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<b>REQUEST</b>	Current Zoning: R-3, single family residential, and UR-2(CD), urban residential, conditional Proposed Zoning: O-1, office, and O-1(CD), office, conditional
<b>LOCATION</b>	Approximately 6.50 acres located on the north side of Ballantyne Commons Parkway between Annalexa Lane and Providence Promenade Drive North.
<b>SUMMARY OF PETITION</b>	The petition proposes to allow the development of 32,000 square feet of single-story general and medical office uses in up to four buildings, and a 4,500 square foot financial institution with accessory drive-through service window in O-1(CD). The petitioner is seeking O-1 zoning for the property owned by CAR Providence Commons, LLC.
<b>STAFF RECOMMENDATION</b>	Staff does not recommend approval of this petition in its current form. This request is inconsistent with <i>The Providence Road/I-485 Area Plan Update</i> . Staff supports the proposed general and medical office component, which would serve as a transition from the existing commercial uses located further east on Ballantyne Commons Parkway to the abutting residential uses. However, the proposed financial institution with a drive through introduces a more intense office use that is not in keeping with the surrounding residential uses and should be eliminated.
<b>PROPERTY OWNER</b>	LightWay Properties, LLC, CAR Providence Commons, LLC, and c/o Scott B. Retzlaff and Associates
<b>PETITIONER AGENT/REPRESENTATIVE</b>	LightWay Properties, LLC, Rick McCorkle NA
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online.

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#### **PLANNING STAFF REVIEW**

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum 25,000 square feet of medical office uses permitted in the proposed O-1(CD) zoning.
- Maximum 7,000 square feet of general office uses permitted in the proposed O-1(CD) zoning.
- Approximately 1.36 acres seeking O-1 conventional zoning designation.
- Office uses limited to no more than four buildings, which may combined into two buildings.
- All buildings limited to one story.
- One 4,500 square foot financial institution with accessory drive through service window.
- Required 36-foot Class C buffer increased to 75 feet in most areas.
- Building elevations with architectural standards.
- Two access points consisting of a full-movement access on Ballantyne Commons Parkway and a connection to Providence Promenade Drive.
- Development of site contingent upon private street connection from the site to Providence Promenade Drive, built to public street standards, with five-foot sidewalk for pedestrian connectivity.
- Six-foot sidewalk and eight-foot planting strip along Ballantyne Commons Parkway.
- Evergreen plant material in buffers 14 to 16 feet tall at planting.
- Internal sidewalks that provide connectivity to public streets.
- Existing masonry wall six feet in height along the northern and western perimeter.
- Storm water detention area with water feature.
- Phasing to allow the financial institution to be built first, with office uses built later.
- Interior pedestrian scale lighting not to exceed 15 feet in height.
- Left-turn lane into site to be installed on Ballantyne Commons Parkway.

**Rezoning History of the Subject Site**

Approximately 5.8 acres of the subject property were rezoned from R-3 to UR-2(CD) via Petition 2008-027 to allow 27 townhomes for-sale at a density of 4.63 units per acre. To date, the site has been graded and a six-foot masonry wall has been installed around the north and west property boundary.

- **Existing Zoning and Land Use**

The subject properties are zoned R-3 and UR-2(CD) and are vacant. Surrounding properties to the north and west are zoned R-3 and developed with single family homes. A commercial shopping center is located on abutting property to the west in CC zoning. Properties on the south side of Ballantyne Commons Parkway include multi-family residential units, a commercial/shopping center, and self-storage warehouse uses in R-8MF(CD), R-12MF(CD), CC and B-D (CD) zoning.

- **Rezoning History in Area**

Recent rezonings in the area include Petition 2006-059, located east of the intersection of Annalexa Lane and Ballantyne Commons Parkway, which rezoned 5.6 acres to B-D(CD) for a 125,000 square foot self-storage building.

- **Public Plans and Policies**

- The *Providence/I-485 Area Plan Update* (2000), as amended by rezoning petition 2008-027, recommends 27 townhomes at a density of 4.15 dwelling units per acre.
  - The proposed uses are not consistent with the *Providence/I-485 Area Plan Update*.
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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:**
    - Provide dedication of right-of-way along Ballantyne Commons Parkway to allow a current CIP sidewalk project to continue across the site's frontage, upon approval of the petition.
    - Show 50 feet of right-of-way from the center line on Ballantyne Commons Parkway.
    - Remove the first internal driveway serving the financial institution as a minimum of 150 feet is required for the throat of the site's main driveway.
      - **Vehicle Trip Generation:**  
Current Zoning: 200 trips per day.  
Proposed Zoning: 1,650 trips per day.
      - **Connectivity:** No issues.
  - **Charlotte Fire Department:** No issues.
  - **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students attending local schools.
  - **Charlotte-Mecklenburg Storm Water Services:** 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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**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*.
  - Minimizes impacts to the City's tree canopy by providing a buffer twice the required width in some areas.
  - Minimize impacts to the natural environment by not exceeding the minimum parking requirements.

**OUTSTANDING ISSUES**

- The petitioner should:
  1. Amend maximum square footage to reflect the proposed 36,500 square feet.
  2. Specify square footage maximums for the medical office and general office uses as noted in the parking section.
  3. Clarify the amount of parking that will be provided as the number of parking spaces shown on the site plan is one short of the 172 required spaces.
  4. Amend note under Development Data to state that the maximum number of buildings may be combined for a total of three buildings instead of two as listed.
  5. Add note that the O-1(CD) portion of the site will not be developed until the proposed private street is provided.
  6. Remove short-term bicycle parking spaces from the plan unless provided to reduce the number of parking spaces.
  7. Add note that site is a planned development.
  8. Label storm water detention area as "possible" location.
  9. Delete all but Note 1 under Signage.
  10. Delete the second sentence of Note 1 under General Provisions.
  11. Delete portion of Note 3 under Streetscape & Landscaping that states the developer will replace any deceased trees in the buffer, as this is required by the zoning ordinance.
  12. Delete Note 2 under Environmental Features, which states "The Developer will work with the provisions per Environmental GDPS."
  13. Clarify intent of notes under Phasing or delete.
  14. Address CDOT issues.

**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- 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 Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

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