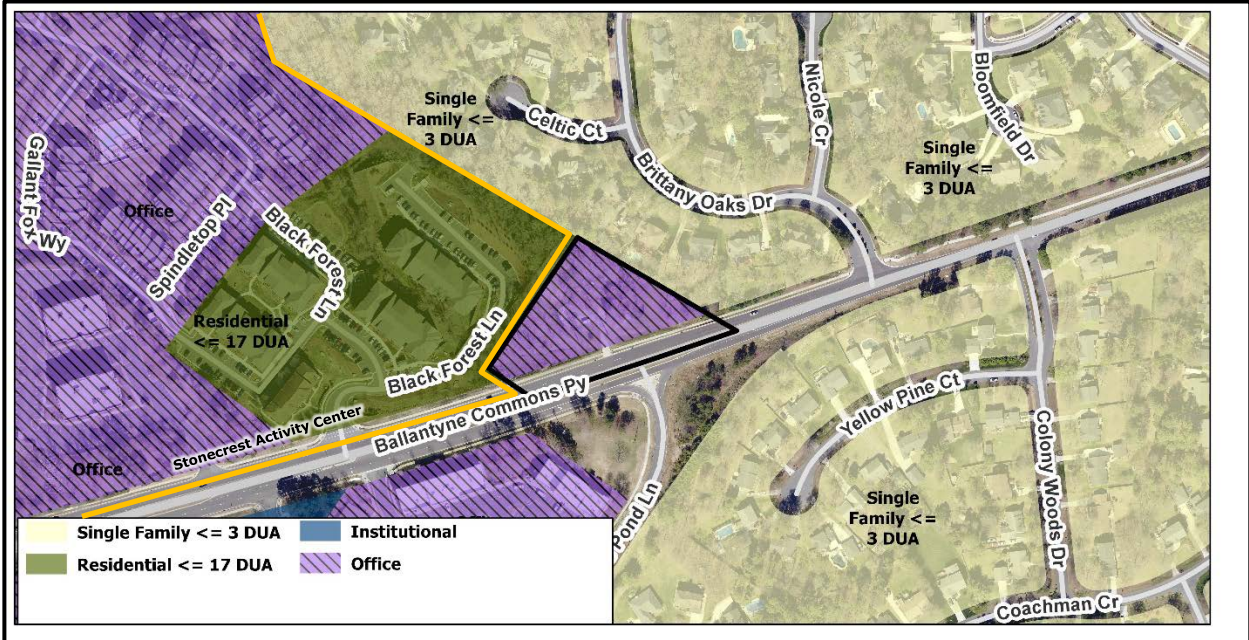
The property to the south along Williams Pond Lane is developed with an office park.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-091	Rezoned 2.23 acres to NS (neighborhood services) to allow for open space amenities.	Approved
2017-005	Rezoned 1.95 acres to MUDD-O (mixed used development, optional) to allow for a 135-room hotel.	Approved
2016-148	Rezoned 0.9 acres to NS SPA (neighborhood services, site plan amendment) to allow for a revised retail establishment as part of a retail/mixed use development.	Approved
2015-007	Rezoned 5.69 acres to NS SPA (neighborhood services, site plan amendment) to allow for a revised layout and minor expansion of a retail/mixed use development.	Approved
2014-033	Rezoned 1.72 acres to NS SPA (neighborhood services, site plan amendment) for 9,000 square feet of retail and office uses.	Approved
2013-030	Rezoned 7.11 acres to R-17MF(CD) (multi-family residential, conditional) to allow for 120 multi-family dwelling units.	Approved

• **Public Plans and Policies**



The *South District Plan* (1993) recommends office uses for the subject property based on the prior rezoning petition 2013-014. The approved site plan indicates maintaining the existing residential structure and convert it for office use.

• **TRANSPORTATION CONSIDERATIONS**

- The site is located along a major thoroughfare. The site commits to providing an eight-foot planting strip and a six-foot sidewalk. CDOT would like the petitioner to clearly label the site plan to show a two-foot right-of-way or easement behind the proposed sidewalk.
- ~~See Outstanding Issues, Note 6.~~ **Addressed**
- **Vehicle Trip Generation:**
 Current Zoning:
 Existing Use: 10 trips per day (based on one dwelling).
 Entitlement: 90 trips per day (based on 2980 square feet of office).
 Proposed Zoning: 455 trips per day (based on 24,750 square feet of office).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students in schools.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing eight-inch water distribution main located along Ballantyne Commons Parkway. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing eight-inch gravity sewer main located along Ballantyne Commons Parkway.
- **Engineering and Property Management:**
 - **Arborist:** No outstanding issues.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry** ~~See Outstanding Issues, Note 7.~~ **Addressed.**
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

OUTSTANDING ISSUESSite and Building Design

1. ~~Expand Note 7 under Architectural Guidelines to state that the entry plaza will include pedestrian amenities such as, but not limited to, seating areas, art, water features and/or specialty landscaping.~~ Addressed.
2. ~~Label the storefront entry and clear glass windows on the first floor of the building renderings.~~ Addressed.
3. ~~Amend the buffer and label along the northwest property line to provide a 12-ft wide (16 feet reduced by 25% with the screening fence) Class C buffer, rather than 10 feet as shown on the site plan. In addition, add a note under Streetscape and Landscaping that reads "A 16' Class C buffer along the northwestern property line will be reduced to 12-ft with the provision of a 6' tall screen wall."~~ Addressed.
4. ~~Amend the site plan to show a 16-foot Class C buffer along the northeastern property line rather than a 15-foot buffer. In addition, amend Note 12 to read "The 16' Class C buffer may not be reduced along the northeastern property line. A 6' tall screen wall will be provided along the northeastern property line."~~ Addressed, additionally the petitioner increased the height of the screen wall along the northeast property line to 10 feet.
5. ~~Add a note under Streetscape and Landscaping that states "Petitioner agrees to provide an eight-foot planting strip behind the future back-of-curb along Ballantyne Commons Parkway."~~ Addressed.

Transportation

6. ~~Update the site plan to show two feet of right-of-way behind the sidewalk or show a two-foot easement behind sidewalk.~~ Addressed, added an easement two-feet behind the sidewalk.

Environment

7. ~~Add note that site must comply with the Tree Ordinance.~~ Addressed.

REQUESTED TECHNICAL REVISIONSSite and Building Design

8. ~~Amend Note 6 under architectural guidelines to correct the spelling of Ballantyne Commons Parkway, amend Note 17 under Transportation to correct the spelling of crossover, and change the word "designated" to "designed" in Note 18 under Transportation.~~ Addressed.
9. ~~Indicate the distance the future curb is from the centerline of Ballantyne Commons Parkway.~~ Addressed, staff rescinded this comment and asked the petitioner to show and label the existing right-of-way. The proposed zoning has setbacks based on the right-of-way rather than the back-of-curb.
10. ~~Amend Note 10 under Streetscape and Landscaping to change the setback from 20 feet to 30 feet as shown on the site plan.~~ Addressed.
11. ~~Change the label for "large maturing trees" to "required street trees."~~ Addressed.
12. ~~Delete the last sentence of Note 10 under Streetscape and Landscaping because street trees are regulated by the Tree Ordinance.~~ Addressed.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Pre-hearing staff analysis
- Post hearing staff analysis
- Zoning Committee Recommendation
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Fire Department Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review