

REQUEST	Current Zoning: O-1(CD) (office, conditional) Proposed Zoning: CC (commercial center)
LOCATION	Approximately 13.22 acres located on the southwest corner at the intersection of Providence Road West and Johnston Road. (Council District 7 - Driggs)
SUMMARY OF PETITION	The petition proposes to allow a mixture of office, financial institution, retail, eating/drinking/entertainment establishments and hotel uses on a site currently being developed in the Ballantyne West area, across from Hall Family Farm.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	521 Partners, LLC HWY 521 Partners, LLC York Development Group
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 2.
STATEMENT OF CONSISTENCY	<p>The Zoning Committee found this petition to be inconsistent with the <i>South District Plan</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> The plan recommends, as amended by prior rezonings, mixed nonresidential uses including a financial institution with accessory drive-through window, office uses, and a hotel. <p>However, 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:</p> <ul style="list-style-type: none"> The prohibition of retail uses in the prior rezonings was largely based upon a lack of vehicular access from Johnston Road. The current applicant has obtained tentative approval from the NCDOT for vehicular access from Johnston Road at mid-site and commits to making the connection; and The proposed development will include a mix of uses, including office, retail, a bank, and a hotel. The retail component is limited to less than 45,000 square feet; and All uses will be connected to each other with a pedestrian network; and Although there are existing retail uses nearby, they are located on the north side of the Providence Road West/Johnston Road intersection and this development will provide retail services more easily accessed from the south side of the intersection; <p>By a 6-0 vote of the Zoning Committee (motion by Wiggins seconded by Labovitz).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <p><u>Land Use</u></p> <ol style="list-style-type: none"> Added drive-through service windows to the list of prohibited uses. <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> Added the following note under General Design Guidelines: "Doorways must be recessed into the facade of the buildings to provide a minimum eight-foot clearance along sidewalks." Removed Note 1. c. under General Design Guidelines and replace with the following language: "Expanses of blank or unarticulated walls greater than 20 feet in length shall be treated with a minimum of three options below: <ol style="list-style-type: none"> Provide a higher level of transparency on the ground floor,
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- such as exaggerated or larger windows indicative of living areas or retail spaces;
- ii. Utilize horizontal and vertical variations in wall planes;
- iii. Provide building extension for enclosed balconies;
- iv. Utilize corners to provide visual interest at the pedestrian level as well as to differentiate roof lines or highlight ground floor uses;
- v. Provide amenity landscaping, such as a sitting area with an arbor; and/or
- vi. Any other architectural improvements as allowed by the Ordinance to improve the visual aesthetics of blank or unarticulated wall."

Environment

4. Added the following note under "Stormwater Control Measures": "The location, size, and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points."

Transportation

5. Provided a six-foot sidewalk along Johnston Road between the building and the road.
6. Increased the sidewalk width on both sides of Access "B" from six feet to eight feet with eight-foot planting strips from Ballancroft Parkway to the parking drive aisle.
7. Edited the transportation notes as requested by CDOT. After a preliminary review by Planning staff, it appears this item has been addressed. Confirmation by CDOT and update to be provided at the meeting on Monday.

Requested Technical Revisions

8. Staff rescinded the request to amend Note 10 to change "public roadways" to "public and private streets" because the petitioner is providing an eight-foot sidewalk and eight-foot planting strip along the private street. The Ordinance requires screening between parking and the public streets.
9. Changed references to "private drive" to "private street" in the development notes and on the site plan.
10. Amended Park 1 note to state it will be completed prior to issuance of the final certificate of occupancy for the hotel.
11. Amended Park 2 note to state it will be completed prior to the issuance of the certificate of occupancy for the first building developed with Development Area B.
12. Amended Park 3 note to state it will be completed prior the issuance of the final certificate of occupancy for the bank.

VOTE

Motion/Second: Dodson / Eschert
 Yeas: Dodson, Eschert, Labovitz, Majeed, Sullivan, and Wiggins
 Nays: None
 Absent: None
 Recused: Lathrop

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition. Staff noted that this petition is not consistent with the *South District Plan* recommendation as amended by prior rezonings, for mixed nonresidential uses including a financial institution with accessory drive-through window, office uses, and a hotel. However, staff is recommending approval because: 1) the applicant has obtained approval for access from Johnston Road, 2) the proposal includes a mixture of uses including the previously approved financial institution and hotel, and 3) the petition provides an internal pedestrian network connecting the uses. There was no additional discussion.

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

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Divides the site into three development areas (A, B, C). The buildings within Areas A and C were approved as part of the previous rezoning. This rezoning allows changes from the current zoning primarily within Area B at the center of the site in regards to land use and site design.
- Area A (located at the corner of Providence Road West and Johnston Road) allows one three-story building (Building 1) up to 24,000 square feet, including a 2,500-square foot financial institution and a 21,500-square foot office building.
- Area B (located in the center of the site between Johnston Road, Ballancroft Parkway and the proposed private street) allows up to three buildings.
 - Building 2 - two stories, up to 16,800 square feet with a maximum of 8,400 square feet devoted to retail,
 - Building 3 – up to 29,896 square feet for a grocery store, and
 - Building 4 – up to 6,000 square feet for retail and eating/drinking/entertainment establishments (EDEE).
- Area C (located south of the proposed private street at the southern edge of the site along Johnston Road) allows a four-story, 123-room hotel with a maximum building size of 85,000 square feet (Building 5).
- Allows the hotel, if not constructed, to be converted to an office building not to exceed two stories or 30,000 square feet.
- Limits the height of freestanding lighting to 25 feet.
- Prohibits funeral homes, automotive service stations, outdoor recreation, convenience stores and gas sales.
- Provides a network of internal sidewalks and sidewalks along the public streets connecting buildings and parking to one another and the public sidewalk network.
- Provides a number of transportation improvements, including a right and left-turn lane from Johnston Road into the site; additional turning lanes, pedestrian refuge islands and crosswalks at the intersection of Johnston Road and Providence Road West; and installation and modifications of turn lanes at the intersections of Providence Road West and Marvin Road, Lancaster Highway and Providence Road West, and Johnston Road and Marvin Road.
- Provides access from Ballancroft Parkway off Providence Road West and from Johnston Road through a proposed break in controlled access.
- Prohibits chain link fencing around BMPs and commits to amenities including grass, landscaping, and water features or other similar features.
- Provides conceptual elevations and specifies building materials and a number of design standards.

- **Public Plans and Policies**

- The *South District Plan* (1993), as amended by prior rezonings, recommends mixed nonresidential uses including a financial institution with a drive-through window, office, and hotel. Retail uses were not allowed in the approved rezonings.

TRANSPORTATION CONSIDERATIONS

- This petition significantly increases the trip generation of the site; however, the petition also includes increased mitigations and an additional access that will help reduce the impacts. These improvements are in response to a traffic study completed by the petitioner and reviewed by CDOT.
- **Vehicle Trip Generation:**
Current Zoning: 3,300 trips per day (entitled for 120,000 square feet of office, 5,000 square feet of bank, 85,000 square foot hotel).
Proposed Zoning: 6,700 trips per day.

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 comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students

attending local schools.

- **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Charlotte Water:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Transportation Review

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