



Zoning Committee

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**REQUEST**

Current Zoning: MX-1 INNOV (mixed-use residential, innovative)  
Proposed Zoning: MX-2 INNOV with 5-years vested rights (mixed-use residential, innovative)

**LOCATION**

Approximately 124.60 acres located along the east side of Tom Short Road, west of Red Rust Lane, and north of Ardrey Kell Road.  
(Council District 7 - Driggs)

**PETITIONER**

Childress Klein Properties and Charlotte Mecklenburg Schools

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**ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

**To Approve:**

This petition is found to be **inconsistent** with the *2040 Policy Map (2022)* based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map (2022)* calls for Neighborhood 1.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The eastern outskirts of the Ballantyne area are dominated by single family neighborhoods interspersed with small pockets of commercial development and middle density residential projects. This rezoning site has remained undeveloped despite previously approved rezoning plans.
- The proposal provides a mixture of housing types including single family detached homes, townhome-style units, and apartments. The inclusion of attached and multi-family units diversifies the housing types offered in the area which is almost entirely limited to single family detached homes. This proposal helps to provide greater density of housing than exists in the community while still maintaining a maximum density that is less than 9 dwelling units per acre. Greater densification in this area is not wholly unprecedented given the multi-family developments that are east of the site, near Providence Road.

- The design of the development areas for these different residential product types emphasizes contextual sensitivity by orienting the densest residential forms to the most central portions of the site, furthest away from the existing single family neighborhoods. Additionally, the petitioner provides a 200-foot buffer along the northern rezoning boundary to shield the adjacent single family neighborhoods from incompatible land uses. The site's southern boundary includes a commitment to single family detached homes to appropriately transition to the abutting homes in Stone Creek Ranch. Although the development on a whole is more consistent with the Neighborhood 2 Place Type given the multi-family units, the project still preserves single family character along the edges of the site.
- This project provides several community benefits, the most notable of which is the construction of a new secondary CMS school in Development Area A. This school will help to relieve JM Robinson Middle School which is at capacity.
- A large portion of the site will be reserved as natural areas with a minimum of 25% of the site being provided as passive open space and 17% of the site as amenitized active open space. The proposal includes a commitment to a 12-acre natural preserve area in the southeast portion of the site that will be open to the public and include various trails and other amenities. This preserve area provides recreation facilities not only for the future residents in the rezoning site, but also for the existing communities. In collaboration with Mecklenburg County Parks and Recreation, the petitioner has committed to a permanent greenway easement, ensuring improved trail connectivity for the area for the benefit of existing and future residents.
- The scale of the development proposed warrants scrutiny to the transportation infrastructure that is in place and the identified concerns and needs of the community. Sequentially, the petitioner has worked in close concert with Charlotte Department of Transportation (CDOT), North Carolina Department of Transportation (NCDOT), and the local residents to identify transportation improvements included as conditions of the rezoning. The petitioner commits to improve the existing roads surrounding the rezoning and creating a more robust pedscape with numerous commitments to traffic calming measures, creation of multi-use paths, and upgrades to crossings and intersections to be brought up to ADA standards.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
  - 1: 10 Minute Neighborhoods
  - 2: Neighborhood Diversity & Inclusion
  - 5: Safe & Equitable Mobility

- 6: Healthy, Safe & Active Communities
- 7: Integrated Natural & Built Environments

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from Neighborhood 1 to Neighborhood 2 for the site.

Motion/Second: Winiker / Sealey  
 Yeas: Lansdell, Neeley, Sealey, Welton, Whilden, Winiker  
 Nays: None  
 Absent: Russell  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is inconsistent with the *2040 Policy Map*.

Commissioner Lansdell asked staff to clarify why choker roads were used here. CDOT explained that it is a traffic calming device to narrow a road and sequentially speeds are reduced. This would just be utilized in the southern part of the site and CDOT is still analyzing how they could be applied across the site.

Commissioner Lansdell responded that he has concerns with the application of choker roads. Planning staff noted that the use of choker roads in the proposal came in large part as a request from the community that the petitioner is trying to accommodate.

Commissioner Whilden commented that this project is a priority for CMS to provide relief to the existing middle school in the area.

There was no further discussion of this petition.

**PLANNER**

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