

## **\*PRE-HEARING STAFF ANALYSIS\***

### **Rezoning Petition No. 2008-02**

**Property Owner:** BLC4K, LLC. c/o Bissell Development & BCI Property Co. No. 21

**Petitioner:** York Development Group

**Location:** Approximately 6.6 acres on the northeast corner of North Community House Road and Ballantyne Commons Parkway

**Center, Corridor, or Wedge:** Center

**Request:** BP(CD), conditional business park district, to NS, neighborhood services district

### **Summary**

This petition seeks a retail shopping center of up to 46,900 square feet.

### **Consistency and Conclusion**

This proposed land use is inconsistent with the adopted *South District Plan*. The proposed district is inappropriate for this site and the proposed site plan does not meet the *General Development Policies* with respect to retail-oriented mixed/multi-use centers. Staff cannot support this petition.

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

Properties to the north and west are zoned BP(CD). The site across North Community House Road to the west is undeveloped, while the parcel to the north is an office use. To the east is a multi-family residential development in the R-15MF(CD) zoning district. Across Ballantyne Commons Parkway to the south are single family residential neighborhoods the R-12PUD district and the MX-1 district.

### **Rezoning History in Area**

There have not been any recent rezonings in the immediate vicinity.

### **Public Plans and Policies**

The *General Development Policies* (GDPs) (2003) include policy guidance for retail-oriented mixed/multi-use centers. Those policies prohibit independent freestanding single tenant buildings (e.g. fast food restaurant) from convenience-size centers, encourage the reservation of a meaningful amount of common open space that is usable and accessible, and call for an internal street system that is designed to look and function like a public street.

The *South District Plan* (adopted 1993) recommends office land uses for the subject property.

### **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Vehicular access is provided by two driveways to North Community House Road.
- There are three multi-tenant buildings and one freestanding fast food restaurant in the center.
- 200 parking spaces are proposed for a parking ratio of 4.3 spaces per 1000 square feet of gross floor area.
- A Low Impact Development (LID) rain garden is illustrated on the site plan but the notes state that the use of LIDs is optional.

### **Public Infrastructure**

**Traffic Impact / CDOT Comments.** As of the preparation of this report, CDOT had not commented on the revised site plan. A Traffic Impact Study has been requested.

**CATS.** CATS had no comments on this petition.

**Connectivity.** There no additional opportunities for connectivity from this site.

**Storm Water.** Water quality and quantity improvements are included on the site plan notes. According to the City of Charlotte Zoning Ordinance, Chapter 12, Part 8- Surface Water Improvement and Management (S.W.I.M.) Stream Buffers, Section 12.804.3(a), *Buffer Standards, Diffuse flow requirement*, Concentrate runoff from ditches or other manmade conveyances shall be converted to diffuse flow before the runoff enters the buffer. This petition does not comply since two pipe outlets are currently proposed into the SWIM buffer.

**School Information.** This is a nonresidential project that will not impact the school system.

### **Outstanding Issues**

**Land Use.** The *South District Plan* (1993) calls for office uses on this site as part of a larger business park on the east edge of the Ballantyne center. The proposed conversion to a retail-oriented shopping center is inconsistent with the adopted plan. The are neighborhood scale shopping centers approved or built less than ½ mile to the west and less than ½ mile to the south. There is a larger center about one mile east of this site. Staff fears that an overbuilding of retail will have negative land use impacts.

**Site plan.** The site plan accompanying this petition contains the following deficiencies:

- The proposed NS district is inappropriate for this site. The choice of the NS district brings with it a **minimum ordinance requirement** for a six-foot sidewalk behind an eight-foot planting strip on both public streets. The site plan proposes re-using the existing sidewalk and planting strip – both of which are substandard. They **would** be reusable in other retail zoning districts. The required sidewalk and planting strip need to be included on the site plan or another zoning district needs to be requested. The proposed parking meets the standards for more general retail districts.
- This proposal does not meet the policies established in the *General Development Policies* for retail-oriented mixed/multi-use centers. The GDPs call for centers with an internal street system “designed to look and function like a public street.” The GDPs also call for these centers to be located where there is existing retail or where land “is already zoned or planned for retail land uses.”
- The signage note needs to be modified to reflect that center identification signs are limited to one per street front. The site plan proposes two “ground mounted” signs at the entrances on Community House Road. These cannot be in addition the center identification signs on the tower at the corner.
- Note #6 needs to be modified to reference the number of parking spaces committed to on the site data table rather than referring to the district standard.
- The illustrative building elevations provide good detail on articulation, fenestration, and building materials. However, the notes state that the petitioner may “make revisions to the design details, materials, and architectural style of the building so long as the general mass, scale, configuration and character of the building is maintained.” That language negates the value of the elevations and needs to be modified to respect the elevations provided.
- There are no calculations of the proposed tree save area. These need to be added to the site plan.
- The tax parcel numbers on the application are different than those on the survey provided. These need to be reconciled.
- There appears to be a wetland or regulated stream on the site. Wetland permit contact information needs to be added to the site plan.
- Fifty feet of the 100-foot project edge from the existing conditional zoning plan needs to be retained, particularly along Ballantyne Commons Parkway.