

REQUEST	Current Zoning: BP(CD), business park, conditional and R-3, single family residential Proposed Zoning: BP(CD), business park, conditional, BP(CD) SPA, business park, conditional, site plan amendment and O-3(CD), office, conditional with five-year vested rights
LOCATION	Approximately 520 acres generally bounded by Interstate 485 to the north, Ballantyne Commons Parkway to the south, Rushmore Street and Community House Road to the west and east, respectively.
SUMMARY OF PETITION	The petition proposes to allow for additional development and/or redevelopment within Ballantyne Corporate Park. The additional entitlements include 1,060,000 square feet of office space, 100 hotel rooms, and 600 residential units.
PROPERTY OWNER	Numerous. See application on website.
PETITIONER	The Bissell Companies, Inc.
AGENT/REPRESENTATIVE	Jeff Brown and Keith MacVean, King & Spalding, LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online.
STATEMENT OF CONSISTENCY	The proposed uses are found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest by a unanimous vote of the Zoning Committee (motion by Commissioner Griffith and seconded by Commissioner Zoutewelle).

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Added a note (Note M.2.b) which commits to integrating a minimum of 10,000 square feet of retail/restaurant uses within the Corporate Park East area prior to the development of the final 200,000 square feet of office square footage. 2. Modified Note G.2 regarding commitments to a pedestrian/bicycle mobility network including a description of the current network and a commitment to expand the network in a similar manner as additional development occurs within the Corporate Park. 3. Modified Notes J.1 and J.2.b to indicate a minimum of the 50 percent of the required open space (25 percent of Corporate Park West and 32 percent of Corporate Park East) will be areas designed for active/usable open space. 4. Modified Note M.1. to read "...at least 160 200 residential dwelling units shall have been developed within Corporate Park East prior to development of the final 200,000 square feet of office square footage..." 5. Modified Note D.2.d to limit the number of hotel rooms that may be converted to office space to 200 rooms and commit to additional residential units developed (one residential unit per one hotel room) prior to the development of the final 200,000 square feet of office square footage if more than 100 hotel rooms are converted. 6. Modified Note D.2.c to limit the number of residential units that may be converted to hotel rooms to 50 residential units. 7. Modified Note C.4. to reflect the wording of the existing unified development note for the Ballantyne development regarding FAR calculations.
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8. Modified Note F.1.e. to read "All dumpsters ~~will be screened from public streets when viewed at grade~~ and service areas will be screened from public streets and adjoining properties when viewed at grade".
9. Eliminated Note F.2. regarding signs and graphics. This information is provided within Note K Signage.
10. Eliminated Notes H.1. and H.2. These are ordinance minimums or are indicated within the Development Data Table.
11. Relocated Notes H.3.(a, b, and c) to under Note E Transportation Commitments.
12. Eliminated Note H.3.d. The content of the note does not pertain to the heading "Driveways and Streets".
13. Modified Note I.2. to reflect resolutions with Storm Water Services regarding storm water management.
14. Modified Note L.1 to clarify that "landscape accent" lighting may be installed without full cut-off type lighting fixtures rather than "decorative" lighting.
15. Addressed all of the following CDOT issues.
 - a) The revised site plan shows mutually agreed upon development (entitlement) levels and corresponding required transportation improvements.
 - b) CDOT and the petitioner reevaluated the conversion rights of hotel rooms to office space and agreed to the revised conditional note.
 - c) The revised plan clarifies the amount of developed entitlements. Existing zoning entitlements not built/occupied = 2,066,000 square feet of office and 20 hotel rooms. The projected trip generation for the remaining entitlements is approximately 14,820 daily trips.
 - d) The exhibits identifying the required transportation improvements are now legible.
 - e) A 77' wide cross-section for the Community House bridge/I-485 overpass has been provided which allows CDOT the flexibility, in the design phase, to provide wider pedestrian/bike space.
 - f) The petitioner plans to acquire the necessary r/w to properly align the Endhaven/Community House intersection. This intersection is also planned to be signalized by the petitioner, when Community House is extend south over I-485.
 - g) The petitioner has added traffic signalization to the following three intersections as part of their traffic mitigation commitment: 1) Endhaven Lane and Community House Road; 2) John J. Delaney and Brixham Hill; and 3) Community House Road between Ballantyne Commons Parkway and I-485 (location to be determined).
 - h) Additional analysis determined that eastbound dual left turns are needed on Ballantyne Commons Parkway at Community House Road. The site plan has been revised to reflect this transportation improvement.
 - i) The note regarding the sequence of transportation improvements has been revised to CDOT's satisfaction.
 - j) The note regarding the timing of completion and certificate of occupancy issuance has been revised to CDOT's satisfaction.
 - k) A conditional note has been added to enhance the pedestrian/bike elements within the Ballantyne Corporate Park, creating a Pedestrian/Mobility Network.
16. Mecklenburg County Parks and Recreation comments have been withdrawn.

VOTE	Motion/Second: Griffith/Fallon Yeas: Allen, Fallon, Griffith, Johnson, Lipton, Phipps, and Zoutewelle Nays: None Absent: None Recused: None
ZONING COMMITTEE DISCUSSION	<p>Staff presented the petition to the Zoning Committee and indicated all outstanding issues have been addressed.</p> <p>One Commissioner questioned what type of residential units are proposed and what impact those units would have vehicle trips generated. Staff responded by stating that any residential dwelling type could be permitted within the O-3(CD) portion of the site but more than likely the residential component would be some type of multi-family residential. The residential component would not have a significant impact on the vehicle trips generated.</p> <p>Commissioners had several questions regarding the transportation commitments. Such questions pertained to clarification as to what improvements are required by the petition and what impacts the petition would have on I-485. Staff explained several of the improvements required by the petition and identified the only item illustrated on the site plan not required by the petition is the flyover ramp onto I-485. Staff also indicated the traffic study included the state's widening of I-485 in the analysis. The traffic impact of the additional entitlements proposed by this petition will be more on the surface streets rather than I-485. The traffic improvements included in the petition will mitigate the impacts of the additional traffic.</p>
STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
 (Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
 - The subject site was part of the larger 2,010-acre Ballantyne rezoning approved in 1991 (rezoning petition 1991-037c) with changes and additions in 1993 (rezoning petition 1993-22c) and 1994 (rezoning petition 1994-23c). The previously approved rezonings allowed for various development components. These include two town centers, a corporate business park, neighborhood retail centers, residential planned unit development areas, and multi-family residential areas.
 - This subject 520-acre rezoning contains a majority of the original 598-acre corporate business park component of the previous 2,010-acre rezoning. The original corporate business park component allowed for approximately 5,500,000 square feet of office space and 700 hotel rooms.
 - Of the 78 acres from the original corporate business park component not included within this petition, a portion of this acreage was developed under two separate NS rezonings, which allowed for a total of 78,500 square feet of commercial uses. The remainder of the 78 acres has been developed under the original zoning of BP(CD) with approximately 120,000 square feet of office/retail uses and a 118-room hotel.
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

 - 2,625,000 square feet of all uses permitted by right or under prescribed conditions in the BP district (260,000 square foot increase over the existing estimated entitlement of 2,365,000 square feet) and 200 hotel rooms within Corporate Park West located west of Highway 521 and north of Ballantyne Commons Parkway.

- 3,900,000 square feet of all uses permitted by right or under prescribed conditions in the O-3 district (800,000 square foot increase over the existing estimated entitlement of 3,100,000 square feet), 600 hotel rooms, and 600 residential units within Corporate Park East located east of Highway 521 and north of Ballantyne Commons Parkway.
 - Of the 600 residential units allowed within Corporate Park East, 200 units are required to be developed prior to the final 200,000 square feet of office square footage.
 - A minimum of 10,000 square feet of retail/restaurant uses shall be integrated within the Corporate Park East area prior to the development of the final 200,000 square feet of office square footage.
 - Provisions to allow the transfer of entitlements from one corporate park to another. This includes up to 300,000 square feet of office uses and up to 250 hotel rooms allowed to be transferred.
 - Provisions to allow the conversion of one use to another. This includes converting residential units to hotel rooms, hotel rooms to residential units, and hotel rooms to additional office square footage.
 - Open space will be provided in the amount of 25 percent for Corporate Park West and 32 percent for Corporate Park East. A minimum of the 50 percent of the required open space will be areas designed for active/usable open space.
 - Transportation improvements based on thresholds of development. These transportation improvements include the following:
 - Additional John J. Delaney improvements
 - Ballantyne Commons Parkway/Highway 521 improvements
 - North Community House and I-485 Bridge improvements
 - **Public Plans and Policies**
 - The *South District Plan* (1993), as amended by rezoning petition 1994-23c, recommends office/business park land uses. The plan also reflects maximum square footages and indicates additional office square footage may be considered if light rail or other means are used to minimize transportation impacts. The plan further states that uses within the center should be fully integrated and pedestrian oriented.
 - The office/business park component of the petition is consistent with the South District Plan while the residential component is inconsistent with plan.
 - **Staff Recommendation (Updated)**
 - Staff agrees with the recommendation of the Zoning Committee.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** No issues.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.

- Minimizes impacts to the natural environment by providing minimum open space requirements ranging from 25 to 32 percent.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Parks and Recreation Review

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